

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 24, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Taylor, Whelan, Yngstrom, Ballard, Zipprich, and Horgan.

ALSO PRESENT: Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney Cannon, Engineer Neumann and Consultant Hartnett

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 1, 2018.

SUSPEND REGULAR ORDER OF BUSINESS

Councilman Zipprich offered a motion to suspend the regular order of business, seconded by Councilman Taylor.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Red Bank Business Alliance presentation to the Red Bank Borough Education Foundation

Members of the Red Bank Business Alliance presented a check in the amount of \$5,000 to members of the Red Bank Borough Education Foundation. They reported that their fundraiser had had all food items donated so they were able to give 100 percent of the proceeds to the beneficiary.

Barbara Boas of the Red Bank Borough Education Foundation thanked the members of the Business Alliance and said the group also donated all food to the Foundation's annual Casino Night fundraiser and said there were a year round supporter of the organization and of the Borough's schools.

Red Bank Elks Proclamation

Mayor Menna read a proclamation in honor of the 125th Anniversary of Red Bank Elk's Lodge No. 233 and presented it to their President, Shean Opie. He thanked the group for all of the good works they had done in the Borough.

RESUME REGULAR ORDER OF BUSINESS

Councilman Zipprich offered a motion to suspend the regular order of business, seconded by Councilman Taylor.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

WORKSHOP

Discussion to establish permanent Animal Welfare Advisory Committee

Mayor Menna said the Animal Welfare Advisory Committee had been created as an Ad Hoc Committee and said it had worked out well. He said there had been a request to formalize the Committee.

Councilwoman Horgan reviewed the goals of the Committee and said the members would like the Committee to be a permanent Committee of the Borough.

Red Bank Volunteer Fire Department Grants

Councilman Whelan said the Fire Department was looking to apply for a grant from FEMA for new air packs for the Department.

Risk Management and Health Insurance Services

Management Consultant Hartnett explained that there had been an RFP regarding to Risk Management Services. He said there would be no difference in cost to the Borough since the expense was covered by membership in the Joint Insurance Fund. He said they had been looking at the best service. He said it

was their recommendation that the Borough go with Fairview Insurance Associates. He said they would normally have prepared a more detailed report but he had just been informed that action needed to be taken at this meeting.

Attorney Cannon reviewed the JIF By-laws and told the Council that the JIF would appoint a broker if the Council did not take action within 30 days of their Reorganization meeting. He said the Borough had also done an RFQ for Health Insurance but said it was more complicated and did not have the said time constraint.

Consultant Hartnett said he would also interview all firms with the Finance Committee.

Councilman Whelan asked how many firms had applied for the Risk Services contract and what the recommendation had been based on.

Mr. Hartnett said the Borough had had the same broker for 27 years which was generally not a good idea. He said he had gotten reports from staff and thought the Borough could do better. He said his partner had had extensive experience with the chosen firm. He recommended the Borough look at all insurance services. He said there had been three applicants.

Councilman Whelan asked if the Borough could get an extension on making the appointment.

Mr. Cannon said they could not. He also noted that one of the three that applied was the broker the Borough had currently. He said he had never heard of them granting an extension and reviewed his experience in a similar situation.

Mayor Menna said all of the firms were qualified and said it was a good time to review. He again noted there would be no additional cost.

Sustainable Land Use Resolution

Councilman Taylor noted a similar resolution had been done in 2013 and said it just needed to be renewed as part of the Sustainable Jersey certification.

Discussion of Proposed Zoning Changes regarding Head Shops

Mayor Menna said an ordinance was needed to give guidance in regard to applications for restricting certain commercial activity. He noted State Statute said he had to be allowed in certain zones. He said it was important to be proactive to carve out legally sustainable zoning to prohibit certain shops within a certain number of feet from a school or religious institution. He reviewed a previous situation involving adult entertainment. He said they needed to look at the Zoning Map to determine where the use should be permitted and stressed the need to keep it away from where children congregate. He asked Attorney Cannon to look into the matter and forward his findings to the Code Committee. He said he would be happy to look at the issue with the Committee.

Councilman Ballard said he concurred with Councilman Taylor and said he anticipated marijuana would be a revenue stream. He asked if they could do a Zone within a Zone to make sure it was a certain distance from schools.

Councilman Zipprich said he assumed the State would set parameters.

Mayor Menna said he understood that there would be no action from the State before 2021 but said he believed the State would not get into zoning issues.

APPROVAL OF MINUTES – January 10, 2018

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna said, at Councilman Whelan's request, he was appointing Councilman Taylor to the Parks & Recreation Committee as Council liaison to replace Councilman Whelan.

Councilman Whelan noted Councilman Taylor had a long history in the town and on the Committee.

Councilwoman Horgan said, as a member of the Committee, she wished she had been informed.

A discussion followed on various appointments and the notification process.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Ballard had no report.

Councilman Zipprich thanked the Red Bank Business Alliance for supporting the Red Bank Borough Education Foundation and the Borough Schools. He also reported that this was the last day at RiverCenter for Amanda Lynn. He commended her efforts while she was with the organization. He said

the DPU Committee had held their inaugural meeting for 2018 the previous week. He reviewed the attendees and agenda items that had been covered. He also reported that the Historic Preservation Committee had met the previous night to review a new draft of the Historic Preservation Ordinance and historic guidelines. He said they had also discussed historic properties in jeopardy and the historic preservation awards program. He said the Chair was working with the Borough's IT Department to improve the Commission's webpage.

Councilwoman Horgan had no report.

Councilman Yngstrom said the Parks & Recreation Department would be hosting a Father-Daughter dance on February 9 and a Family Ski Trip on February 10. He said they were currently accepting applications for the Couch Potato to 5K class to be held on Mondays and Wednesdays. He said Spring Sports registration was underway as well as summer camp signups. He said sponsorships were now being accepted for the Department's Summer Series. He said they were also working with the 5K Classic event scheduled for June 16 and being sponsored by the Red Bank Business Alliance. He said registrations were now being accepted. He said the Parking Committee had not yet finished the Parking RFP. He said the Committee was waiting for input from various stakeholders before finalizing and posting it. He said he expected it would be done before the next Council meeting. He also reported that the Navesink River Municipalities Committee had partnered with the Rutgers Cooperative Extension Water Resources Program last year to study the Borough's impervious surfaces to come up with a reduction action plan. He said the group had provided an assessment which had shown a high percentage. He reviewed how that would affect water quality and said they had also provided a reduction action plan. He said they had also offered to help establish a rain garden at the Red Bank Primary School. He said both studies were available on the Borough website.

Councilman Whelan said he had no report.

Councilman Taylor said he thought the Rutgers plan would be helpful and said the Environmental Commission was also taking a look at it to see how they could incorporate it into their initiatives going forward. He reported that the Environmental Commission Creative Team had met earlier in the week and were moving forward with their Earth Day event which would be held Saturday, April 21, the day before Earth Day, due to a conflicting event scheduled for Earth Day, April 22. He reported that the Code Committee had held their first meeting of the year and welcomed the new Committee members. He said the Borough's Prosecutor had attended and offered comment on how they could better enforce the Borough's codes. He said they also discussed doing a Master Plan but said no formal decision was made. He said they hoped to include green building guidelines. He said the Borough also needed to be mindful of the possibility of legalization of marijuana and said they would be addressing that in committee.

COMMUNICATIONS AND PETITIONS

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

2018-05 Mayor Menna read, "An Ordinance Amending Chapter 596: "Special Improvement District" to Include Additional Properties in the Special Improvement District and a New Exhibit A Attached Thereto Listing Said Properties."

Mayor Menna said the ordinance should be tabled because it needed additional review for possible changes.

Councilman Zipprich offered a motion to table the ordinance, seconded by Councilman Taylor.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

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

Freddie Boynton—PO Box 2074, Red Bank—asked who owned the property being leased as an impound yard.

Mayor Menna said it was Arrow Limousine.

Mr. Boynton asked how much the Borough would be paying for the lease.

Mayor Menna said it was \$16,800 and explained the need for a new location. He said he anticipated that fee would be paid for out of vehicle auction proceeds.

Ben Forrest—16 Locust Avenue—said he supported the creation of the Animal Welfare Advisory Committee. He also noted he hadn't seen anything on the agenda regarding the Parking Study.

Councilman Yngstrom said it was not listed yet and noted that he had reported earlier that the Committee was still drafting the RFP. He said he expected it would be on the next meeting agenda.

No one else appearing, Councilman Zipprich offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

ORDINANCES – First Reading

2018-03 Mayor Menna read, “An Ordinance Approving a One-Year Lease Agreement for an Approximately 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.”

Councilman Whelan offered a motion to introduce the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

Public Hearing to be held February 14, 2018 at 6:30 pm

2018-04 Mayor Menna read, “An Ordinance Creating an Animal Welfare Advisory Committee.”

Councilwoman Horgan offered a motion to introduce the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

Public Hearing to be held February 14, 2018 at 6:30 pm

ORDINANCES – Public Hearing and Final Adoption

None.

RESOLUTIONS

By Consent Agenda:

Mayor Menna called for a vote on the following resolutions by Consent Agenda:

- 18-25 A Resolution Authorizing Agreement with Interfaith Neighbors, Inc. for 2017 Nutrition Program for Red Bank Senior Center.
- 18-26 A Resolution Authorizing the Filing of a Recycling Tonnage Grant.
- 18-27 A Resolution Authorizing Contract for Animal Control Services with the Borough of Fair Haven.
- 18-28 A Resolution Authorizing Contract for Animal Control Services with the Township of Shrewsbury.
- 18-29 A Resolution Appointing Full Time Level 3 Police Department Dispatcher.
- 18-30 A Resolution Authorizing Person-to-Person Transfer of Plenary Retail Distribution License No. 1340-44-028-003 (Tae S Pae to TST Beverages, LLC)

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-31 Mayor Menna read “A Resolution Authorizing Contracts with Certain Approved Vendors Under a Cooperative Pricing System Pursuant to 40A:11-11(5) (Fire Chief Vehicle)”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-32 Mayor Menna read “A Resolution Authorizing Tax Credits/Refunds Totaling \$1,203.28 due to Judgements of the Tax Court of New Jersey.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-33 Mayor Menna read “A Resolution Authorizing Tax Credits/Refunds Totaling \$5,091.89 due to Judgements of the Tax Court of New Jersey.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-34 Mayor Menna read “A Resolution Authorizing Tax Credits Totaling \$1,117.41 due to Interest/Penalties Charged in Error.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-35 Mayor Menna read “A Resolution Authorizing Transfer of Current Fund Appropriation Reserves.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-36 Mayor Menna read “A Resolution to Award Contract for Risk Management Services.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-37 Mayor Menna read “A Resolution Pledging to Take Steps Toward Sustainable Land Use.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming February 2018 as Black History/T. Thomas Fortune Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

18-38 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$6,903,467.59.

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Paul Cagno—65 Wallace Street—thanked the Mayor for adding a discussion on the issue of “head shops.” He said he had been shocked to see the store and its window display. He noted the number of family oriented establishments in the area as well as the proximity to schools. He said there was a second shop closer to the parks. He called for a restriction on the displays and for an immediate moratorium. He questioned the seating area in the store with a hookah that the owner said would be used to customers could test their product.

Mayor Menna said he understood Mr. Cagno’s concerns and said he thought the State prohibited smoking indoors. He called for a departmental review and said he expected an ordinance to be introduced at the next meeting.

Mr. Cagno said the President of the American Vaping Association agreed that restrictions near schools were a good idea. He said he appreciated the Council looking into it.

Steve Wikoff—Maple Avenue—said he had had a couple of incidents with what he assumed were new Code Enforcement staff members. He said he assumed they were new because things had been in place for 16 or 17 years were now required to be modified. He said, aside from that, he was attending to discuss snow removal on sidewalks. He said they had been removing snow the same way for four generations and questioned why they had gotten a ticket rather than a warning. He said he had paid the fine and was attending to suggest that they give warnings before tickets in the future.

Roger Mumford—Bridge Avenue—asked about the RFP for the Parking Study that was mentioned and what it would relate to.

Councilman Yngstrom said it would be a study for the downtown district from the Train Station down to Riverview to determine parking needs and to suggest solutions.

Mr. Mumford asked if it would be for outside professionals to submit a bid.

Councilman Yngstrom said it would.

Mr. Mumford asked if there were cost parameters or if that was something the professionals would bid.

Councilman Yngstrom said they would bid on it.

Mr. Mumford urged Council members to make sure the study was comprehensive and that it took into consideration many facets including shared parking. He reviewed what he thought the study should include. He criticized how the process was handled for the previous year’s RFP regarding White Street. He outlined his vision for how the area could be improved. He said, as far as he was concerned, they were no longer participating in the process regarding the White Street project. He again criticized the process and the part that politics had played. He reviewed how his plan could have benefitted Red Bank. He offered suggestions for the future and his thoughts on revitalization.

Freddie Boynton—PO Box 2074—thanked the DPW staff for cleaning catch basins. He reviewed the last meeting and the discussion of drivers’ credentials. He showed the Council what he was required to carry as a driver. He said he could tell by looking that certain people did not have certifications. He warned that training was needed for certain trucks.

A discussion followed between Councilman Zipprich and Mr. Boynton regarding the driver’s credentials. Councilman Zipprich asked Mr. Boynton to bring his concerns to the Director of Public Works.

Ben Forrest—16 Locust Avenue—said a sewerage issue had been discussed at the Zoning Board the previous week. He said there had been poverty right under everyone’s nose and called for intervention. He thanked Mr. Mumford for his efforts and called for a review of the Master Plan. He criticized past practices regarding redevelopment issues and zoning. He said he agreed that there was a need for a parking study. He said he did not believe the town was on the brink of collapse and thought it could be fixed. He said the Council needed to get along and get on the same page.

Councilman Zipprich said the Democrats had put out a seven point plan and felt they could not have been more transparent.

Mr. Boynton said his relative had lived in the house with the sewer problem and explained what had led to the situation.

James Scavone—Director, Red Bank RiverCenter—said he wanted to publically acknowledge that the longtime owner of Rocky's Barber Shop had passed.

Roger Mumford said he wanted to challenge Councilman Zipprich's statements and criticized the fact that a position paper had been issued before they had reviewed the proposals.

RESOLUTIONS

18-39 Mayor Menna read “A Resolution to Approve Application to FEMA for Red Bank Fire Department Grant.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

EXECUTIVE SESSION

18-40 Mayor Menna read a resolution to adjourn to executive session to discuss litigation and personnel; it was anticipated that no action would be taken.

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Councilman Zipprich offered a motion to adjourn from executive session and return to regular business, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

ADJOURNMENT

Councilman Whelan offered a motion to adjourn the meeting, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Respectfully submitted,

Pamela Borghi