

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 24, 2016
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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.

WORKSHOP

APPROVAL OF MINUTES – February 10, 2016

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

ROLL CALL:

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

NAYS: None

ABSTAIN: Zipprich

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

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Burnham had no report.

Councilman Zipprich said the Historic Preservation Commission had met Monday to discuss procedures for reviewing plans. He said Chair Ferrigine had met with Planning/Zoning Director Carter to discuss. He said the Commission was also working on its 2015 Annual Report. He also reported that the Department of Public Utilities Committee had met with the Director and Staff the previous Wednesday to review operations and ongoing projects. He said the Shade Tree Committee had also met the previous week and said they were working toward the Tree City USA certification and were also looking at courses to help with the Community Forestry Management Plan.

Councilwoman Horgan reported the Library would be hosting a presentation this evening at 7pm featuring the Police Chief speaking at the “Let’s Talk About Race” presentation. She said on Saturday, March 5, Jim White would reprise his popular program offering information on bagpipes. She also reported that Eileen Moon, author of the book “Legendary Locals of Red Bank” would be discussing her book on March 9th at 7pm. She also said Quilting would be coming back to the Library with three programs being offered on Wednesday afternoons. She also reviewed upcoming children’s activities.

Councilman Whelan reported that the Fire Department had held their annual dinner to honor the outgoing and incoming Fire Chiefs. He said it was a great event and commended their camaraderie. He also noted that the Police Department started a K9 unit a year ago and said the Department was looking to add a second unit to expand the hours/days they would be available.

Mayor Menna asked if it would require a second K9 vehicle and asked if it had been reviewed by the Finance Committee.

Chief McConnell said they would repurpose an existing vehicle.

Councilwoman Schwabenbauer said the request has not yet been reviewed by the Finance Committee.

Councilman Taylor everyone who had participated in the recent Sweetheart Dance. He said he particularly wanted to thank the students from the Red Bank Regional Key Club, Dean’s Flowers and New Corner Pizza. He also thanked Senior Center Director Reynolds for her assistance. He said there would be a similar event on May 7th which would be a mother/son heroes brunch. He said the annual Easter Egg Hunt would be March 19 at noon in Eastside Park. He said the event would feature an expanded program this year. He reported that registration was underway for Spring Intermural Basketball. He said other

programs currently being organized by the Department were the Community Garden, Couch to 5-K and a photo contest.

Councilwoman Schwabenbauer reported that the CFO was working on the budget. She said the Finance Committee would be meeting in the coming weeks.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Karly Covelli and Luciano Marotta for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

Councilman Whelan offered a motion to approve the requests, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

There being six 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.

James Scavone, Director of RiverCenter, thanked the Council and Code Committee for agreeing to look at the sign ordinance. He said the process to revise the ordinance had been going on for three years and said he recognized that a fair amount of money and resources had been spent. He said RiverCenter had specific comments on the ordinance that they would make known at the public hearing. He said, as it was being introduced tonight, he would like to address the ordinance as a whole. He said he felt they had the opportunity to make a real and significant change in the process of doing business in Red Bank. He said he meant no disrespect to those that had written the current draft but said he felt 14 pages of regulations, three pages of tables and eight pages of graphic explanations would not help them achieve those goals. He said RiverCenter continuously hears that they need to bring in more business but said 14 pages of regulations made that difficult. He said it wasn't just that business owners did not understand the ordinance but said the ordinance created an image and perception of how the town viewed businesses and development. He said the problem was compounded when towns like Princeton had sign ordinances that were four pages long. He cited other towns with simplified ordinances of 6 or 7 pages. He cited a statement from the National Park System that said overregulating sign could stifle creativity and create a false sense of preservation. He again said he understood the resources that had gone into the revision but said they feared that whatever sign ordinance the Council chose to adopt would be the sign ordinance for many years to come. He said, if the Council chose to introduce tonight, RiverCenter would work with them and give input but said overall they felt the current draft was injurious to business development in Red Bank. He urged them to reconsider introduction but work to create an ordinance that was inspired and would bring together development, history and business.

Mayor Menna thanked him for his comments. He said this was a process that had been mired in deliberative inaction. He said had Mr. Scavone given him his comments earlier, perhaps the introduction would not have been made this night. He said Mr. Scavone's comments were on point and questioned why the shorter ordinances from other towns hadn't been brought forward before tonight.

