

**MINUTES**  
**WORKSHOP MEETING**  
**MUNICIPAL COUNCIL – BOROUGH OF RED BANK**  
**JUNE 5, 2019**  
**6:30 P.M.**

**SUNSHINE STATEMENT**

Council President Yngstrom 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.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Council Members Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

**ALSO PRESENT:** Administrator Shehady, Borough Clerk Borghi, Attorney Cannon, Engineer Neumann and Department Heads.

**ABSENT:** Mayor Menna and Councilwoman Horgan

**RECREATION**

Director Hoffmann reported on Recreation Department activities. He said the Department would be partnering with the Navesink Maritime Heritage Association and said that organization was going to be offering free boat rides every Tuesday. He said people could sign up through the Recreation Department. He reviewed the Pride in the Park event scheduled for the following Saturday and said the May 31 Westside Jazz concert had had a good turnout.

Councilman Ballard said he wanted to offer kudos on the Memorial Day Parade and said it had exceeded his expectations.

Administrator Shehady said the Kimley-Horn report on Marine Park would be listed for action at the next meeting. He said there would also be a resolution regarding the track purchase through a co-op and one to approve the cost sharing agreement with Red Bank Catholic.

**ADMINISTRATION**

**Engineering Report**

Engineer Neumann offered an update on the East Bergen Place project saying it was substantially complete. She said she was still coordinating work at the pump station. She said the Road Program had gone out to bid and said the White Street project was in the design phase. She said the Road Program would include Broad Street. She said they had worked with the Public Works Department to create a road matrix and said they had prioritized the list. She said she had recommended the Spring Street be included for the municipal aid fall grant. She said she would be following up with the Department of Transportation for details on the Shrewsbury Avenue TAP grant. She also reported that a contract had been awarded to MSGFire for work at the Senior Center. She said the construction on the Eastside Park/Mohawk Pond project was moving slowly. She said, since the East Bergen project was wrapping up, she would focus on pressing the contractor for completion. She said an application for repairs to Pearl Street had been submitted to the DOT.

Councilman Ballard asked if Engineer Neumann had coordinated with the County on Shrewsbury Avenue improvements.

Engineer Neumann said everything beyond the curblin was the Borough's responsibility which included the fixtures and lighting.

A discussion followed on the electrical issues and the responsibility. There was also a discussion on the timeline of the project and the time limit to complete. Engineer Neumann said she needed to clarify the issues with State.

Engineer Neumann reviewed the upcoming Road Improvement Program and said she expected the award of the contract to be on the agenda in July.

Administrator Shehady noted the Engineer Neumann was not the Engineer for the Primary Schools Access Road Project but asked her to give an update.

Councilwoman Triggiano asked if the path would be walkable.

Engineer Neumann said there would be nothing to preclude that.

Administrator Shehady reviewed the Scope of Work solicitations and would lead to the future award of engineering contracts.

**POLICE**

Chief McConnell said there had been an uptick in criminal activities over the past few weeks. He also reported that Officer Hicks would be retiring on 6/1/2019 and another officer was expected to retire on 9/1/2019. He said

they would be looking to change the manpower and structure of the department. He also said there would be a resolution on an upcoming agenda to authorize an auction of seized/impounded cars. He also reported that there would be resolution to appoint the final Special Law Enforcement Officer for the season which would bring the total to three. He said Officer Shields was currently working on the planning for the 2019 National Night Out event and they were discussing moving it to an alternate location. He said the Department was moving forward with the appointments of a Chaplain and translators. He said he hoped to have them active in June.

Councilman Zipprich asked how the Police Department handled noise complaints.

Chief McConnell said they would send a car at first and, if the problems continued, they would issue a summons. A discussion followed on the procedure.

## **SENIOR**

Director Reynolds reviewed the Mother's Day Luncheon and said there would be another event for Father's Day.

Councilman Ballard asked if she emailed the Council to notify them of the events.

She said they were included on the Center's calendar.

There was a discussion regarding distribution of Senior Center event information to Council members.

## **PUBLIC WORKS**

Director Keen reviewed the Alternate Side of the Street ordinance. He said he had had good feedback and said he believe he had a solution to the no parking restriction issue. He said they would add a provision to make an exception in those areas that had parking on one side of the street for those days that the street was subject to alternate side restrictions.

