

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 10, 2016
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Whelan (joined by phone at 6:31pm)

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.

Councilman Whelan joined the meeting by phone 6:31 p.m.

WORKSHOP

Monmouth County Open Space Grant

Mayor Menna asked Councilman Taylor to report on a proposed application to Monmouth County for an Open Space Grant.

Councilman Taylor noted the application would be a second application for Count Basie Park and Eastside Park. He explained that a previous grant had been approved for a project that included both parks. He said the deadline for the grant was mid-September so they were under a time crunch. He said Borough Officials had met with a representative of the County to discuss the application which would provide for structures at both parks to provide shade and shelter from other elements. He reviewed details of the plan.

Councilwoman Burnham asked about the materials to be used.

Administrator Sickels offered more specific details about the proposed structures which he said would include seating.

Councilwoman Burnham asked if it would be a matching grant.

Councilman Taylor and Administrator Sickels both confirmed that it was. Mr. Sickels also noted that it would include ADA accessible picnic tables near Mohawk Pond.

Councilwoman Burnham asked if they would be ripping up the blacktop at Mohawk Pond.

Mr. Sickels said he expected the Borough would apply for funding to do that work under the next round of the CDBG grant.

Councilwoman Burnham said she thought that was being used for the access road to the Primary School.

Mr. Sickels said that was the current round. He said he was talking about the next round of funding.

Councilman Taylor spoke about the need for shade and discussed the Summer Camp program that had kids at the field with lack of shaded areas for hot days. He also talked about the need to have a shelter from the elements at various games.

Councilman Zipprich asked about the location of one of the shelters that was next to a restroom building.

Mr. Sickels said they had noticed the same thing and said the third structure would be moved to a different location in the park.

Councilwoman Burnham said she had concerns about the restroom structure near Mechanic Street.

Administrator Sickels noted there were currently Porta Johns in the park and also noted that that structure was part of a previously approved application and that the project was already in the works.

APPROVAL OF MINUTES – July 27, 2016

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

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.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer had no report.

Councilman Taylor reported on the Parks and Recreation Summer Series program which included Movies in the Park, Fitness in the Park and Jazz in the Park. He said the Recreation Department would be hosting a “Concert for the Kids” in Riverside Gardens Park on September 17 to raise funds for a scholarship fund for Recreation programs. He said they were also planning an art show called “Arts in the Park” on September 24.

Mayor Menna said the Riverside Gardens vendor was a hit.

Councilman Taylor agreed that it had been successful.

Councilman Whelan had no report.

Councilwoman Horgan reported that the Red Bank Borough Education Foundation would be hosting a fundraiser on September 30 which was a Casino Night. She said it would be held at the Red Bank Elks Club and said they were currently looking for sponsors. She gave information on how to obtain tickets. She said the proceeds would fund the school’s STEAM program.

Councilman Zipprich thanked the Director of Public Utilities and his staff for their efforts to maintain Borough properties after the various events that had been held over the summer. He said the Streets Team and the Building and Grounds team had been working hard and also noted the new street sweeper had been out keeping the town tidy. He said the meter replacement project was progressing and thanked IT Director Fagliarone for his efforts. He said commercial installations would start in the next two weeks and residences would follow. He thanked DPW Director Keen for his efforts on the project. He said the next DPU Committee meeting would be on the 24th. He thanked Councilwoman Horgan for reporting on the T. Thomas Fortune House and discussed the pending project for the property.

Councilman Burnham reported that she, the Mayor and Administrator Sickels had attended the Two River Council of Mayors meeting along with representatives from other surrounding towns. She said they had seen a presentation from the representative from the DEP about their findings regarding testing for pollution in the Navesink River. She reviewed details from the presentation including the fact that the waters had been deemed safe for recreational use and that fish and crabs were safe to eat. She said shellfish such as mussels, clams and oysters should not be eaten. She said the presentation would be shown again on August 11th in Rumson. She reported that the Navesink River Municipalities Committee meets on the third Wednesday of each month and invited people to get involved. She also said she was reviewing a water ordinance from Shrewsbury and reported that children from the Parks and Recreation Summer program had visited the Community Garden.