Mr. Scavone said they had been provided to the Committee.

Mayor Menna apologized and said the information had not been brought back to the rest of the Council. He said he would look at those ordinances but said he felt they should introduce. He thanked Councilwoman Burnham for her efforts. He asked the Council to review the ordinance before the next meeting with comments to be circulated.

Councilman Zipprich also thanked Councilwoman Burnham for her efforts. He reviewed the Committee meeting and said Mr. Scavone had presented issues that RiverCenter had concern with. He also noted that the Committee had decided on changes that he said had not been incorporated. He said he felt if the Council was going to introduce, they would need to make modifications.

Councilwoman Horgan confirmed the Mr. Scavone had brought the issues to the Committee the previous fall when she had been on the Committee. She said she hoped his objections would be taken into consideration.

Councilwoman Burnham thanked Mr. Scavone for attending and noted he had been at most of the Committee meetings over the last two and a half years. She noted \$18,000 had been spent with T&M's Planner going over the issue.

Councilwoman Burnham and Director Scavone disagreed on some of the discussions that had been held during the Committee meetings.

Mr. Scavone stated RiverCenter had voiced their concerns all along regarding the complexity of the ordinance.

Councilwoman Burnham said the goal had been to simply going back to Councilwoman Lee. She reviewed the history of the Committee discussions.

Councilman Zipprich said Planning/Zoning Director Carter had picked up from where the T&M Planner had left off and reviewed revisions that had been discussed. He again noted that the revisions had not been forwarded to the Borough Attorney.

Councilwoman Horgan gave her recollection.

She and Councilman Zipprich reviewed Committee discussions.

Attorney Cipriani said the Council could introduce with ordinance with the revisions. She offered to read the change into the record:

Section 6-b “An illuminated sign located in a lot adjacent to or across the street from and residential district and visible from such residential district shall not be illuminated between the hours of 11pm and 7am.

Section 6-m “Illuminated signs within a building and visible from a public street or public parking area shall not be located within 24 inches of a window. The illumination of said signs must be turned off when the commercial establishment is not open.”

She said those would be the only changes.

Mayor Menna asked if that would apply in the downtown district only.

Councilwoman Burnham said there were two outstanding issues. She said one was regarding channel lighting and the other was interior illuminated signs. She said Director Carter had come up with the idea to have no interior illuminated signs and no channel lit signs within the Historic District.

Mayor Menna asked her if that meant the downtown only but that the signs would be allowed in other areas.

Councilwoman Burnham said that was the way she remembered it.

Mayor Menna asked Attorney Cipriani if the amended ordinance reflected that.

Attorney Cipriani said it did not. She said, based on her discussion with Councilman Zipprich, she had taken out the language that would allow those signs in area outside of the preservation district.

Mayor Menna asked Councilman Zipprich if he meant the signs could be outside of the core business district.

Director Scavone said he believed there were two issues being discussed. First, he said, were the interior illuminated signs which were proposed to be allowed outside of the district and the other signs were the “OPEN” signs which had been another discussion.

Councilman Zipprich said the concession at the meeting had been that the provision for “OPEN” signs would be taken out of the ordinance to avoid push back from the business community.

Councilwoman Burnham said she was fine with that.

A discussion followed on the wording of the ordinance.

Mayor Menna said he was in favor of a simplified ordinance.

Councilwoman Burnham said the Committee had been working on it for three years. She said the only outstanding issues had been the channel lighting and the interior illuminated signs which included the “OPEN” signs.

There was further discussion regarding what had transpired in the Committee meetings.

Councilman Whelan confirmed that the Committee had agreed to remove the reference to “OPEN” and “CLOSED” signs and introduce the ordinance without that portion to get the ball rolling.

Councilwoman Burnham agreed that they could always go back to it.

Attorney Cipriani noted that, with the changes she had read, the “OPEN” signs would be removed. She said revisions could be made before the second reading.

Attorney Cipriani reviewed the amendments.

There was further discussion of the omission of a reference to “OPEN” signs.

Mayor Menna noted that business climate was very competitive and technology was changing. He said Red Bank retailers needed all the help they could get. His said outdated ordinance would do businesses and, ultimately the taxpayers, a disservice. He said he understood the need for some reasonable regulation.

