

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
September 25, 2019
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, and Attorney Sobel.

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 December 12, 2018.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Proclamation to Red Bank Boys & Girls Club:

Menna reviewed the history of the property that was transformed from a bar to a Boys & Girls Club. He read a proclamation and he and Councilman Yassin presented it to Director Doug Eagle. Mr. Eagle thanked the Council and talked about his relationship with Red Bank. He said it was a great honor to work to provide a safe place for kids and a place of empowerment.

Monmouth Boat Club Check Presentation:

Monmouth Boat Club Commodore Bob Markoff presented the club's annual donation to the Borough.

Mayor Menna praise the not for profit organization for making a voluntary contribution and said he wished other not for profits would do the same.

Commodore Markoff also presented Mayor Menna with a framed photograph from a previous event.

Proclamation for Fire Prevention Week:

Mayor Menna read a proclamation regarding Fire Prevention Week, October 6 through 13, 2019.

Police Promotion

Mayor Menna read Resolution 19-239, "Resolution Promoting Borough of Red Bank Police Department Patrolman Jorge Torres to Rank of Sergeant."

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Mayor Menna swore in Sergeant Torres.

Sergeant Torres thanked the Council and pledged to do his best.

Presentation to Fair Haven resident Herbert Reed:

Senator Gopal and Assembly Members Houghtaling and Downey presented Mr. Reed with a proclamation in recognition of his 93rd birthday. They thanked him for his years of service to the community.

Mayor Menna presented a certificate from the Borough of Red Bank.

Mr. Reed thanked everyone for the recognition and talked about his experiences in Red Bank.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

No one appeared.

MINUTES & REPORTS

Workshop Meeting Minutes of 9/11/2019

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Regular Meeting Minutes of 9/11/2019

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

ORDINANCES - Public Hearing/Adoption:

2019-58 Mayor Menna read, "Ordinance Authorizing the Naming of a Street in Accordance With N.J.S.A. 40:67-1(K)."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilwoman Horgan offered a motion to approve the adoption of the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-60 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Motor Vehicle Service Stations in the HB Zone."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Yassin offered a motion to approve the adoption of the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-61 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Automobile Uses in the NB, CCD-2, BR-1 & BR-2 Zones."

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

No one appearing, Councilman Yassin offered a motion to approve to close the public hearing, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Yassin offered a motion to approve the adoption of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-62 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to the Train Station Zoning District."

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

No one appearing, Councilwoman Horgan offered a motion to approve to close the public hearing, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Yassin offered a motion to approve the adoption of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-63 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Design Standards within a Designated Transit Village."

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

No one appearing, Councilman Yassin offered a motion to approve to close the public hearing, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Yassin offered a motion to approve the adoption of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-64 Mayor Menna read, "Ordinance Authorizing the Acquisition of Easement(s) Affecting **Block 30.01, Lot 16** from the Private Owner thereof for the Purpose of Constructing Streetscape, Drainage, and Lighting Improvements in the Area of White Street and English Plaza."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Zipprich offered a motion to approve the adoption of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-65 Mayor Menna read, "Ordinance Authorizing the Acquisition of Easement(s) Affecting **Block 30.01, Lot 18** from the Private Owner thereof for the Purpose of Constructing Streetscape, Drainage, and Lighting Improvements in the Area of White Street and English Plaza."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Zipprich offered a motion to approve the adoption of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

2019-66 Mayor Menna read, "Ordinance Authorizing the Acquisition of Easement(s) Affecting **Block 31, Lot 15** from the Private Owner thereof for the Purpose of Constructing Streetscape, Drainage, and Lighting Improvements in the Area of White Street and English Plaza."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Councilman Zipprich offered a motion to approve the adoption of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was approved on final reading.

ORDINANCES – First Reading:

2019-67 Mayor Menna read, "Ordinance Amending Chapter 361: "Fire Prevention and Protection" of the Borough's Revised General Ordinances to Increase the Required Inspection Interval of Non-Life Hazard Uses within the Borough."

Councilwoman Triggiano offered a motion to approve the introduction of the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Mayor Menna announced the Ordinance would be scheduled for a Public Hearing on 10/9/2019.

2019-68 Mayor Menna read, "Ordinance Amending Chapter 505: "Property Maintenance" of the Borough's Revised General Ordinances to Update the Applicable Version of the International Property Maintenance Code."

Councilman Yassin offered a motion to approve the introduction of the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Mayor Menna announced the Ordinance would be scheduled for a Public Hearing on 10/9/2019.

RESOLUTIONS

Mayor Menna read the following resolutions and called for a motion to approve them en masse:

- 19-229 Resolution for Payment of Bills Amounting to \$. (Peter) (Coming Monday)
- 19-230 Resolution Authorizing Resolution of the Borough of Red Bank to Refund Developer's Escrow Account Balances
- 19-231 Resolution Authorizing Change Order No. 3 Related to the Contract with Seacoast Construction Inc. for the White Street/English Plaza Streetscape Improvement Project
- 19-232 Resolution Authorizing the Execution of Site Access Agreement with the New Jersey Department of Environmental Protection for Environmental Testing Activities upon Borough-Owned Properties Located at Block 15.01, Lots 16.01, 24, & 26.01
- 19-233 A Resolution Authorizing the Release of a Performance Guarantee Posted by West Front Street Partners, LLC for Block 30, Lot 10.01 and Requiring the Posting of a Maintenance Guarantee
- 19-234 Resolution Accepting Bids and Awarding a Contract to Precise Construction, Inc. of Freehold, New Jersey for Bellhaven Nature Area Park Improvements
- 19-235 Resolution Ratifying and Confirming the Appointment of a Temporary Part-Time Clerk
- 19-236 Resolution Ratifying and Confirming the Appointment of a Part-Time Property Inspector
- 19-237 Resolution Ratifying and Confirming the Appointment of a Full-time Communications Officer (Dispatcher)
- 19-238 Resolution Extending the Appointment of Special Law Enforcement Officer Class I
- 19-239 Resolution Promoting Borough of Red Bank Police Department Patrolman Jorge Torres to Rank of Sergeant

Councilman Zipprich offered a motion to approve the resolutions, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

MAYOR AND COUNCIL COMMENTS

Councilman Ballard said the Finance/Personnel Committee had met on 9/5 to discuss a number of items including a review of the 2019 Financial Report and a review of the five year plan. He also said they were beginning preparation of the 2020 budget. Under personnel, he said they had discussed various vacancies and how to move forward to fill them. He also reported that CFO O'Reilly had been a speaker at the recent Government Finance Officers Association and commended him.

Councilman Zipprich reported that he had attended the Governor's Symposium on Shared Services earlier in the day and reviewed the speakers/topics from the event. He said it was a very informative presentation. He said Tilton Avenue had been completed under the Road Program project and said they were now moving on to McLaren Street. He also reported that RiverCenter's Oysterfest would be the following Sunday from noon to 6pm. He said the White Street/English Plaza project was virtually complete. He said the Senior Center would be having their picnic the following Friday. He noted it was usually held outdoors but, due to their temporary location, they would be having it in the meeting hall. He also offered information on the upcoming Casino Night for the Red Bank Borough Education Foundation.

Councilwoman Horgan said there would be a water collection event on Saturday that would be delivered to assist those in Newark. She said the effort was being led by former Councilwoman Juanita Lewis.

Councilwoman Triggiano congratulated new business Uni Sushi and announced that the Police Department would hold a Coffee with a Cop event on 10/2 from 8:30 to 10:30 am at Shapiro's Deli. She also said the Police Department had assigned a Special Law Enforcement Officer to do foot patrols to address quality of life and safety issues. She also recognized the efforts of the Red Bank Fire Department for their effort the previous day for a call regarding someone in distress in the water. She said after initially finding no one in the water, DPW Supervisor and RBFD member Bobby Holiday took it upon himself to investigate further and found a person stuck in the mud at a different location. She commended his professionalism and dedication.

Councilman Yngstrom reported that the Parks & Recreation Halloween Egg Hunt would be held on 10/18 at Count Basie Park and the Halloween Parade would be held on 10/20 with the lineup beginning at 1pm. He said the parade would kick off at 2pm and the rain date would be 10/27. He said the Department would also be coordinating a Veterans Day ceremony on November 11 at 11 am at 51 Monmouth Street.

Councilman Yassin thanked Inspector John Zemanis for his efforts at the Boys & Girls Club. He said Mr. Zemanis had detected a gas leak and resolved the issue. He thanked him for his diligence and excellence in his work. He also said he had received an email commending the efforts of Inspector Frank Woods. He also thanked Tom Welsh, who oversees the Department, noting that he received complimentary emails on their efforts every week.

DISCUSSION & ACTION

Mayor Menna read a request from Ivan Aguire for membership to the Westside Hose Company of the Red Bank Volunteer Fire Department.

Councilwoman Triggiano made a motion to approve the requests, Councilman Yngstrom seconded.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Mayor Menna read requests from Nick Davis and Eric Von Kattengell to transfer membership to the Westside Hose Company of the Red Bank Volunteer Fire Department.

Councilwoman Triggiano made a motion to approve the requests, Councilman Zipprich seconded.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Mayor Menna read a request from Jeffrey Rivera for membership to Red Bank First Aid & Rescue Squad.

Councilwoman Triggiano made a motion to approve the requests, Councilman Yngstrom seconded.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Jonathan Penny—55 Prospect Avenue, #12—asked for an update on the Eastside Park Project and asked if the contractor had been paid before the work was complete.

Administrator Shehady said a full report would be given by the Engineer at the next meeting but said the project was substantially complete except for landscaping and some punch list items. He said the building was in fabrication and would be installed once delivered. He said the contract had not been paid in full but was paid by progress.

Mark Halloran – 25 Mori Place—asked about the Community Garden. He noted that CME had been hired to investigate the lead issue at the garden and said he felt some of the findings were misleading. He reviewed details of the CMR Report. He asked if the town had done research on the lot before the garden was opened, if there was a timeline for the next step and if other heavy metals were sampled in the testing. He said he had been disappointed in the town's response.

Mayor Menna asked the Administrator to address the questions.

Administrator Shehady said the perception that there was no urgency could not be further from the truth. He said the Borough appreciated the urgency and had taken immediate action and dispatch information through the website. He said the Department of Environmental Protection, the Borough's Health Department and the State Department of Health had been called in. He said, in an abundance of caution,

they had closed the garden and had advised the public of the situation. He reviewed further steps that had been taken including commissioning CME to do the first round of testing that was reported to the DEP. He said the statements that were released in the web posts were words that were provided by the DEP. He said the Borough agreed with the concern and that was why the garden had remained closed pending further testing. He also noted this issue was not something that was anticipated. He explained that there were budget issues and the need to contract any work through the Public Contracts process including draft a Request for Proposals so solicit contractors. He said those items require Council action. He said they were working as fast as they could given those requirements. He again reviewed actions that had been taken so far. He also noted there had been an OPRA request regarding testing from seven years prior but said there was no record of that. He said, if the garden had to be closed, it could be reopened in a new location.

Mr. Halloran said he was concerned because the reimbursement form he was asked to sign identified him as a “complainant.”

Administrator Shehady clarified that the standard form asked him to sign as a “claimant” to receive the reimbursement.

Mr. Halloran again asked for time frame specifics.

Mayor Menna said he would follow up with him.

Deborah Jellenik—25 Mori Place—said she had gone to her doctor for preliminary testing and said there was need for concern. She said she wanted to know what she was dealing with. She said she wanted to know when further testing would be done. She added that she had been gardening there for seven years.

Mayor Menna again said he would follow up.

Tim Zebo—124 East Bergen—said he was also speaking about the Community Garden. He said he was concerned about contamination of lead and other items. He reviewed the CME report and reviewed a report that warned against growing leafy vegetables in that soil. He distributed a copy of a list of questions.

Alberto Larontonda—242 Spring Street—spoke about his ongoing issue with a service line to his home that contained lead. He reviewed various correspondence he had had with the Borough including an OPRA request that had been denied. He questioned the results of a water sample plan and said he had not received a response to his statement the Red Bank was violating the Safe Water Act.

Attorney Sobel said his law firm had Mr. Larontonda’s letter and they were working on a response. He said the response was eminent.

Mr. Larontonda asked why the response was coming from the Attorney.

Attorney Sobel said, since Mr. Larontonda had filed a complaint against the Borough regarding the OPRA request, the response would be coming from his office.

Allison Gregory—109 Bank Street and Jonathan Penney—55 Prospect Avenue—said CME had been paid in full prior to the Eastside Park project being complete. They also stated that the work on Tilton Avenue was not complete as the sidewalks had not been done. They submitted pictures of crosswalks in need of repair. They also asked for an update on the Senior Center project. Ms. Gregory said she had previously invited Council members to meet her to see the lack of enforcement at the intersection of Shrewsbury and Locust avenues but had not received responses. She said was again inviting Council members to meeting with her.

Administrator Shehady responded to their questions by saying that the final bills for CME had not been paid. He said, in regard to the Senior Center, demolition work was underway. He said the bids for the work had been opened the previous day and were under review with a recommendation expected at the October 9 Council meeting. He said it would also be discussed at the Workshop meeting scheduled for the following Wednesday.

Ms. Gregory asked if there were any plans to sell the Senior Center building.

Mayor Menna said there were not.

Ms. Gregory asked if they would pledge not to sell the building in the future.

Mayor Menna said they could not speak for future Councils.

Suzanne Ferrari—53 South Street—said she was concerned about the sidewalk near her home citing tree root issues. She asked that it be looked at.

Mayor Menna said he would have someone look at it.

Freddie Boynton—PO Box 2074—said he was following up on his request that the Borough address parking of commercial vehicles on narrow streets.

Mayor Menna said it was being reviewed with the Planner and Police Department. He said when they reported back the Council would consider a plan comprehensively that would be equally enforced.

Mr. Boyton told the Mayor he had never received a phone call back about an incident.

Mayor Menna said he would discuss it with him privately noting it was a personnel issue.

No one else appearing, Councilwoman Horgan offered a motion to close the Public Comment, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

EXECUTIVE SESSION

19-240 Mayor Menna read a resolution to adjourn to executive session to discuss Litigation (Tax Appeal 140-148 Broad Street and 133 Broad Street). No action to be taken.

Councilwoman Horgan offered a motion to adjourn to Executive Session, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

RESUME REGULAR BUSINESS

Councilman Yngstrom made a motion to resume Regular Business, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Respectfully submitted,

Pamela Borghi