

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 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, Attorney Pringle, Engineers Ballard and Kosenski and Chief Financial Officer Mason.

ABSENT: Assistant Attorney Hall and Auditor Kaplan.

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 September 8, 2009.

WORKSHOP

Contractor Employee Eligibility Verification Ordinance

Councilman DuPont said he was proposing this ordinance to ensure that all of the winning bidders of contracts with the Borough demonstrate that all of their employees are properly documented.

Councilwoman Horgan asked what the ordinance would require that employers identify about their employees. Councilman DuPont responded that they would have to demonstrate that their employees were legal residents.

Mayor Menna said he thought it was a good idea and noted that it was too late in the year to do an ordinance. He said it would be put on the agenda for a meeting in January.

Historic Preservation Commission

Councilman Zipprich said an alternate had resigned from the Historic Preservation Commission and a Planning Board member also had to be appointed so that need to be taken in consideration for the Reorganization meeting. Mayor Menna said he didn't have a problem with it and asked Councilman Zipprich to forward the names of the recommended candidates.

Parks and Recreation Committee

Councilwoman Lewis noted that two alternate positions also had to be filled on the Parks and Recreation Committee. Mayor Menna told her to also submit recommended candidates and the positions would be moved on at the Reorganization meeting.

Unused Employee Sick and Vacation Time

Councilman DuPont reported that he had requested an analysis from CFO Mason of any unused sick and vacation time by Borough employees that the Borough may be obligated under State statute to pay for so the Council can look at it at the first of the year.

Mayor Menna noted that some of the payments could be credited to contractual obligations from twenty to thirty years ago. He added that he thought it was a good idea in an effort of transparency and so the public would know what the Borough would be obligated to pay if someone retired.

APPROVAL OF MINUTES – November 23, 2009

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Horgan said she wanted to announce that Red Bank was going to try to be designated as a Fair Trade Town and added that on Wednesday, December 9, from 5 to 9 pm, the store Ten Thousand Villages would be holding a special fund raiser by staying open late and donating 15 percent of its sales to the Fair Trade Red Bank initiative. Councilwoman Horgan explained that Fair Trade Towns USA is a national movement uniting the community business and civic centers of local communities across the country to promote fair trade. She said she thought this was somewhere Red Bank wanted to be as they were moving forward with green initiatives, etc. She encouraged everyone to go to Ten Thousand Villages and do their holiday shopping.

Councilwoman Lewis reported that the Parks and Recreation Committee met on the 24th and had a very full agenda. She said one of the biggest items they have been discussing is the fields. She said the next scheduled meeting is the 16th of this month and she will have a report at the next Council meeting. She also reminded everyone that the Holiday Home Decorating contest was underway with judging taking place the week of the 14th and awards to be given at the December 22 Council meeting. She encouraged everyone to go to the Recreation office or to the Borough website to pick up an entry form.

Councilman Zipprich reported that he had received confirmation from Chairman George Bowden that the Historic Preservation Commission would be meeting with NJTransit at noon on the following Thursday to review and discuss the maintenance, repair and long term plans for the Borough's historic train station. He said he would also be meeting with Engineer Ballard later this week to talk about the NJ Department of Transportation's local bicycle/pedestrian plan.

Councilman DuPont said he wanted to remind Councilwoman Lee about a library event scheduled for February. Councilwoman Lee said there were some holiday concerts planned for the library on Saturdays, Dec. 12 and 19. She also noted that they will be closed on December 25. She said there would be a wine and cheese event in February but she had limited information on it. Mayor Menna said it was his understanding that it was going to be sponsored by the new group, Friends of the Red Bank Library, and would be a fundraiser for the library. Councilwoman Lee said she would look into it and have more to report at a later date.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Cancer Institute of New Jersey Foundation, Habcore and Court Fulgens Corona 1684 Catholic Daughters of the Americas for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Liberty Hose Company of the Red Bank Volunteer Fire Department to hold the annual Robert "Doc" Holiday memorial car show on Sunday, July 11, 2010, with a rain date of Sunday, July 18, 2010, in the White Street parking lot from 7:00 a.m. to 4:00 p.m. and to close White Street during the event, 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.

Mayor Menna read a request from The Leukemia & Lymphoma Society for use of Marine Park on October 9, 2010 from 1:00 to 10:00 p.m. for the 2010 Walk, Light the Night, pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Learning Tree Preschool to hang a banner on Broad Street between January 6-February 1, 2010 to promote their open house and registration for their non-profit school.