Councilman Zipprich asked about narrow streets.

Director Keen said he was continuing to review the ordinance for other issues.

A discussion followed on how residents would be notified.

Director Keen said he would have a resolution to hire a water operator at an upcoming meeting. He said he was still in the search process. He also said he was working on an ordinance to alleviate a garbage collection issue on Throckmorton. He noted that the Council had taken similar action last year for a similar situation on Spring Street. He reviewed ongoing activity in the Department and noted they had painted a rainbow on the cross walk at Broad and Monmouth streets. He said he was proud of Animal Control Officer Perez's efforts to control dog waste issues. In regard to the street sign replacement project, he said they were waiting to install the final signs until after the Highway 35 project was completed. He said brush pick would be on 6/13 for property west of Broad Street and 6/20 for properties east of Broad Street. He said Code Enforcement had been issuing notices.

Councilman Zipprich asked about the status for a graphic on the back of the electronic sign at Johnny Jazz Park.

Director Keen gave an update and also reported the Water/Sewer Irrigation meters were available for property owners. He also said the Lead and Copper Plan had been submitted to the State but said it had not been finalized. He said they would be testing homes for lead and copper in June. He also reported that the Department would be flushing hydrants over next couple of days. He said they would not be working over the weekend and would pick up again on Monday. He said those experiencing discolored water should run the water at a high volume from a tub or hose bed.

Councilman Ballard asked what was being done with the old street signs.

Director Keen said they still had them and they were being inventories.

Administrator Shehady said they would have a proposal for the signs once the inventory was complete. He also reported that the Parking Consultant/Director has started the previous Monday. He said they were also looking into issuing a Request for Proposals for an Electric Vehicle Car Share program. He reviewed the process to award a contract to a vendor and said it would need the approval of the Council to move forward. He explained that the program would be similar to Zipcar. He said the installation of charging stations would be done at no cost to the Borough and said some stations would be public and others would be for their use only. He reviewed details of the concept.

Councilwoman Triggiano said she liked the idea of a public/private partnership and asked that they request the company provide different levels of cars.

Councilman Zipprich suggested that the company should be a national entity.

Councilman Yassin asked about upfront costs, maintenance and liability.

Administrator Shehady said the upfront costs would be the RFP work and the cost of a parking spot. He said the agreement could be structures so the Borough received revenue back. He said the company would have to indemnify the Borough from liability.

The Council was in favor of moving ahead. A discussion followed on the time frame and how the operation worked in two other municipalities.

## **BUILDING**

Construction Official Corcione said activity was slower for May and reviewed activity for the month. He said he expected June to be more prosperous. He said the department was making progress on closing out open permits. He noted that 59 permits had been opened during the month and 139 were closed. He added that year to date, 316 permits had been opened and 567 had been closed.

Administrator Shehady said the Department was closing more than were coming in. He said giving the staffing issues and the complexity of the problem that Mr. Corcione had inherited, he felt they were doing a great job.

#### **OEM/FIRE MARSHAL**

Fire Marshal Welsh asked if the Council had any questions on his report. He said he had met with the contractor for the multi-jurisdictional mitigation process and reported that, going forward, the meetings would be held in Red Bank. He said his office was policing sidewalk issues and were trying to stay in front of brush issues the best that they could. He said there had been some negative feedback but added that he felt the process needed to move forward.

Councilman Zipprich asked about including wood with the brush.

Mr. Welsh said that would be considered construction debris and should be disposed of differently. He said the Public Works Director could address that. He said he had also received the 90 notice for the Emergency Operation Plan which he hoped to have done in the next month.

Administrator Shehady said the Borough was putting out reminders about the brush pick up process through Social Media and the website noting that it was an education process.

#### **FINANCE**

CFO O'Reilly noted that the Council had introduced the 2019 budget at the last meeting and there was a 28 day waiting period before they could hold the public hearing and adopt. He said that was slated for the next meeting. He said the Borough should be proud of budget that had been put together and vetted by the Finance Committee. He said the COLA/Cap Bank Ordinance that would also be on for the next meeting which would allow for flexibility in future budgets. He said it had been put on the website and advertised in the newspaper. He reviewed the specifics of the budget noting that expenditures had gone up about \$400,000 and revenues were projected to decrease by about a half million. He also noted that there was less reliance on tapping the Parking and Water/Sewer utilities.

Administrator Shehady said he wanted to elaborate on a couple of points which was the fact that appropriations had gone up which was mostly attributed to salaries and wages which were set by contracts. He said there had also been a slight increase in the "other expenses" line which he said included everything other than salaries and wages including items such as many things such as leases and maintenance agreements of office equipment, postage, legal ads, professional service contracts and more. He said some of those items could be negotiated but some were under multi-year contracts such as garbage collection. He said they had also put more money into the reserves this year to replenish what he termed as a rainy day fund for emergencies such as snow removal. He reviewed various uses for the reserve funds. He said that resulted in the \$400,000 increase but said he felt they had been very conservative and fiscally responsible. On the revenue side, he noted CFO O'Reilly had said he anticipated a reduction of approximately \$500,000. He explained that actual revenue such as fees and permits, etc. was on pace with last year or had slightly increased in some areas. He said the reduction reflected the Borough moving away from relying on surplus which was reflected as revenue. He said these policies improved the Borough's debt rating and improved its fiscal health.

Councilman Zipprich asked about technological improvements that had been put in place.

Administrator Shehady confirmed that the Borough had upgraded the email so they were not reliant on servers and were rolling out a Voice-Over-IP telephone system so that, if a disaster similar to the last summer occurred that resulted in a shutdown, operations could be moved to another building and continue seamlessly. He said rateables went up this year but the final number would not be received until June 7. He said the numbers they were looking at now would result in an increase in the local municipal tax of about 2.22 percent. He said that number could go up or down slightly on June 7.

Councilman Ballard thanked everyone involved with the budget process. He also discussed the need to build reserves for the future.

Councilman Zipprich said he wanted to echo Councilman Ballard's comments and commended his leadership.

Administrator Shehady said he also wanted to note that they had done some housekeeping with the Chart of Accounts. He said, while one area may appear to have increased, another area might have decreased. He said the budget had to be looked at as a whole. He cited the example of Public Utilities which had been previously split up into three areas and they had unified those three accounts this year so it would reflect the actual operations of the Borough. He said, while it appeared to be a large increase, it was actually decreasing by approximately the same amount in the other areas.

Councilman Ballard thanked him for clarifying and said the changes were what the Borough needed.

#### **CLERK**

Borough Clerk Borghi reported that the bulk of the borough's liquor licenses would be renewed at the following meeting. asked if there were any questions regarding her report. She also said Special Events that were

recommended by that committee would be on the next agenda for consideration. She reviewed the upcoming meeting schedule and proclamations. She reviewed the Primary Election results from the night before.

## **LAND USE**

Director Carter reviewed his report and said it included information on historic trends. He said he also wanted to discuss impervious coverage. He said he had tried to summarize a very complex issue in a page and a half. He said he had reviewed a report done by Rutgers titled "Impervious Reduction Action Plan for Red Bank." He said, despite the name, there was really nothing in the report that suggested impervious reduction action. He reviewed the actual recommendations that were contained in the report to help filter the water and the locations where they could be implemented. He reviewed contributing factors to river pollution in addition to impervious coverage issues. He said he had specifically looked at the question of whether the issue should be addressed in the Borough's Zoning laws. He noted that Red Bank was considered a "regional center" and reviewed how environmental issues were handled in such an area. He said he had also looked at coverage laws that had been on the books for a long time and said many properties were at the limit. He said if they did an across the board reduction, they would see a lot more applications to the Zoning Board for relatively minor additions such as patios, sheds, pools, etc. He said he would not recommend across the board reductions but had provided four things that he thought would make sense which were 1) to incorporate the recommendations from the Rutgers in parking lots of a certain size, 2) to provide incentives for green roofs, 3) prohibit pavement anywhere other than a driveway noting that there were a few properties where people had paved areas of their yard, and 4) allow for incentives to create driveways other than paved.

Councilman Zipprich said he liked the proposals and felt the suggestions could be incorporated into the ordinance. He offered some additional recommendations including reducing the acreage limits that would be regulated. He also suggested they look at the Stormwater Management ordinance and reduce the size of major developments which would require more projected to implement water quality improvement.

Mr. Carter asked him to email the recommended additional changes.

Councilman Yassin said he had concerns about blacktop being used in front of houses and the blatant violation of parking laws.

Councilman Yngstrom said he agreed with Councilman Zipprich. He said, in addition to the impervious surfaces, there were serious stormwater issues that needed to be addressed.

Mr. Carter agreed that it was really stormwater they were concerned with. He said he understood the Council was in favor of his recommendations along with those of Councilman Zipprich. He said he also wanted to discuss Opportunity Zones. He distributed information on financial incentives that could be taken on federal tax returns.

Administrator Shehady reviewed ordinances/resolutions expected in June including a drop box ordinance (similar to the newsrack ordinance) and a resolution for a bond release. He said the Denholtz Southbank project attorneys had sent a letter requesting that a no parking zone be designated at their property as recommended by the Zoning Board of Adjustment.

Director Carter reviewed the recommendation of the Zoning Board.

Administrator Shehady said they were also adding parking spaces, some of which would be dedicated for public use. He said the size of the road would not change. A discussion followed on current conditions and trash collection procedures.

Director Carter suggested the Council consider the timing the ordinance to the completion of the project.

Administrator Shehady said an ordinance would be needed to restrict the parking, an ordinance for an easement to dedication the parking spots. He also noted the right of way currently had no name and said they had made a request for a name for the street. He said there was no rush on naming the street as it would not delay the project.

Councilman Yngstrom suggested the Council should take their time and think about it.

Administrator Shehady said there was also a recommendation to amend the ordinance to allow food trucks on private property with restrictions. He said there were certain underutilized or abandoned properties that could benefit from the use. He said he felt it would help the economy of the community and would make Red Bank an area that was attracting new and emerging businesses.

Councilman Ballard said he was in favor of the idea especially if it would help clean up the properties.

Councilwoman Triggiano said she thought it was a great move and said she was aware of local owners who had been denied in the past.

Administrator Shehady said, if the Council was in favor, he would ask Zoning Director Carter to draft an ordinance.

Councilman Zipprich asked if the issue had been discussed with RiverCenter.

Administrator Shehady said it had not been discussed yet and added that he felt most locations would not be within the RiverCenter's jurisdictional boundaries.

Councilman Zipprich suggested it should be discussed at the next Board meeting.

Councilwoman Triggiano asked why it would not be within their jurisdiction.

Administrator Shehady said it would be applicable to private properties and he did not think there were that many private properties in the district that could host a food truck. He said he was thinking of properties like abandoned gas stations.

Zoning Director Carter expressed some concerns about how brick and mortar restaurants might react and by providing a financial benefit to properties such as abandoned gas stations, they might have a tendency to stay abandoned because they would then have a revenue source. He said the Borough had taken action to discourage abandoned properties through the abandoned property ordinance and this would give them a benefit of renting to food trucks. He said another issue said it could be difficult to plan noting that once a food truck or two was placed on a site, it could become difficult to park cars. He said the other option would be to do it on public property and discussed various locations.

Councilwoman Triggiano said she felt food trucks would not attract the same customers as brick and mortar restaurants.

Mr. Carter agreed that that was the experience in many towns.

Councilman Yngstrom asked if they could tie property maintenance requirements to the approvals.

Mr. Carter said he could craft the ordinance in whatever fashion the Council requested.

Councilman Yngstrom also asked if they could limit the use to properties of a certain size.

Administrator Shehady said there were ways to address the concerns Mr. Carter had mentioned including requiring a certain lot size again noting that the RiverCenter district would not have lots large enough to accommodate that.

A discussion followed on what led properties to become abandoned and how the income might enable the owners to make improvements.

Councilman Zipprich noted that limited breweries were not able to serve food and said food trucks often parked adjacent to the businesses so people could bring the food in.

Director Carter said that led to a different topic he meant to bring up regarding breweries and distilleries. He said it was a difficult zoning issue and compared the use to that of a bakery. He noted, even though there were basically a manufacturing use, they were being treated like retail. He said they were receiving similar requests from distilleries and asked for guidance from the Council on how to proceed.

Borough Clerk Borghi reviewed a recent Special Ruling from the Division of Alcoholic Beverage Control to address breweries who were basically functioning as bars. She said it was an issue in many downtown areas.

Councilwoman Triggiano said she felt the traffic of a bakery and of a brewery were extremely different. She said she felt it was more comparable to a restaurant.

Mr. Carter said he just used the bakery as an example but they were basically a retail use. He said he did not want to do anything that was out of sync with what the Council wanted.

Councilwoman Triggiano said she did not want to send a message that they were anti-business and that included breweries. She said she did not want them to feel the town was not supporting them.

## **CORRESPONDENCE**

None.

## **PUBLIC COMMENT**

Albert Larontonda – 254 Spring Street – said he had appeared before the Council a few times and said, the last time he had appeared, he had brought a document concerning the lead and copper testing plans of the town. He said, as a result of research he had done, he believed that there were various things that needed to be discussed. He said, since he submitted those documents, he had not heard back from the town. He said that was why he was appearing at this meeting. He said he wanted to read from documents he had brought with him.

Council President Yngstrom reminded him that there was a five minute limit on public comment.

Mr. Larontonda said the matter he wanted to discuss had been going on for two years. He asked why he had not received a response regarding the information he had presented to the Council the month before.

Attorney Cannon noted that Mr. Larontonda had filed a complaint against the town so they were not going to discuss the matter with him.

Mr. Larontonda asked what the Council would do.

Mr. Cannon said they were going to let him speak at a public meeting.

Mr. Larontonda asked what they were going to do about his complaint.

Mr. Cannon said he would answer it.

Mr. Larontonda itemized and read from the documents he had brought with him. He criticized the Borough and DEP for their response.

William Poku—90 Bank Street – said he wanted to bring up five points. First, he express concern about water collecting on the southwest corner of Bank Street and Leighton Avenue. Second, he said he was currently in court with Attorney Cannon and Mr. Cannon has stated that the NAACP had not participated in housing discussions and he was appearing to say that was not true. He claimed he had previously tried to attend a meeting as a NAACP representative and said he had been unable to determine the location of the meeting. He discussed the structure of the NAACP organization. He said Mr. Cannon had read from an agreement at a public meeting that the NAACP should be noticed as an interested party. He said when he asked Mr. Cannon to confirm the

address where the notices were sent, he had been unable to say and had said he would inquire. He said he would like to receive notices and claimed he was the Chair of the Housing Committee for the NAACP. He skipped to what he said was his fourth point and said Councilman Zipprich has talked about tweaking the Alternate Side Parking Ordinance. Mr. Poku said there were places in the Borough that had handicapped spaces and asked what would happen with those spaces. He said questioned parking enforcement in general. He also criticized property maintenance enforcement.

Suzanne Viscomi—25 Cedar Place—said she wanted to follow up on the report that Mr. Larontonda had discussed. She said the primary goal was to inspect single family homes but, in reviewing the list, she found several properties that were not single family homes. She also claimed the homes were being tested in clusters. She said the entire town should be tested equally.

Attorney Cannon explained that the Lead and Copper Sampling Plan did not test individual home water. He said they go around the entire water system and tap certain locations to test for copper and lead. He said the information that had been read out loud earlier in the meeting was from a draft report in which the DEP and the Engineer for the water utility determines the samples based on the age of the system and a number of other factors. He said, under the ordinance, the residential service line from the main to the house, was the property owners responsibility. He said anyone at any time could go to a home improvement store and arrange to have their water tested. He again noted that the towns sampling was not designed to test the individual quality of the water at individual houses and reviewed the process. He said the documents read earlier were simply Borough and DEP officials determining what the lead and copper sampling plan should be. He said it was confusing to residents because different information was being provided which was due to the fact that it was a working document between the Borough and the DEP. He again reiterated that the plan did not include going to individual housing and testing the water and again noted that was the responsibility of the homeowner. He said, as a water purveyor, the Borough had the responsibility of testing the water at different locations throughout the system because, as Mr. Larontonda had correctly pointed out, there are pipes of different materials throughout the system. He again said the communications that were read were between the Borough and the DEP to determine what would be tested. He said Mr. Larontonda had gone to the DEP and said he did not think it was sufficient. He said the DEP had investigated and told the town they would have to do more.

No one else appearing, Councilman Yassin offered a motion to close the audience portion, seconded by Councilman Zipprich.

**ROLL CALL:**

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

**NAYS:** None

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

**EXECUTIVE SESSION**

None.

**ADJOURNMENT**

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

**ROLL CALL:**

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

**NAYS:** None

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

Respectfully submitted,

Pamela Borghi