

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JULY 18, 2018  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, CFO Poulos, Attorney Cannon and, Engineer Neumann.

ABSENT: Councilman Yngstrom

**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 June 13, 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, Ballard, Zipprich, Horgan

NAYS: None

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

**Presentation from Monmouth Boat Club**

Commodore Tom Bean and Vice Commodore Bob Markoff from the Monmouth Boat Club presented Mayor Menna with a check on behalf of the club. Mayor Menna thanked them and said the donation was appreciated.

**Presentation to Emily Doherty**

Mayor Menna review Ms. Doherty's accomplished and his personal history with her. He read a proclamation honoring her many years of public service. He and Councilwoman Horgan presented the proclamation to Ms. Doherty.

Ms. Doherty spoke of her love of education and encourage all to support the schools. She expressed her pride that 2018 was the first year to her knowledge that a Red Bank student had been named valedictorian.

Members of the Red Bank Regional Board of Education and members of the Council congratulated Ms. Doherty and reviewed their history with her.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

**WORKSHOP**

**Workshop Meetings**

Mayor Menna asked Administrator Shehady to review a resolution on the agenda that would set dates for Workshop meetings for the Mayor and Council.

Administrator Shehady explained the process of holding Workshop meetings was new to Red Bank but was something that was done in many other municipalities. He said the meetings would be open to the public and would be an opportunity for the Council to review agenda items for upcoming regular Council meetings. He said he liked to forecast items for 30/60/90 days out. He said the meetings would also include month reports from Department Heads. He said it would help create better synchronization between the Government Body and the Administration.

The Council members were in favor of the idea and discussed the proposed dates.

**Grace Period for Payment of 3<sup>rd</sup> Quarter Taxes**

Mayor Menna explained that there had been a delay in the certification of the tax rate by the Monmouth County Tax Board and noted that the borough was required to give property owners 25 days to pay. He said a resolution

on the agenda would extend the grace period to September 14, 2018.

#### **APPROVAL OF MINUTES – June 27, 2018**

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

#### **ROLL CALL:**

AYES: Taylor, Ballard, Zipprich, Horgan

NAYS: None

ABSTAIN: Whelan

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

#### **MAYORAL APPOINTMENTS**

Mayor Menna appointed Mary Harrison to the Red Bank Housing Authority for an unexpired five year term to 12/31/2021.

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

#### **ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

Mayor Menna reviewed the history of Ordinance 2018-16 “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” and announced that it had insufficient support to move forward and called for a motion to withdraw.

Councilwoman Horgan offered a motion to withdraw the ordinance, seconded by Councilman Whelan.

#### **ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

#### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Ballard reported that the Finance Committee had not met since the last Council meeting but wanted to report that the Borough was seeking alternative funding sources and noted they had gone to bid for a Grant Writing Consultant in April. He reviewed a summary prepared by the Administrator that gave an overview of the work that had been done since the appointment of that consultant. He said the total of grants that had been or were in the process of being applied for was \$1.75 million. He noted that the grants had not been awarded to the Borough but had only been applied for.

Councilman Zipprich reported that had met with RiverCenter, JCP&L and a vendor regarding the English Plaza project. He offered details of the meeting. He said he was looking forward to the Council workshop meetings and said he felt they would help with transparency. He thanked Administrator Shehady for the suggestion. He also reported that RiverCenter had four new businesses and reviewed upcoming events including the Indy Street Film Festival and the annual Sidewalk Sale.

Councilwoman Horgan noted that Councilman Yngstrom was not in attendance and said he had asked her to give his report. She review upcoming Parks & Recreation programs including Jazz in the Park concerts, Movies in the Park, a campout at Count Basie Park and a Dog Days events scheduled for August.

Councilwoman Horgan read a statement summarizing her reasons for her motion to withdraw the Animal ordinance. She said she had personally concluded there was rampant abuse but felt the Borough did not have the resources to address the issue. She said she would support a resolution to call upon State Legislators to take action. She read a draft of a proposed resolution. She thanked the Animal Welfare Advisory Committee, the advocacy groups, the Borough staff, the Mayor and Borough Attorney for their efforts on the matter.

Councilman Zipprich also thanked Councilwoman Horgan, the Animal Welfare Advisory Committee and the members of the Council for their efforts and said it was a very emotional issue. He said he was glad the Council had taken the time to sort it out.

Councilman Whelan said he had no report but wanted to compliment Councilwoman Horgan on her statement and thanked the Committee for their efforts.

Councilman Taylor said, due to personal commitments, he had not been able to call a meeting of the Code Committee. He offered an update on the efforts of the Environmental Commission efforts including the purchase of water stations through a grant. He said they were awaiting delivery of the first three and anticipated a fourth in the near future. He said the purchase was a direct result of the Committee’s Sustainable Jersey efforts. He noted they had obtained Bronze status last year and were now working toward Silver.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Borough's Parks & Recreation Department to hold an overnight Campout at Count Basie Park on Friday, July 27 and Saturday, July 28, 2018.

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

## **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.

Kate Triggiano—22 Leighton Avenue—said she was speaking as the Chair of the Environmental Commission and thanked the Council for getting the resolution for the Complete Streets Technical Assistance Grant Program onto the agenda. She reviewed the Commission's efforts in regard to grants and the assistance that had been provided by the Grant Writer. She reviewed the goals that would be met with the recently purchased water stations and the positive response they had received.

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

## **ORDINANCES – First Reading**

2018-21 Mayor Menna read “Bond Ordinance Amending Bond Ordinance Number 2014-8 Finally Adopted on April 9, 2014, by the Borough Council of the Borough of Red Bank, in the County of Monmouth, State of New Jersey and further Amended by Bond Ordinance Number 2014-11 Finally Adopted on May 14, 2014, to Increase the Total Section 2:20 Costs by \$150,000 from \$450,000 to \$600,000.”

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

## **ORDINANCES – Public Hearing and Final Adoption**

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

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.

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

Mayor Menna noted that Ordinance 2018-16, “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” had been withdrawn earlier in the meeting.

2018-19      Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Commercial Parking Facilities."

He noted the Planning Board had found the Ordinance was consistent with the Master Plan.

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

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

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

Councilman Zipprich offered a motion to approve the adoption of the ordinance as amended, seconded by Councilman Whelan.

ROLL CALL:

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

2018-20      Mayor Menna read, "An Ordinance Amending Chapter 680, "Vehicle and Traffic", Subsection 680-60, "Schedule XXVI: Restricted Parking for Handicapped Persons" of the Revised General Ordinances of the Borough of Red Bank."

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

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

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

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

ROLL CALL:

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

## **RESOLUTIONS**

18-182      Mayor Menna read, "A Resolution Authorizing Approval of Sidewalk Cafes."

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

ROLL CALL:

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

18-183      Mayor Menna read, "A Resolution of Support from Local Governing Body Authorizing the Application to the Complete Streets Technical Assistance Grant Program."

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

ROLL CALL:

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

18-184      Mayor Menna read, "A Resolution Appointing Special Law Enforcement Officer Class II."

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

ROLL CALL:

AYES:      Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS:      None

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

18-185 Mayor Menna read, "A Resolution of Governing Body Certifying Review of Recommendations and Findings of the Annual Audit."

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-186 Mayor Menna read, "A Resolution Regarding the Borough of Red Bank Report of Audit for the Year Ended December 31, 2017 and Corrective Action Plan Required by Federal OMB Circular Reference Number A-133."

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-187 Mayor Menna read, "A Resolution Providing for the Issuance of Special Emergency Notes in an Amount Not to Exceed \$60,000 to Fund the Revaluation of Real Property in and for the City. (Resolution will repeal and replace Resolution 18-158)"

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-188 Mayor Menna read, "A Resolution to Extend a Contract with Delisa Demolition, Inc. for Solid Waste and Recycling Collection."

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-189 Mayor Menna read, "A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a. (Police Vehicles)"

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-190 Mayor Menna read, "A Resolution Confirming Time and Place of Borough Council Meetings for 2018." (Workshop Meetings)

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-191 Mayor Menna read, "A Resolution Authorizing the Extension of the Grace Period on Taxes."

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

ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

18-192 Mayor Menna read, "A Resolution Requesting that the Governor and State Legislature Review the New Jersey Pet Purchase Protection Law and Enhance Regulations and Restrictions on the Sale of Dogs and Cats from Commercial Breeding Facilities."

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

**PROCLAMATIONS**

None

**PAYMENT OF VOUCHERS**

18-193 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$5,405,607.58."

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

**ROLL CALL:**

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

**OLD BUSINESS**

None.

**NEW BUSINESS**

Councilman Ballard thanked Mayor Menna for appointment Mary Harrison to the Red Bank Housing Authority and reviewed her experience on the matter.

Councilman Taylor said he wanted to thank the Council for their efforts on the Animal Ordinance regarding the sale of dogs and cats. He said he hoped these type of issues could be resolved a Workshop meetings to help obtain a Council consensus.

Councilman Zipprich and Councilwoman Horgan agreed.

**AUDIENCE**

Cindy Burnham—71 Wallace Street—reviewed the history of work at the Bellhaven property. She said trees had recent been questioned why trees had been removed without public comment.

Administrator Shehady reviewed meetings that were open to the public where the matter had been discussed including the Environmental Commission and the Parks and Recreation Committee. He said both he and Council members had been involved in those discussions. He noted the project had been scaled back to use funding in an existing bond ordinance.

Ms. Burnham claimed both the Council and residents had been opposed.

Mr. Shehady said he was looking toward the future.

Ms. Burnham said she also wanted to know who had made the phone call to authorize the removal of the trees.

Mr. Shehady said he did not know if there was a specific order and again noted that the project was moving forward.

Ms. Burnham again asked for a name.

Mr. Shehady said he did not know if that was relevant and said the project need to move forward.

Ms. Burnham said she felt it was relevant and said she wanted to know.

Councilman Taylor noted that no cutting was done without the approval of the Department of Environmental Protection.

Ms. Burnham said she had her own Forester come to the site and offered his opinion of the condition of the trees. She said she felt the Council should have reached out and said she felt it was sneaky. She criticize the expense for maintenance.

Freddie Boynton—PO Box 2074—told the Mayor he had called the Administrator and had not gotten a call back.

Administrator Shehady said the message that had been left with his Assistant had been received and said she had returned his call. He said she had requested more information to schedule a meeting. He said once that information was received, he would be happy to set up the meeting.

Mr. Boynton said he did not like to go through a secretary and said he wanted to talk to the Administrator directly. Administrator Shehady offered him the option of emailing him regarding the purpose of the meeting. Mr. Boynton said he did not want to use email.

Administrator Shehady said, unfortunately, they would not be able to set up the meeting.

Suzanne Visconti—25 Cedar Street—said she was following up on her earlier inquiries regarding the installation of the second water meter for outdoor usage. She said one year ago she was told there were 600 meters that had not been changed which was supposedly holding up the second meter option.

Mayor Menna said he had questioned the statement from the previous Administrator that the installation of the second meters had to wait until all of the initial meters were installed.

Administrator Shehady said they had been holding meetings every two weeks on the topic and noted there were 300 meters left to be installed. He reviewed the steps to complete the project and said letters would be going out to the remaining 300 to advise of their options.

Ms. Visconti asked if fines had been issued to those that had not complied.

Administrator Shehady said no fine had been issued. He said he wanted to make sure that the Borough had done everything possible before fines were issued.

Mayor Menna said he understood some of the hold ups were not the fault of the residents but with the contractor.

Ms. Visconti asked Mayor Menna if he regretted extending the contract.

Mayor Menna clarified that not all of the delays were from the contractor. He said many were from the residents.

Ms. Visconti said she felt the second meter option should not be mutually exclusive to the completion of the project.

Mayor Menna said he understood they were waiting for the specifications.

Ms. Visconti asked who was taking the lead on that.

Mayor Menna said the Administrator had an accountability program and that matter on his list of action items.

Katrina Fair—35 Cedar Crossing—called for better traffic enforcement in the area of Drs. James Parker Blvd.

Councilman Whelan said the matter could be referred to the Police Department.

Cindy Burnham—71 Wallace Street—in response to Mayor Menna’s comment about accountability, again asked who had made the phone call to take down the trees at the Bellhaven property. She said she had received an answer from the Director of Public Works but said she wanted an answer from the Council.

Administrator Shehady said he did not see the relevance of who made the phone call. He said he would look into it and get back to her.

No one else appearing, Councilman Zipprich offered a motion to close the audience portion and to adjourn the meeting, seconded by Councilwoman Horgan.

#### ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

#### EXECUTIVE SESSION

18-181 Mayor Menna read a resolution to adjourn to executive session to discuss Potential Litigation; no action to be taken.

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

#### ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

Councilman Zipprich offered a motion to adjourn from executive session and to adjourn the meeting, seconded by Councilwoman Horgan.

#### ROLL CALL:

AYES: Taylor, Whelan, Ballard, Zipprich, Horgan

NAYS: None

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

Respectfully submitted,

Pamela Borghi