

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 23, 2015
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney O'Hern and Engineer Ballard.

ABSENT: Council Members Lee and DuPont.

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 4, 2015.

WORKSHOP

APPROVAL OF MINUTES – November 9, 2015

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna appointed Charles Nickerson to Historic Preservation Commission as a full member to an unexpired three year term expiring 12/31/2016 and Christopher Fabricant to Historic Preservation Commission as Alternate #1 to an unexpired three year term expiring 12/31/2015.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Burnham reported that there were nine new white parking meters for 15 minute parking and reviewed their locations.

Councilman Zipprich clarified that the intention was to offer convenience for shoppers.

Councilwoman Burnham also reported that she was a member of the Friends of the Library and said the group raised money to provide finance support to the library. She reviewed some of the programs the group had helped finance. She said the group had recently received an award and said Councilwoman Horgan would be offering more details in her report as Council Liaison to the Library.

Councilwoman Horgan reported that the Friends of the Library has received an award from the Libraries of Middlesex Automation Consortium. She said the award ceremony would be held on December 3 in Edison. She credited Library Director Elizabeth McDermott who she said had written a beautiful nomination letter emphasizing what the Friends had done to increase the Library's visibility in the community. She explained that the purpose of the consortium including operating a shared automation system. She also reported that the second annual Library appeal had gone out to residents and noted the Strategic Planning Committee was reviewing the results of a recent survey. She said an Introduction to Coding class for 10 to 14 year olds would take place at the Library on December 10. She also noted there was a resolution on this agenda to approve a Request for Proposals for a new website which she said they hoped to have in place in early 2016.

Councilwoman Schwabenbauer reported that the next meeting of the Council Parks and Recreation Committee would be held on November 30. She said the next public meeting of the Parks and Recreation Committee would be December 10.

Councilman Zipprich reported that there would be no trash pickup on Thursday, Thanksgiving Day. He said the Historic Preservation Commission would meet the following week and thanked the new appointees for

volunteering their time. He said the Shade Tree Committee had met the previous Thursday and was working on a spring planting schedule. He reported that the Department of Public Works Committee had met on the 10th to review the final candidates for Department Director. He said the Committee was looking forward to an appointment being made at this meeting. He noted that the recommended candidate was a Certified Public Works manager and also held licenses for CFO and QPA. He also reported that he attended the League of Municipalities Conference in Atlantic City and had attended a session on Business Improvement District and participated in a discussion on BIDs and SIDs and how they helped to attract business development. He said he had also attended the JIF class for elected officials. He reported that he had also attended a conference in Las Vegas for LGBT Leaders to discuss the evolving role of Municipal Government in an ever evolving economic climate worldwide.

COMMUNICATIONS AND PETITIONS

None.

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Mayor Menna noted that there would be a change to the agenda and an addition to the Executive Session agenda to include a discussion on Ordinance 2015-31 so members of the Council could be greater advised because it dealt with land issues. He said the Ordinance would be acted on after the Council returned from Executive Session.

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

No one appearing, Councilman Zipprich made a motion to close the public comment, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

ORDINANCES – First Reading

2015-29 Mayor Menna read, “An Ordinance of the Borough of Red Bank, Monmouth County, Amending Chapter XX "Water and Sewer", Sections 20-3 "Water Department" and 20-4 "Sewer Department" of the Revised General Ordinances of the Borough of Red Bank.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

Public hearing and final adoption to be held December 16, 2015.

2015-30 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter VII, "Traffic", Section 7-10.1. “No Left Turn Prohibition” of Revised General Ordinance of the Borough of Red Bank.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

Public hearing and final adoption to be held December 16, 2015.

2015-32 Mayor Menna read, “An Ordinance Making the Provision of Subtitle 1 of Title 39 Pursuant to N.J.S.A. 39:5A-1 of the Revised Statutes of New Jersey Applicable to the Riverview Medical Center.”

Councilwoman Horgan offered a motion to approve the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

Public hearing and final adoption to be held December 16, 2015.

ORDINANCES – Public Hearing and Final Adoption

2015-28 Mayor Menna read, “Ordinance Amending and Supplementing Chapter XIX, “Streets, Sidewalks and Sanitation”, Section 19-10 “Solid Waste Collection”, of the Revised General Ordinances of the Borough of Red Bank.”

