

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 9, 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: Interim Administrator DeRoberts, Borough Clerk Borghi, CFO Poulos, Attorney Cannon, Engineer Berdahl and Auditor Fallon.

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.

Mayor Menna announced that the Workshop discussion item, Borough Administrator Ordinance, should be tabled for further discussion and called for a motion.

Councilman Ballard offered a motion to table Ordinance No 2018-17, 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.

SUSPEND REGULAR ORDER OF BUSINESS

Councilwoman Horgan 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.

Older Americans Month – May 2018

Mayor Menna read a proclamation proclaiming May 2018 as Older Americans Month in the Borough of Red Bank and presented it to Jackie Reynolds the Director of the Senior Citizens Center and Senior Center Advisory Board member Dorothy Davis. Center Director Reynolds invited everyone to attend an Open House at the Center.

Presentation to Parks & Recreation Intern Alec McCourt

Mayor Menna, Councilman Yngstrom and Parks & Recreation Director Hoffmann presented a Certificate of Appreciation to Alec McCourt for serving as an Intern in the Recreation Department during the 2017-18 school year. Director Hoffmann spoke very highly of his time with the Department. Mr. McCourt thanked them for the opportunity.

Presentation to Coach John S. Truhan, III

Mayor Menna and Councilman Yngstrom presented Coach Truhan with a proclamation in honor of his being named New Jersey's Girls High School Basketball Coach of the Year by the Hoop Group. Coach Truhan said the honor was humbling and said he felt it was a team award because the kids did all of the work.

Budget Introduction

Councilman Ballard thanked Councilmen Zipprich and Taylor for their work on the Finance Committee. He also thanked Mayor Menna, CFO Poulos, Auditor Fallon and Consultants Hartnett and DeRoberts for the countless hours they spent on the budget and the valuable input they offered. He said there was hard work in the coming months to implement the course correction that Red Bank desperately needed. He said with a new Administrator starting along with a Management Enhancement Report recently delivered, he was excited for Red Bank's future.

Auditor Fallon reviewed specifics of the budget and said the operating budget remained flat except for pension expenses. He said the budget had only increased 1.5 percent over the last six years. He noted that this was not the final budget and said a public hearing would be held on June 13, 2018 at 6:30 pm.

He said the Mayor and Council could make further changes.

Mayor Menna noted this was not the adoption of the budget but was a statutory introduction. He said the Public Hearing would be June 13. He said the Finance Committee would also hold a public meeting prior to the Public Hearing. He thanked the Committee for their work. He said they were working on a number of items. He said a primary factor was the loss of tax appeals and the funding mechanism that required the Borough to refund payments that had already been forwarded to the County or the school districts. He reviewed proactive steps the Council was taking to address that situation.

Councilman Ballard noted there was a Grant Consultant coming on board to help bring in funding. He asked the public to remember that the budget was a statutory requirement and said action would be taken after the introduction to help the Borough in the long run. He said the Committee was focusing on long term planning to get the Borough to the right place.

Mayor Menna said, assuming the Council voted to introduce the budget, the document would be uploaded to the Borough's website the following morning and said hard copies would be available at the Clerk's Office.

Councilman Zipprich thanked the Finance Committee team along with the Mayor and CFO. He said the five year forecast would give the Borough better footing going forward.

Councilman Taylor said he recognized the budget was challenging every year but noted no money had been set aside for the Master Plan which he said he felt was an oversight. He said it seriously needed to be considered.

Mayor Menna said the Master Plan had not been deliberately overlooked and noted he had established committees that would be announcing funding opportunities to enable that to take place. He also noted that another detriment to the budget was the fact that one non-profit had stopped paying their annual PILOT (Payment in Lieu of Taxes) due to litigation.

Councilman Ballard said the Master Plan was in the Five Year Plan. He said that was one reason why it was such a great idea to look forward beyond just this year.

Councilman Taylor said he agreed and wished they had done it five years earlier.

Mayor Menna said he agreed that it was important and would be done.

Councilman Whelan asked if there would be a Finance Committee Budget Presentation.

