

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
November 28, 2018  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi and Attorney Cannon.

ABSENT: Councilman Whelan

**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.

Councilman Taylor noted Rick Brandt was in the audience and wanted to address the Council regarding the Red Bank Cup event held the previous weekend. Mayor Menna called on Mr. Brandt who came forward and reviewed the highlights of the event. He thanked the Council for their support and Council members thanked him for organizing the event.

**EXECUTIVE SESSION**

18-283 Mayor Menna read a resolution to adjourn to executive session to discuss Contract Negotiation and Potential Litigation; no action to be taken.

Councilman Zipprich offered a motion to adjourn to Executive Session, seconded by Councilwoman Horgan.

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

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

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

**WORKSHOP**

No Workshop items.

**APPROVAL OF MINUTES**

November 7, 2018 - Workshop Meeting

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

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

November 7, 2018 – Regular Meeting

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

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

**MAYORAL APPOINTMENTS**

None.

**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.

Ben Forrest – 16 Locust Avenue – asked if the Ordinance listed as 2018-XX was regarding the VNA property.

Mayor Menna said it was and it was scheduled for a vote to introduce later in the meeting.

Sean DiSomma – South Street – asked about Bond Ordinances on the agenda and why one was for the Water Utility and on was for the Parking Utility.

Mayor Menna reviewed the details of the Bond Ordinances and explained that the funding was coming from two different utilities.

Attorney Cannon reiterated the information.

Mr. DiSomma again questioned the purposes of the bonds.

Mayor Menna read details from the ordinances and again noted they were two separate funds being bonded against.

Mr. DiSomma asked for more details regarding language in the bonds.

Administrator Shehady the funding would cover soft costs for a project.

Attorney Cannon said the phrase “not to exceed” was a catch-all and the numbers would be based on a percentage.

There was a discussion regarding the Borough’s debt and balancing increases with decreases.

Dan Riordan – Elm Place – asked about the English Plaza project.

Mayor Menna explained that RiverCenter was funding the project, however, the Borough would be doing additional work that was the Borough’s responsibility.

Administrator Shehady noted that that would include items such as drainage and curbing. He said while they may use less than bonded, they didn’t want to run short.

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

**ROLL CALL:**

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

**NAYS:** None

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

Councilman Ballard said he wanted to note that, just because the Borough bonded for a certain amount did not mean they would need to spend it all.

Administrator Shehady noted that the Council had previously passed a resolution to cancel old bonds.

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

Councilman Ballard said he had met with the Police Chief in October to review ways to restructure the Department to save money. He noted the Police Department was the largest expense in the budget. He said the Finance Committee had met on October 22 to review the Bond Ordinances. He said there were some troubling issues regarding the Red Bank Housing Authority (RBHA). He said the Borough had made an appointment last August that the RBHA Board had not acted on. He said there had been an internal agreement for the Housing Authority to provide services to Cedar Crossing but said that had not been happening. He said there were no minutes listed on the Authority’s website and said he was especially concerned with maintenance issues. He said he had called for the resignation of Michael Clancy due to some information that had surfaced during the recent campaign regarding inappropriate remarks he had made.

Councilman Zipprich said he had attended the recent RiverCenter Board meeting and it was reported that the vacancy rate was down to five percent. He reviewed upcoming holiday events including the December 9<sup>th</sup> Winter on Broad Street that would feature a temporary ice rink and life size snow globe. He said the district’s Strategic Plan was almost complete and would be rolled out in early 2019. He said the English Plaza project they were overseeing was moving into the full design phase and said construction was expected to begin in April of next year and be completed by a target date of July 1.

Councilwoman Horgan had no report.

Councilman Yngstrom reviewed upcoming Parks & Recreation activities included the tree lighting in Johnny Jazz Park on December 1. He asked resident to check the website for updates because it may have to be postponed due to weather. He also reported that the Department has received a \$1,000 grant from Target to be used for the soccer program.