There was a discussion on the opinion of the business community.

Mr. Scavone said he wanted to address comments made by Councilwoman Burnham and said RiverCenter had compromised with the Borough and said he felt her asking RiverCenter to stop voicing their opinion was offensive.

Councilman Zipprich said the entire purpose of carving out that language had been to prevent this type of discussion from happening and said he had been surprised when he saw that the ordinance had not been modified. He said they had wanted to introduce something that was non-contentious. He said if the “OPEN” signs became an issue, they may want to consider regulating them.

Councilman Whelan said the consideration should be less about taste and more about what was best for the town. He said Mr. Scavone represented the business district and noted that the rules they were looking to put in place were in that district. He said they should have a major voice in the discussion.

Councilwoman Burnham said they should see what the Planning Board had to say.

Councilwoman Schwabenbauer noted the simplified ordinances from other towns that had been discussed and asked if there had been consideration on taking one of those and tweaking it.

Councilwoman Burnham said there had been.

Mayor Menna questioned why Princeton’s seven page document had not been good enough for Red Bank.

Councilwoman Burnham noted Administrator Sickels had been at the meetings and asked for his input regarding the Princeton ordinance.

Mayor Menna noted the review of the Princeton ordinance was not Mr. Sickels but should have been done by the person that was being paid.

Mr. Scavone noted that T&M Associates had said early on that their instructions had been to not redo the sign ordinance but to “tweak” the current ordinance.

Mr. Sickels clarified that they were told that the Borough wanted to reduce the regulations by at least 35 percent. He said they had compared it to other towns with similar types of occupancies. He said it was a reduced ordinance and said they had adjusted some confusing language.

Mayor Menna thanked the Committee and its Chair. He said the document before them was an extraordinary plus over what they had been working with. He said he had heard tonight that other towns had ordinances that accomplished the same goals and the Borough hadn’t even looked at it. He asked Mr. Scavone to provide the Administrator with copies of the Princeton and Montclair sign ordinances to be forwarded to the Council.

Councilwoman Burnham said they had done that.

Mayor Menna said he felt the rest of the Council would like to see it.

Councilwoman Burnham noted the expense incurred to date and questioned throwing out the ordinance and starting over and incurring further expense.

Mayor Menna questioned how it would cost more noting that they would essentially be stealing someone else’s ordinance.

Councilwoman Burnham again noted the amount of time and effort that had been put into revising the ordinance and asked if he just wanted to throw it out.

Mayor Menna said he respected everything she had done and said he felt it was a good and positive step. He said they had heard that at least one extraordinary town in New Jersey has an ordinance that seems to work for them. He said he was not saying that they had to use it but said the Council had not seen it.

Councilwoman Burnham said she felt it was ridiculous and a foot-dragging tactic.

Councilman Zipprich said that was why the Committee had agreed to carve out the portion regarding “OPEN” signs, so they would not have this issue. He said he was not disagreeing that a lot of money and hard work had been spent. He agreed that he did not want to see that work go to waste either. He said he felt it should be introduced.

Councilwoman Burnham agreed and said she thought it should be sent to the Planning Board for comment.

Attorney Cipriani offered to obtain the Princeton ordinance and offer a comparison. She noted there would be no additional expense for that.

Councilwoman Burnham said she did not feel it was necessary.

Other Councilmembers said they thought it would be beneficial.

Administrator Sickels said noted that if it was referred to the Planning Board for comment, the Council could also get the comments regarding the other ordinances and then could review everything at once.

Councilwoman Burnham said the Committee had already done that.

Councilman Whelan said he understood her frustration but said he thought the new Council was looking at it for the first time with fresh eyes. He said she should have expected that there would be some different opinions.

Councilwoman Burnham said this affected the Code Enforcement Department because they could not enforce until this ordinance was solidified. She said RiverCenter did not want to be enforced.

Mr. Scavone took issue with some comments Councilwoman Burnham had attributed to him.

Councilman Whelan also disagreed with some of her comments. He noted that she had tabled the matter in December when she could have called for a vote.

Councilwoman Burnham said she was waiting for him and questioned his politics.

Councilman Whelan said that had nothing to do with the sign ordinance and again noted she could have called for a vote in December. He said she had chosen to wait for the new Council so, he said, they were now going to revisit it and look at it with fresh eyes. He again said he thought it was a good idea for the Attorney to provide the comparison.

