

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 27, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Menna and Council Members Burnham, Horgan, Schwabenbauer, Taylor and Whelan.

**ALSO PRESENT:** Borough Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney Cipriani and Engineer White.

**ABSENT:** Councilman Zipprich.

**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 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 2, 2016.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

**AYES:** Burnham, Horgan, Schwabenbauer, Taylor, Whelan

**NAYS:** None

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

Mayor Menna said the Council would be recognizing members of the Red Bank Police Department and asked Police Commissioner Whelan to offer details.

Commissioner Whelan said it was an honor to recognize the officers. He reviewed an incident that occurred on January 1, 2016 where three officers assisted to rescue a man from a heavy smoke condition in his apartment.

Mayor Menna also commended the officers.

Commissioner Whelan and Mayor Menna presented the officers with a Life Saving Award from the Police Department.

Councilman Taylor also commended the officers and noted that he had gone to school with two of the officers. He said he was glad to see his classmates giving back to the Red Bank community.

Councilwoman Horgan thanked the officers for their valor and their courage. She said she felt there was nothing greater than saving someone's life.

Councilwoman Burnham said she wanted to echo Councilwoman Horgan's words and said she could not imagine the courage that it would take to run into a burning building.

Councilwoman Schwabenbauer agreed and said she was in awe. She thanked them for their service.

Councilman Whelan said he also wanted to note the members of the Police Department had been on duty during the recent storm to ensure the residents safety.

16-27 Mayor Menna read, "A Resolution Recognizing Patrolmen Thomas Doremus, Cevin Albert and Tanner Shea with the Life Saving Award."

Councilman Whelan offered a motion to approve the resolution, seconded by Councilman Taylor.

**ROLL CALL:**

**AYES:** Burnham, Horgan, Schwabenbauer, Taylor, Whelan

**NAYS:** None

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

**Monmouth County Engineering Presentation on Bergen Place and Broad Street Project**

Joseph Ettore appeared to review a traffic safety improvement project the Monmouth County Engineering Office had planned for the area of Broad Street and Bergen Place. He said it was being funded through the federally funded New Jersey Transportation and Planning Authority (NJTPA). Mr. Ettore reviewed previous projects funded by the program that his office had complete including the West Front Street

Bridge, West Front Street near Riverview Hospital and the intersection of Drs. Parker Boulevard and Shrewsbury Avenue. He noted the current presentation was part of the public outreach required for the project.

Christine Mittman of the NJTPA said her agency would administer the funds and reviewed the program that allotted funds based on crash data. She said they used Highway Safety Improvement Program (HSIP) funds and explained how the data was gathered.

Mr. Ettore offered details on the project. He noted the signal was outdated and in the need of replacement. He said the signal did not have the safety features of a newer one. He said the intersection was chosen due to pedestrian safety issues as well as vehicular improvements. He said they would be looking at the need for the potential for dedicated left turn lanes. He reviewed the timeline for approvals and estimated work may begin in spring of 2017. He said he expected the cost would be approximately a half million dollars. He asked if the Council had any questions.

Mayor Menna said Mr. Ettore could rest assured that the Governing Body would support the project. He thanked him for his partnership over the past several years.

Mayor Menna asked if there were any comments from the public.

Mike Kosberg—Wallace Street—asked if a shared lanes for bicycles could be incorporated into the intersection.

Mr. Ettore said they would look at that.

Fred Boyton—365 Shrewsbury Avenue—asked about crosswalk improvements on Shrewsbury Avenue.

Mr. Ettore said they were working on that in regard to routes to schools.

Mr. Boyton said he was particularly concerned about the area near River Street where there was a Senior Citizen Building.

Mr. Ettore said they were looking at that.

Councilwoman Schwabenbauer said this was the first she was learning about the funding program and asked how they could nominate projects for the funding.

Mr. Ettore said it was a very competitive program and said Monmouth County would be the sponsor for the projects. He said there were other programs open to the municipalities.

Ms. Mittman explained the process that provided crash data to the County and said the County selected the projects.

Mayor Menna noted other Red Bank projects that had been funded by the program.

Councilwoman Burnham asked if these were the same people that would be looking into the crosswalk near the Atrium.

Mayor Menna said that would be a State project.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **WORKSHOP**

### **Hiring of Parks & Recreation Administrative Assistant**

Councilman Taylor noted the Parks and Recreation Department had been in need of an Administrative Assistant since April of 2015. He said Director Hoffmann reviewed the candidates and had made a recommendation for hire.

Mayor Menna said a resolution could be added to the agenda.