Councilman Taylor said the Environmental Commission/Green Team had already successfully attained Bronze status in the Sustainable Jersey program and had recently submitted an application for Silver status. He said they hoped to hear back soon.

Mayor Menna spoke on the Affordable Health Care issue and said there was a new program to get everyone covered in New Jersey. He said information was available at the Clerk's Office or at [www.helphealthcare.gov](http://www.helphealthcare.gov).

## **COMMUNICATIONS AND PETITIONS**

None.

### **ORDINANCES – First Reading**

2018-36 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 85 "Mayor and Council," "Article IV: Committees" Sections 85-8 "Duties of Standing Committees of Council."

Councilman Yngstrom offered a motion to approve the introduction of the ordinance, seconded by Councilman Taylor.

#### **ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

2018-37 Mayor Menna read, "An Ordinance Amending Chapter 680, "Vehicles and Traffic," Subsection 680-60, "Schedule XXVI: Restricted Parking for Handicapped Persons" of the Revised General Ordinances of the Borough of Red Bank."

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

#### **ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

2018-38 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Signs."

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

#### **ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

2018-39 Mayor Menna read, "An Ordinance Amending Borough Code Chapter 490: "Planning and Development Regulations" to Modify Standard of Measurement for New Trees and to Clarify Standard of Measurement for Existing Trees."

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

#### **ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Mayor Menna said before the Council considered an Ordinance for introduction listed on the agenda as 2018-XX and Ordinance 2018-31, he asked Redevelopment Attorney Joseph Baumann to come forward and review both ordinances.

Mr. Baumann said both ordinances were in regard to a redevelopment plan for the property formerly occupied by the VNA. He said the first ordinance (2018-31) had been sent to the Planning Board for review. He reviewed specifics of the Board's recommendations. He said it was the responsibility of the Planning Board to look at the plan from strictly a Planning perspective. He said it was the job of the Governing Body to reflect on the plan and consider other aspects including the Borough's Affordable Housing obligation and their responsibility to the tax payers and finances of the Borough and to consider potential lawsuits. He reviewed the options the Council had before them. He said they could vote down the earlier ordinance and introduce a new one. He said if they rejected the Planning Board recommendations, they would need to state their reasons. He said it would need a vote of the full majority of the Council. He said he was recommending that the Council reject certain Planning Board recommendations regarding density but accept the recommendation requiring that the project meet LEED Silver rating. He said the reason for the recommendation was to strive for a goal of maximum affordable housing and to limit the financial burdens on the Project so as to maximize the ability to negotiate in the redevelopment

agreement for the maximum number of affordable housing units and other Borough benefits. He said the Redevelopment Plan would set maximums. He said the final plan could not go further than its scope but the Borough could negotiate something more restrictive. He said they could also negotiate signal/traffic pattern changes. He said they should strive to negotiate a project that would meet the Borough's goals and still leave the Developer able to build. He said he recommended that the Council vote on the earlier ordinance to reject it and introduce the new ordinance.

Councilman Zipprich asked about the definition of Affordable Housing and asked if it was different from Section 8 housing.

Mr. Baumann said Affordable Housing was not the same as Section 8 and said qualification was based on the median income levels for the area. He said he did not have the income information available but offered some examples of the type of households that might qualify.

2018-31 Mayor Menna read, "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."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

2018-40 Mayor Menna read, "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. (Revised)"

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Mayor Menna announced that the ordinance would be scheduled for a Public Hearing to be held December 12, 2018 at 6:30 pm

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

2018-33 Mayor Menna read, "A Bond Ordinance Providing for the 2018 Capital Improvement Program by and in the Borough of Red Bank, in the Council of Monmouth, State of New Jersey; Appropriating \$3,374,800 therefor and Authorizing the Issuance of \$2,637,800 Bonds or Notes to Finance Part of the Cost thereof."

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 Yngstrom.

AYES: Taylor, Yngstrom, 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, seconded by Councilman Yngstrom.

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

2018-34 Mayor Menna read, "A Bond Ordinance Providing for Various Improvement by the Water/Sewer Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,450,000 therefor and Authorizing the Issuance of \$1,450,000 Bonds or Notes to Finance the Cost thereof."

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 Taylor.

AYES: Taylor, Yngstrom, 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, seconded by Councilman Zipprich.

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

2018-35 Mayor Menna read, "A Bond Ordinance Providing for Various Improvements by the Parking Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$422,000 therefor and Authorizing the Issuance of \$422,000 Bonds or Notes to Finance the Cost thereof."

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, Yngstrom, 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, seconded by Councilman Zipprich.

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

## **RESOLUTIONS**

Mayor Menna asked if there was any objection to moving the resolutions en masse. Councilman Ballard asked about Resolution 18-281 regarding transfers in the current fund.

Administrator Shehady explained the need to transfer funds to cover possible additional snow removal expenses and legal expenses.

Mayor Menna said Resolution 18-280 would appoint a Special Counsel for a class action lawsuit. He said participation would not cost the Borough anything but was on contingency only.

Sean DiSomma asked to address the Council.

Mayor Menna said they would hear his comments.

Mr. DiSomma asked about the Red Bank Affordable Housing Corporation. He asked if they were required to be a non-profit and claimed they were not up to date on certain financial filings. He accused them of not following a random selection process and cited an example in Cedar Crossing. He asked the Council to do due diligence and look into who was receiving units. He also questioned the awarding of a contract to Monmouth Telecom. He asked if it was a new contract.

Administrator Shehady said it was a new contract but the Borough may have used them in the past.

Mr. DiSomma criticized the company.

William Poku—90 Bank Street—said he agreed with Mr. DiSomma's comments and asked the Council to look into the matter. He said the NAACP had not been included in the process.

Mayor Menna said the Council would vote on the resolutions individually.

18-274 Mayor Menna read, "A Resolution Regarding the 2019 Reorganization Meeting of the Government Body."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-275 Mayor Menna read, "A Resolution Authorizing Premiums more than Five Years Old and Premiums on Foreclosed Liens be Transferred to the Borough of Red Bank – MRNA."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-276 Mayor Menna read, "A Resolution Awarding a Contract to Monmouth Telecom for Telephone and Internet Service."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-277 A Resolution Authorizing the Borough of Red Bank to Enter into a Contract with The Red Bank Affordable Housing Corporation to Serve as the Borough's COAH Administrative Agent.

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

ROLL CALL:

AYES: Taylor, Ballard, Zipprich

NAYS: Yngstrom, Horgan

There being three ayes and two nays, the motion was declared tabled.

18-278 A Resolution Awarding a Professional Services Contract to CME Associates for Engineering Services for the Preparation of a New Jersey Infrastructure Financing Program Application for White Street Improvements.

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-279 A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 (\$1,597.00 – FM Global Fire Prevention Grant)

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-280 A Resolution Retaining Michael D. Fitzgerald, Esq. to Represent the Borough of Red Bank in a Class Action Lawsuit Against Lexis Nexis under a Contingent Fee Arrangement.

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-281 A Resolution Authorizing Transfer of 2018 Current Fund

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-282 A Resolution Granting Environmental Remediation and Financial Services, LLC Request to Conduct Borings and Install Three Temporary Monitoring Devices on Behalf of Raymond Rapcavage and Ray Rap Realty in the Public Roadway Adjacent to Harding Road on Clay Street.

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

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

**PROCLAMATIONS**

None.

**PAYMENT OF VOUCHERS**

18-284 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$5,718,783.43."

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

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Administrator Shehady said he would to address Resolution 18-277 that had been tabled. He said if the Council did not appoint an Administrative Agent they would be without one. He said one of the comments from public had been incorrect. He said the NAACP had been a party to the negotiations and had specifically asked that this action be taken. He said Mr. Poku's comments were not representative of the NAACP. He also said, to his knowledge, this Administrative Agent was not required to be a non-profit. He said whether or not they had handled certain IRS paperwork was inconsequential to the Borough because, once they entered the contract, they would be required to submit that paperwork to consummate the agreement.

A discussion of the paperwork followed.

Attorney Cannon recommended the Council approve the resolution subject to review of their documentation by the Administrator or Attorney.

Councilman Taylor said his concern was the lack of experience of the agency. He said he would vote to keep the current agent.

Councilman Ballard said he had made a motion to table because comments from the audience had given him pause. He said he felt the information had been cleared up. He said he did not object to moving forward.

Mayor Menna called for a motion to move the resolution with the amendment that it was subject to review by the Attorney.

18-277 Mayor Menna read, "A Resolution Authorizing the Borough of Red Bank to Enter into a Contract with The Red Bank Affordable Housing Corporation to Serve as the Borough's COAH Administrative Agent."

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

**ROLL CALL:**

AYES: Yngstrom, Ballard, Zipprich, Horgan

NAYS: Taylor

There being three ayes and two nays, the motion was declared approved.

**OLD BUSINESS**

None.

**NEW BUSINESS**

Councilman Zipprich reported the Lunch Break was holding their annual toy drive and offered information on how to donate.

**AUDIENCE**

Ben Forest—16 Locust Ave—said he had concerns that the public had not had a chance to comment before the vote on the introduction of the Redevelopment Ordinance. He said he had attended the Planning Board meetings and said he felt the Council should have listened to the Board and noted the experience of the members. He said he felt the Master Plan should be revised and questioned zoning only one area. He asked that the Council consider redevelopment issues.

Attorney Cannon noted there would be a Public Hearing on December 12, 2018.

Dan Riordan—53 Elm Place—said he disagreed with the Council's decision. He said he felt the negotiation should start at the low end. He reviewed details of the plan that he had concerns and objections to.

Freddie Boynton—PO Box 2074, Red Bank—thanked those Council members who had come to the Lodge event. He reported that there had been a lot of beer bottles and litter in Count Basie Park after the previous weekend's events. He asked if beer was allowed in a Borough park. He called for bag checks. He also said he did not fill the Borough Administrator was as welcoming as those in other towns.

Sean DiSomma—South Street—asked about the process to select Monmouth Telecom and said he felt the company had poor customer service. He also asked the Council to do their due diligence regarding the Red Bank Affordable Housing Corporation and to report back. He also asked Councilman Taylor about the status of the revisions to the Code.

Administrator Shehady said a recommendation had been given to the Mayor and Council at the last Workshop meeting. He said the Borough had solicited quotes and received responses from 5 to 6 vendors. He said their references had been verified and said he had also spoken to municipal agencies that had used their services. He said he had heard nothing but rave reviews regarding Monmouth Telecom and noted they were also the least expensive. He said the fact that they were a local company helped to keep fiber costs lower. Regarding the Red Bank Affordable Housing Corporation, he said he wanted to clarify that they were the Administrative Agent for the Borough's Affordable Housing which did not include Cedar Crossing. He said RBAH oversees housing done through set asides by developers and Cedar Crossing did not fall into that category. He said the process used by RBAH was set by State statute and their work was overseen by the Department of Community Affairs.

Sue Viscomi—25 Cedar Place—spoke of Code issues on her street and asked how many hang tags had been issued by the Code Enforcement. She also asked how many buses at the Count Basie Theatre had been ticketed for idling.

Mayor Menna said, if that was the case, tickets should be issued.

Administrator Shehady said he wanted to clarify that many of the buses had a separate generator that continued to run to maintain certain services but said they weren't idling. He said that generator would not fall under the anti-idling legislation.

Ms. Viscomi questioned the environmental impact of the generator. She again asked how many hang tags had been issued.

Mayor Menna suggested she file an OPRA request.

Ms. Viscomi asked about a specific complaint.

Administrator Shehady was able to access the complaint log and confirm that her complaint had been received and logged in

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

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

#### **EXECUTIVE SESSION**

None.

#### **ADJOURNMENT**

Councilman Yngstrom offered a motion to adjourn the meeting, seconded by Councilman Taylor.

**ROLL CALL:**

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Respectfully submitted,

Pamela Borghi