Mayor Menna said there would be and said that Councilman Ballard would be announcing a date.

2018-13 Mayor Menna read, "An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)."

Councilman Ballard offered a motion to approve the introduction of the ordinance, 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.

Public Hearing and final adoption scheduled for June 13, 2018.

18-126 Mayor Menna read, "A Resolution Authorizing Introduction of 2018 Municipal Budget."

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.

Public Hearing and final adoption scheduled for June 13, 2018.

RESUME REGULAR ORDER OF BUSINESS

Councilman Ballard offered a motion to resume the regular order of business, 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.

WORKSHOP

Commercial Solid Waste Collection

Mayor Menna explained the need to amend the ordinance to clarify pick up hours for collectors of Commercial Solid Waste. He said the ordinance, when adopted, did not set hours for pick up and it had caused conflict with residents in the business district. Mayor Menna polled the Council for suggestions on the hours that should be set.

The Council determined there should be no collection between the hours of 11pm and 6am.

Councilman Zipprich asked if the noise ordinance also had to be amended.

Mayor Menna said he did not think that was necessary since it specifically addressed solid waste.

Councilman Whelan said he appreciated the quick response to an inquiry he had made.

Mayor Menna called for a motion to introduce the amendment to the Ordinance.

2018-18 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 590, Solid Waste, Article IV, "Collection from Retail Food Establishments."

Councilman Whelan offered a motion to approve the introduction of the ordinance, 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.

Public Hearing and final adoption scheduled for May 30, 2018.

Historic Preservation Commission Ordinance

Councilman Zipprich reviewed the process that had been undertaken to amend the ordinance. He thanked the Historic Preservation Committee for their efforts. He said the change would ensure preserve the historic character of the Borough and reviewed specifics of the proposed ordinance.

Mayor Menna said there was an amend draft before everyone and asked if the Council has any questions. He noted it would only apply to the Washington Street Historic District, the Downtown Historic Overlay Zone and those properties listed in the Historic Element of the Master Plan.

Councilman Taylor noted that the ordinance would change the function of the Committee from the weak form of one that was advisory to one with the authority to dictate approvals/denials. He said it would fundamentally change the nature of the Commission.

Mayor Menna said he raised a very good point. He noted he and former Councilwoman Beck had introduced the previous ordinance because they had felt that it was important to preserve the character of the historic areas in town. He said they had no frame of reference at that time so had not felt it was appropriate to introduce something with a broader, mandatory scope. He said he felt this was a logical outcome of what had been started about 12 years ago.

Councilwoman Horgan said the Council was the final arbitrator on these matters and also noted the ordinance could always be changed.

APPROVAL OF MINUTES – April 25, 2018

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

ABSTAIN: Whelan

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

MAYORAL APPOINTMENTS

Mayor Menna appointed Frederick Corcione as Construction Official effective immediately.

Councilman Zipprich offered a motion to approve the appointment, 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.

Mayor Menna made the following appointments:

- Roseanne Dal Pra to Historic Preservation Commission as a Full Member to an unexpired three-year term expiring 12/31/19.
- Gary Saphire to Historic Preservation Commission as Alternate Member #2 to an unexpired three-year term expiring 12/31/19.
- Paul Proietto to the Animal Welfare Advisory Committee for an unexpired three-year term expiring 12/31/2018.

Councilman Zipprich offered a motion to approve the appointments, 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.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Yngstrom reported that Parks & Recreation had had their second Marine Park public meeting and said two more were scheduled. He said he encouraged everyone to check out the Parks & Recreation Facebook page on the Borough's website. He said the Red Bank Classic 5K was planned for Saturday, June 16. He reviewed other Parks & Recreation activities including a Memorial Day Service on Monday, May 28. He reported that there had been a Cars & Coffee event at the White Street Parking Lot the previous Sunday and said another was scheduled for Sunday, May 27. He also reported that the Parking Committee had met with the two finalists for the Parking Study RFP. He said they were working in conjunction with RiverCenter so were having their favorite candidate meet with that organization on May 23. He said he hoped to have a recommendation at the next Council meeting.

Councilman Zipprich said he wanted to note that the Parking Consultant candidate was being presented to the full RiverCenter Board and not just the Executive Committee.

Councilman Whelan asked if the full Board Meeting would be a public meeting.

Councilman Zipprich confirmed that it would be.

Councilman Whelan reported that the Fire Department, under the direction of 2018 Fire Chief Stu Jensen, had been implementing a lot of new drills to keep the town moving in the right direction.

Councilman Taylor reported that the Code Committee had met after the last Council meeting to continue to work on the initiative to assess the occupancy of upper floors in the downtown area. He said he had been unable to attend the last Environmental Commission meeting but said there would be an announcement at the next Council meeting.

Councilwoman Horgan reported that the fourth annual Mayor's Ball would be held on Friday, May 18 and that tickets were still available. She said it would be a masquerade theme. She said the Red Bank Eisner Memorial Library would hold that last Eisner History Walk Tour of the season would be held on Wednesday, June 2nd at 11 am. She said there would be a presentation just before at 10am titled "The Eisners of Red Bank. She said registration was recommended. She also reported that the Director of the Library would be retiring at the end of June and she thanked for all she had done.

Councilman Zipprich also thanked Library Director McDermott for her work at the Library. He also reported that the Historic Preservation Commission had met the previous week to review plans, nominate new members, update website content and finalize the Historic Ordinance. He thanked Michaela Ferrigine and the entire team along with Planning/Zoning Director Glenn Carter for their work on the ordinance. He said the Department of Public Works Committee had met the previous week to review the Road Program Schedule changes and other ongoing projects. He said they also discussed the Master Plan Project in regard to the parks and reviewed capital projects. He complimented Councilman Yngstrom, Parks & Recreation Director Hoffmann and the Kimley-Horn team on the Marine Park project. He said the presentation at the second meeting held the previous week at the Red Bank Senior Center had been amazing. He also reported that he and Councilwoman Horgan had attended the Elks' Youth Day Breakfast where they congratulated the scholarship and essay winners.

Councilman Ballard said he had no additional report.

Mayor Menna reported that he had received a letter from the Red Bank Chapter of the New Jersey Association of Letter Carriers asking him to announce that on Saturday, May 12, 2018, they would be participating in the National Association of Letter Carriers Stamp Out Hunger Day. He said letter carriers throughout the country, on that day, collect healthy, non-perishable food items to be donated to local food pantries. He urges all residents to support the effort.

COMMUNICATIONS AND PETITIONS

Mayor Menna read the following requests which have all been recommended for approval by the Special Events Committee. All approvals are subject to final plan review by the Special Events Committee:

- Request from St. Anthony's of Padua to hold a procession for Feast of St. Anthony from Peters Place to Chestnut Street beginning at 11am on Saturday, June 16 and to close Herbert Street from 8am to 4pm.
- Request from Indie Street Film Festival to install a mural at 97 Broad Street the weekend of July 13 through 15, 2018 with the permission of the property owner.
- Request from Indie Film Festival to hold a cookout at BowTie Cinemas movie theater on Thursday, 7/26/2018, and Friday, July 27, 2018 from 5 to 9pm. Approval subject to final plan review by Special Events Committee.
- Request from Red Bank Charter School to hold their annual Welcome Picnic at Eastside Park on Wednesday, August 29, 2018 from 3 to 8pm.
- Request from Life Vest Inside to hold their annual Worldwide Dance for Kindness on Broad Street on November 11, 2018 to close Broad Street from White Street to Front Street from 1 to 3pm.
- Request from the Brother's Brandt Foundation to hold the annual Rivalry Series Flag Football Games and the use of Count Basie Field for Friday, November 23, 2018 from 9am to 4pm.

Councilman Whelan offered a motion to approve the requests, 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.

Mayor Menna read a request from Joshua Schmidt, Robert Colmorgen, Steven George, Robert J. Heyer, James Bruno, Leonard Calabro, Peter DeFazio, John Mego and Diana Weiczerzak to transfer membership to the Westside Hose Company of the Red Bank Volunteer Fire Department.

Councilman Whelan offered a motion to approve the requests, 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.

Mayor Menna noted that the Council had been working with the Fire Department to realign companies and reduce the number from six to five. He said the member of the former Relief Engine Company needed to join another company so these were essentially transfers of membership.

Councilman Whelan added that some of the members from Relief Engine Company had been members of that company for decades and had had family members who had preceded them as members. He said he recognized that it was a difficult decision and said the Council appreciated that they had been able to come to an agreement that he said was a win-win.

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak. He reminded everyone of the rules for public comment including the three minute time limit.

Allison Gregory—109 Bank Street—said she thought the Post Office program was fantastic and asked how residents would know about it.

Mayor Menna said it would be posted on the Borough's website.

Ms. Gregory said she felt it was a fantastic opportunity and asked how else people would be informed.

Mayor Menna clarified that it was a Post Office program but said the Borough would put it on the website to help get the information out.

Ms. Gregory asked about proposals for Marine Park and Sunset Park.

Mayor Menna noted those were not agenda items which was what was being addressed during this portion of the agenda. He said they would be happy to hear her comments during the regular audience portion later in the meeting.

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, Zipprich, Horgan

NAYS: None

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

ORDINANCES – First Reading

2018-14 Mayor Menna read, “An Ordinance Establishing Salaries or Wages of Officials and Employees of the Borough of Red Bank.”

Councilman Ballard offered a motion to approve the introduction of the ordinance, 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.

Public Hearing and final adoption scheduled for May 30, 2018.

2018-15 Mayor Menna read, “Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Historic District Regulation and Article VIII Relating to the Historic Preservation Commission.”

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

Public Hearing and final adoption scheduled for May 30, 2018.

2018-16 Mayor Menna read, “An Ordinance Amending Borough Code Chapter 231: “Animals” to Include New Article VIII, “Regulating the Sale of Dogs and Cats and Prohibiting the Sale of Certain Dogs and Cats from Pet Shops.”

Councilwoman Horgan offered a motion to approve the introduction of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yngstrom, Ballard, Zipprich, Horgan

NAYS: Taylor

ABSTAIN: Whelan

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

Public Hearing and final adoption scheduled for May 30, 2018.

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

18-127 Mayor Menna read, “A Resolution Authorizing an Amendment to an Agreement with Interfaith Neighbors, Inc. for 2018 Nutrition Program for Red Bank Senior Center.”

Councilman Yngstrom 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.

18-128 Mayor Menna read, “A Resolution Authorizing Approval of Sidewalk Cafes.”

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

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

NAYS: None

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

18-129 Mayor Menna read, “A Resolution Accepting the Performance Guarantee Posted by Two River Theater Co., Inc. for Block 35, Lot 5.01 and Block 36, Lots 22, 22.01 & 22.02.”

Councilwoman Horgan offered a motion to table the resolution, seconded by Councilman Ballard.

ROLL CALL:

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

NAYS: None

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

18-130 Mayor Menna read, “A Resolution Appointing Special Law Enforcement Officers Class I.”

Councilman Whelan 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.

18-131 Mayor Menna read, “A Resolution Approving Closeout Change Orders and Authorizing Final Payment to L&L Paving Company for 2017 Red Bank Road Program.”

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

ROLL CALL:

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

NAYS: None

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

18-132 Mayor Menna read, “A Resolution Awarding a Two-Year Concession License, with an Optional Three-Year Extension, to Genesis Point, LLC for a Concession Premises at Riverside Gardens Park.”

Councilman Yngstrom 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.

18-133 Mayor Menna read, “A Resolution Amending the 2018 Temporary Appropriations.”

Councilman Ballard 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.

PROCLAMATION

PAYMENT OF VOUCHERS

18-134 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$904,247.31.”

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

Karen Fasano Thomsen—40 Alston Court—stated that she was a member of the Animal Welfare Advisory Committee and she had 250 letters of support in favor of the Ordinance that she presented to Council members. She said she had also emailed copies to the Council earlier in the day.

Manny Giuliano—Chaplain, Monmouth County SPCA—said he was in support of the passage of the ordinance and thanked the Council for voting for its introduction.

Nancy Jenkins—Morganville—said she was an animal advocate and spoke in support of the ordinance and distributed an article in opposition to puppy mills.

Mr. Giuliano said he would also like to provide the Council with a written statement.

Gary Hager—owner, Bark Avenue—told the Council that he would be put out of business by the passage of the ordinance and said his business had seven employees. He said his reputation had been injured by the introduction of the ordinance. He said the Council had previously stated that they would discuss the matter with stakeholders. He said Mayor Menna and Councilwoman Horgan had each visited his shop and reconfirmed their desire to not institute an ordinance that would close his business and put seven employees out of work. He said, to date, there had been no meeting and no contact. He compared the issue to the Council deciding people should be vegan and not allowing restaurants to serve meat. He said it was a slippery slope when the Council wanted to tell citizens what they could or could not do. He accused of the Council of trying to ram through the ordinance without any discourse. He also said he wanted to state on the record that, if the ordinance was adopted in its current form, he would have no other option than to authorize his attorney to sue the Borough. He questioned how much the taxpayers would be will to pay to defend such a lawsuit.

Brian Hackett—NJ State Director of Human Society of the United States—he said the ordinance was pro-business. He said 24 of the 25 largest pet retailers in the country refuse to sell cats and dogs. He claimed that, the one that did continue to sell, had been responsible for a multi-state bacterial infection which the CDC had attributed to commercial breeding facilities. He said the State used to have over 45 businesses that sold cats and dogs for profit. He said that number had been cut in half. He said it wasn't because of activists but was because they had been shut down by municipalities or had shut down voluntarily. He said it was a dying business model. He cited the number of municipalities that had passed similar ordinances and noted two states had implemented statewide bans. He said six federal courts had upheld the constitutionality of the type of ordinance.

Cindy Knowles—owner of Furrylicious, Whitehouse Station—disagreed with the previous comments and said her business was thriving. She said people want puppies. She said without pet shops, people would go to Craig's List or underground. She warned against removing regulations. She said shelters advertise for retail dogs and consider pet shops their competition. She disagreed with previous comments that there were not enough regulations. She said New Jersey had some of the most stringent regulations and said they were working. She said she was inspected regularly. She encouraged Council members to visit the pet shops.

Janet Quinn—163 Route 70, Medford—spoke in favor of the ordinance and offered her personal experiences.

Stephen Hecht—135 Branch Avenue—asked, if the County and State have regulations, why was the town putting forward this type of ordinance that would apply to one business.

Janice Fisher—Manasquan—spoke in support of ordinance. She said the Pet Purchase Protection Act was not being enforced.

James Scavone-Director of RiverCenter—said, over the past five or six months, changes have given the perception that Red Bank not business friendly. He said they had taken several positive steps, he was concerned that ordinances on this agenda were business unfriendly. He said, along with the previously approved Reverse Tax Appeals action, there was cause for concern. He said he felt there was overregulation. He said he was not expressing an opinion on any ordinances themselves but was cautioning the Council against over regulation of the business community.

Councilman Whelan asked Mr. Scavone which ordinances he was referencing other than the one regarding the sales of dogs.

Mr. Scavone again stated that he was not necessarily disagreeing but said the Ordinances regarding commercial garbage collection and to establish a stronger Historic Preservation Commission caused concern about overregulation.

Mayor Menna said he felt the commercial garbage collection ordinance was actually pro-business because noise violations would result in the property owner or the business getting a summons. He said under the amended ordinance, the haulers would be cited. He said it was being done at the request of business owners.

Mr. Scavone said he was not necessarily disagreeing with particular ordinances. He was expressing concern about overregulation.

Rose Marie Smith—Middletown—said she was an animal lover. She said everything she heard was about the business. She said she felt puppy stores did business on the backs of and through the suffering of animals and they needed to be considered.