Administrator Sickels added that, out of all of the candidates, only two were bilingual. He reviewed the experience of the candidate that was chosen and also noted that she had already been working in the office on a part time basis. He said she would be the Borough's first bilingual Administrative Assistant.

Councilman Taylor added that she also had experience in the hospitality industry which he said he thought would benefit the Department.

### **Findings of the Blue Ribbon Panel on Charter School Expansion Application**

Mayor Menna thanked the entire community and particularly the Panel members who spent hours and hours on the matter. He commended them on their sensitivity and for their dispassionate and courteous

review of the issue. He acknowledged the citizens who had participated in the committee. He said Councilwoman Horgan, liaison to the panel, would review the findings and noted that a majority of six of the seven members had agreed on the final report. He said there was one member that had offered a minority report. He also noted the stricture of the time mandated to the panel.

Councilwoman Horgan also congratulated and thanked all of the members of the Commission and noted the long hours they had worked on the issue. She summarized what the Commission had done over the previous two weeks. She said the report objected to the expansion of the Red Bank Charter School based on two issues. The first issue, she said, was segregation. She said the Charter School currently exacerbated segregation in the district and review a State statute that stated the Charter School should seek an enrollment of a cross section of the community's school age population including racial and academic factors. She reviewed the disparity in the demographics between the Charter School and the Public School. She said the report concluded that there was a question as to whether the Charter School was fulfilling its statutory requirements and noted that outreach to the Hispanic Community had been unsuccessful. She said it further stated that enrollment practices such as a waiting lists, the enrollment lottery, withdrawal practices and sibling preferences, contribute to the segregation. She said the second issue the report identified was the financial impact. She said the Commission found that the expansion would inflict a financial hardship on the Borough Schools with a shortfall of approximately two million dollars to the district which would equate to about approximately 25 teachers. She said it would force the district to use its tax levy ceiling of 5.23 percent and would result in budget cuts such as loss of teachers, increased class sizes and loss of sports, music, Chinese instruction, strings program and chorus. She said it would also result in the loss of instructional support program such as Project Lead the Way, Advancement Via Individual Determination and Second Opportunity to Achieve Results. She said tax implications of the 5.23 percent ceiling were unknown but noted that last year's 6.95 percent tax levy resulted in a 12 percent increase to the local tax payer. She said the report also noted that the building that the Charter School proposed to acquire for the expansion had an assessed value of \$1.475 million and a yearly tax bill of \$31,544 which would be lost to the Borough. She said the Commission also found that higher taxes and segregated schools would decrease residential and commercial real estate values.

Councilwoman Horgan said the report had been shared with the Council and said a resolution had been prepared that reiterate the finds of the report. She said the report, the resolution, the previous Council resolution and supporting letters from the public would be sent to the Commissioner of Education. She said they would also include the one dissenting opinion as an addendum to the report.

Mayor Menna asked if there were any comments from the Council. There were no comments.

Mayor Menna asked if there were any comments from the public

Wayne Wooley—196 Mechanic Street—thanked the Mayor and the Commission members for their work on the issue. He also thanked the Commission for recognizing the factor of the disparities of demographics between the two schools and for recognizing that the Charter School did not represent the demographics of the community. He said it had been stated that Red Bank had the most segregated school district in New Jersey and said that was not what the Red Bank Community stood for. He again said he appreciated the effort to address the issue.

Jill Burden—30 West Westside Avenue—thanked the Mayor from the bottom of her heart. She reviewed her relationship with the Borough schools and her questions regarding the Charter School. She said she was not against the Charter School but thought the issue was tearing the community apart.

Mayor Menna said the Committee had been very clear that they process was not for or against either side of the argument. He said they recognized that they were all all of our children. He noted Red Bank was less that two square miles with a demographic factor that was critical for their diversity. He said he was very proud of the community for listening to the factual representation.

Councilwoman Horgan thanked Ms. Burden for pointing out that no one was against the Charter School but they were against the expansion because it would impact everyone financially.

Mayor Menna said he assumed the Council would adopt the resolution and said all of the information would be forwarded via email and express mail the following day.

16-38 Mayor Menna read, "A Resolution Approving the Recommendations of the Blue Ribbon Commission on the Red Bank Charter School Expansion Proposal."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

**APPROVAL OF MINUTES** – January 13, 2016

Councilman Whelan offered a motion to approve the minutes, seconded by Councilwoman Burnham.

**ROLL CALL:**

**AYES:** Burnham, Horgan, Schwabenbauer, Taylor, Whelan

**NAYS:** None

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Burnham offered a report on Code Enforcement activities. She also noted that Community Garden applications would be available beginning February 1 and said there were 18 plots available at \$25 per plot.

