

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MARCH 9, 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.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**Red Bank Public Schools**

Mayor Menna welcomed the members of the Board of Education that were in attendance and invited Red Bank Public Schools Superintendent Jared Ramage to address the Council.

Mr. Ramage reviewed the events of the past few months regarding the Red Bank Charter School request to expand their school. He expressed his gratitude to the Mayor and Council for their support. He thanked the Community for the outpouring of support.

Mayor Menna thanked the Mr. Ramage and the Board members as well as the parents. He said the Council was grateful for the level of public dialog. He thanked Mr. Ramage for this sensitivity to the issue as a community issue and also for keeping the high ground throughout the process. He also commended his for stating the he would abide by whatever decision was made. He said he felt the decision was a reflection on that very high ground. He said he was grateful to Councilwoman Horgan and the members of the Blue Ribbon Panel for their efforts.

**Parks & Recreation Presentation to Photo Contest Winners**

Councilman Taylor and Parks & Recreation Director Hoffmann announced the winners of the Department's recent photo contest. They presented certificates and gift cards to Lidia Carranza and Jonathan Balanzar as the two winners.

**RiverCenter Budget Presentation**

Director James Scavone handed out a summary of the 2016 budget for the Special Improvement District and reviewed how the assessment was applied. He stressed no tax payer dollars were involved other than those imposed on commercial properties within the RiverCenter district. He said the budget would remain flat as it had since 2009 when it had actually been lowered from the previous year. He reviewed the programs sponsored by the district such as recruitment and marketing. He also announced that Red Bank had been presented an award for the Best Downtown Arts District at the recent New Jersey State Tourism Conference. He reported that, in 2015, RiverCenter had donated over \$30,000 to local charities and planned to continue to do so in 2016.

Councilwoman Burnham asked questions about specifics including the cost of the holiday decorations and suggested they look into other vendors.

Mr. Scavone said they had gone out to bid and the vendor they chose had quoted a price of \$10,000 less than the others.

Councilwoman Burnham asked if the Navesink Garden Club still maintained the flower baskets in the district.

Mr. Scavone confirmed that they did.

Councilman Whelan thanked Mr. Scavone and commended the group's ability to maintain a flat budget as well as their hard work and commitment.

Mr. Scavone noted that the district had also paid almost \$25,000 in Borough fees the previous year.

16-68 Mayor Menna read, "A Resolution Approving the 2016 Budget of the Special Improvement District of the Borough of Red Bank."

Councilman Whelan offered a motion to approve the resolutions, 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.

Councilwoman Burnham said she understood that the district had started in the 1980s but the properties had not been taxed until 2009.

Mr. Scavone disagreed.

Mayor Menna clarified that the district was 25 years old this year and was the oldest in the County. He said the properties in the district had been taxed since the beginning and that the district was self-sustaining and self-funded.

Mr. Scavone said the ordinance enacted in 1991 that established the district clearly laid out the process by which the commercial property owners were assessed.

Councilwoman Burnham asked if the district would consider taking less.

Mr. Scavone said they had done that in 2009 and also noted that decision was up to the Finance Committee and the Board of Directors.

Councilwoman Burnham said she felt it would be easier to get businesses to come to town if the building owners didn't have to pay so much.

Mr. Scavone suggested the Council could also lower their property taxes.

#### **RESUME THE REGULAR ORDER OF BUSINESS**

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

#### **WORKSHOP**

##### **Monmouth County Assessment Demonstration Program (ADP)**

Mayor Menna introduced Cliff Moore from the Monmouth County Board of Taxation and Alex Wirth, a County Assessor. He said they were attending to discuss the Monmouth County Assessment Demonstration Program (ADP) to offer information to the Council so they could make a decision by the end of April. Mr. Moore said Mr. Wirth would be speaking first and said he would also be representing the Monmouth County Assessors' Association.

Mr. Moore introduced himself and Mr. Wirth. Mr. Wirth reviewed his credentials and offered information on opting-out of the program which he said would be regarding annual reassessments only. He explained the need for reassessments and the problems related to infrequent reassessments. He said property taxes and assessments were two separate issues. He said opting out would not preclude the town from being ordered to do a reassessment or revaluation. He reviewed the history of property tax reform and the importance of reassessments. He also explained the benefits of the ADP program including the early tax appeal filing deadline in relationship to budget adoptions and reviewed the role of the local tax assessor. He explained how the assessments were simplified so the average homeowner could understand them and how the margin of error had been reduced from 15 percent to zero.

Mr. Moore reiterated some of Mr. Wirth's comments stressing that the program had nothing to do with taxes. He noted the local assessor would have the ability under the ADP to change an assessment without the need for an appeal. He also repeated the fact that the margin of error had been eliminated where it was formerly 15 percent and under the new system it had to be exact. He reviewed the history of the Board of Taxation and the ADP program and the ability to opt out. He also explained, under the old program, there was something called the "freeze act" which locked in a value set by the tax court for that tax year and the two following years. He noted this was not good if the value went down. He said the assessor could now change the percentage of a neighborhood and that individual property value would change with the neighborhood. He said he felt that was an improvement. He also said the new program had more transparency and was easier to understand. He outlined the problems with the ten year reassessment plans. He also noted that tax appeals were down 24 percent under the new system which had been a goal of the program.

Councilwoman Horgan offered a motion to approve the minutes, 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.

### **MAYORAL APPOINTMENTS**

None.

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

Councilwoman Schwabenbauer reported that the Finance Committee was working on the budget and said it would be presented in the coming weeks.

Councilman Taylor reported on upcoming Parks and Recreation programs including the Couch to 5K, a family trip to Turtleback Zoo and the Easter Egg Hunt. He said the Facebook page was operational and the Borough website was also a good resource. He also noted the Director was available in the office.

Councilman Whelan said there would be Parking Committee meeting the next day. He also reported RiverCenter had held a ribbon cutting event for a new business called Stephy's Place which he said was a support center for grief and loss. He said the Human Relations Advisory Committee had had a great meeting and would be working on an anti-bullying program focusing on cyber-bullying. He also noted the program would include parents.

Councilwoman Horgan reported that the Education/Technology Committee had met and decided on CivicPlus as the new website vendor. She said she expected that contract to be signed soon. She also noted that a Social Media policy had been developed. She also reported that the Library had had security cameras installed inside and out and also noted a new server had been installed at the Department of Public Works. She reported on other planned computer upgrades at Borough Hall and phone upgrades at Public Works. She said the Library was hosting a talk by author Eileen Moon tonight and also noted author Rik Ven Hemmen would be offering a presentation on Wednesday, March 16, regarding a proposal to have Sandy Hook Bay and the Navesink and Shrewsbury rivers named as a national sanctuary.

Councilman Zipprich reported that the Department of Public Works was scheduled to meet the following week and said he had sat in on the Supervisors Meeting earlier in the day. He said the team was motivated and reviewed upcoming "spring cleaning" maintenance that was planned. He said Count Basie Field was ready and noted baseball was already underway. He reported on maintenance work that was being done by the Buildings and Grounds Division. He also said the Director was looking into an improved pot hole repair system and said brush pick up would begin in April. He said street sweeping would start in March and noted the Department was readying for festivals. He said they were also sprucing up the recycling center. He said the engineer was reviewing the specs for roof and siding repair at Borough Hall. He said the Historic Preservation Commission would meet the following Tuesday as would the Shade Tree Committee.

Councilwoman Burnham reported that the Community Garden was ready and noted there would only a few plots left. She said the sign ordinance had been approved by the Planning Board and had agreed that it needed to be tweaked. She said she had been looking into getting a prototype of the illuminated parking signs. She also noted the Parking Moratorium would expire next month and said Council should be thinking about it. She said the Environmental Commission would be celebrating Earth Day on April 23 with a clean-up with details to be announced.

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read requests from Eduardo Montesinos for membership to Westside Hose Company and from Brad Memoli for membership to Navesink Hook and Ladder Company 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.

No one appearing Councilman Zipprich offered a motion to close the public comment portion of the 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.

**ORDINANCES – First Reading**

None.

**ORDINANCES – Public Hearing and Final Adoption**

None.

**RESOLUTIONS**

16-69 Mayor Menna read, “A Resolution Authorizing Agreement with Dynamic Testing Service for Alcohol and Drug Testing Services.”

Councilwoman Horgan 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.

16-70 Mayor Menna read, “A Resolution to Approve the Hiring of Dina Anastasio as Secretary to the Rent Leveling Board.”

Councilwoman Horgan offered a motion to approve 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.

16-71 Mayor Menna read, “A Resolution Amending the 2016 Temporary Appropriations.”

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

**ROLL CALL:**

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

NAYS: None

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

16-72 Mayor Menna read, “A Resolution Awarding a Contract for the 2016 Water Metering System Replacement to National Metering Services, Inc.”

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

**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 March 2016 as Women’s History Month in the Borough of Red Bank. He reported that he had participated in the United Nations march on the previous Saturday to call for an end to violence against women.

**OLD BUSINESS**

Councilwoman Burnham asked about a Request for Proposal being drafted for greater utilization of Marine Park.

Mayor Menna said the Borough Attorney was working on the specs for a greater aquatic use such as a boat in the area.

**NEW BUSINESS**

Councilwoman Burnham said she had been getting phone calls about people riding bikes on sidewalks. She said she had a copy of the ordinance and she called for more police presence on the downtown streets to monitor for various infractions.