Mayor Menna reported on an event that honored Dr. Eugene Cheslock and also served as a tribute to the Parker family.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request to close Leighton Avenue from Locust Avenue to Herbert Street on Saturday, September 3, 2016 from 4 to 10PM for neighborhood BBQ. Approved by Special Events Committee

Councilman Zipprich offered a motion to approve the request, 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.

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

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

No one appearing, Councilwoman Schwabenbauer offered a motion to close the public comment portion, 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.

ORDINANCES – First Reading

2016-16 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter VII, "Traffic," § 7-10.1. “No Left Turn Prohibition” of Revised General Ordinances of the Borough of Red Bank.”

Councilman Taylor offered a motion to adopt the ordinance 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.

Councilwoman Horgan said she was concerned because people were always making left turns at the location cited and she called for enforcement.

Mayor Menna said the ordinance would prohibit left turns.

Councilman Taylor said the ordinance needed to be on the books before they could enforce it.

Councilman Zipprich as about a speed table.

Administrator Sickels said they were for the design for the engineer.

Final reading and public hearing to be held August 24, 2016.

ORDINANCES – Public Hearing and Final Adoption

2016-12 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter III, Police Regulations, Section 3-9.12 ‘Noise Disturbances.’”

Mayor Menna opened the public hearing and asked if anyone would like to speak.

William Doler—18 Broad Street—said he was having an ongoing problem with noise ordinance violations by Gotham. He said there seemed to be some confusion about the ordinance and who should be enforcing.

Mayor Menna clarified that Code Enforcement could enforce during their business hours and complaints after hours should be addressed by the Police Department.

Administrator Sickels noted that the ordinance before the Council would eliminate a paragraph that the Municipal Court Judge had said he felt was ambiguous. He said it would also clearly define the time that the businesses would have to stop outdoor transmission of music and close their windows and doors.

Mr. Doler asked about the definition of excessive noise.

Mayor Menna deferred to the Borough Attorney.

Attorney Cipriani said there was no decibel level but reviewed case law. She said it was an enforcement issue for the court to review and noted the need to document the noise level by recording.

Anthony Barbera—22-24 W. Front Street—said he disagreed. He questioned individuals who moved into an area that had that type of business. He said they should have been aware of the issue. He said those who move to a downtown area should expect some noise. He criticized the previous speaker and references a pending court matter.

Attorney Cipriani cautioned the Council not to comment on the pending court matter.

Councilman Taylor clarified that the ordinance represented a compromise. He said it would remove the ambiguity and would extend the hours on weekends.

Councilman Zipprich expressed concern for the residents.

James Scavone—RiverCenter--said it was a good compromise. He said there was a need to attract businesses and compete with neighboring towns. He said their goal was to keep businesses vibrant and alive.

No one else appearing, Councilman Taylor offered a motion to close the public hearing, 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.

Councilwoman Horgan offered a motion to adopt the ordinance on final reading, 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.

2016-15 Mayor Menna read, “Bonds Ordinance Amending Bond Ordinance Number 2013-15 finally adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on July 11, 2013, as amended by Bond Ordinance Number 2015-14 finally adopted on April 22, 2015.”

Mayor Menna opened the public hearing and asked if anyone would like to speak.

Thomas Curtis—62 Windward Way—asked about the tennis court restoration.

Councilman Taylor—said the scope and cost of the project had changed. He said the committee had decided to step back and look at the park holistically. He said they were addressing security and safety issues.

Mr. Curtis said the ordinance would appropriate almost \$1 million and asked what it would be going for.

Mayor Menna said the bond would also cover repairs at Borough Hall.

Mr. Curtis said there was still a donor that was willing to put up \$500,000 toward the cause.

Mayor Menna said the ordinance was covering structural repairs for whatever was ultimately done there.

Mr. Curtis asked if there would be future opportunities to comment.

Mayor Menna said there absolutely would be. He said once the committee made a recommendation, the matter would be advertised because he knew there was a lot of public interest.

Councilman Zipprich noted that they were repairing fallout from Hurricane Sandy and noted that a good deal of the infrastructure at Marine Park still had not been replaced.

No one else appearing, Councilman Taylor offered a motion to close the public hearing, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

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

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Schwabenbauer.

Councilwoman Burnham reviewed the 2014 Bond Ordinance and its content. She said she understood prices had increased and reviewed the language of the current Bond Ordinance. She questioned the cost of a new flag pole rather than painting the existing. She also questioned the inclusion of a reference to the tennis court and fence and said she felt the Borough would be committing to those items.

Administrator Sickels clarified that there was a retaining wall that needed to be repaired and said the fence was being installed as part of that retaining wall. He said it would not negate nor enforce moving forward with the tennis courts.

Councilwoman Burnham again questioned the commitment to the tennis court restoration.

Mr. Sickels said the work was not included in the bid that was put out.

Councilwoman Burnham again noted the reference to the tennis court restoration.

Both Administrator Sickels and Councilman Taylor confirmed that that was referring to the retaining wall adjacent to the tennis court area. Mr. Sickels again noted that the scope of work in the bid did not include the tennis courts. He also reviewed the Borough Hall repairs that were included and noted that the bids had come back higher than the estimates which was why they needed to amend the bond.

Councilwoman Burnham questioned the expense of large projects and matching grants and said she felt that they were raising taxes in the Borough.

Mayor Menna said it was a logical public policy discussion and noted that that was what the people on the Council were elected to do. He said any of them were able to vote “no.”

Councilwoman Burnham asked how much of the \$1.084 million was going to Marine Park and noted that the ordinance said “various improvements to various parks.”

Mr. Sickels said the amendment would add \$495,000 toward Marine Park and \$220,000 to repairs at Borough Hall. He noted that money had already been spent for temporary measures to restore some lighting and sewer lift equipment. He also pointed out that some of the expense would be offset with mitigation grants.

Councilman Zipprich confirmed adding that, once the work was done, the Borough would be receiving FEMA funds to recover losses from Superstorm Sandy. He discussed the importance of maintaining the parks and noted Councilman Taylor had been working diligently to look at the project as a whole.

Mr. Sickels also noted that amended applications would have to be submitted to FEMA because the actual costs exceeded the estimated costs.

Councilwoman Burnham said she was looking at FEMA document and noted the Borough had been paid \$57,215. She asked what had been done with those funds.

Mr. Sickels said that was used to replace the grandstand that had been damaged.

Councilwoman Burnham also asked about \$14,502.

Mr. Sickels said he was not familiar with what she was reading from.

Councilwoman Burnham said she was reading from the “FEMA pages.”

Mr. Sickels said he had had discussions with Councilwoman Burnham earlier in the week and none of these questions had been raised. He said he did not have the documents she was reading from so was not prepared to answer.

Councilwoman Burnham said she felt if they were not going to restore the tennis courts, it should not be in the ordinance. She said she did not feel she could vote for it.

Councilman Taylor said the ordinance had nothing to do with that and again noted that it had to do with the infrastructure and structural improvements to Borough Hall.

Councilman Zipprich offered a recap. He said the Council had adopted the original Bond Ordinance and had gone out to bid for the work. He said it was going to cost more than originally projected. He said the ordinance before them would modify the amount they needed and stressed the need to get the work done before the bad weather arrived.

Councilman Taylor thanked Councilman Zipprich and the matter had been an issue since 2013.

Mayor Menna called for a vote.

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

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

RESOLUTIONS

16-209 Mayor Menna read, “A Resolution Authorizing Tax Credits/Refunds Totaling \$9,636.86 due to Judgment of the Tax Courts of New Jersey.”

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.

16-210 Mayor Menna read, “A Resolution Authorizing Tax Refund Totaling \$2,710.63 due to Wrongly Applied Payment.”

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.

16-211 Mayor Menna read, “A Resolution Authorizing Tax Credits/Refunds Totaling \$7,789.92 due to Judgment of the Tax Court of New Jersey.”

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.

16-212 Mayor Menna read, “A Resolution Authorizing Escrow Account (55 West Front Street).”

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

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Zipprich, Horgan

There being three ayes and three nays, Mayor Menna voted in the affirmative and the motion was declared approved. He explained that it was money coming into the Borough for work that the Council had already authorized.

Councilwoman Horgan asked if the developer would be paying the \$13,000.

Mayor Menna confirmed that he would.

Councilwoman Horgan asked if the Borough would be paying any part of it.

Mayor Menna said it would not. He said that was the point of the resolution.

Councilwoman Horgan said she was opposed the whole project.

16-213 Mayor Menna read, "A Resolution Appointing CME Associates as Professional Planners to Provide Redevelopment Planning Services for White Street Parking Lot, Block 31, Lot 2.01."