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

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

RESOLUTIONS

By Consent Agenda

- 15-291 A Resolution Authorizing Tax Credits Totaling \$8,828.19 due to Over Payments by Property Owners.
- 15-292 A Resolution of Concurrence Supporting the Installation of Mid-Block Crosswalk on State Highway 35 Between West Front Street and Allen Place.
- 15-293 A Resolution to Approve the Hiring of Temporary Part Time Court Clerk.
- 15-294 A Resolution Accepting Bid From and Awarding Contract to Compass Construction Inc. for the North Prospect Avenue and Library Bulkhead Replacement Project.
- 15-295 A Resolution Accepting Bid From and Awarding Contract to Electro Maintenance Inc. for the Supply and Installation of FEMA Backup Emergency Generators.
- 15-296 A Resolution Authorizing the Advertisement for Requests for Proposals for Website Development, Hosting and Resident Notification System.
- 15-297 A Resolution Providing for the Combination of Certain Issues of Not Exceeding \$11,383,563 General Obligation Bonds, Series 2015 of the Borough of Red Bank, in the County of Monmouth, State of New Jersey, Determining the Form and Other Details of Such Bonds, and Providing for the Sale of Such Bonds to the Monmouth County Improvement Authority Pursuant to the Authority’s 2015 Pooled Governmental Loan Program.
- 15-298 A Resolution Authorizing Change Order No. 5 Related to the Contract with Black Rock Enterprises, LLC for the 2014 Road Improvement Program.
- 15-299 A Resolution Authorizing Change Order No. 1 Related to the Contract with Lucas Construction Group Inc. for the 2015 Road Improvement Program.
- 15-300 A Resolution Authorizing the Borough Engineer to Prepare Design Plans for the Emergency Back Up Well at Chestnut Street.

Councilwoman Schwabenbauer said she had questions about 15-300. She asked if the funding had been included in the budget.

CFO Poulos explained how it would be funded.

Councilwoman Schwabenbauer said she would like a better understanding of the project and it’s funding before voting on it.

Engineer Ballard reviewed the timeline for completion of the project.

Administrator Sickels clarified that there was deadline to apply for funding.

CFO Poulos added that the benefit of the funding was the fact that it offered the possibility of a forgiveness loan.

Mayor Menna summarized that urgency was in regard to qualifying for funding from the State.

Councilwoman Schwabenbauer said she would be more comfortable with more time to review the details. She said she was confident that it was well thought out and she was comfortable that CFO Poulos and Engineer Ballard knew what they were doing.

Mayor Menna asked if the timing would be impacted if they carried the matter to the next Council meeting.

Engineer Ballard explained that the ranking for the principle forgiveness loan would occur in January and said the plans should be submitted in December. She said they wanted shovel ready plans for top ranking. She said if not submitted in January, the application could go to the bottom of the list.

CFO Poulos added that the design was the only expense that the State would allow the municipality to incur before the award.

Mayor Menna called for a Special Meeting the following Monday at 6:30 pm for the sole purpose of acting on this resolution.

A discussion followed on the need for the project and the deadlines.

Mayor Menna called for a motion to carry resolution 15-300 “A Resolution Authorizing the Borough Engineer to Prepare Design Plans for the Emergency Back Up Well at Chestnut Street” to Monday, November 30, 2015 at 6:30 pm.

Councilwoman Schwabenbauer offered a motion to carry the resolution, Councilwoman Burnham seconded.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

Councilman Zipprich offered a motion to approve resolutions 15-291 through 15-299, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

15-301 Mayor Menna read, “A Resolution Rejecting All Requests for Proposals for the Marine Park Green Acres Development Concepts and Lease.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

15-302 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,690,945.73.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

William Meyer—12 Monmouth Street—said he wanted to applaud Councilwoman Schwabenbauer for looking into the matter. He said he would like to see more details in the items on the agenda including costs and whether or not there had been bids. He said he had recently looked at Bellhaven soft costs and said \$72,000 had been paid out. He said he felt it was wasted money which he said was upsetting. He also said he noticed that the Ordinance regarding water charges included a significant increase if one had over a three-inch water main. He said he felt it should be linked to the amount of water that was being used. He reviewed his personal issues at having to install

a four-inch water main after putting sprinklers in his building which he said was a benefit to the town. He called for it to be amended so it did not punish someone for putting a fire sprinkler in.

