

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
February 27, 2019  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**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**

**Swearing in of Patrolman Cahill**

Mayor Menna swore in Luke V. Cahill as a Probationary Patrolman.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

No one appearing, Mayor Menna asked for a motion to close.

Councilman Zipprich offered a motion to close the Public Comment, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

**MINUTES & REPORTS**

Workshop Meeting Minutes of 2/6/2019

Councilman Yngstrom offered a motion to approve the minutes, seconded by Councilman Ballard.

**ROLL CALL:**

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

NAYS: None

ABSTAIN: Horgan

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

Regular Meeting Minutes of 2/13/2019

Councilman Ballard noted there was an error on the recorded vote for Ordinance 2019-05 noting that he had voted “no.” The Clerk apologized for the error and said she would make the correction.

Councilman Ballard offered a motion to approve the minutes as amended, seconded by Councilman Zipprich.

**ROLL CALL:**

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

NAYS: None

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

Environmental Commission Annual Report

Councilwoman Triggiano offered a accept the report, seconded by Councilman Yassin.

**ROLL CALL:**

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

NAYS: None

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

**ORDINANCES - Public Hearing/Adoption:**

2019-05 Mayor Menna read, “Ordinance Creating the Red Bank Redevelopment Agency.”

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

Ben Forest—16 Locust Avenue—expressed concern about the ordinance especially in regard to language to encourage development. He added that he was in support of the ordinance in some areas. He acknowledged that the Council has assured them that they would maintain control. He said he felt experienced advice was a good idea. He also expressed concern regarding real estate developers pressing for growth and said he trusted the Council to find the balance.

William Poku—90 Bank Street—said he was speaking on behalf of the NAACP and said he wanted to support Mr. Forest's comments. He expressed concern over gentrification and asked the Council to reconsider the ordinance adding that he did not feel it was needed.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna asked Ken DeRoberts to come forward.

Attorney Cannon asked Mr. DeRoberts to address what authority could be authorized by statute and what the plan for the Red Bank agency would be.

Mr. DeRoberts said the agency would provide for smart development with a cohesive plan. He said the goal was to be proactive rather than reactive toward developers. He said the Redevelopment Agency would have broad powers but all of the projects would have to be approved by the Mayor and Council. He said, while the agency did have the ability to incur debt, he said it would be difficult to do because it would need the Borough's backing to get financing. He reviewed the application process and said it was designed to have minimal staff. He said the agency's first project would be to address the Borough's municipal facility. He said they were looking into options for public/private partnerships. He also noted that the ordinance calls for review in five to seven years and it may be dissolved.

Councilman Yassin asked if they were locked in to five to seven years or if the agency could be reviewed in two years.

Mr. DeRoberts said it absolutely could be reviewed in two years.

Councilman Yassin asked about the purpose of the agency and said the perception was that it was to encourage more development.

Mr. DeRoberts gave the example of a property where a project had never been built that needed focus. He said there was also several redevelopment projects that had been approved and someone was needed to supervise and make sure the project was in compliance with the Developer's Agreement. He again noted that the first task would be to focus on the municipal facility. He said the agency would also assist with experienced economic development for the overall good of the community.

Councilman Yassin asked if the agency would handle negotiations with developers but the Council would have final approval.

Mr. DeRoberts confirmed that that was the case.

Councilman Yassin asked Mr. DeRoberts to review the concern about the agency going into debt.

Mr. DeRoberts compared the debt to a bank loan noting that the agency would need to show revenue to pay for the debt. He said there was no reason at this point that the agency would incur debt.

Council Ballard questioned a statement that had been made that the agency had had unanimous support.

Mr. DeRoberts said that referred to the Local Finance Board giving its unanimous support.

Councilman Ballard asked about affordable housing issues. He said it sounded like the agency would focus on the downtown and asked how it would address that issue.

Mr. DeRoberts said there would be a designated Opportunity Zone with opportunities to provide more affordable housing.

Councilman Ballard asked how they could make developers build affordable housing.

Mr. DeRoberts reviewed ways to finance so they could build affordable housing including tax breaks.

A discussion followed on previous affordable housing projects.

Mr. DeRoberts said it would be conducive to do the affordable housing projects in opportunity zones.

Councilman Zipprich asked about design standards.

Mr; DeRoberts again said they needed to be proactive rather than reactive. He said the Borough needed to have design standards and builders would have to comply. He said they should not think of it as redevelopment but

smart development.

Mayor Menna thanked Mr. DeRoberts.

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

ROLL CALL:

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

NAYS: Ballard

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

2019-06 Mayor Menna read, "Ordinance Supplementing the Revised General Ordinances of the Borough to Insert New Chapter 574: "Smoking" to Prohibit the Smoking of Tobacco and Use of Electronic Smoking Devices in Certain Public Indoor and Outdoor Spaces.

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

Cindy Burnham—71 Wallace Street—questioned the wording "certain properties."

Attorney Cannon explained the wording was used in the title and said it referred to the fact that it was not to include public properties.

William Poku—90 Bank Street—said he was not a smoker but felt the government intruded too much into the area of personal rights. He said it was a slippery slope and the next thing they could outlaw chewing gum.

Attorney Cannon noted that most of the properties already had the prohibition under State law. He said the ordinance would ban smoking within a 50 foot radius of public properties but did not affect other properties in town.

No one else 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.

Councilwoman Horgan offered a motion to approve the adoption of the ordinance, 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.

2019-07 Mayor Menna read, "An Ordinance Granting Renewal of Municipal Consent to Comcast of Monmouth County, LLL. to Construct, Connect, Operate and Maintain a Cable Television and Communications System in the Municipality of Red Bank, Monmouth County, New Jersey."