Mayor Menna said bicycles on sidewalks had been an ongoing problem. He said the way some other towns deal with it, in an effort to not focus on the economically disadvantaged that did not have vehicles, was to stop the individuals and issue informational cards with the rules and regulations including the requirement for lights at night. He said that way it was not an enforcement action but an educational tool.

Councilwoman Burnham also expressed concern about skateboarders.

### **PAYMENT OF VOUCHERS**

16-73 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$680,009.49.”

Councilwoman Schwabenbauer offered a motion to approve the resolution, 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.

### **AUDIENCE**

Tom Labetti—45 Elm Place—noted that this was the first Council meeting since the decision had been announced on the Charter School expansion application. He reviewed how an approval of the application would have affected his family and thank the Council for their efforts. He said he specifically wanted to thank Mayor Menna for appointing the Blue Ribbon Committee and Councilwoman Horgan for chairing that committee. Secondly, he continued, he said he had attended a meeting at the Library where Police Chief McConnell had spoken and said he had been very proud of how he had represented the Department specifically talking about diversity in the Department and the outreach to the schools that his officers perform on their own. He asked the Council to continue to encourage and support him in that effort.

Ben Forrest—16 Locust Avenue—said he also wanted to speak about the Charter School application. He noted that, even though he was a member of the Board of Education, he was speaking as an individual, not as a Board members. He said he had not been optimistic that the application would be denied and said he felt the Council’s actions had made a difference. He thanked them for getting involved. He said he had also been surprised by how many Charter School parents had been supportive of the Public School District. He noted that other elected officials had been involved but said he felt having the support of the town had been critical. He said he had been upset by the lack of communication and lack of transparency by the Charter School. He said he felt they had handled the situation badly.

Fred Boynton—365 Shrewsbury Avenue—said he had received reports of lack of lights in Marine Park. He express concern about safety.

Mayor Menna said they would follow up on the issue.

Administrator Sickels said he believed they had been repaired but said he would look into it.

Mr. Boynton said he was aware of a temporary worker who had used a Borough vehicle to go to the doctor.

Mr. Sickels asked for details and said he would look into it.

Mayor Menna said it was a personnel matter.

Mr. Boynton also said reviewed a specific incident where he felt his cousin had been targeted by the police. He criticized the way the situation had been handled. He said the Chief had responded. Mr. Boynton said his cousin had filed a report on the incident and listed Mr. Boynton as a witness but Mr. Boynton said he had never been contacted.

Councilman and Police Commissioner Whelan said he had been advised of the incident and assured Mr. Boynton that it was an ongoing investigation.

Mr. Boynton said he would be sending a letter to the Monmouth County Prosecutor’s Office and to the US Attorney. He called for someone to oversee the new officers.

Mayor Menna said they would look into it.

Mr. Boynton also criticized the condition of Public Works trucks including lights being out and the lack of mud flaps. He questioned the work of the Borough mechanics and said it could be an OSHA violation. Mr. Boynton also asked about the status of repaving Bridge Avenue.

Mr. Sickels said the contractor that did the work would be coming back to complete the project.

Mayor Menna asked Mr. Sickels to follow up on a date.

Councilman Zipprich pointed out that each Public Works drivers was responsible for doing a safety check on their vehicle before leaving the lot. He said there were members of the DPW staff present and he said he would ask them to bring this information back to the Director the next day.

Mr. Boynton noted he had worked in the Department and said the sheets that they completed did not get any results.

John Bowers—866 Route 34, Colts Neck—presented an architectural plan for the former firehouse located on White Street. He noted the cost of improvements and the amount to be generated by taxes after the suggested improvements. He said parking was an issue because the plan would require 36 parking spaces and said the property would not be able to provide any. He said he was attending this meeting to tress the

need for a 500 space parking garage on the street. He reviewed the benefits of a garage including the increased assessment. He said he had an idea of how to build a garage at no cost to the residents.

Mayor Menna thanked him for his presentation and assured him that Councilman Whelan, as chair of the Parking Committee was actively looking that issue and said Mr. Bowers comments had not been unheard.

#### **EXECUTIVE SESSION**

16-74 Mayor Menna read a resolution to adjourn to executive session to discuss pending litigation and personnel; no formal action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session to discuss litigation and personnel, 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 Horgan.

ROLL CALL:

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

NAYS: None

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

#### **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.

16-75 A Resolution Appointing GluckWalrath as Special Counsel for the Borough for Redevelopment and Related Affordable Housing Matters.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

ABSTAIN: Zipprich

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

#### **ADJOURNMENT**

Councilman Zipprich offered a motion to close executive session meeting, 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.

Respectfully submitted,

Pamela Borghi