Jeanne Clayton—stated she was representing New Jersey Residents Against Puppy Mills and stated she lived in Marlton. She reviewed violations by breeders and claimed incomplete reports had been filed by Mr. Hager. She reviewed documentation she had collected on the issue.

Jeff Morton—Owner of Shake-A-Paw Pet Stores. He reviewed the history of Bark Avenue and the investment that had been made in town. He questioned the damage that had been done to that business with the introduction of this ordinance. He said he felt it was targeting one business. He noted the ordinance called for businesses to get animals from shelters and rescues but said those organizations don't share their dogs. He questioned where the pet shop would get their dogs. He also questioned the wording in the ordinance and stated he felt the fines were excessive.

Ellen Coyote—Hamilton Township—said she was an animal cruelty investigator and spoke of her experience in the field. She said she was speaking in favor of the ordinance. She said the USDA had minimal standards. She said there were poor living conditions and offered details. She said regulations did not protect against puppy mills.

Cindy Burnham—71 Wallace Street—asked Councilman Whelan why he had abstained on the vote for this ordinance.

Councilman Whelan said, several years ago, his employer had written an insurance policy for the previous owner of the business that was going to be affected by the ordinance.

Larry Cohen—Fairwood—said he was a volunteer legislative leader for the Human Society and said the Council had been bombarded by contradictory information. He called for common sense. He said similar ordinances had been passed in hundreds of towns and added that not one store had admitted buying a puppy from a puppy mill. He questioned where those dogs were going.

Vyolet Savage—51 Spring Street—said she was the Chair of the Red Bank Animal Welfare Advisory Committee. She said the USDA had stopped inspections and the industry was now unregulated. She said the Committee was unanimously in support of this ordinance.

Allison Gregory—109 Bank Street—asked about the status of the Sunset Park project.

Mayor Menna said the property was still undergoing remedial testing by the State and said the State had made no determination about moving forward. He said Councilman Yngstrom and the Parks and Recreation Committee was monitoring the situation and said they were waiting for further answers from the Department of Environmental Protection.

Ms. Gregory asked for a time frame.

Mayor Menna said he hoped it would have been done years ago but the Department Environmental Commission tends to take their time. He added that residents in the area want them to take their time to do testing, to make sure the remediation takes place and to make sure it was done correctly.

Ms. Gregory asked about the park on Locust Avenue.

Mayor Menna said that property known as Bellhaven was a nature preserve.

Councilman Yngstrom said the Parks and Recreation Committee was still looking at the property but noted that they had not received funding from the County for this year. He said they were looking at other ways to progress. He said it would be discussed at the next Parks and Recreation and invited her to attend.

Councilman Whelan commented on the animal ordinance. He asked if the Borough was expected to enforce regulations if the State was not enforcing. He questioned the Borough funding such an operation and asked for more input at the next meeting.

Jonathan Dubreuil—14 Route 22, Green Brook—Said the ordinance called for pet shops to get animals from rescue facilities and said rescue organizations have no enforcement over where they get their animals. He said the dogs could come from anywhere with no vaccination records.

Pam Vocaturo—62 McLaren Street—stated she was a member of the Animal Welfare Advisory Committee and thanked those that had documented the hardships of the animals.

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

ROLL CALL:

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

NAYS: None

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

Councilman Taylor thanked everyone for their comments. He noted he had a rescue dog but had previously had a dog that came from a hobby breeder. He said putting emotions aside, he was disappointed by inaction. He said the matter had been previously tabled because the Animal Welfare Advisory Committee (AWAC) was supposed to meet with stakeholders. He said the ordinance would be punishing a business. He said the AWAC did not meet with stakeholders and no stakeholders were appointed to the committee. He said that meant there was no counterpoint in the discussion. He said what had been done in other towns was irrelevant. He said towns without pet stores could pass this ordinance without hurting anyone and said Red Bank would be putting someone out of business. He

called for tabling the ordinance until the AWAC could discuss the issue with stakeholders.

EXECUTIVE SESSION

ADJOURNMENT

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

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