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

William Poku—90 Bank Street—said there had been a previous issue with Verizon cancelling land lines in Red Bank. He asked the Council to consider alternate technology. He said he was concerned about obsolete technology. He suggested the Council consider an arrangement to allow alternate technologies.

No one else 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 Yngstrom offered a motion to approve the adoption of the ordinance, 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.

2019-08 Mayor Menna read, "Ordinance Approving a One-Year Lease Agreement for an Approximate 5,000 Square-foot, Fenced-in Portion of Real Property Located at 208 South Pearl Street, Red Bank, New Jersey for the Public Purpose of a Police Impound Yard."

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.

Councilwoman Horgan offered a motion to approve the adoption 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.

#### **ORDINANCES - First Reading:**

2019-09 Mayor Menna read, "An Ordinance Designating a Portion of Emanuel Court as a Pedestrian Mall Pursuant to N.J.S.A. 40:56-69."

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna announced the Public Hearing would be held 3/13/2019 at 6:30 pm.

Councilman Zipprich said the action was part of the White Street project and will create additional public space.

Mayor Menna said it would also help stop illegal parking in that area.

Councilman Yngstrom said it would also help reduce impervious surfaces in the Borough.

#### **RESOLUTIONS**

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

19-48 A Resolution for Payment of Bills in the Amount of \$6,394,189.13.

19-49 A Resolution Authorizing Tax Credits/Refunds Totaling \$2,189.74 due to Over Payment by Property Owner.

19-50 A Resolution Authorizing the Filing of a Recycling Tonnage Grant

19-51 Resolution Accepting the Retirement and Confirming Benefits for Police Sergeant David Hicks

19-52 A Resolution Authorizing Transfer of Current Fund Appropriation Reserves

19-53 A Resolution Amending the 2019 Temporary Appropriations

19-54 Resolution Extending the Appointment of Robert W. Swisher, C.P.A. as the Borough's Acting Chief Financial Officer to May 1, 2019

19-55 Resolution Extending a Professional Services Contract to Suplee, Clooney & Company for Financial Accounting Services

19-56 A Resolution Commending Barbara Nussbaum

19-57 A Resolution to Ratifying and Confirming the Appointment of a Part Time Sub-Code Inspector.

Councilman Zipprich offered a motion to approve the resolutions en masse, seconded by Councilman Yassin.

ROLL CALL:

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

NAYS: None

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

## **MAYOR & COUNCIL COMMENTS**

Councilman Ballard had no report.

Councilman Zipprich reported that there had been a RiverCenter Board meeting earlier that morning and they had reviewed their Strategic Plan which was adopted unanimously. He said Restaurant Week would begin March 5. He reviewed activities at the Senior Center including presentation on the T. Thomas Fortune House project by Gilda Rogers as part of Black History Month. He also offered an update on the repairs at the Senior Center due to a frozen pipe that had burst. He said they had done a great job of shift quarters.

Councilwoman Horgan reported on activities at the Red Bank Public Library including a US citizenship preparation class. She said the cost was \$25 but participants could take the class as many times as necessary to successfully pass the test and only had to pay the one-time fee. She said the library was also expanding their hours including three nights per week. She said the Library would host its third annual Makers Day which she said was focused on crafting. She noted other activities included a dance workout class and Zoo Jersey an interactive event with live animals. She noted the 18 computers that had been purchased through an anonymous donation were now up and running and available to the public. She said they would also be updating the story boards in Riverside Gardens Park for spring.

Councilwoman Triggiano said she had no report for the Environmental Commission or for the Fire Department. She reported that the Police Department was implementing a program where translators would be available to the public and were taking application for volunteers.

Mayor Menna thanked those who had attended the funeral for former Fire Chief Harry Soden who had recently passed away.

Councilman Yngstrom thanked the Elks Lodge for their assistance with the Parks & Recreation Sweetheart Dance. He also thanked the Police Department for helping participants to cross the street. He announced that there would be four concerts in Johnny Jazz Park and said the Marine Park Concept Plan would be presented at the next Workshop Council Meeting.

Councilman Yassin said he had no report.

Councilman Ballard said he also want to thank Barbara Nussbaum for her 39 years of service and acknowledged her dedication.

## **DISCUSSION & ACTION**

No items.

### **PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Joan Wetherell—Manor Drive—asked about the reference Councilman Yngstrom had made about a workshop.

Councilman Yngstrom said he was referring to the next Council Workshop Meeting where a Concept Plan for Marine Park would be presented. He noted the meeting would be held next week.

Administrator Shehady suggested residents could sign up for Community Alerts through the Borough's website to receive notifications of such meetings.

James Scavone—RiverCenter Executive Director—thanked the Council for introducing the ordinance regarding Emanuel Court. He confirmed that it was part of a project the district was working on in partnership with the Borough to enhance English Plaza. He said the closure of Emanuel Court was not part of the original plan but said they had been listening to public comments and that it had come out of that.

William Poku – 90 Bank Street – said the public did not get a chance to review the application for the Redevelopment Agency. He said the NAACP should have had input in regard to the impact on the Borough. He suggested the Council should have come to an NAACP meeting to present the project. He said they did not get a chance for rebuttal. He also said he did not feel people had adequate time to engage in regard to Council meetings. He said he understood agenda items were on the website but said some people were unable to use the technology. He suggested a packet be made available for members of the public.

No one else appearing, Councilman Zipprich made a motion to close the public portion, 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.

### **EXECUTIVE SESSION**

18-47 Mayor Menna read a resolution to adjourn to executive session to discuss Contract Negotiation; no action to be taken.

Councilman Zipprich offered a motion to adjourn to Executive Session, 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 Zipprich offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi