

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
October 10, 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: Administrator Shehady, Borough Clerk Borghi and Attorney Cannon.

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2018.

SUSPEND REGULAR ORDER OF BUSINESS

Councilman Zipprich offered a motion to suspend the regular order of 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.

Presentation to Dorothy Davis

Mayor Menna said she would be honoring an anchor of the Red Bank Community.

Senator Vin Gopal and Assemblyman Eric Houghtaling presented Red Bank resident Dorothy Davis with a proclamation in honor of her 90th birthday. Mayor Menna also presented a certificate from the Borough of Red Bank.

The Rivalry Series Flag Football Tournament

Organizer Rick Brandt reviewed the event and noted that this was the first year that Red Bank would be represented. He said it started in Little Silver as “The White Road Cup.” He said when they moved to Red Bank they had partnered with Lunch Break and now donated the proceeds to that organization. He said the event had been re-branded as “The Rivalry Series and said it would be held on Friday, November 23 2018.

Councilman Whelan praised Mr. Brandt’s volunteerism.

RESUME REGULAR ORDER OF BUSINESS

Councilwoman Horgan offered a motion to resume the regular order of business, 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.

WORKSHOP

No Workshop items.

APPROVAL OF MINUTES – September 26, 2018

Councilwoman Horgan offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

None.

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

Fred Stone—16 McLaren Street—said he want to speak regarding Resolution 18-245. He said, as a member of the School Board, he was asking the Council to consider the impact such a plan could have on the Schools and to include the schools in the process.

Sue Viscomi—said she agreed with Councilman Ballard’s comments from the Workshop Meeting criticizing the prospect of additional bonding and spending. She also suggested an Assistant Business Administrator could handle the day to day matters and the Business Administrator could focus on Redevelopment.

Mayor Menna said the Council was trying to limit salaries rather than increase them. He noted that this would be a contract position subject to the availability of funding and not a full time pensioned/salaried position.

Ms. Viscomi asked if the Mayor could guarantee that the Borough would not lose money on the plan.

Mayor Menna noted the resolution only authorized the expenditure of \$15,000 as startup costs. He said costs beyond that would be covered by escrow fees. He reviewed the history of escrow fees that had not come to the Borough but had gone to a third party agency. He said the fees would now be specifically delegated for redevelopment.

Dan Reardon—53 Elm Place—said he would also like to address resolution 18-245 and asked the Council to take a step back. He said the purpose of a redevelopment agency was to ease development in the Borough and said he felt the Borough had become overdeveloped. He said the agency would only be useful when the Council overrides Zoning by creating an area in need of rehabilitation and a redevelopment plan. He said that an Authority could create Redevelopment Agreements without Council approval.

Mayor Menna disagreed. He said the Council would have to approve any agreements.

Mr. Reardon asked, if the plan was to fund through redevelopment fees, why wouldn’t they increase the fees and put them into the general fund. He expressed concern about debt increase that would not be constrained by the Borough’s debt limit.

Mayor Menna again disagreed. He said they had not yet developed the guidelines for the Redevelopment Agency. He said the Agency would be subservient to the Authority of the Council and said the Council was the only agency that could approve a bonding allocation. He said Mr. Reardon was confusing a Redevelopment Agency with a Redevelopment Authority which was a separate legal entity.

Mr. Reardon asked if the Redevelopment Agency’s debt would be included in the Borough’s debt limit.

Mayor Menna said that was correct.

Mr. Reardon expressed concern about the awarding of the contract to GSG. He said he believed the company’s focus was on management and finance. He noted the bid had only been open for ten days and said the Council had only received one bid. He said he was not convinced that they had gotten the best bid that existed. He said he was not in favor of spending the \$15,000 on this firm for a redevelopment agency and did not know if the residents were in favor.

Mayor Menna told Mr. Reardon he had reached his time limit.

A member of the audience offered her time to enable Mr. Reardon to continue with him comments.

Mayor Menna said he would allow him to continue.

Mr. Reardon also expressed concern about Ordinance 2018-31 to approve a redevelopment plan for what he referred to as “the old VNA property.” He said he was concerned because the law said, prior to adoption, the Planning Board had to return a report making recommendations. He said he understood they were referring it to the Planning Board at this meeting and were also approving it at this meeting.

Mayor Menna explained that the Ordinance was on for introduction only and it would be referred to the Planning Board.

Borough Clerk Borghi said there was a Public Hearing scheduled for November 7, 2018.

Attorney Cannon confirmed that any ordinance would require two votes.

Mr. Reardon questioned the language in the ordinance that said it was being adopted.

Attorney Cannon said it was written in the final form but it legally had to be considered twice and it could not be adopted until after referral to the Planning Board and the holding of a Public Hearing.

Mr. Reardon confirmed that there would be a hearing at the Planning Board.

Mr. Cannon said they would and that it would come back to the Council for a Public Hearing.

Administrator Shehady also explained the process of adopting an ordinance and noted that the Council had gone above and beyond what was legally required by allowing for public comment on ordinances being considered for introduction. He reviewed the number of times that the public would have the opportunity to comment.

Mr. Reardon said he felt the redevelopment plan was too dense. He reviewed the specific items he was concerned about and said he felt it was drastically bigger than what was allowed by zoning.

William Meyer—12 Monmouth Street—said he agreed with Dan Reardon. He said he felt Red Bank was too dense and outlined what he saw as potential problems. He criticized spending more money on something he said

the people didn't want. He called for a referendum on the issue. He said they should wait for the parking report findings. He said he was concerned about increased fees. He said he felt a previous redevelopment plan had not fit the statute. He criticized the fact that someone who had served as interim administrator and who had written the report with the recommendation was getting the benefit of that report.

Ben Forest—16 Locust Avenue—said he was leery of the redevelopment designation. He said he was aware of plans for a new master plan. He said he wasn't necessarily opposed to the apartment project but said he felt the ability to create a redevelopment zone could allow for poor decision making and should be used carefully. He said he felt they should think of the objectives of the town in a holistic way rather than one piece of property. He said it could lead to the appearance of tailor-made zoning and expressed concern about traffic issues. He said he felt the redevelopment agency was a good idea with a cap on expenses. He added that he thought it was a good idea to get outside objective advice. He said he liked the fact that the report had not just told the Council what they wanted to hear but had offered objective, useful information.

Michael Clancy—293 Spring Street—said he was in favor of the resolution to appoint a redevelopment agency. He said he had seen success with a similar action in New Brunswick. He said he did not want to see Red Bank turn in to New Brunswick but said he felt it was a good plan and hoped they passed the resolution.

Mayor Menna thanked him for his comments but said he wanted to note that an essential difference between the two situations was New Brunswick had had a redevelopment authority.

Joseph Hartnett—Government Strategy Group—noted he was a principal in the firm being considered for the award of the contract. He said he wanted to correct some of the misinformation provided. He said most of the previous speakers actually proved the need for a redevelopment agency. He said what was in place now wasn't working. He said the purpose was to create an office to get things done and carry out the vision of the Council and of the public. He noted that the Council would not give up control. He said the agency would be under Council control and Councilmembers could sit as voting members of the agency. He added that nothing could be done without public hearings and Council approval. He said the agency would be subject to the OPRA/OPMA statutes and budget laws, etc. He said one of the reasons to create an agency was so that it did not become a tax burden. He said the agency would have the ability to develop revenue sources and could bond on its own as long as there was revenue to support the bond. He also noted that surplus fees could be returned to the town to help reduce taxes. He said they weren't happy that there had only been one response either. He said they would rather compete. He noted 14 companies had picked up the RFP but said they could not help that they were the only one that returned it. He said, whether the Council hire their firm or another, they needed to do something. He said they would be just as happy if they hired someone else.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Ballard had no report.

Councilman Zipprich thanked RiverCenter for the recent Oysterfest event. He congratulated the recipients of the recent T. Thomas Fortune Cultural Awards. He said their gala last Thursday had been their largest and best so far. He also thanked all of the Council members who were part of the Red Bank Borough Education Foundation for their support. He said the recent Casino Night had been a great success. He said the proceeds would go to STEAM grants for the Borough Schools. He said Journal Communications and liveability.com had rated eight train stations around the country with comeback stories and noted Red Bank had placed fourth.

Councilwoman Horgan reported that, the previous night she along with Councilman Zipprich and Administrator Shehady had attended a Cub Scout Troop meeting to talk to the members who were working on their Arrow of Light badge. She said one of their requirements was to speak to community leaders. She said she had enjoyed the experience.

Councilman Yngstrom reported on upcoming events in the Parks & Recreation Department including accepting registrations for children's creative writing and acting classes. He reported on Halloween events including a movie night, an egg hunt and the annual parade.

Councilman Whelan thanked the Police Department for their assistance at the recent Oysterfest event. He reminded the public that police officers and fire fighters were always on duty. He also noted that this day was World Mental Health Day and said he felt it was an issue that needed to be constantly talked about.

Councilman Taylor noted there had been no Environmental Commission the previous night. He said he had previously reported that the borough had received a grant from Sustainable Jersey in reference to Tactical Urbanism. It said it would identify areas in the town where improvements could be made. He said they had had a site visit earlier in the day that he had attended along with members of the Commission, members of their sub-committees, the Borough Administrator, DPU Director, the Police Chief and others. He said he would have an update at a future meeting.

COMMUNICATIONS AND PETITIONS

Mayor Menna read the following request that had been recommended for approval by the Special Events Committee and noted that all approvals subject to final plan review by Special Events Committee.

- Request from residents of John Street to close John Street from Prospect Avenue to Harrison Avenue from 12noon to 10pm on Saturday, October 20, 2018 for a block party.

- Request from Lunch Break to hold annual Community Picnic/Softball Event at Count Basie Field from 8am to 4pm on Saturday, August 17, 2019 with a rain date of August 18, 2019.
- Request from Phoenix Productions to hold a craft show at their 59 Chestnut Street facility from 11am to 4pm on Saturday, December 1 and Sunday, December 2, 2018.

Councilman Taylor offered a motion to approve the requests, seconded by Councilman Zippich.

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 the following request from Red Bank RiverCenter:

- Permission to install holiday lights, decorations and tree in the business district in accordance with plans from previous years. All decorations to be removed by January 15, 2019. Lights to be removed by March 31, 2019.
- Request for free parking on November 23 & 24, 2018 (Black Friday, Small Business Saturday) and from December 12 through 25, 2018 for holiday shopping.
- Approval of Horse & Wagon Rides each Saturday from November 24 through December 22 2018.
- Permission to hold “Winter on Broad Street” event on Sunday, December 9, 2018 with ice skating and a “live” snow globe and to close Broad Street from Monmouth Street to White Street/Wallace Street from 9am to 9pm.

Councilman Zipprich offered a motion to approve the requests, 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.

ORDINANCES – First Reading

2018-30 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Related to Commercial Recreational Uses.” (Referral to Planning Board. Public hearing 11/7/2018)

Councilwoman Horgan offered a motion to approve the introduction of the ordinance, 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 announced that it would be referred to the Planning Board and scheduled for a Public Hearing to be held November 7, 2018 at 6:30 pm

2018-31 An Ordinance Adopting a Redevelopment Plan for the Property Identified on the Borough’s Official Tax Map as Block 3, Lots 2.01, 4.01, 6, 7.01 AND 9.01. (Referral to Planning Board. Public Hearing 11/7/2018)

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

Mayor Menna announced that it would be referred to the Planning Board and scheduled for a Public Hearing to be held November 7, 2018 at 6:30 pm

ORDINANCES – Public Hearing and Final Adoption

2018-24 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations Relating to Tattoo Establishments.”

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, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Councilman Yngstrom offered a motion to approve the adoption of the ordinance, seconded by Councilman Whelan.

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

NAYS: None

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

2018-25 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Alternative Treatment Centers."

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, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

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

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

NAYS: None

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

2018-27 Mayor Menna read, "A Bond Ordinance Amending and Supplementing Bond Ordinance Number 2017-21 Finally Adopted on July 26, 2017 and Further Amended by Bond Ordinance Number 2018-09 Finally Adopted on March 28, 2018 to Increase the Total Appropriation therein from \$825,000 to \$1,400,000, to Increase the Total Debt Authorization therein from \$825,000 to \$1,400,000, and to Amend and Supplement Other Provisions therein.

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 Whelan.

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

NAYS: None

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

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

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

NAYS: None

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

2018-29 An Ordinance Amending Chapter 680: "Vehicles and Traffic" to Include New Four-Way Stop Intersections at Oakland Street & Pearl Street and East Bergen Place & South Street.

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, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

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

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

NAYS: None

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

RESOLUTIONS

18-240 Mayor Menna read “A Resolution Authorizing Curfew for October 30 and 31, 2018.”

Councilman Whelan 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.

18-241 Mayor Menna read “A Resolution Appointing Full Time Police Department Dispatcher.”

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.

18-242 Mayor Menna read “A Resolution Awarding a Professional Services Contract to CME Associates for Engineering Services for the East Side Park & Mohawk Pond Improvements.”

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.

18-243 Mayor Menna read “A Resolution Awarding a Professional Services Contract to CME Associates for Engineering Services for the East Bergen Place Water Main Replacement Project.”

Councilman Zipprich 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.

18-244 Mayor Menna read “A Resolution Authorizing Change Order No. 2 Related to the Contract with Lucas Brothers, Inc. for the Improvements to East Bergen Place Project in Accordance with the Requirements Set Forth in N.J.A.C. 5:30-11.9 et seq.”

Councilman Zipprich 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.

18-245 Mayor Menna read “A Resolution Awarding a Fair and Open Professional Services Contract for Redevelopment Agency Consulting & Oversight Services to Government Strategy Group.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: Ballard

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

18-246 Mayor Menna read “A Resolution Awarding a Contract Pursuant to the Local Public Contracts Law to GR Masonry Work, LLC., Belleville, New Jersey, for East Side Park and Mohawk Pond Improvements.”

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.

PAYMENT OF VOUCHERS

18-247 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,822,478.12."

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.

PROCLAMATIONS

None.

OLD BUSINESS

None.

NEW BUSINESS

Councilman Taylor said he want to address his comments from the last meeting regarding a Special Ruling by the Division of Alcoholic Beverage Control with regard to craft breweries. He said before the Council was able to act, the State had stepped in and put a hold in it. He said he was happy that the Borough did not have to take

AUDIENCE

Cindy Burnham—71 Wallace Street—asked about activity in the area of Marine Park that used to house tennis courts. She said she understood the clean-up efforts and asked what the plan was for that area.

Mayor Menna the Parks & Recreation Department will advised when there is a plan adding that it was currently part of a clean-up effort.

Ms. Burnham asked for details on what was being done.

Mayor Menna said he understood they were just cleaning it up. He said when there was a plan, the public would be advised.

Ms. Burnham said she did not agree with that. She said she thought it had been done "sneakily." She said she was speaking on behalf of residents who were upset because "things were just happening."

Jared Ramage-Superintendent of Red Bank Public Schools—thanked Councilman Zipprich for mentioning the Red Bank Borough Education Foundation Casino night. He said the event was in its fifth year. He said this year's event had been unbelievably successful and thanked the Council for their support. He also thanked the Council members who had attended the School District's first strategic planning meeting and announced that the next meeting would be held on January 7, 2019 at the Primary School.

Allison Gregory—109 Bank Street—commended the Council for having the curb painted yellow in front of a property located at 90 Bank Street. She said the property needed more attention. She also asked for an update on the Management Report.

Mayor Menna said items in the report were under discussion and said there would be information on the website in the very near future.

Ms. Gregory asked if he could offer an update on the 5,000 open permits.

Mayor Menna said there had been a substantial reduction in the number of open permits.

Ms. Gregory asked if there had been any discussion in contracting for the water/sewer utility.

Mayor Menna said there had been a lot of discussions and said they were meeting with professionals to determine what type of review was needed on that. He said they would advise on that in the future. He added that it was a long range project.

William Meyer – 12 Monmouth Street—asked why the Administrator could not answer Ms. Burnham's question regarding the former tennis court area.

Councilman Yngstrom said this portion of the meeting was for public comment not for questions and answers. He said the issue will be discussed and evaluated at the Parks & Recreation Committee meeting.

EXECUTIVE SESSION

None.

Councilman Whelan offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi