

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 12, 2009  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Borough Clerk Vivona.

**SUNSHINE STATEMENT**

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

**WORKSHOP**

**Stimulus Program**

Engineer Ballard reported that no one knows what the Stimulus Program is going to be at this point but that she is working with the DPW Committee, other members of Council and the CFO to come up with a list of needed projects in Red Bank that also fit the bill for getting people back to work. She said they will be working on it over the next week or so and will have a report for the next meeting. Mayor Menna reported that further action will be taken prior to the January 31<sup>st</sup> deadline for meeting with the DEP as well as the Federal Government.

**APPROVAL OF MINUTES – February 11, 2008**

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

**ROLL CALL:**

**AYES:** DuPont, Horgan, Lee, Murphy

**NAYS:** None

**ABSTAIN:** Lewis, Zipprich

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

**APPROVAL OF MINUTES – March 14, 2008**

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

**ROLL CALL:**

**AYES:** DuPont, Lee, Murphy

**NAYS:** None

**ABSTAIN:** Lewis, Zipprich, Horgan

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

**APPROVAL OF MINUTES – December 8, 2008**

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

**ROLL CALL:**

**AYES:** DuPont, Horgan, Lee, Murphy

**NAYS:** None

**ABSTAIN:** Lewis, Zipprich

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

## **MAYORAL APPOINTMENTS**

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

Councilman Murphy said he had no report.

Councilwoman Lee said that, as reported by the Engineer, the DPW Committee is working on “shovel ready” projects should we receive some stimulus funds.

Councilwoman Horgan said she wanted to talk about several things that Councilman DuPont and Councilman Zipprich had brought to her attention that she believes fall under the purview of the Environmental Commission and the Navesink River Municipalities Committee for which she is the Council representative. She said one is the use of the Clean Shores Program which removes floatables from tidal shorelines with the use of State inmate labor. She said she will bring this suggestion to both of those committees for their opinion. She said she is also continuing with a project she and Councilman DuPont worked on last year which is “green” issues. She referenced an article in the Asbury Park Press that reported that several communities are going forward with propane powered cars and energy efficient lighting projects and said that Red Bank will be looking into that as well. She will also be bringing that suggestion to the Environmental Commission.

Councilwoman Lewis reported that, in regard to Parks and Recreation, she had gone to St. Anthony’s with Bob Evans on January 3<sup>rd</sup> and had a brief introductory meeting. She noted that she saw the 5<sup>th</sup> and 6<sup>th</sup> grade basketball program in action. She said Mr. Evans gave her information to go through regarding the Department. She reported that indoor soccer, Biddy Basketball, sport shorts, instructional basketball and the Friday softball clinic all started this week. She said the Committee’s next meeting is the 28<sup>th</sup>.

Councilman Zipprich reported that he had met with Administrator Sickels this week to review the Code Enforcement Department and said he was introduced to the staff. He noted that there were 19 construction permits issued in Little Silver this past week and 40 in Red Bank. He said he also met with the Board of Health and reported that Greg Nagy of the Monmouth Regional Health Commission reviewed his activity report for December of 2008. He said the Board was also reviewing its Swimming Pool ordinance. He noted that the Historic Preservation Commission met before the Planning Board last week to discuss the Master Plan historic element and noted that there is still work to do on that. He said a subcommittee was created by the Planning Board to work at finalizing that document with the Historic Preservation Commission. He said he also met with the Shade Tree Committee to review the Borough’s Forestry Management element and to get to know the members of the Commission. He said they also reviewed landscaping plans for two projects, one on Broad Street and one on Cedar Street. He said he sat in on the Zoning Board meeting for the proposed Cedar Crossing project and also attended the Planning Board meeting on the historic element.

Councilman DuPont said the Finance Committee had met and that revenue for 2009 was down. He said the Committee was recommending that Red Bank institute a hiring freeze, a spending freeze and a budget reduction of 5% from each Department. He said that CFO Mason had sent out the budget request forms to each Department and they have asked each Department to consider the reduction at a bare minimum and they are waiting for a response back. He said the committee had also discussed the idea of a regional court where court services could be combined for various municipalities around the area. He said he was aware of this being implemented in Morris County and said that, allegedly, the courts will save almost \$2.6 million dollars over the next ten years. He asked Mayor Menna to take a look at it and see if it was a cost saving model for Red Bank. He said the committee hopes to have more information to the Mayor and Council in the next couple of weeks as they receive the budget packets back. He said the Economic Summit is all set for January 27<sup>th</sup>. He said it starts at 7pm at the Count Basie Theatre and invited everyone to attend. He said the purpose is to discuss the revitalization of Red Bank in a down economy. He said this is the only summit of this nature that he is aware of and noted that the Mayor will be the moderator. He said the Count Basie Theatre has graciously offered to hold it at their facility. He added that the panel consists of many esteemed leaders including Jerry Zaro of the State Office of Economic Growth. He said they were also able to sit in on a meeting with representatives from the office of Senator Menendez regarding Red Bank participating in the President-elect’s economic stimulus and noted that the Mayor would expand upon that. He said he was happy to see that the Green Paper that he and Councilwoman Horgan had submitted was being reviewed.

Mayor Menna said, as Councilman DuPont noted, some of the economic initiatives have already been started by Frank Mason and our finance group. He said there will be a meeting tomorrow with the Governor and his policy people after the State of the State address that he will be attending and is hopeful we will have further discussions about how Red Bank will fare in the overall scheme of how the state will try to surmount these current economic challenges.

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Shean Opie for membership to Liberty Hose Company of the Red Bank Volunteer Fire Department/First Aid Squad.

Councilman Murphy 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 St. Nicholas Russian Orthodox Church for procession from their church on Pearl Street to the Navesink River at the end of Maple Avenue on January 19, 2009 at 1 p.m. to bless waters for Russian Orthodox Epiphany.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Monmouth Legal Secretaries Association for raffle license.

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.

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

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

Kimberly Senkeleski – 49 John Street – said she had gone onto the Borough’s website to look up the resolutions and noted that there were problems with three of them. She said resolution 09-13 had the wrong link and two referred to attached information that was not attached. CFO Mason confirmed the information for resolution 09-13 and noted that it was in accordance with State statute. She noted that the next resolution in question was 09-24. Mayor Menna noted that this was in regard to a shared services agreement with the county and their representative was on hand. He said he would be asking that the resolution be moved up and asked Ms. Senkeleski to direct any questions to him when he testified. She said she just wanted to bring the website errors to their attention and also noted that resolution 09-26 regarding an agreement between the Borough and the New Jersey Department of Transportation had referenced an attachment, but there was not one attached. Mayor Menna asked Administrator Sickels to clarify what the attachment was. Mr. Sickels said the agreement was in reference to maintenance work being done in the Borough and the State would be hiring Red Bank Police Officers to provide traffic control. Ms. Senkeleski asked if the items would be taken off of the agenda because residents could not read the full information on the website. Mr. Sickels noted that the Council had the full information and there was some urgency to move forward due to work schedules. She said she also had a question about resolution 09-38 regarding an agreement to provide term life insurance. She asked if this was a no bid agreement and asked if it was less expensive or more expensive than what we had been paying. CFO Mason explained that this was the same policy that had been in effect since 1975.

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

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

ROLL CALL:

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

NAYS: None

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

#### **ORDINANCES – First Reading**

#### **ORDINANCES – Public Hearing & Final Adoption**

## RESOLUTIONS

Councilwoman Horgan offered a motion to move up Resolution Nos. 09-24 and 09-25, seconded by Councilman DuPont.

### ROLL CALL:

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

NAYS: None

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

09-24 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A MUNICIPAL ASSISTANCE/SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH.”

John Tabia, Director of Public Works Engineering for Monmouth County, introduced himself and reviewed the details of the two resolutions. He gave specific examples of how the Borough would benefit from the commodities agreement such as being able to go to them to load trucks with salt for spreading rather than having to build a storage facility, access to their fueling station if there was a problem with the one in the Borough and access to signage materials. He noted that the companion resolution regarding shared services would enable the county to give an estimate for work at the county rate to compare with a private contractor. He noted that these are blanket resolutions allowing the county and the municipality to enter into these agreements and said that it does not bind the municipality in any way. He distributed a book to the Council outlining the County’s services noting that some could be offered at no charge. Administrator Sickels noted that the Borough had been looking into leasing property for the construction of a salt dome and that cost was well over \$100,000. Councilwoman Horgan asked if Mr. Tabia knew how many municipalities would be participating. He said he hoped all of them would sign the agreement and noted that as of this date there were 14 municipalities coming to them for salt.

Mayor Menna asked if any members of the public had any questions for Mr. Tabia.

Jim Willis—51 Harrison Avenue—asked if the service or products would otherwise have to be bid on or if the county would have to bid. Mr. Tabia said the municipality would normally have to go out to bid for these services, but if they use the county there is no bid required thereby saving the town the expenses associated with bidding.

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

### ROLL CALL:

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

NAYS: None

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

09-25 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH.”

Councilwoman Lewis 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.

09-09 Mayor Menna read “A RESOLUTION DESIGNATING THE BOROUGH TREASURER AS THE CERTIFYING AGENT IN CONNECTION WITH THE PUBLIC RETIREMENT SYSTEM.”

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

### ROLL CALL:

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

NAYS: None

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

09-10 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT IN TD BANK N.A. AND TO SIGN ALL PAYROLL CHECKS."

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

ROLL CALL:

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

NAYS: None

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

09-11 Mayor Menna read "A RESOLUTION AUTHORIZING CREATION OF CHANGE FUNDS."

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.

09-12 Mayor Menna read "A RESOLUTION DESIGNATING DEPOSITORIES FOR THE BOROUGH OF RED BANK."

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

ROLL CALL:

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

NAYS: None

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

09-13 Mayor Menna read "A RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OF ASSESSMENTS."

Mayor Menna again noted that the rate was a standard rate in accordance with the statute the greatest of which is 18% per annum on delinquent taxes.

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.

09-14 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT FOR MAKING PAYMENTS IN CONNECTION WITH THE REDEMPTION OF TAX TITLE LIENS."

Councilwoman Lewis 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.

09-15 Mayor Menna read "A RESOLUTION APPOINTING FRANK MASON AS FUND COMMISSIONER AND VALERIE FERBER AS ALTERNATE FUND COMMISSIONER TO CENTRAL JERSEY HEALTH INSURANCE FUND."

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.

09-16 Mayor Menna read "A RESOLUTION APPOINTING FRANK MASON AS FUND COMMISSIONER AND GARY WATSON AS ALTERNATE FUND COMMISSIONER TO MONMOUTH COUNTY JOINT INSURANCE FUND."

Councilwoman Lewis 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.

09-17 Mayor Menna read "A RESOLUTION APPROVING CASH MANAGEMENT PLAN."

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.

09-18 Mayor Menna read "A RESOLUTION AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC. FOR 2009 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER."

Councilwoman Lewis 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.

09-19 Mayor Menna read "A RESOLUTION AUTHORIZING AN AGREEMENT WITH DR. MICHAEL KAHN OF EMPLOYEE CONSULTING ASSOCIATES."

Councilwoman Lewis 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.

09-20 Mayor Menna read "A RESOLUTION AUTHORIZING APPOINTMENT OF PLANNING BOARD ENGINEER."

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.

09-21 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF ZONING BOARD ENGINEER.”

Councilman DuPont asked, for clarification purposes, if these appointments had gone out to bid. Mayor Menna confirmed that they had.

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.

09-22 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL LABOR COUNSEL.”

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

ROLL CALL:

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

NAYS: None

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

09-23 Mayor Menna read “A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROGRAM.”

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

ROLL CALL:

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

NAYS: None

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

09-26 Mayor Menna read “A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF RED BANK.”

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.

09-27 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF PLANNING BOARD ATTORNEY.”

Mayor Menna noted that in the past this appointment was done by a standard retainer. He noted that this year the retainer will be based upon a meeting rate. He added that all other general planning and zoning issues will be covered by the Borough Attorney. He noted that the rate will be \$400 a meeting rather than a monthly retainer. Councilman DuPont asked if this would reduce our costs. Mayor Menna said it would. Councilwoman Horgan asked how much the retainer was previously. Mayor Menna said it was \$10,000 per year.

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.

09-28 Mayor Menna read "A RESOLUTION AUTHORIZING APPOINTMENT OF ZONING BOARD ATTORNEY."

Mayor Menna noted the same information from the previous resolution also applies to this appointment regarding a per meeting rate adding that anything additional would be billed to the escrow account and not to the borough.

Councilman DuPont 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.

09-29 Mayor Menna read "A RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO AMEND THE STATE'S GOVERNMENT UNIT DEPOSITORY PROTECTION ACT (GUDPA) TO ALLOW CREDIT UNIONS TO BE INCLUDED ON THE STATE'S LIST OF DEPOSITORIES ELIGIBLE FOR SCHOOL BOARD, MUNICIPAL, COUNTY AND RELATED GOVERNMENTAL AUTHORITY FUNDS."

Councilman DuPont 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.

09-30 Mayor Menna read "A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANKS SCHOOL DISTRICT."

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

ROLL CALL:

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

NAYS: None

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

09-31 Mayor Menna read "A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK REGIONAL HIGH SCHOOL DISTRICT."

Councilwoman Lewis 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.

09-32 Mayor Menna read "A RESOLUTION APPOINTING BOND COUNSEL FOR THE BOROUGH OF RED BANK."

Mayor Menna noted that the appointed firm had been the Bond Counsel for many years adding that the appointment had gone out to bid and they were the lowest bidder. Councilman DuPont said the appointment was also based on the recommendation of CFO Mason.

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.

09-33 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 6 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM."

Mayor Menna said the change was for the work specifications but that the work was covered by the County grant so there was no additional cost to the Borough.

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

Councilman Zipprich and Councilwoman Lewis said that since these contracts were negotiated before they were on Council, they would abstain.

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis, Zipprich

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

09-34 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 – SPRING STREET RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM."

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

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis, Zipprich

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

09-35 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 & FINAL – BASSETT PLACE RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM."

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

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis, Zipprich

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

09-36 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 & FINAL RELATED TO THE CONTRACT WITH MARK WOSZCZAK MECHANICAL CONTRACTORS, INC. FOR THE WATER MAIN IMPROVEMENT PROJECT."

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

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis, Zipprich

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

Councilman DuPont said he wanted to acknowledge the Public Works Committee for the fact that this was the first time he had seen a contract come in lower. Councilwoman Lee explained that the committee had anticipated higher asphalt charges and they came in lower.

09-37 Mayor Menna read “A RESOLUTION REJECTING ALL BIDS FOR A CONTRACT RELATED TO UPGRADES TO THE BOROUGH’S PRESSURE FILTER EQUIPMENT.”

Mayor Menna said the reason for the rejection was that, since the State regulations would be changing, it made no sense to go out on these bids when it looks like there’s going to be a State mandated change. He said the specs will be redone to incorporate the changes and they go out for bid again.

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

ROLL CALL:

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

NAYS: None

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

09-38 Mayor Menna read “A RESOLUTION AUTHORIZING A CONTRACT WITH VFIS BENEFITS DIVISION OF THE AIG LIFE INSURANCE COMPANY TO PROVIDE GROUP TERM LIFE INSURANCE AND ACCIDENT AND SICKNESS BENEFITS FOR MEMBERS OF THE RED BANK FIRE DEPARTMENT.”

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 resolution was declared approved.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

09-39 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,381,826.65.”

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

## **OLD BUSINESS**

### **NEW BUSINESS**

### **AUDIENCE**

Les Hathaway—44 Ambassador Drive—asked what happened to Resolution 09-39. Mayor Menna said it was taken off of the agenda. Administrator Sickels said it was combined with the last resolution.

Jim Willis—51 Harrison Avenue—reviewed his personal history including his experience with internet usage and policies. He said he was appearing to comment on the recent approval of a resolution that would allow Red Bank to contract web maintenance out to a proprietary software vendor. He noted that proprietary

software is “closed” and was chosen in a closed process without a request for proposal. He said he was aware that the vendor provided services to Middletown and Fair Haven and said if those websites were any indication, the software does not provide citizens with data in an open extensible format. He gave examples of the difference between open and closed software and data formats including the ability to modify and redistribute open software. Because the Borough will not own the software, but simply license it, he noted that if they become dissatisfied with the vendor down the road it will be right back where it started with a poor website and thousands of dollars spent. He explained the limited accessibility offered by closed software and the inability to rebroadcast data on other websites. He explained the benefits that might be offered by open software such as a shared services approach to software. He urged the Council to seek out open software. Mayor Menna thanked Mr. Willis for his comments and noted that, while the Council had authorized him to execute the agreement being discussed, as of this date the agreement has not been received or reviewed by him. He added that he is willing to listen and keep his ears open. Councilwoman Horgan asked Mr. Willis to email her the statement he had just read. Councilman DuPont asked if that meant we were going out with an RFP. Mayor Menna said he would like to consult with the attorney regarding a number of issues. He again stated that the Council had authorized the agreement but that is was a deliberative process. He added that he would be reviewing various comments he had received and reviewing the issue with the attorney. Councilman Murphy said he understood that the Council as a whole had questions about the agreement and it wasn’t going to be executed until the Mayor looked into it. Councilman Zipprich asked Mr. Willis about his comment that members of the public would be able to view the source code. He asked if that would open the Borough up to hacking. Mr. Willis said he thought the Borough was looking for a content management system and the more people that view it the more secure it becomes. Administrator Sickels asked if Mr. Willis had gotten a copy of the proposal. He said he had not. Mr. Sickels suggested he review it and add his comments, noting that he thought the Technology Committee would be interested in what he had to say.

Steve Fitzpatrick—92 Hudson Avenue—said he would like to speak to the six year Master Plan Examination Report. He noted that Mayor Menna, Administrator Sickels, Councilwoman Lee and Councilman Zipprich were all members of the 2008 Planning Board. He also noted that a Master Plan Committee was formed in 2008 and he asked Mr. Sickels if he had participated in any of those sub committee meetings. He said he did not. Mr. Fitzpatrick asked Mr. Sickels if he knew if there were minutes taken at any of the sub committee meeting that were held. He said he did not know. Mr. Fitzpatrick asked in Mr. Sickels knew if there were any questionnaires or surveys given out to the residents or business community in regard to the Master Plan. He said he did not know. Mr. Fitzpatrick asked Mr. Sickels if he knew if there were any public community workshops held to solicit community input. Councilwoman Lee answered that she didn’t believe there were any in 2008, but that there was some in 2007 regarding the waterfront. Mr. Fitzpatrick noted that the report stated the process began in July of 2008 so his questions would address that time until the time the plan was adopted on December 15, 2008. He asked again if any community workshops were held during that time. Councilwoman Lee said not to her knowledge. Administrator Sickels asked Mr. Fitzpatrick to clarify if his question was whether there were any public community workshops. Mr. Fitzpatrick said that was correct.

Mr. Fitzpatrick asked Mayor Menna if, in regard to the Master Plan Re-examination, were any citizen advisory committees were formed in 2008. Mayor Menna said yes a Citizen Committee was formed and a list was provided to the Borough Clerk. He added that there was also a Vision Committee established in 2007. Mr. Fitzpatrick asked if that Committee was formed as part of the Master Plan Re-Examination. Mayor Menna said it was to assist them. Mr. Fitzpatrick asked if that process was begun with regard to the specific six year re-examination report. Mayor Menna said no, that process began in the terms of asking community leaders where they wanted to go. He noted that the Council had not adopted a Master Plan Re-Examination report yet. Mr. Fitzpatrick noted that the Planning Board had. Mayor Menna noted that Public Hearing will be held by this Council and he wasn’t sure that all members of the Council had had a chance to comment on the sub committee’s report. He said, while the Municipal Land Use Law provides for a six year statutory review, it is not carved in stone. He said he foresees that the Vision Plan is going to be a long process. He said they haven’t gotten to the stage where they are planning public meetings, but the public will be invited to participate. Mr. Fitzpatrick said he didn’t want to confuse the strategic Vision Plan with the six year statutory Re-Examination plan. Mayor Menna noted that the Council hadn’t adopted the Re-Examination plan but that it was their intention to have public comments.

Mr. Fitzpatrick said since neither Mayor Menna nor Mr. Sickels were at the November 17 meeting of the Planning Board, he would address his next question to either Councilman Zipprich or Councilwoman Lee. Councilman Murphy asked for clarification if Councilman Zipprich was a member of the Planning Board or the Zoning Board. Mr. Zipprich confirmed he was on the Planning Board. Mr. Fitzpatrick noted that the meeting in question was the one where the Borough Engineer presented the draft report of the Re-Examination and that is was discussed. He said he was asking for verification that there was no public hearing held on the draft version. Councilman Zipprich said he really didn’t recall. Borough Engineer Kosenski confirmed that it was not advertised as a public hearing. Mr. Fitzpatrick asked if any members of the Board remembered if any press releases, other than the public notice required by statute, had been sent out to local papers prior to the Dec. 15 meeting. Administrator Sickels said he did not know if that was a question that was appropriate for Board Members and suggested it would be better addressed to the Board Secretary. He asked that Mr. Fitzpatrick submit his request in writing so that they could check the records and see what is on file. Mr. Fitzpatrick confirmed that the file shows that the statutory public notice was sent out and that is was posted in the Asbury Park Press. Councilman Murphy noted that that is what is required and that the other notice he was asking about was not required. Mr. Fitzpatrick agreed that that is what is required and said he was just asking if the media had been contacted to let people know about the public hearing. Councilman Murphy again noted that that was not required.

Mr. Fitzpatrick asked Engineer Kosenski about the public notice that was published in the Asbury Park Press on December 4 noting that a public hearing would be held on three matters; the Amended Housing and Fair

Share Plan, the Master Plan and Re-Examination report and Historic Preservation Plan element of the Master Plan. He noted that at the time of the December 15 hearing, Mr. Kosenski and an associate of his firm introduced some maps as an exhibit. One was the Residential Redevelopment Map which was marked that it was prepared on December 15, 2008. He said another map was in regard the proposed redevelopment of the affordable housing zones also prepared on December 15. Mr. Fitzpatrick asked Engineer Kosenski to explain why the maps were not available at least 10 days prior to the public hearing. Mr. Kosenski said the redevelopment maps were actually developed as part of the COAH plan in rounds one and two. He said they had added the area of higher density around the transit village to the maps. He said that map was available prior in connection with the COAH plan. Mr. Fitzpatrick said the map Mr. Kosenski was referring to was marked at exhibit B4 and that he was referring to exhibits B2 and B3 and that they were prepared the same day as the public hearing. He repeated his question as to why they were not made available at least 10 days prior to the hearing. Mr. Kosenski said he was pretty sure those maps were discussed at the November 4 meeting, but he would have to look at it.

Mr. Fitzpatrick asked Administrator Sickels to confirm that he was a member of the RiverCenter Board of Trustees. He confirmed that he was the Mayor's Representative to the RiverCenter Board of Directors. He also asked Councilman Murphy to confirm that he also serves on the Board. He said he served as Council Representative. Both Mr. Sickels and Mr. Murphy noted that they did not have a vote on the Board. Mr. Fitzpatrick said, in regard to the December 15 hearing that was held on the Master Plan report, RiverCenter Executive Director Nancy Adams stated that she thinks the 16 units per acre density is too low on Monmouth Street and also said the area around the train station should be increased to 40 units per acre. He asked if Mr. Sickels or Mr. Murphy could confirm if that was the majority opinion of the Board of Directors. Mr. Murphy said he didn't know if that was the majority opinion of the Board. Mr. Sickels said he wasn't sure if Ms. Adams' comments were founded in a decision of the Board because the Board has been meeting on the same nights as the Council meetings. Since he hasn't been able to attend, he said, if they made any decision he was unaware of it.

Mayor Menna said he would like to address some of Mr. Fitzpatrick's comments regarding the fact the some of the documents were prepared on the same day as the hearing before the Board. He said he didn't see any insurmountable problem, since we've waited this long, to reopen it, have people comment and put the documents out ten days in advance. He said he thinks it's more important that, if some people were surprised or didn't have some documents until the night of the meeting, the Planning Board should readvertise and have a discussion on it. Mr. Fitzpatrick said that that cuts to the core of his comment that, at best, the process could have been a little more engaging and open with the public. He added that, if you look at Master Plans around the state, you typically see more public involvement. He noted that the Monmouth County Planning Board has said you could conduct a Public Hearing with a draft report and solicit comments from the public. He added that you could then amend the report based on that input prior to the Public Hearing for the actual adoption of the report. Mayor Menna said he believed we should engage our statutory Boards to have these type of dialogues and Public Hearings to invite public comment so that when the Board makes their recommendation to the Council it includes more divergent viewpoints. He said he believes it can be done so he will direct the Planning Board Secretary to readvertise, get the documents out there and have a complete dialogue. He also said it should not necessarily be on one night, but maybe one or two nights so if someone can't make a meeting one night they can make another one. He said he thinks the process should be engaging. He said there has been no formal recommendation so the process has not been tainted in any fashion. Mr. Fitzpatrick said when we have these re-examination reports, they are implicit because the Governing Body has to follow that lead. He added that the report is very intensive to increase residential densities in a variety of areas around the town and is silent on some important issues such as infrastructure and traffic circulation.

Mr. Fitzpatrick asked the Mayor about the overlay zone in the report which indicated the zone around the train station area and wanted to know if the Mayor thought it was an area in need of redevelopment or rehabilitation or neither. Mayor Menna said he was getting into some strong technicalities. He noted that one thing he prides himself in is that, since he has been on the Council, at no time has the Borough of Red Bank undertaken any issues regarding the type of issues Mr. Fitzpatrick is referring to regarding of areas of in need of redevelopment in terms of undertaking condemnation. He said the Borough has never considered it, it is not on the table and is not even a speck of his imagination. He said the reason he was not answering the question directly was that, if it is an overlay zone, they would have to look at what parameters the Planner and Engineer were looking into. He added that the issues of eminent domain and condemnation were out of the question. He added he was speaking personally. Mr. Fitzpatrick thanked the Mayor for his attention to the matter and felt they had opened up a better dialogue and that more advance notice and better information would come out of this.

Judy Hathaway—44 Ambassador Drive—said she wanted to congratulate the new Councilmembers. She said she knew all of the sacrifice that went into service and that she really appreciated their time, effort and caring on behalf of the residents. She said she would just ask, since there are no longer check and balances in place, that they put the citizens of Red Bank before their party when making decisions. She told Councilman DuPont that she was really happy to hear what he said about the hiring and spending freezes and the request for a five percent cut. She encouraged the Council to continue to look at ways to cut spending. She said even when times get better we need to continue to look at keeping spending down.

David Prown—44 Hillside Place—asked if a new date and time had been set for the Unity Place dedication. Mayor Menna said he and Rev. Porter were having lunch on Wednesday and he will give the Mayor a new date. Mayor Menna noted that a date had been previously set, but weather forced a postponement. Mr. Prown asked that the Borough let the media and himself know about the new date. Mayor Menna said they would. He noted the Rev. Porter had suggested having the ceremony on a weekend and he concurred.

Mr. Prown asked for an update on the Community Center. He noted that the Council had said they would look at it after the first of the year when there was a new Council in place. Mayor Menna verified that the Council had discussed it at the last meeting but added that there has been no further discussion. He said he had told everyone to educate themselves with the documents provided to them. He said they will be making a decision soon, but not at this meeting. Mr. Prown asked for clarification as to whether Mayor Menna meant the meeting where Councilman DuPont had presented his report. Mayor Menna said yes and noted that George Kolber was here afterward. He said there would be an open discussion on it soon. Mr. Prown asked if it would be on the agenda so people from town could hear the discussion. Mayor Menna said absolutely. Mr. Prown stressed how important he felt the issue was and his opinion regarding the proposals received.

John Ross—66 Leighton Avenue—asked about the status of the situation with Best Liquors. Attorney Hall said he had spoken with the Division of Alcoholic Beverage Control and they had indicated their decision would be forthcoming by the end of February. Mr. Hall noted that an Administrative Law Judge had granted an extension from the original deadline. Mr. Ross asked if the town had to agree to the extension.

Mayor Menna clarified that he understood that Best Liquors had appealed the decision of the Administrative Law Judge and because of that decision there is now a pending review by the ABC as to whether to affirm, modify or reject the decision of the Administrative Law Judge. Attorney Hall confirmed and again noted that that decision is expected by the end of February. Mayor Menna asked if Mr. Ross' question was if there was anyway to expedite that decision.

Mr. Ross expressed his frustration with the process. Attorney Hall explained the various possibilities with a positive or negative outcome including further appeals. Mr. Ross said he and his neighbors have been holding off with complaints to the police while awaiting the outcome. He questioned the rights of a business owner versus the rights of citizens. He asked what the town could do to help the citizens of the neighborhood. Councilman DuPont asked if the town could place restrictions on the business during the appeal process such as closing the business. Mayor Menna said it was a good question and asked the Attorney if there was anything they could do in regard to restrictions such as requiring private security. Attorney Pringle said it would be hard to do before the renewal in June but conditions could be imposed at that time if it appears that there is going to be an ongoing appeal process. Mr. Pringle added that they tried to get restrictions imposed when they filed their appeal and the ABC wasn't willing to because there weren't any eminent life and safety hazards at issue. He said quality of life isn't high on their priority list. He noted that it would be hard to impose conditions if the renewal is denied and added that they are operating under their prior approval.

Councilman DuPont reviewed the chain of events and again asked if the town had the right to petition the ABC to place conditions on the right of appeal. Attorney Pringle stated again that they had tried that at the time of the original appeal. Mr. DuPont said this time was different because there was a factual finding by a judge. Mr. Pringle agreed and said it was worth the effort. Mr. DuPont said it could be noted that the same complaints are being received and ask if there is the issuance of a ticket that the store be closed. Mayor Menna said if they want to go that route, they may not want to have any further on record discussion and review what types of quality life complaints are being received and prepare an affidavit. Attorney Hall agreed.

Mr. Ross said one of his concerns was that residents had been waiting for a decision and had not been making complaints since before Thanksgiving and this could be used by the business owner to show improvement in the situation. Administrator Sickels advised him to continue to make calls and document the problems. Councilman DuPont said he felt the discussion had brought some options to light. Mr. Ross asked how the Council was going to proceed. Administrator Sickels said Mr. Ross had mentioned that he was concerned about the lack of calls being perceived as there being fewer problems and told him if he saw a problem he needed to call. Mr. Ross said they would continue to call to document the problems. Councilman DuPont said that documentation with any tickets issued would be taken back to the ABC.

Mayor Menna said he felt Attorney Hall was aware of where the Council stood on the matter. He added that they will continue to document and Mr. Hall will review the situation with the Police Department. He said Mr. Hall is authorized to take action if the empirical data warrants it. Mr. Ross also asked for parking enforcement in the area in regard to issues such as double parking. Mayor Menna noted Assistant Administrator Watson was in attendance and made note of the comment.

John Tyler—69 Leighton Avenue—suggested the residents could set up a meeting with the owner of the store to ask for his cooperation in not selling to offending customers who blast music from their cars. He noted that delivery trucks pull up on the wrong side of the street and customers block residential driveways. He said by the time the police respond, the offenders have gone. He said something has got to be done. He said he understand that the ABC doesn't care about quality of life issues, but he said one of the customers of the business could take off and run over one of the children in the neighborhood. Attorney Pringle pointed out that the ABC is concerned with issues inside of the establishment but said he would talk to the Chief of Police.

Mr. Tyler said he also has an issue with people buying and selling drugs in front of his house. He said that by the time the police get there the people are gone. He expressed his fear of something happening to his daughter.

Kimberly Senkeleski – 49 John Street – thanked the Mayor for responding to a letter she sent and asked about the transit village designation. Mayor Menna explained that he had indicated in his New Year's Day remarks that the Borough of Red Bank, like other municipalities, is facing a slew of challenges that had never been anticipated on the scale that municipalities are facing. He said there are also other problems some of which are state mandated, some federally mandated, that leave the tax payer footing the bill. He said they have done the

best they could at the municipal level. He noted services have to be provided and are generally paid for by tax dollars. He said it's a fine line to balance.

He said his comment on New Year's Day was that in these extraordinary circumstances, the Borough should be looking at any sort of option that works in terms of federal, state or autonomous body funds to help improve our infrastructure and aging facilities. He suggested a number of things, but none were on the table for approval. He said they should look at and discuss the issue of New Jersey Transit and if there is a better way for them to operate their property along with issues such as parking and accessibility to the train station to avoid congestion in our streets and problems with residential parking. He discussed various suggestions and noted that it was a broad concept and would be subject to a lot of public discussion. He reiterated that there are not currently any plans on the table to designate Red Bank a transit village. He said it would be a long range process. He said, after public input, if the public decides this is something they want to look at, then they will look at it. He said nothing has been done and added that he had said they should be open minded and broad minded enough to look at every conceivable way the Red Bank can remain on the cutting edge. He stressed the benefits of Red Bank's diversity and said the Borough must remain competitive. He said Red Bank has always adapted to changing times and that change isn't something we should fear.

Ms. Senkeleski asked if the Affordable Housing Corporation mentioned in regard to the Cedar Crossing project was a Borough-owned corporation. Mayor Menna said it was not Borough-owned and that it was a subsidiary of the Red Bank Housing Authority. He said the Red Bank Housing Authority is a federal organization that was established in the 1950s and is one of the best housing authorities in the state. He said it is the parent company for Cedar Crossing and because of a number of different tax consequences, how the projects are funded and various state and federal regulations, a separate entity was established. He noted that it was a not-for-profit company to administer the funding, the construction, the mortgage and, ultimately the construction, of Cedar Crossing. He noted that there are very complicated IRS regulations as well as tax code regulations as to why Cedar Crossing was actually a separate entity.

Ms. Senkeleski asked if the Borough would have to hire people to manage the project. Mayor Menna said no and noted that that was one of the reasons why they did it. He noted that Neighborhood Preservation Coordinator, COAH Representative and Senior Center Director John Gurzo would have overall supervisory authority over it, but said he is not being paid extra for it. Administrator Sickels reminded her that Cedar Crossing was funded by a state grant that did not have to be paid back. He said the Borough was not in the building business and noted that the corporation was set up to execute the project. He noted that the Borough has an existing obligation to provide affordable housing and this is one way of addressing that.

Ms. Senkeleski said she understood that \$50,000 of the funding wasn't covered and asked if it was eventually covered. Mayor Menna noted that the \$50,000 would be what is termed as soft costs which include architectural and engineering services. He noted that that is not being covered by the Borough tax payers, but through the Regional Contribution funds received from other towns toward affordable housing. Administrator Sickels also noted that, under Borough ordinance, applications before Borough Boards by some developers and business owners must contribute toward the fund.

Ms. Senkeleski asked if there were any other projects under the Affordable Housing Corporation or if Cedar Crossing was the only one. Mayor Menna said it was the only project and that it was a lot for them to do. He noted that it was staffed by volunteers and gave them a tremendous amount of credit and said they had gone beyond what they were asked to do. He noted that they had come up with a great plan and great design on a challenging piece of property and said that it would give people pride of ownership which helps build the community. He said they have come up with regulations that many other housing corporations in other parts of the state do not have including the requirement that participants complete financial management and other social courses.

Ms. Senkeleski said she had read that the units would be priced at \$85,000 to \$175,000 per unit. She asked if the residents would be taxed on what they paid for the unit or on what it was assessed at. Attorney Hall said restrictions on sale are taken into account. Mayor Menna gave the example that a person who bought a unit for \$100,000 in 2009 could not sell it for \$200,000 in 2010. They can only sell it to another low/moderate income family at a very small profit dictated by COAH regulations. He added that these units are restricted for 20 years as to who can buy them.

She asked again if they would be taxed on what they paid or on assessed value. Attorney Hall said it would be the value under the deed restriction. She asked again, if you took the person out of the house where it would be assessed for something different, are they paying taxes for that assessed value. Attorney Pringle pointed out that the value is not unique to the person, they cannot sell it to someone for more than that because the property is restricted under the deed covenant to COAH. He said for that period of time, no matter who lives in the house, it's going to have approximately the same value. He said it will go up over time but it will still be less than a comparable property in the community that doesn't have the COAH restriction.

The Mayor said that is not unique in the Affordable Housing scheme and gave the example of the old Red Bank Lumberyard site. He said it is now an age-restricted senior citizen apartment building and the rent is determined as a percentage of their Social Security. He noted that there is a lottery system and waiting list. He said even though that is a very valuable building, they have an agreement with the Borough, based on tax considerations and affordability considerations, where property taxes on that building are based upon a set figure which is a percentage of the total income that the building generates. He said, had they not done that, it probably would have been some other commercial structure, but that it provides a salutary public purpose for seniors to stay in our community.

Ms. Senkeleski she agreed with the concept, but was concerned that as the number of COAH residents increased, their assessed values wouldn't be as great as some more affluent apartment buildings. She said the property would present the same infrastructure issues so the town would be spending money but not getting as much money back. Mayor Menna said the only issue they had was whether to make the Cedar Crossing units market rate COAH units where people could own or go with the option of renting similar to Evergreen Terrace and Montgomery Terrace. He said they made a policy decision that they wanted to encourage home ownership. He said once they made that decision there was various regulations that they had to abide by.

Ms. Senkeleski asked the Council how ordinances were created and who has the right to draft an ordinance. She asked if she, as a resident, could draft an ordinance. Mayor Menna said he wasn't sure what type of ordinance she was talking about. She said she was just asking in general. Mayor Menna said normally Council members suggest ordinances and they discuss it in workshop to see if two Council members will vote to introduce it. He said unless it's a finance ordinance the majority of the Council can adopt on two readings. Ms. Senkeleski asked again how it was generated. Attorney Pringle said that a resident could suggest a law or a change to a law to a Council member or Council members may discuss it within their Council committees. He said when they know enough about what they want the ordinance to say, they may request that the Attorney draft an ordinance or sometimes it is drafted by staff if it is a simple change to an ordinance. He noted that sometimes changes have to be made to get it to say what the Council wants it to say and then it gets circulated around the Council and discussed in workshop. He said if there is consensus to move it forward then it would be introduced for formal public reading. Ms. Senkeleski said, while she didn't have any ideas at this time, if she did, she asked if she should contact a member of Council. Attorney Pringle said yes. Administrator Sickels said she could also write a letter to the entire Council. Mr. Pringle said some ordinances happen as a result of public comments made at Council meetings.

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

## **EXECUTIVE SESSION**

### **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