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

Councilwoman Burnham asked if the Borough had a contract with CME.

Mayor Menna said they did.

Councilwoman Burnham said she thought that was important. She also noted that the Borough had authorized an agreement with RiverCenter for them to cover half of the costs and asked if the Borough had received that.

Mayor Menna said it was a Memorandum of Understanding and asked Attorney Cipriani if she had received it.

Attorney Cipriani said she did not have it back but confirmed that it had been authorized and said the Planning Services referenced in the resolution would fall within the scope of the agreement.

Councilwoman Burnham said they had not agreed yet because they had not signed it.

Attorney Cipriani asked if the Clerk had received it noting that it would not have been returned to the Attorney.

Borough Clerk Borghi said she had not received the document.

Councilwoman Burnham said she felt they should not move forward until the agreement was executed.

Mayor Menna said RiverCenter had been clamoring for a garage and he said he did not understand why the agreement was not back.

RiverCenter Director James Scavone came forward and stated that he had email the Mayor with some concerns approximately a month prior but had not heard back.

Mayor Menna said he had called his back and told him his request had been unacceptable.

Mr. Scavone said that RiverCenter had not signed the Memorandum of Understanding because they had asked for a guarantee that the garage would be built. He said they understood the Borough could not give a guarantee so had asked that if, after two years, the garage construction had not begun that RiverCenter would get their money back. He said they were waiting for an answer on that.

Councilwoman Burnham offered a motion to table the resolution until a signed agreement was received, seconded by Councilwoman Horgan.

Councilman Whelan said he felt there was no point in tabling the CME appointment. He noted they had done the scoping report and said the appointment made perfect sense.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan

NAYS: Schwabenbauer, Taylor, Whelan

There being three ayes and three nays, Mayor Menna voted in the negative and the motion was declared denied.

Attorney Cipriani said the motion to table had failed so Councilwoman Schwabenbauer's original motion to approve was before them

Councilwoman Horgan said she felt there were a lot of issues that weren't explicit in the resolution.

Councilman Taylor said it was just an appointment.

Councilwoman Horgan said she felt something wasn't kosher and that they were undermining the Zoning Board's decision.

Mayor Menna said that had nothing to do with the Parking Lot.

Councilman Zipprich said he felt the matter was being fast tracked. He said he also felt it usurped the Zoning Board's decision as it applied to 55 West Front Street.

Councilman Whelan again noted that this resolution was regarding the White Street Parking Lot. He noted that the matter had been before the Council, referred the Planning Board and then back to the Council. He said this was just to appoint CME how had done all of the foot work. He said it made sense to keep them on.

Councilwoman Burnham agreed but again stressed that she felt they should wait for a signed agreement from RiverCenter to cover up to \$40,000 of the costs. She said without the agreement the cost would fall on the tax payers.

Councilman Whelan said they were not voting to pay CME today but were just picking that firm to move the project along. He said he felt it was silly to wait another two weeks when everyone was on board.

Councilwoman Horgan questioned the haste and said many people felt they did not want a parking garage there.

Councilman Whelan said they were thinking too many steps ahead. He said if they were against a garage then they should vote "no" on that.

Councilwoman Burnham again expressed concern about the tax payers paying the \$80,000.

Administrator Sickels clarified that the funding would be coming from the Parking Utility, not tax revenue.

Councilwoman Burnham said that RiverCenter had offered to pay half and, since they were still in negotiations on the agreement, she felt the matter should be tabled.

Councilman Whelan said he was aware of the negotiations and had been present for all of them.

Mr. Sickels said this was the next step in the procedure that the Council had already authorized.

Mayor Menna said this was a follow up on the scoping report from the previous year.

Mr. Sickels noted that the resolution was to authorize an amount not to exceed \$6,500 to develop a concept for the Council's consideration.

Mayor Menna called for a vote.

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Zipprich, Horgan

There being three ayes and three nays, Mayor Menna voted in the affirmative and the motion was declared approved.

16-214 Mayor Menna read, "A Resolution Appointing CME as Professional Planners to Provide Redevelopment Planning Services for 55 West Front Street, Block 30, Lot 10.01."

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

Councilwoman Burnham said she had voted "no" previously because she felt the property did not meet the criteria for an area in need of redevelopment. She said it was privately owned and said they could have moved forward with the first plan but hadn't. She said she would vote "no."

Councilman Taylor said he wanted to point out that Planning Director Carter had agreed that the property had been properly designated as an area in need.

Councilwoman Burnham disagreed and said he had not.

Administrator Sickels said Mr. Carter had prepared the resolution.

Councilman Whelan asked for confirmation that the resolution would appoint CME but that the costs would go under the developer's escrow.

Mr. Sickels said that was correct and noted that the Council had passed the resolution before to accept the funds.

Councilman Whelan questioned the fact that some Councilmembers had voted "no" to take "free money" and was again voting "no" on a service that would not be paid for by the Borough.

Councilwoman Burnham said she did not like the fact that the property was even considered for redevelopment.

Councilman Whelan said he understood that but again logic of her position.

Councilman Zipprich said he wanted to go on record as saying that the case "reeked" of spot zoning. He said he felt it opened up a huge liability for the Borough. He said he had had calls from other developers asking for similar treatment on projects that had either been denied or were on the table.

Councilwoman Horgan said she agreed and felt it was undermining the authority of the Zoning Board.

Councilman Taylor noted that the resolution would just be appointing a professional to do a job. He said it did not have to do with the project as a whole. He said "that ship has frankly sailed" and said the Council had already voted on it. He said the Council had taken action and this was the next logical step.

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Zipprich, Horgan

There being three ayes and three nays, Mayor Menna voted in the affirmative and the motion was declared approved.

16-215 Mayor Menna read, "A Resolution Authorizing the Release of Performance Guarantees for Home and Land Development, Block 82, Lot 17; Block 83, Lots 5, 6.01, and 6.02."

Councilwoman Schwabenbauer offered to a motion 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.

16-216 Mayor Menna read, "A Resolution Authorizing the Public Sale of Land Located at 32 Mechanic Street Owned by the Borough of Red Bank through a Public Sealed Bid Process."

Councilwoman Schwabenbauer offered to a motion approve the resolution, 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.

16-217 Mayor Menna read, "A Resolution Authorizing Application to the Monmouth County Open Space Trust Fund for a Grant to Fund Improvements at Count Basie Park and at Eastside Park."

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

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

16-218 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,059,144.70."

Councilman Schwabenbauer offered 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.

OLD BUSINESS

NEW BUSINESS

Councilman Whelan left the meeting at 7:40 p.m.

AUDIENCE

Jimmy Dark—48 West Sunset Avenue—asked if a new street sweeper had been purchased.

Councilman Zipprich confirmed that it had.

Mr. Dark said he had not seen it in a couple of weeks.

Councilman Zipprich said he knew that it was in service and suggested Mr. Dark contact Public Works Director Keen to get information on the Zone schedule.

Mr. Dark said he had not seen it on the west side of town and he wanted to bring it the Council's attention.

Councilman Taylor confirmed that he had seen the street sweeper on the west side.

Councilman Zipprich said the old street sweeper had broken down and said, when the new street sweeper had come in, Mr. Keen had put it into service immediately.

Mr. Dark asked about the new water meters being installed and asked if lead issues had been addressed.

Mayor Menna said the new meters were consistent with applicable all federal and state regulations and free of any contaminants.

Mr. Dark asked about reports of lead at schools.

Administrator Sickels said the Borough tests its water for lead and has been told by the Department of Environmental Protect that they don't have to test as frequently because, for years, the lead count had been minimal.

Mr. Dark said the water tasted differently Tinton Falls that it did in Red Bank.

Councilman Taylor said that could be attributed to the fact that Red Bank had its own water system.

Mr. Dark said he thought the water should be checked.

Councilman Taylor suggested Mr. Dark check with Tinton Falls because Red Bank's water was tested regularly.

Councilwoman Burnham asked if Red Bank added fluoride to the water.

Administrator Sickels said they did not. He also noted the Red Bank bought water from New Jersey American Water during the winter months.

Mr. Dark said he did not have a computer and asked where the public could get the information. He also asked Mayor Menna about getting “slow down” signs for the west side of town. He said they were needed in the area of Shrewsbury Avenue.

Councilman Taylor noted Shrewsbury Avenue was a county road.

Mr. Dark again asked for signs.