Freddie Boynton—356 Shrewsbury Avenue—said he had previously asked the Council to look into installing a crosswalk at Shrewsbury Avenue and River Street for the Senior Citizens in the area.

Mayor Menna said the request had been made as part of the County Improvements. He said he and the Police Chief had had discussions with the County, Community Leaders and the School Board and had made recommendations to the County. He said they were near making a final decision based on traffic counts. He said that traffic calming measures and crossing designations had been submitted to the County. He noted other requests that had been made. He said work on the Front Street was near completion and he felt the County would be expanding their projects.

Mr. Boynton also requested that speed limit signs be installed.

Mayor Menna said cost was a concern but said they would look into it. He said problem was also about where they would be installed but said they would see what they could do. He said he felt enforcement was extremely important.

Mr. Boynton asked if the money the Borough had received from Riverview for a boat ramp was still in escrow.

Administrator Sickels said that it was.

Mr. Boynton asked if it could be used for the sign.

Mr. Sickels said it was dedicated for a boat ramp.

A discussion followed on the possibility of a boat ramp being built.

Tom Curtis—63 Windward Way—thanked the Council for taking a step back before making a decision on Marine Park. He asked how the public should proceed in starting a dialog to figure out what should be done.

Mayor Menna noted that he had pledged an open and deliberative process and had stated that there would be no discussion until a recommendation had been received. He said, realistically, nothing would happen between now and the end of the year and said initiatives would probably be undertaken in January. He said he personally saw no reason for an RFP process. He said he felt it should be an open discussion in a calm deliberative atmosphere either with Parks and Recreation or with focus groups.

Mr. Curtis said he thought public discussion would be great.

Sean DiSomma—35 West Street—asked about the Chestnut Street well. He said he recalled a discussion on the matter back in April and asked if there had been any construction in regard to the well.

Mr. Sickels said there had not.

Mayor Menna agreed and said no public contract had gone out.

Mr. DiSomma also asked how much it would cost to design the well.

Administrator Sickels reviewed the work involved in the project and noted that the Borough had been ordered by the DEP to build the well.

Engineer Ballard estimated the design cost at \$82,000 which included permit submission and submission to NJEIT.

Mr. Sickels said that was approximately ten percent of the cost of the well.

Mr. DiSomma asked how long the turnaround time would be once approved.

Engineer Ballard said it would take approximately two months plus an additional two to three weeks for the permits.

Chuck Honeywell—54 Chestnut Street—questioned the qualifications of the Borough Engineer to design the proposed well.

Engineer Ballard noted that she had designed three wells for Red Bank and had also designed wells for Waretown, Jackson and Atlantic Highlands. She said she had worked on a rehab for Avon.

Mayor Menna said it sounded like she was qualified.

Mr. Honeywell agreed and said he had previously worked in Water Allocation and had overseen similar projects.

Engineer Ballard noted that she had won awards from the State.

Mark Taylor—159 Bridge Avenue—said he had a question about the ongoing water/sewer construction on his street. He said his water had been turned off three times without notice. He asked if there was a way for residents to find out if the contractor was going to shut their water off.

Mayor Menna said standard operating procedure was for the contractor to notify residents in the affect area in person. He asked who the contractor was.

Engineer Ballard said it was Lucas Construction.

Mr. Taylor said he had received an alert through the Borough that work would be ongoing from October 1 through October 31 but noted that it was now November 23 and the work was not yet done. He said the Borough would have to pay more money due to broken mains. He asked when the project would be done. He also questioned when the road would be repaved since winter was approaching.

Engineer Ballard said residents were given hand delivered notices for planned shut offs.

Mr. Taylor said he had not received any notices.

Engineer Ballard said she was positive that notices had been delivered. She added that emergency shut offs were needed because existing services were not properly marked and had been hit by the contractor. She said they were unfortunate things that happened with an old system.

Mr. Taylor said he understood that but said he had not received notice when his house was the only house being connected. He said he would have liked to have received a notice.

Mayor Menna asked the Engineer to look into it and urged completion of the project.

Carol Popper—Pinckey Road—asked about the pedestrian issues at the intersection of Pinckney Road and Broad Street.

Mayor Menna said the matter had been discussed at the traffic meetings he had mentioned earlier. He said there was a proposal that was currently sitting on the desk of the County Engineer because it had to be approved by them. He said he and the Police Chief felt the plan would drastically assist in pedestrian maneuverability at the intersection. He said some of the design elements might cost more than the County was willing to pay so he suggested the Borough and an adjacent business could contribute toward the cost.

William Meyer—12 Monmouth Street—asked the Engineer about the previous wells that she had designed for the Borough and asked if they had all cost approximately \$80,000 to design.

Engineer Ballard said the well design was a piece of the puzzle. She said also included in the cost was the Supervisory Control and Data Acquisition (SCADA) which would allow the two plants to “talk” to each other. She said the existing system was not working properly and that system needed to be in place. She said it was very important for the Borough’s reporting to the State.

Mr. Meyer asked who had designed the systems that were not working properly.

Engineer Ballard compared the system to a lap top computer with a limited useful life. She said the existing system had been in place for 25 years.

Mr. Meyer again criticized the cost and said he had put in a couple of wells himself and said the design hadn’t cost much. He said he recognized that this was more complicated.

Engineer Ballard said the Borough well would be 800 feet deep.

No one else appearing, Mayor Menna noted that he had one additional item for the agenda.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from the Red Bank PBA to hold a Streetfair on Monmouth and Broad streets on Sunday, April 10, 2016 from 11 am to 5 pm subject to approval by the Special Events Committee.

Councilman Zipprich offered a motion to approve the request, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

EXECUTIVE SESSION

15-303 Mayor Menna read a resolution to adjourn to executive session to discuss personnel, property acquisition/distribution.

Councilman Zipprich offered a motion to adjourn to executive session to discuss personnel, property acquisition/distribution, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Councilwoman Horgan offered a motion to close executive session, seconded by Councilman Zipprich

ROLL CALL:

AYES: Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

ROLL CALL

PRESENT: Mayor Menna and Council Members Burnham, Horgan, Schwabenbauer and Zipprich.
ALSO PRESENT: Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney O’Hern and Engineer Ballard.

ORDINANCES – First Reading

2015-31 Mayor Menna read, “An Ordinance Vacating a Portion of Washington Street in the Borough of Red Bank, Monmouth County, New Jersey.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich
NAYS: None

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

Public hearing and final adoption to be held December 16, 2015.

RESOLUTIONS

15-304 Mayor Menna read, “A Resolution to Appoint Director of Public Utilities.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich
NAYS: None

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

Councilwoman Schwabenbauer noted that one of the resolutions the agenda would save the Borough approximately a quarter of a million dollars in interest over the life of the bonds and she said she wanted to commend CFO Poulos for her excellent work.

Mayor Menna noted that Councilwoman Schwabenbauer was referring to Resolution 15-297 which would consolidate a number of bonds and said, as the Councilwoman had already noted, would be saving the Borough money on interest.

Councilwoman Horgan said she wanted to point out that the Public Works Director would not be taking health benefits.

Mayor Menna noted that the newly appointed Director would also serve at the Borough’s Certified Water Operator which would also save the municipality approximately \$40,000.

AUDIENCE

Freddie Boynton—365 Shrewsbury Avenue—asked how much the new Director would be paid.

Mayor Menna said he would be making \$102,000.

Mr. Boynton said he thought that was steep.

Mayor Menna said the Public Works Committee had spent months on the process and sorted through dozens of resumes. He said this was relatively cheap in terms of the going rate.

Mr. Boynton noted there were existing public works employees that held water licenses.

Mr. Sickels noted that the appointee was an experienced Certified Public Works Manager and held water licenses that exceeded those of existing employees and that met the criteria required by the DEP. He noted the Borough had been paying a part time licensed water operator since 2003. He added that there were no in house employees who held water licenses at the level that the State requires.

Mr. Boynton again said he felt the salary was high and suggested they should have promoted from within.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from the Red Bank PBA to hold a Streetfair on April , 2016

_____ offered a motion to approve the request, seconded by _____r.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich
NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich

NAYS: None

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

Respectfully submitted,
Pamela Borghi