Councilman Zipprich 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.

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. He noted that ordinance number 2009-53, proposing to extend parking time limits and upgrade the existing parking ordinance, would not be moved upon. He said it was being tabled because there had been very fruitful and constructive dialog with the stakeholders of RiverCenter including property owners and business owners. He said it had been a very good dialog to try to arrive at a consensus to address not only the Municipality's concerns, but also the store owners concerns in terms of long range concerns and possible adjustments to the parking situation in Red Bank. He added that it was anticipated that a joint proposal may be before the Council as early as the beginning of the new year.

No one appeared.

ORDINANCES – First Reading

Mayor Menna stressed that 2009-54 was on the agenda for introduction only and said if the Council moved forward with it he anticipated that it would be listed for final action at the next Council meeting but noted that he anticipated entertaining a request for a discussion, since it does involve personnel issues, at the conclusion of the meeting but noted that no final action would be taken this evening.

2009-54 Mayor Menna read "AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2009."

Councilman DuPont 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 December 22, 2009.

2009-55 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.6, “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING.”

Mayor Menna said this dealt with the change in the ordinance with regard to parking on South Street and Bergen Place pursuant to the recommendation of the residents of South Street after they appeared at the last Council meeting.

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 December 22, 2009.

2009-56 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE POLICE REGULATIONS, CHAPTER III, SECTION 10.1, “DRUG-FREE ZONE MAP.”

Mayor Menna said the reason for the amendment was the addition of preschools in different areas.

Councilman Murphy 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 December 22, 2009.

ORDINANCES – Public Hearing & Final Adoption

Mayor Menna stated that the public hearing of Ordinance No. 2009-53 entitled “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VIII, “PARKING LOTS AND HANDICAPPED PARKING SPACES,” SECTION 8-2.4, “OPERATION OF PARKING METERS” AND 8-2.5, “PARKING TIME LIMITS,” SCHEDULE I, “PARKING METER ZONES” AND SECTION 8-2.6, “PERMIT PARKINGS,” SCHEDULE II, “PERMIT PARKING ZONES” was being rescheduled until further notice.

Councilman DuPont offered a motion to table the ordinance on final reading, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

09-268 Mayor Menna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-041-006.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

Councilman DuPont said he was abstaining because he was unsure of who the principles of the corporation were.

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

09-269 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING 28 LEROY, L.L.C., 28 LEROY PLACE, BLOCK 104, LOT 17."

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.

09-270 Mayor Menna read "A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING THE VISITING NURSE ASSOCIATION OF CENTRAL JERSEY, INC., 176 RIVERSIDE AVENUE, BLOCK 3, LOTS 2.01, 2.02, 4.01 AND 9."

Councilman Lee 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.

09-271 Mayor Menna read "A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY KERRI McGEEHAN, 55 FISHER PLACE, BLOCK 13, LOTS 20.17 AND 20.18."

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

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.

09-272 Mayor Menna read "A RESOLUTION REGARDING 2010 REORGANIZATION MEETING OF THE GOVERNING BODY."

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.

09-273 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT WITH D & D UTILITY CONTRACTORS, INC. FOR THE RIVER STREET PUMP STATION REPLACEMENT AND GARFIELD PLACE PUMP STATION ELIMINATION PROJECTS."

Councilwoman Lee 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.

09-274 Mayor Menna read "A RESOLUTION ACCEPTING A GRANT FROM THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR PRELIMINARY ASSESSMENT, SITE AND REMEDIAL INVESTIGATION AND REPORT PREPARATION RELATED TO THE FORMER INCINERATOR SITE."

Councilwoman Lee 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.

09-275 Mayor Menna read "A RESOLUTION TO AUTHORIZE SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE TOWNSHIP OF SHREWSBURY FOR THE SHARED USE OF MUNICIPAL COURT."

Mayor Menna said that as a result of a shared services agreement, the Red Bank Municipal Court, effective in January, will be hosting court for the Township of Shrewsbury as well as its own court. He noted that it would not result in additional staffing or manpower. He said hopefully it would be a harbinger of other interlocal agreements to come. He said he wanted to thank all of the staff and everyone who had worked so hard on the agreement to make it a reality. He added that it would result in a base fee of \$8,500 and a percentage of revenue over a certain amount.

Councilman Zipprich asked if Shrewsbury Township would be adopting Red Bank's fee structure. Mayor Menna said they would not and explained that the Township of Shrewsbury would maintain its own local ordinances and if someone was charged in Shrewsbury Township, Red Bank would use the fine structure adopted in Shrewsbury Township because the Borough would only be doing the administrative work for that court.

Councilwoman Lee noted that the fee structure was outlined in the agreement which stated that Shrewsbury Township would keep 100 percent of the fines collected in the Township up to \$2,000 and fines in excess of \$2,000 would be split 50/50 between the Township and the Borough of Red Bank.

Councilman Zipprich 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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

09-276 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,262,469.54."

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

Councilman DuPont asked Fire Commissioner Murphy to announce the results of the recent Fire Chief elections. Commissioner Murphy said Joshua Sanders was elected Second Deputy Chief for 2010, John Mego was elected First Deputy Fire Chief for 2010 and Alan Soden Jr. was elected Fire Chief for 2010. He noted that the men would be sworn in at the Organization meeting in January.

Mayor Menna thanked Commissioner Murphy and all of the members of Council who attended the open house for Chief Soden following the election. He thanked Commissioner Murphy for making the presentations. Mayor Menna said it a particular pleasure for him to see Second Deputy Chief Sanders, of Navesink Hook and Ladder Company, come in and recalled when, as a young man and cadet, Mr. Sanders had attended a Council meeting to help then Commissioner Menna given the monthly fire report. He said he noted then that he thought Mr. Sanders would one day be Chief.

Councilman DuPont said he also wanted to congratulate to David Prown for the success of the Red Kettle Classic basketball event the previous Friday.

NEW BUSINESS

Councilman Zipprich asked for an update on the Energy Audit. Administrator Sickels said they hoped to have a resolution at the next meeting for the rejection of the bids. He noted that the RFP had been prepared with the provision that bidders were to bid on each individual building so the Borough would have the option of choosing select buildings to be done based on the pricing. He said they awarded to the low bidder and chose to only do the Municipal Building at 90 Monmouth Street and the Senior Center but the low bidder, who was from Connecticut, did not want to do the work for just the two facilities. He noted that the RFP and specifications were prepared by and approved by the State. In consulting with the Attorney, he continued, there was no bid bond on such an item so there was no guarantee and the Attorney felt the Borough would spend more money trying to chase the bidder than to rebid. He said the next agenda would have a resolution to reject and rebid. He said he would like to rebid and have the prices be good for a period of time and, depending on pricing, put the funding in place as they go into the new budget year.

AUDIENCE

Steven Hecht—135 Branch Avenue—asked about 2009-54 regarding fixing compensation for 2009. He asked if it was typically done at the end of the year and if it would mean they would be retroactive raises. Mayor Menna said it is typically done mid-year but that was not done this year for a number of reasons including the questionable economic circumstance that the Borough was operating under and the fact that the Borough was in the middle of negotiations with the PBA and the non-PBA blue collar workers. He noted that these were just the employees that are not represented by and bargaining unit. He said it is usually done as soon as the budget it passed and normally it is retroactive. He said one of the discussions in their Executive Session might be what the retroactivity may or may not be.

Mr. Hecht said he also wanted to comment that the Smart Card parking card was a well kept secret that has the potential for bringing revenue to the Borough. He said he would like to see a \$10 card which could increase the likelihood that people would be willing to try it and he would like to see it marketed on the street or flyers given to legal parkers. He said he felt the failure to market the card meant the Borough was losing a great deal of money.

Mayor Menna said Mr. Hecht's comments were well taken and one of the discussions the Borough had been having with RiverCenter included the fact that the Smart Card is not very convenient because people can only get it at limited locations. He said the Borough was originally told that kiosks were not possible but they are now being told they are possible.

Councilman Murphy noted that, due to the process of making the card, anything less than \$20 wouldn't pay for itself which was why it was marketed at \$25.00. He said they could look into dropping it to twenty and added that Gary Watson has more information on why \$5.00 and \$10.00 cards are cost prohibitive. He agreed that kiosks were being talked about.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

09-277 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

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

ROLL CALL:

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

NAYS: None

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

Councilman DuPont 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 DuPont 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