Councilwoman Horgan reported that the Red Bank Public Library had been pleasantly surprised by a \$50,000 donation from the Eisner Foundation. She thanked the Eisner family and said the donation would be in \$10,000 increments over the next five years. She also noted the Library would be participating in a town hall meeting with the Parks and Recreation Department. She said Councilman Taylor would offer more information and said Library Director McDermott was thrilled to participate. She also reviewed upcoming programs being offered at the Library.

Councilman Whelan reported said he was pleased to be working with RiverCenter Director James Scavone. He reported on two new retailers and said restaurant week would be February 21 through March 3. He commended the efforts of the Office of Emergency Management, the Fire Department and Police Department during the recent storm. He said OEM Coordinator Welsh had done a great job and kept him informed. He said the OEM Committee would have their first quarterly meeting the following day. He also report that the Human Relations Advisory Committee would be holding their first meeting of the year at the end of February. He said it had been humbling to present the Police Department awards. He also reported on Fire Department activities so far for the month of January. He also noted there were five new members that would be attending the Fire Academy. He said the Department had also applied for a \$1,000 grant through the New Jersey American Water Company. He said the Department had 25 members on call for 12 to 15 hours straight during the recent storm. He also offered condolences from the Council to the DeFazio family on the loss of Muriel DeFazio who he said had been a matriarch to the Borough of Red Bank.

Councilman Taylor said since Councilman Zipprich was not present, he wanted to address the efforts of the Public Works Department during the storm. He said they were still working on the clean up as of today and were doing an exceptional job. He commended Cliff Keen, the new Public Works Director, and said he had been incredibly responsive. He said there had been a Public Works Committee scheduled for that day, but it was rescheduled since Councilman Zipprich could not attend. He reported that Parks and Recreation Director Hoffman had scheduled a town hall meeting at St. Anthony's church the following night. He said it would be a bilingual presentation and reviewed the topics to be presented. He also noted that baseball and softball signups were continuing through Friday and reviewed upcoming events being presented by the Department.

Councilwoman Schwabenbauer reported that it was budget season and said the Departments were working hard on that. She said the Central Jersey Health Insurance Fund, at their January 20<sup>th</sup> meeting, authorized a wellness grant for Red Bank in the amount of \$5,250 that would provide for a wellness coach, biometric screenings and health risk assessments.

Mayor Menna also commended the efforts of all Departments during the recent snow storm. He noted the ability of the Public Works to use existing manpower and offer a better response due to the fact that staff did not have to do double duty with sanitation. He said they formerly had to bring in outside crews and private haulers. He also pointed out that the Council had been discussion parking issues during storms for years and urged the Council to consider putting some teeth into the Borough's parking ordinances such as alternate side of the street parking. He also expressed concern with those property managers and private snow removals services that would throw snow back into a plowed street making it impassable again. He called for heavy fines for the property owners who threw snow into the street instead of back onto their property. He asked the Public Works and Code committees to review the issues.

**COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Suzanne Reigelmann for membership to Liberty Hose Company of the Red Bank Volunteer Fire Department and from Matthew Szura for membership to Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department.

Councilman Whelan offered a motion to approve the request, seconded by Councilman Taylor.

**ROLL CALL:**

**AYES:** Burnham, Horgan, Schwabenbauer, Taylor, Whelan

**NAYS:** None

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

## **PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only**

Mayor Menna opened the Public Comment and asked if anyone would like to speak.

Stephen Hecht asked about Resolution 16-28 and 16-29 regarding tax appeals. He noted it was a significant amount of money and asked how it would be paid.

CFO Poulos said the one refund would have to be paid out as cash rather than a credit because the property had sold and the refund was due to the previous owner.

Mayor Menna reviewed the information in the resolution and confirmed Ms. Poulos' comments.

Mr. Hecht said he had ongoing concerns about the adequacy of the assessments in the Borough. He asked to whom the Tax Assessor reported.

Attorney Cipriani said the Tax Assessor ultimately reported to the County Board of Taxation.

Mr. Hecht asked if the Tax Assessor did not have a boss in Red Bank.

The Attorney and Mayor confirmed that he did not.

Mr. Hecht asked who performed the Assessor's annual performance review.

Attorney Cipriani said she did not know what the County Board of Taxations's procedures were for assessing an Assessor.

Mayor Menna said he would presume it had not been done but said he thought it would be Matt Clark or his office.

Mr. Hecht said he would like the Council to get that information as a way to protect the Borough from incompetency.

Attorney Cipriani said it was a complicated issue. She said it was statutory that the Borough appoint a Tax Assessor and, at some point, the position became tenured. She said the oversight of the position was by the County.