Mayor Menna called for more enforcement but said signs could be installed. He said he had also been inquiring about getting four way stops installed.

Ben Forrest—16 Locust Avenue—asked if the Borough was building a Parking Garage.

Mayor Menna suggest he read the Scoping Report that had been done two years ago which was available on line.

Councilwoman Burnham said the Planning Board had done an investigation and declared the White Street Parking Lot a redevelopment area.

Attorney Cipriani clarified that the Planning Board had already made the recommendation to declare the area in need of redevelopment and said the Council had already declared it as such. She said tonight’s actions were the next step which was to have a redevelopment plan created which would then be presented to the Council and discussed publicly. She said it was contemplated at this point that the plan would include a parking garage but noted the specifics would be presented and discussed.

Mayor Menna said nothing was concrete and added that, if there was not interest or support from the business community, the Council would not move forward.

James Scavone—Executive Director of RiverCenter—said he wanted to set the record straight. He said the business community was 100 percent behind a garage and had made that very clear. He said they were committed to supporting the next step and had been asked by the Council to pay \$40,000 which was half of the cost. He said they had met with Mayor Menna in 2015 and said he had stated that he did not think it would be a problem to get some type of guarantee. Subsequent to that, he continued, the two Memorandums of Understanding that they had received had not addressed that. He said he understood that the Council couldn’t tell them for sure that there would be a garage. He said the question was that, if construction on a garage was not started in two years, would it be possible for RiverCenter to get the \$40,000 back. He said they had been at the table many times in the past 25 years and every time it had come down to the finish line, it hadn’t happened. He said they had to answer to their constituents who questions whether it was prudent of them to spend \$40,000 on a project that may not happen. He said he was not saying that, if the answer was that they could not get the money back, they would not sign the Memorandum of Understanding. He said they waiting for an answer so they could discuss it with their board.

Rose Sestito—190 River Street—thanked the Council and said there was a definite need for shaded areas at the park. She reviewed her personal experience as a Summer Camp staff member and again stressed the need.

Councilwoman Burnham asked if they had tents.

Ms. Sestito said they did have tents but one had been blown away last week and they were not going to replace it. She said there were 150 people there per day and they could not fit that many people under a tent. She also agreed that there was a need for the left turn prohibition out of the parking lot and called for better definition of the exit.

Councilman Taylor said the committee had made that decision to alleviate traffic and install a second means of egress and the exit had originally had had a more pronounced curve to the right. He said, unfortunately, a fire hydrant and utility pole in the area didn’t match the rendering they had been provided with. He said that was why they had drafted the ordinance with the left turn prohibition to provide for enforcement.

Robert Ender—332 Broad Street—said he wanted to inquire about a postponed RFP that had come up on July 18. He said the web site stated that it was for the lease of certain areas within Marine Park Council and asked what areas those were.

Administrator Sickels said it was to put a boat on the water front. He said questions had been raised during the bidding process and they were being reviewed with the Parks and Recreation Committee. He said they would be making a decision on whether or not to go back out for another RFP.

Freddie Boynton—365 Shrewsbury Avenue—said something had to be done with the bushes around Mohawk Pond.

Mayor Menna said he thought that was underway.

Mr. Sickels said there were improvements underway. He said they had looked at it the other day had had found the work was more extensive than had been anticipated. He said there were phragmites present and undermining so it would take another project to get it done.

Mayor Menna said he felt the crux of the issue was that fishermen needed access and he said they need to conduct normal maintenance to allow people to enjoy the pond.

Mr. Boynton said it was dangerous and said it should be trimmed down.

EXECUTIVE SESSION

16-219 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiations and property acquisition; formal action to be taken.

Councilman Taylor offered a motion to adjourn to executive session, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Taylor

NAYS: None

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

Councilman Zipprich offered a motion to adjourn from executive session, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Taylor

NAYS: None

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

RESOLUTIONS

16-220 Mayor Menna read, "A Resolution Requesting Approval of the Division of Local Government to Establish a Dedicated Trust by Rider for Red Bank Affordable Housing Funds."

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Taylor

NAYS: None

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

ADJOURNMENT

Councilwoman Schwabenbauer offered a motion to adjourn the meeting, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Taylor

NAYS: None

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

Respectfully submitted,

Pamela Borghi