Councilman Zipprich agreed that the Committee have looked at the matter with fresh eyes and had found one area that needed to be carved out. He said it had not been carved out and said, if it had, they would not be having this discussion.

Attorney Cipriani noted she could do the analysis whether the ordinance was adopted on First Reading or not.

ORDINANCES – First Reading

2016-03 Mayor Menna read, “Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter 490, Planning and Development Regulations, Pertaining to Signs.”

Councilwoman Burnham offered a motion to adopt the ordinance as amended on first reading, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

Final reading and public hearing to be held March 23, 2016.

Stephen Hecht—135 Branch Avenue—said he had comments on Resolutions 16-57, 16-64 and 16-65. He asked for clarification on the difference between a settlement and a judgement. He said he understood that a settlement was an agreement and a judgement was a decree given by a judge.

Attorney Cipriani said that was generally accurate.

Mr. Hecht asked about Resolution 16-64.

Mayor Menna said it was about Red Bank Crossing and was regarding a judgement by the Tax Court. He said he would defer to the Attorney but said that did not mean there was a trial and it was concerning a settlement.

Attorney Cipriani agreed.

Mr. Hecht asked if it had been contested and, if so, what would that result be called.

Attorney Cipriani said she was not familiar with the specifics of these resolutions because she had not been representing the Borough at that time. She reviewed the procedure for a settlement.

Mayor Menna said everything in the Tax Court was contested. He said someone filed a complaint and the Borough then filed an answer.

Mr. Hecht said he was saying that he did not understand the difference between a judgement and a settlement.

Mayor Menna asked former Attorney O’Hern to come forward and address the question.

Mr. O’Hern explained the procedure for a settlement. He said the settlement was given a blessing by the Court and it was essentially a judgement. He said the first step was that a settlement was reached and a stipulation of settlement was executed between the Borough’s Attorney and the taxpayer’s Attorney. He said it was submitted to a judge and the judge would enter a judgement. He said, once the judgement was entered, it would be sent to the Tax Collector. He said the Tax Collector would then authorize the issuance of the refund or credit.

Mr. Hecht asked what a judgement was.

Mr. O’Hern said the judgement was the Court giving its blessing to the settlement.

Attorney Cipriani added that the Court would reduce the settlement to a judgement. She said the judge would accept the settlement and turn it into a judgement.

Mr. Hecht asked if Resolution 16-57 had become a judgement.

Attorney O'Hern said it had not because the Council had not approved it yet.

Mr. Hecht asked if either a judge or the Council could approve a settlement.

Attorney O'Hern said the Council had to approve it before it went to a judge. He added that, if the council did not approve, the settlement would not be authorized and it could not be submitted.

Mr. Hecht asked if it was true that the matter in Resolution 16-64 had at some previous time been submitted to the Council.

Attorney O'Hern said that was correct. He said the first step was to submit a resolution to the Council so they could authorize the settlement. Once authorized, he continued, the stipulation of settlement would be executed by the Attorneys and submitted to the Court. He said a judgement was then entered.

Mr. Hecht asked if he should be able to find a previous reference in the minutes.

Mr. O'Hern agreed that he should. He also noted that tax appeals were always contested.

Mr. Hecht asked about the amount of money to be refunded in Resolution 16-64 which was \$17,000+. He asked if those assessments had been changed going forward until a revaluation/reassessment. He also asked how it would be funded.

Attorney Cipriani said it would be changed for two years and then would be subject to reassessment. She said it wouldn't necessarily be a revaluation. She said it could be due to changes in the property, etc.

Mr. Hecht asked for confirmation that, if there had been a judgement or settlement, it would apply for two years and then it would be subject to revaluation.

Attorney Cipriani said that was correct and added that, if it had been revalued, the property owner would have the option to file a new appeal.

Mr. Hecht then asked about Resolution number 16-57 with a refund amount of approximately \$29,600. He noted that there was approximately \$47,000 worth of refunds on the agenda. He asked if the assessments would change based on the refund. He reviewed the change in assessments on each resolution and asked if they would last for two years.

Attorney Cipriani said they would.

Mr. Hecht asked about Resolution 16-57 which was a six year settlement.

Mayor Menna noted that Hurricane Sandy occurred during that time and may have affected the valuation.

Mr. Hecht reviewed the details of the settlement and asked if the assessment held until two years from now.

Attorney O'Hern said he wanted to offer a point of clarification. He said Monmouth County was currently in the Assessment Demonstration Program (ADP) so there was no Freeze Act in Monmouth County. He said the assessments went from year to year. He said in regard to appeals settled in 2015, the Assessor had the ability to adjust the settlement in the following year based on market conditions.

Mr. Hecht asked if the Borough had decided if they were going to participate in the program or not.

Mr. O'Hern continued with his explanation by saying the assessments for fixed for the particular years and that was it as of now in Monmouth County.

Attorney Cipriani said the settlement agreement in this particular matter specifically referenced that there was a right to appeal following the years covered by the settlement.

Mr. Hecht asked how the refunds were funded. He noted there was also a resolution on the agenda to rescind a request to pay for tax appeals.

Attorney Cipriani said there as usually an amount budgeted for anticipated tax appeal settlements. She said there was also the ability to transfer funds and also the ability to bond.

Mr. Hecht noted the Borough had bonded for tax appeals in the recent past. He asked how they would be funded going forward.

CFO Poulos said in the upcoming budget they were looking at approximately \$125,000 for anticipated tax appeals. She said the one being considered for \$17,000 had to be issued as a refund because the property had been sold and the refund was owed to the previous owner. She said in other cases, the amount was given as a credit.

Mr. Hecht asked if they had to agree to a credit.

Ms. Poulos said they did but whenever possible they issued a credit. She said the Mayor and Council would be reviewed the ADP program in March to make a decision by April.

Mr. Hecht asked if that would be discussed at a public meeting.

Administrator Sickels said he would be arranging for representatives to attend a public meeting to discuss the pros and cons of the program. He said it would probably be at the first meeting in March.

ORDINANCES – Public Hearing and Final Adoption

None.

RESOLUTIONS

By Consent:

- 16-56 A Resolution in Opposition to Drilling for Oil and Other Fuels off the Coast of the Eastern United States.
- 16-58 A Resolution Adopting a Temporary Capital Budget for 2016.
- 16-59 A Resolution Amending the 2016 Temporary Appropriations.
- 16-60 A Resolution Authorizing Acceptance of Grant Agreement between the Borough and the County of Monmouth, Department of Human Services, Division on Aging, Disabilities and Veterans Services.
- 16-61 A Resolution Honoring 2015 Fire Chief Joseph Lauterwasser.
- 16-62 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by Riverview Medical Center for Block 11, Lots 1 and 2.
- 16-63 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by Riverview Medical Center for Block 9, Lots 32.03, 33 and 34; Block 10, Lots 13.01 and 14.01; and Block 11, Lots 1, 1.01, 2 and 2.01.

Councilwoman Schwabenbauer offered a motion to approve the resolutions, seconded by Councilwoman Burnham.

ROLL CALL:

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

NAYS: None

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

- 16-57 Mayor Menna read, “A Resolution Authorizing Tax Appeal Settlement Regarding Channing P. Irwin, Block 8, Lot 14 and C.P. Irwin Realty Associates, Block 9, Lots 32.01 a/k/a Irwin Yacht Works.”

Councilman Zipprich noted the resolution concerned Channing Irwin and his business. He said he was aware that Mr. Irwin was a supporter of some members of Council and suggested they exercise caution as he may have held a fundraiser or made a donation. He asked, if Mr. Irwin had contributed to campaigns or done fundraising for Red Bank’s republicans, would they be eligible to vote on the resolution.

Attorney Cipriani said generally the answer would be “yes” but said there could be specific circumstances that may alter that. She said generally having a fundraiser or making a donation would not be enough to create a disqualifying conflict but said there could be specific circumstances that could make a difference.

Councilwoman Schwabenbauer thanked Council Zipprich for raising the matter. She asked if the matter could be held until the next meeting so they could be certain of the facts.

Mayor Menna said they could.

Councilwoman Schwabenbauer offered a motion to table the resolution, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

- 16-64 Mayor Menna read, “A Resolution Authorizing Tax Credits/Refunds Totaling \$17,280.80 due to Judgments of the Tax Court of New Jersey.”