He again asked the Council to look into the matter.

Councilwoman Burnham said she had heard the only way to get rid of a Tax Assessor was to enter into a shared service.

Mr. Hecht said he thought the position was already shared because it was part time and he made the majority of his money in another municipality.

Mayor Menna said it was part time but it was not a shared service.

Mr. Hecht asked if anyone monitored his time.

Mayor Menna said he believed he was here when he was supposed to be.

Mr. Hecht again asked if anyone monitored that.

Administrator Sickels said the Assessor had set hours which he did perform. Mr. Sickels said he was also responsible for a body of work during the week and noted he was often contacted by phone and made required court appearances. He also noted that the town performed a revaluation every ten years and said the assessments were based on that valuation. He said some of the appeals were based on the old valuations. He said they had just done another valuation and said he expected it to balance out.

Bill Meyer—12 Monmouth Street—agreed that it was not a shared service but also agreed that the position could be eliminated by entering into a shared service. He also said the most important thing the Council could work on would be to reduce the cost of government in Red Bank. He said he also disagreed with the statement that the appeals were a result of old assessments. He said he felt the appeals were primarily created by the revaluation. He said he had begged the Council to not pay for revaluations and cited other towns that had gone 20 years without revaluations and had saved the expense. He also criticized Resolution 16-32 calling for an investigation of the White Street Parking Lot as a waste of time and money. He called for an investigation committee to find ways to stop revaluations and cut costs. He said he also wanted to speak regarding the ordinances to bond for expenses in the Water Department. He said he felt new developments were straining the Borough's supply of water and were the reason the Borough had to undertake the projects associated with the ordinances. He suggested the costs should be passed on to the developers. He said he did not believe the Borough needed new meters and said he felt bills would go up. He said he felt it was a want not a need. He said he agreed with Councilwoman Horgan when she said if taxes go up, values go down. He said he felt water restrictions would not be a problem.

Paul Cagno—65 Wallace Street—said he agreed with Mr. Meyer. He cited other cities in other states where bills had tripled and resulted in a class action law suit. He said he agreed that the developers should pay for it.

Adrian Gubbay—Madison Avenue—commended the Public Works staff and the communication with Elected Officials during the recent storm. He asked if Ordinance 2016-02 was for funding only and not for installation.

Mayor Menna said it was but noted that, if it passed, they would be installed. He said there was a resolution on the agenda for that portion of the project.

Mr. Gubbay said the whole purpose for the meters was to make up for a deficit.

Administrator Sickels said that was not the whole purpose.

Mr. Gubbay said he understood that a water meter had a life span of eight to ten years and that the existing meters were over that. He said he understood the benefit that the new meters could be read remotely but said he did not feel the benefits would outweigh the costs. He asked for more information about how the leak monitoring would work and how it would be communicated. He again said he thought the main reason for the meter was to make up for the 17 percent deficit between production and meter readings. He said he felt they were trying to fix an issue without knowing what the issue was. He said he understood there were approximately 70 accounts that were being estimated. He suggested they get accurate readings on those accounts before purchasing new meters. He also cited the aging infrastructure and leakage that would not be fixed by a meter. He suggested they should focus on that and suggested they replace pipes every time they paved a street. He called for a sample study of meters before replacing all.

Mr. Sickels said the main reason for the meters was not leakage. He said there was a 17 percent unaccounted for water flow. He said some of that was due to places that had no meters such as Borough facilities including the parks. He also noted that the majority of the meters were over 29 years old and said the industry standard was to replace every ten years. He said the old meters measured in cubic feet and said the new meters would measure in tenths of a gallon. He said they were more accurate and would transmit remotely. He said it would recognize a high or low flow and send a warning. He said the other benefit was accuracy. He said the utility was run like a business to the benefit of the taxpayers. He said the utility helped offset expenses by sharing costs such as facilities. He said there was a lack of meters and they needed to replace them. He said they chose the meters based on the experience of other towns in New Jersey. He said they had started the project before but said it had not been completed due to a change in Council.

Mr. Gubbay said they were taking a machine gun approach and suggested the Borough first put meters on the unmetered account and replace those that were damaged for old. He said there was not benefit to replacing all of them. He suggested purchasing 500. Mr. Gubbay suggesting doing it over five years.

Mayor Menna said that had been done in other towns.

Councilwoman Schwabenbauer said it was the DEP that had tied the meters into the well project. She said the Borough had also wanted to do the phased approach but the DEP had told them “no.” She said they said they had seen too many towns start the process and not finish it exactly the way the Administrator had just said Red Bank had done in the past.

Mr. Gubbay said he also wanted to comment on the White Street lot. He said he had never had an issue finding a parking spot. He suggested, before they spend thousands of dollars investigating a parking garage, the Borough should look into better signage for the existing lots. He cited two existing garages and again asked for better signage.

Jimmy Dark—48 Sunset Avenue—asked about the \$44 charge on the water bill.

Mr. Sickels explained that it was a meter rental charge.

Mr. Dark asked what the money was used for.

Mr. Sickels said it went toward the operation of the utility.

Mr. Dark asked if that charge would still apply with the new meters.

Mr. Sickels said the fee would continue.

Mr. Dark said he felt people would know if they had a leak and said he felt it was an invasion of privacy to questions someone’s increased usage. He again questioned the \$44 meter rental fee. He questioned if it would be increased with the new meters and asked that it be eliminated or reduced to ten dollars.

Bill Brooks—77 Tower Hill Avenue—asked if the meters had a sensor for the remote readings.

Mr. Sickels said they did.

Mr. Brooks asked what would happen when the power was out.

Mr. Sickels said it would run on ten year batteries.

Mr. Brooks asked if places that were not presently metered would now be metered.

Mr. Sickels confirmed that they would be.

Mr. Brooks asked if it would not make sense to do that first rather than every unit.

Mr. Sickels said that was not the majority of the problem but was just one part.

Mr. Brooks asked about homes with meters in the home.

Mr. Sickels said they would be relocated outside.

Tom Wiczerzak—26 Oakland Street—said he had one of the new meters and had already ask that it be replace because he thought there was a problem with it. He said they are very accurate and he would endorse the purchase of the new meters. He did asked the Council to consider allowing residents to install a second meter for outdoor water use.

Mayor Menna said that was already being considered.

Mr. Wiczerzak said he, in his two years in Red Bank, he had paid almost as much in sewer fees as he had in ten years while living in Tinton Falls.

Mayor Menna said the Council should consider the ability to purchase a second meter to monitor outdoor usage. He said they may have to be a fee for the second meter but said it would pay for itself.

Mr. Wiczerzak asked if the Tax Assessor only worked four hours per week.

Mr. Sickels said he had office hours four hours per week. He noted that the Assessor also represents the Borough in court and handles business by phone.

Kate Triggiano—22 Leighton Avenue—asked if the number was available for number of residents that had filed tax appeals in 2015.

Mayor Menna said they were currently under the portion of the meeting where they were hearing comments on items on the agenda only. He said she could make her comments during the audience portion.

Ms. Triggiano continued to speak over the Mayor and discussed her displeasure with her current property assessment.

Fred Boynton—Shrewsbury Avenue—said he had had a new water meter installed at his property in Tinton Falls and said his Shrewsbury property had an old one but said they were the same. He said the only difference was they added a sensor in Tinton Falls so it could be read. He said he also had an issue with the \$44 rental charge.

#### **ORDINANCES – First Reading**

2016-01 Mayor Menna read, “A Bond Ordinance Providing an Appropriation of \$1,825,000 for Water Plant Improvements at Chestnut Street and Tower Hill for and by the Borough of Red Bank, in the County of Monmouth, New Jersey and Authorizing the Issuance of \$1,825,000 Bonds or Notes of the Borough for Financing Part of the Appropriation.”

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

Councilwoman Burnham asked if this was for the well.

Mayor Menna said it was.

Councilwoman Burnham said she wanted to address the meters.

Mayor Menna said that was the next one.

Councilwoman Burnham asked 2016-01 was for anything besides the well because it referenced Tower Hill.

Mayor Menna asked Administrator Sickels to address her question.

Mr. Sickels said it would provide for monitoring and upgrading of both wells.

Councilwoman Burnham asked if updates and new equipment were required because of the new meters.

Mr. Sickels said it was a normal part of a well installation. He said they were also upgrading the system for both wells and that would work in conjunction with the metering down the road.

Councilwoman Burnham said she understood why the Borough needed the new well but asked if the upgrading was required because of new development.

Mr. Sickels again said it was a normal part of a well installation.

#### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Final reading and public hearing to be held February 10, 2016.

2016-02 Mayor Menna read, “A Bond Ordinance Providing for Acquisition and Installation of Water and Sewer Utility Meters by the Water/Sewer Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,900,000 therefor and Authorizing the Issuance of \$1,900,000 Bonds or Notes to Finance the Cost Thereof.”

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

Councilwoman Burnham said she understood the new meters had merit but did not see what they would do for residents. She asked what the Borough had done to prove that there was 17 percent unaccounted for water. She asked how they knew that.

Mr. Sickels said it was based on the flow versus the amount billed.

Councilwoman Burnham noted Borough Hall did not have a meter on it. She also pointed out that fire hydrants and firehouses were not metered. She said she agreed that they should first resolve the issue of unmetered buildings to see if that brought the figure down. She said she had been saying for two years that the Borough should do an operational review. She said when they first started talking about the meters, nothing had been said about restrictions but now they were included. She said she had spoken with the DEP and was told that the well was a separate matter and said the meters had been added by the Borough along with three other development approvals. She said she was told that Engineer Ballard from T&M Associates had suggested adding the meters to the well project. She said she had become aware of a situation where a water pipe had broken and a sidewalk collapsed and it had just been left. She said the Borough was very frivolous with its water. She said the new meters should go to the biggest users which were non-profits.

ROLL CALL:

AYES: Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

There being four ayes and one nay, the motion was declared approved.

Final reading and public hearing to be held February 10, 2016.

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

#### **RESOLUTIONS**

16-28 Mayor Menna read, “A Resolution Authorizing Tax Credit/Refunds Totaling \$70,768.72 Due to Judgments of the Tax Court of New Jersey.”

Councilwoman Schwabenbauer offered a motion to approve the resolution, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-29 Mayor Menna read, “A Resolution Authorizing Tax Credit/Refunds Totaling \$13,658.46 Due to Judgments of the Tax Court of New Jersey.”

Councilwoman Schwabenbauer offered a motion to approve the resolution, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Councilwoman Burnham asked what would happen if the Council voted “no.”

Mayor Menna said it would go back to tax court for a trial and said the resolution represented a settlement.

Councilwoman Burnham asked, if the matter was returned to court, would it cost the Borough addition money.

Mayor Menna explained that there would be the expense of a trial.

Attorney Cipriani agreed that there would be additional legal fees and said the chance of getting the settlement amount reduced to zero was extremely low. She noted that it could also go up.

16-30 Mayor Menna read, “A Resolution Authorizing Agreement with Interfaith Neighbors, Inc. for 2016 Nutrition Program for Red Bank Senior Center.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-31 Mayor Menna read, "A Resolution Authorizing Change Order No. 3 Related to the Contract with Lucas Construction Group, Inc. for the 2015 Road Improvement Program."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-32 Mayor Menna read, "A Resolution Authorizing and Directing the Planning Board to Undertake an Investigation to Determine Whether the Delineated Area of Block 31, Lot 2.01 (White Street Parking Lot) Satisfies the Criteria for Designation as a Non-Condemnation Redevelopment Area."

Councilman Whelan offered a motion to approve the resolution, seconded by Councilwoman Schwabenbauer.

Councilwoman Burnham asked how much it would cost.

Attorney Cipriani said the referral to the Planning Board would not cost anything. She said, as part of their investigation, the Planning Board would have to do a needs analysis. She said the costs on that could vary and reviewed options.

Councilwoman Burnham said she had heard that the amount could be \$100,000.

The Attorney said there was no way that a needs investigation should amount to that.

Councilwoman Burnham expressed concern about the fact that CME had done the original scoping report and had been paid for that. She said now it was going to the Planning Board for an investigation and their Engineer, T&M, would be involved.

Mayor Menna said that was not necessarily the case. He said statutorily, the Planning Board members had to be involved. He said the members may request additional information and help. He said, if they did request help, there would have to be a dialog with the Council and the Council could deny the request and tell them to use what they had. He said the Council ultimately had control over the expenditures.

Councilwoman Burnham reviewed what she understood the process to be and the expenses involved.

Mayor Menna disagreed and said it was because the lot was owned by the Municipality and they already had the empirical data.

Councilwoman Burnham said she was concerned because CME was already working on the project and now the Planning Board Engineer would be involved. She added that the resolution specifically said Maser Engineering was to assist. She said she felt it was an overload of engineers.

Mayor Menna said they could take that out because it was not necessary.

Attorney Cipriani said the redevelopment process could include a lot of costs but said this particular situation was calling for a statutory investigation by the Planning Board and, if they needed additional information, they would be able to call on any of the Borough's professionals to assist.

Councilwoman Burnham asked that the reference to have Maser assist be removed.

Mayor Menna read a suggested revision to the resolution.

Councilwoman Burnham suggested a parking garage be built at 90 Monmouth Street.

Councilman Whelan said there was no decision being made. He said they were just referring it to the Planning Board for a recommendation.

Councilman Whelan offered to amend his motion to include the amendment, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-33 Mayor Menna read, "A Resolution Authorizing the Advertisement for Bids for the Purchase and Installation of Proprietary Goods (Water Meters) Pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1."

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

Councilwoman Burnham questioned how they could put out a bid for a specific brand.

Mayor Menna said the Public Works Committee had reviewed the choices and made that recommendation.

Councilwoman Burnham asked why they had to go out to bid and suggested they award it through non-Fair and Open.

Attorney Cipriani said they could not do a non-Fair and Open award for this type of purchase unless there was a particular reason.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-34 Mayor Menna read, "A Resolution Authorizing Transfer of Current Fund Appropriation Reserves."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-35 Mayor Menna read, "A Resolution Amending the 2016 Temporary Appropriations."

Councilwoman Schwabenbauer offered a motion to approve the resolution, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-36 Mayor Menna read, "A Resolution Authorizing Payment to Special Regional Master Richard Reading for Professional Services Rendered."

Councilwoman Schwabenbauer offered a motion to approve the resolution, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-37 Mayor Menna read, "A Resolution to Approve the Hiring of Sindy Bambina as Administrative Assistant in the Parks & Recreation Office."

Councilwoman Taylor offered a motion to approve the resolution, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

16-39 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$806,984.78."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

## **AUDIENCE**

Tom Labetti—Elm Place—said he had been at the Red Bank Primary School to see the “Kids on Broadway” presentation and commended the public schools for reaching out to organizations such as the Count Basie Theater for things like that. He also said, as a member of the Red Bank Borough Education Initiative, he had had the opportunity to meet with Red Bank RiverCenter. He said they had been welcomed warmly by the Red Bank business community. He said he felt it was the beginning of a great partnership. He said he also wanted to follow up on the bill regarding tax exempt properties and noted that it had been vetoed by the Governor. He asked if the hospital, as tax exempt property had been reevaluated during the reassessment.

Mayor Menna said it could not be assessed because it was not taxable.

Mr. Labetti said there was a previous assessment of \$70 million.

Mayor Menna said they may have assigned a number to it, but said it was tax exempt.

Mr. Labetti asked for confirmation that the town had no plans to assess the property.

Mayor Menna again explained that they could not because it was tax exempt property.

Mr. Labetti suggested the town should issue a tax bill to the property based on a prior court ruling.

Mayor Menna said they could not and would be in Federal court in two seconds. He further discussed the details of the court ruling.

Mr. Labetti again suggested the Borough issue a tax bill.

Mayor Menna said they could not and added that it would be a violation of their constitutional right to tax exemption.

Mr. Labetti continued to discuss the New Jersey court decision.

Mayor Menna reviewed steps the Borough had taken but said they could not send a bill.

Councilwoman Burnham urged the Council to renegotiate the Payment In Lieu Of Taxes (PILOT) agreement in light of the fact that the hospital had purchased additional properties.

Ben Forrest—16 Locust Avenue—thanked the Council for their resolution and hard work of the Blue Ribbon Committee. He questioned what he called “bizarre conduct” of the Charter School. He said everything one could do wrong in reaching out to a community, they had Opretty much done. He said it was disturbing. He criticized the process and said it was not a healthy way to make policy or change. He said what they did tonight mattered, even if they lost the appeal. He said they needed to find a way to fund these things without pitting one group against the other. He praised the public schools and again expressed his appreciation to the Council. He said he also wanted to speak about parking. He said he was often in town and used parking. He said he had noticed that parking during the week had become more difficult and said he felt that it had happened suddenly. He said he understood there was an issue with the app where people were able to get around the four hour limit. He said he also noticed that it cleared out in the late afternoon. He said he felt that, in order to have a healthy and vibrant downtown, they needed to have enough parking. He said he had heard discussion on the parking deck and called for transparency on such a project.

Councilwoman Burnham said they were supposed to have a Parking Committee meeting but said it had been cancelled. She said for the last two years, she had been on the committee but had been unable to accomplish anything. She said she had been discussing the issue of sign confusion and clutter with Borough merchants. She said she felt the eastside lots were underused. She suggested getting Red Bank Catholic students out of the White Street Parking Lot and make the eastside lots long term parking. She said she was also looking into lighted parking signs.

Councilman Whelan explained that the Parking Committee had had a meeting at the first of the year which Councilman Zipprich had been unable to attend. He said the second meeting had only been cancelled because the purpose of the meeting had been to update Councilman Zipprich but he had not been able to attend that one also.

Bill Meyer—12 Monmouth Street—said he spent a lot of time in the White Street lot. He said he sees Red Bank Catholic students flow into the lot when the school day ends. He said it was a major problem. He said he would like to see the signs go up. He expressed concern about the expense of a parking garage and said they would see people fighting more viciously over the less expensive parking once a garage went up. He reviewed his experience in other communities with a parking garage. He talked about the loss of the lot in respect to special events. He agreed that the public should be included in the process. He also agreed that the garage should be considered for 90 Monmouth Street. He suggested they start with an easy

fix such as better signage. He said the Council was always spending money and criticized the purchase of the water meters. He called for a ledger on costs and a referendum on a parking garage.

Barbara Boas—135 Branch Avenue—said she thought she had heard Councilwoman Schwabenbauer state that the Borough had no choice on the meters and that the DEP said they had to install all of them.

Councilwoman Schwabenbauer confirmed that Borough representatives had met with the DEP on December 11<sup>th</sup> to ask if they could split up the installation. She said they were told “no.” She said the reason for the meeting was that the DEP had been ready to impose water restrictions. She said they were trying to avoid that. She said the water meters had come up and said she didn’t remember who had raised the issue. She said, early last year, there had been discussions with the DEP about the need to put in a well. She said that was when they had looked at the 17 percent unaccounted for water and had wanted to put water restrictions in. She said the Borough suggested they could take other measures such as installing meters and the DEP had agreed. She said the Borough had suggested installing them in phases but said the DEP had been against that because they had seen so many towns start and fail.

Ms. Boas said the other thing that came up was the request for more information. She noted the number of studies and surveys that had been done over the last twenty years. She asked that that information be shared so everyone could be on the same page.

Mr. Sickels said the information had been piecemeal. He said over the past 20 years they had been making improvements to the water system. He noted that many years ago, right after the Borough had paved East Bergen Place, there had been a problem with a storm drain and they had to open it back up. He said, since that time, before the Borough does any road work, they look at the water system. He reviewed the improvements that had been done over the years. He reviewed the need for the well and problem with the unaccounted for water. He noted that the industry standard was to replace meters every ten years.

Ms. Boas agreed that residents should be given the option of having two meters to separate outdoor water use.

Councilwoman Burnham asked why there had been no discussion of the water restrictions.

Mr. Sickels said it had come up at the last two meetings when the Borough had met with the DEP.

Councilwoman Burnham said she would rather have water restrictions than new meters.

Adrian Gubbay—45 Madison Avenue—said a lot of studies had been done regarding parking garages that indicated they did not support themselves and would require subsidies from the municipality. He also asked about the fact that the Borough had already specified a meter, notable Neptune meters.

Mr. Sickels said they had reviewed various types of meters and discussed the matter with those that had installed those types of meters. He said in three of the five systems they had visited, they found that if they had put in a different type of meter, they had changed them to Neptune. He said they were highly regarded and said the software would be compatible with the Borough’s current accounting system.

Mr. Gubbay asked how a municipality to go out to bid for a specific meter and asked if the bid specs would state “equivalent” or “equal.”

Mr. Sickels said the resolution explained how and said it was in compliance with Local Finance Law.

Mr. Gubbay said he was concerned that it would leave the Borough at a disadvantage price-wise.

Mr. Sickels reviewed the purchasing process.

Mr. Gubbay said he also wanted to state that the Borough had done a fantastic job in the recent snow storm. He said he had noticed that New Jersey was obsessed the salt and brine. He said he understood the advantage that it could be applied days before the storm but said it did not have any effect on snow accumulation. He said it was meant to be used for ice. He said there were a number of environmental and economic impacts on using salt. He noted that it flowed to the river and corroded pipes and the infrastructure. He cited practices used in western states.

Fred Boynton—365 Shrewsbury Avenue—said had heard it stated that a meeting was cancelled because a Councilman couldn’t make it. He said the meeting should have gone on without him. He said he also had an issue with the snow removal at Tinton Avenue and Catherine Street. He said the snow was still there today and said a bus could not get through. He reviewed the history of road treatments. He said the issue with on-street parking could not be resolved but felt tickets should be issued to inoperable vehicles. He said vehicles that had not been moved and were plowed in should be ticketed. He continued his criticism for snow removal techniques.

Councilwoman Horgan clarified that Councilman Zipprich could not make this meeting because he had been unable to get a plane due to the storm.

Councilman Whelan also clarified that the purpose of the Committee meeting that had been cancelled had been to update Councilman Zipprich. He said they had decided not to have the meeting because Councilman Zipprich was not going to be there. He said he agreed that things had to get done but said the cancelled meeting was essentially to be a repeat of an earlier meeting.

**EXECUTIVE SESSION**

16-40 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiations/personnel.

Councilwoman Schwabenbauer offered a motion to adjourn to executive session to discuss contract negotiations/personnel, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Councilwoman Horgan offered a motion to close executive session and the meeting, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Respectfully submitted,

Pamela Borghi