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

ROLL CALL:

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

NAYS: None

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

16-65 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$1,153.75 due to Overpayment by Property Owner."

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming February 2016 at Black History/T. Fortune Month in the Borough of Red Bank.

OLD BUSINESS—None.

NEW BUSINESS

Councilman Zipprich reminded everyone that Red Bank Borough Education Foundation was conducting a raffle with the drawing to be held on Friday, May 20th at the Red Bank Primary School's International Night.

AUDIENCE

Carl Colmorgen—67 Oakland Street—said the trash collection service provided by Delisi had been great but asked that they be contact to request that the cans be returned to the curb rather than left in parking spaces.

Councilwoman Burnham suggested they should be returning the cans to where they were left.

Mr. Colmorgen said it was creating a parking issue.

Councilman Zipprich noted Public Works Supervisor Rich Hardy was present and could take the request back to the Public Works Director.

Gary Hanger—Bark Avenue—said he was a business owner with a Financial Planning service on Harding Road and said his family had recently purchase Bark Avenue. He said there was a resolution from the Monmouth County Board of Chosen Freehold to encourage municipalities to stop pet shops from being able to sell puppies or kittens. He said he understood the matter was not on the docket but said he wanted to get ahead of it by introducing himself. He said he encouraged questions and invited Councilmembers to visit his shop. He said there were bad players out there but said there had been tremendous progress made.

Mayor Menna thanked him for his comments and said there had been similar requests in the past. He said the Council had looked at it and decided there was no necessity at that time. He said the Council was concerned about the safety and welfare of the animals. He said they would keep an open mind.

Councilman Whelan said he knew Mr. Hanger, spoke of the quality of the business and pledged his support.

Mayor Menna noted that he and Councilwoman Schwabenbauer had both recently lost their pets.

Councilman Taylor said he was also impressed the operation.

Mr. Hanger spoke of the benefits of visiting the store and the positive effects the animals had on people.

Freddie Boynton—365 Shrewsbury Avenue—said the Mayor had not been at the last meeting and he wanted to update him to let him know that he and a couple of residents had met with Freeholders regarding the crosswalks on Shrewsbury Avenue. He said he had done follow up letters to the Council. He said he was aware that the Borough had moved the staff that used to be in Sanitation over to the Street Department. He asked why the bottom of the catch basins were not getting cleaned.

Mayor Menna asked Administrator Sickels to address the question.

Mr. Sickels said he was not aware that they were not being cleaned. He said he knew that Public Works staff had been going around and cleaning catch basins. He asked Mr. Boynton to give him examples and said he would follow up.

Mr. Boynton gave a specific location where he said the workers were not removing the leaves but were shoving them down into the catch basin. He said the debris was still in the catch basin. He reviewed how he thought the work should be done.

Mr. Sickels said he had had a discussion with the Director earlier in the day regarding catch basin issues. He said he would ask the Director to follow up on the specific basin Mr. Boynton had mentioned.

Mr. Boynton said that was not the only one. He said he felt like nothing was getting done on the west side.

Mr. Sickels said he had seen staff cleaning catch basins on the west side. He said Mr. Boynton's statement was not correct.

Mr. Boynton noted that he had worked for the town and reviewed the procedures that had been in place when he was an employee.

Mr. Sickels said he knew they were doing the work and noted someone had been injured cleaning a catch basin earlier in the day.

Mr. Boynton also criticized the condition of Bridge Avenue and noted the work that had recently been done to replace water pipes.

Mr. Sickels told Mr. Boynton that he was aware that the asphalt businesses were closed so material was not available. He also noted that the trenches have to be given time to settle before they could do the final paving. He said the work was planned.

Mr. Boynton again asked that the road be paved. He said the contract was responsible and the work should be done.

Mr. Sickels said there was a contract to redo the road. He said the sewer work was done and they had to wait for that work to settle before the final paving or there would be dips in the road.

Mr. Boynton asked for the Council to work together to help the town.

PAYMENT OF VOUCHERS

16-66 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$4,552,652.93."

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

16-67 Mayor Menna read a resolution to adjourn to executive session to discuss pending litigation; no formal action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session to discuss pending litigation and municipal property seconded by Councilman Whelan.

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to close executive session meeting, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

Councilman Zipprich offered a motion to close executive session meeting, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi