

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
December 12, 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.

ABSENT: Attorney Cannon (arrived at 7:45 pm)

\* Councilman Whelan participated by phone until arriving in person at 7:10 pm.

**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.

**WORKSHOP**

Riverview Towers Access Agreement – Mayor Menna noted there was a resolution the agenda regarding an access agreement with Riverview Towers. He said they would be staging some construction equipment on Borough property.

**APPROVAL OF MINUTES**

November 28, 2018 - Workshop Meeting

Councilman Ballard offered a motion to approve the minutes, 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.

**MAYORAL APPOINTMENTS**

Mayor Menna appointed Alecia Wilkerson to the Red Bank Housing Authority Board of Trustees as a Full Member to an unexpired five year term expiring 12/31/2021.

Councilman Ballard offered a motion to confirm the appointment, 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 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 in regarding to Ordinances on First Reading or Resolutions on the agenda.

Ben Forrest – 16 Locust Avenue – asked if the Ordinance regarding the VNA property was on the agenda.

Mayor Menna said it was and noted that it was scheduled for a Public Hearing at this meeting.

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

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Ballard said a meeting of the Finance Committee would be scheduled to discuss the 2019 budget process. He was he would have a full report after the first of the year. He congratulated Mayor Menna on his induction into the NJ Mayor's Hall of Fame. He also recognized Councilman Whelan and Taylor at their last Council meeting and said he wanted to thank them for their service to Red Bank.

Councilman Zipprich said he also wanted to thank Councilmen Whelan and Taylor for their service to Red Bank and wished them a successful future. He thanked RiverCenter for their efforts for the past weekend's event. He said he hoped it would become an annual event. He thanked the Department of Public Utilities staff for their assistance in setting it up. He said the Visual Improvement Committee had met the previous night to review the progress of the White Street parking lot improvement project. He also noted that the East Bergen reconstruction project was continuing on schedule despite setbacks. He complimented Engineer Neumann on her efforts with the contractors.

Councilwoman Horgan also thanked Councilmen Taylor and Whelan adding that Public Service could be thankless in many ways but could also be gratifying. She announced there was a new library director and reviewed her background. She reviewed Library hours over the holidays and noted they would be extending hours going forward on Tuesdays and Fridays. She also reviewed upcoming programs at the Library.

Councilman Yngstrom thanked everyone who had been involved with the recent Westside Tree Lighting. He said the Parks & Recreation Department was currently collecting winter clothing through the following Friday. He also reported that the Department had recently received a donation of basketballs as a result of a success grant application. He also noted the Home Decorating Contest was currently underway with a registration deadline of the following Friday. He said he also wanted to thank Councilmen Whelan and Taylor for their service to the town.

Mayor Menna asked Councilman Whelan if he would like to give a report.

Councilman Whelan, who was still participating by phone, said he was approximately five minutes away.

Mayor Menna said they could defer his report until he was physically present.

Councilman Taylor thanked his fellow Council members for their kind words. He reviewed the past three years that he had been on Council and the many changes in his personal life during that time. He said he was proud of his service and felt his tenure had been marked by civility. He spoke of the special relationship he had with Councilman Whelan and said he was proud to have served with him. He said did not have a report in regarding to the Environmental Commission as they had not yet heard about their application for silver status. He commended Administrator Shehady and said some of the changes he had implemented were drastic but were needed and effective. He offered his congratulations to incoming Councilmembers Triggiano and Yassin. He said it was a touch job and he wished them the best.

Mayor Menna said he would save his comments about the outgoing Council members until Councilman Whelan arrived. He congratulated the work of Councilman Yngstrom in regard to the parking study project. He said there would be a public presentation of the report on January 10, 2019 at 7pm at the Primary School.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read the following requests and noted they have been recommended for approval by the Special Events Committee with all approvals subject to final plan review by Special Events Committee.

- Request from Monmouth Day Care to hold their 10<sup>th</sup> Annual Touch a Truck event on Saturday, September 21, 2019 from 10am to 12noon.
- Request from Life Vest Inside to hold their 8<sup>th</sup> Annual Dance for Kindness on Broad Street between Front Street and Wallace Street from 12noon to 2pm on Sunday, November 10, 2019.
- Request from the Rivalry Series to hold their annual Flag Football Tournament to Benefit Lunch Break at Count Basie Field on Friday, November 19, 2019.

Councilwoman Horgan 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.

### **ORDINANCES – First Reading**

No Ordinances listed for First Reading.

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

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."

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 Zipprich offered a motion to approve the adoption of the ordinance, 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.

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."

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 Zipprich offered a motion to approve the adoption of the ordinance, 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.

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

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 Councilwoman Horgan.

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

NAYS: None

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

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

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

NAYS: None

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

Councilman Whelan joined the meeting in person at 7:10pm.

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."

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

No one appearing, Councilwoman Horgan offered a motion to approve to close the public hearing, seconded by Councilman Taylor.

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 Councilwoman Horgan.

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

NAYS: None

There being six 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."

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

Dan Riordan – 53 Elm Place – said he felt the plan was a give away to the developer and reviewed his points of concern. He said it would give away everything and the Borough would get nothing in return. He said the plan did not address the Complete Streets policy and the existing setbacks would make that impossible. He read the definition of an area in need of rehabilitation and said the property did not apply. He criticized the creation of the rehabilitation zone and the omission of certain properties. He said he disagreed with the designation. He claimed the Council was not following the State process. He criticized the lawyer and engineer and for negotiating out of the public eye.

Alan Hill – 64 McLaren Street – said the Borough had signed a Complete Streets manifesto in 2010 and reviewed how it should be implemented. He claimed it had not been taken into account. He criticized the location and the conditions of the road. He also noted pedestrian issues. He said development needed to be looked at again and said this was not a good solution.

Ben Forest – 16 Locust Avenue – said he had previously given his comments. He said the adopted plan did not agree with the Planning Board's recommendation and cited their credentials and experience. He expressed concern about overruling Boards. He said he understood there were housing issues he was not aware of but felt the Council should follow the recommendation of the Planning Board. He noted the Mayor had complained about traffic in that area. He also expressed concern about the number of units. He said the town should not be held hostage by lawsuits. He again urged the Council to listen to the Planning Board and do the right thing.

Alberto Larontonda – 242 Spring Street – said he felt there were issues with jurisdiction and traffic safety. He expressed concerns about increased residential use in the area.

William Poku – 90 Bank Street – urged the Mayor and Council to listen to the previous speakers and called for restraint. He said many families had moved out of Red Bank and expressed concern about affordability. He said he didn't care if there were 1,000 units per acre as long as it brought balance. He said political labels did not apply and again said the population was leaving. He expressed concern regarding comments made at the last meeting and called for restraint.

Alison Gregory – 109 Bank Street – urged the Council to look at the plan again and noted it was located at an entrance to the town. She said it was a busy, dangerous intersection.

Hazim Yassin – 203 Branch Avenue – said he served on the Planning Board and said he had made the motion to approve 80 units. He said the decision was not made lightly. He said it did not pass and the Board had agreed on a compromise. He said he hoped the Council would only overrule the Board when it was necessary and said he would assume that it was necessary if they chose to override.

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

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Attorney Cannon joined the meeting at 7:45 pm.

Mayor Menna reviewed the process the Ordinance had followed and asked Redevelopment Attorney Baumann for a recommendation on how to proceed.

Attorney Baumann recommended the Council adopt the Ordinance and noted the discussion that had been held in closed session. He said the decision to override was not made lightly and was well thought out and debated. He noted there were other considerations such as affordable housing and lawsuits that the Planning Board was not privy to.

Councilman Zipprich noted there had been deliberations and asked Attorney Baumann to explain the procedure.

Attorney Baumann reviewed the Rehabilitation process and said the next step was to negotiate a Redevelopment Agreement contract that would go into more detail.

Councilman Ballard asked him to review what was at risk if the Council did not move forward.

Attorney Baumann noted the Borough's Affordable Housing obligation and the limited number of opportunities available to meet that obligation. He said they would be able to represent to the Court that they were in the process of dealing with the obligation through this project.

Mayor Menna asked Attorney Baumann to confirm that they would still have an Affordable Housing obligation of a significant nature that would impact the residents financially if nothing was built.

Mr. Baumann said that was true and noted there was a general desire to provide Affordable Housing in addition to a legal one.

Councilman Ballard expressed concern about ignoring the Planning Board but noted they did not have all of the information. He said he was concerned about the size and density of the project. He asked why they couldn't work within the existing land use law. He said he felt the court was driving the process.

Attorney Baumann said he did not agree with that. He said they were trying to balance density while getting the maximum affordable housing. He said they did not want to create an economic drag on the project where rents

would not cover construction costs. He said the plan would set a parameter for the maximum and they will continue to work with the developer on the final number of units they will need to build in order to be able to afford the project.

Councilman Zipprich asked if the agreement would be the governing document on how the plan would develop. Mr. Baumann said the agreement could not exceed the plan but said it could be more constrictive. He noted, if there was no agreement, there would be no project.

Councilman Ballard asked how much input the Governing Body would have such as in regard to traffic issues. Mr. Baumann said traffic was a complicated issue because they had limited ability to impose on the DOT. He said the goal was to have traffic improved but said they were at the mercy of the DOT. He said the Developer understood that they would contribute toward payment.

Mayor Menna reviewed ongoing problem in that area and efforts by legislators to obtain improvements. He said he believe the County would support changes to the traffic pattern.

Mr. Baumann said he had been careful to listen on concerns regarding density and pedestrian/traffic issues.

Councilman Ballard said this ordinance had a bad taste and it troubled him. He said, the only reason he would support it as is was that it was a chance to configure the project toward what the residents and Council members would like to see. He said the risk was in not moving forward and being subject to litigation. He said that troubled him also.

Councilman Zipprich said he agreed and looks at it as an opportunity to build affordable housing. He said all of the member of the Governing Body had concerns with the ordinance. He said they had to have faith in the recommendation of their professionals to make sure all concerns were addressed.

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

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

NAYS: None

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

Mayor Menna noted the time the Council spent vetting the issue on the Ordinance and reviewed those issues. He said the decision that was made was the right one and thanked the Council for supporting it.

Attorney Cannon asked if a financial expert could address the Council in Executive Session to give them a better understanding.

Mr. Baumann said they could.

Mayor Menna noted that Redevelopment Planner Chris Dochney was also in attendance and thank him.

Councilman Yngstrom noted that Councilman Whelan had not been able to make his report earlier and asked that he be allowed to do so at this time.

Councilman Whelan congratulated Fire Chief of Stuart Jensen on his final year and reviewed the incoming Chiefs noted that two of the three were serving a second time. He thanked the residents for giving him the opportunity serve. He said it had been humbling and life changing. He thanked Borough employees and said he had made friends with many. He noted how hard they work and said the public didn't often get to see that. He said the two departments that were close to his heart were the Police and Fire Departments. He said he enjoyed serving as Commissioner. He thanked Councilmembers he had served with and noted, while they had arguments, they had been able to come together. He offered a special thanks to the Mayor and said he had been nothing but gracious to him. He thanked his family and noted the amount of time he had to spend on Council matters. He said it had been an incredible journey and spoke of his special relationship with Councilman Taylor.

Councilman Zipprich said that, despite their differences, they had passed the ordinance tonight.

Mayor Menna spoke of the Council as a family. He said they spend a great deal of time together and they ultimately get the job done. He said they have always respected each other. He commended their families for their support.

## **RESOLUTIONS**

Mayor Menna read the following motions and called for a motion to approve by consent:

- 18-285 A Resolution Confirming Time and Place Borough Council Meetings for 2019.
- 18-286 A Resolution for Renewal of Membership in the Central Jersey Health Insurance Fund.
- 18-287 A Resolution Authorizing Acceptance of Grant Agreement between the Borough and the County of Monmouth, Department of Human Services, Division on Aging, Disabilities and Veterans Services.
- 18-288 A Resolution Requesting Authorization to Cancel Grant Appropriation Reserves for a Total of \$8,128.52 and Grant Receivable Balance of \$6,600.00.
- 18-289 A Resolution to Cancel Balances in Capital Improvement Ordinances.

18-290 A Resolution Ratifying and Confirming the Appointment of a Full-Time Communications Officer (Dispatcher).

Councilman Zipprich offered a motion to approve the resolutions enmasse, 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.

Mayor Menna asked Council Ballard to read Resolution 18-291.

18-291 Councilman Ballard read, "A Resolution in Support of Affordable, Consumer Driven Financial Services at the Post Office."

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.

18-292 Mayor Menna read, "A Resolution Authorizing Tax Appeal Settlement Regarding R B Realty Associates, 100 Chapin Avenue, Block 84, Lot 1.01, Red Bank, New Jersey."

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.

18-293 Mayor Menna read, "A Resolution Authorizing and Approving Collective Negotiation Agreement between the Borough of Red Bank and P.B.A. Local #39 for the Years 2018 Through 2021."

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.

18-294 Mayor Menna read, "A Resolution Awarding a Fair and Open Professional Services Contract for Grant Writing Services."

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

ROLL CALL:

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

NAYS: None

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

18-295 Mayor Menna read, "A Resolution Authorizing an Access Agreement with Riverview Towers."

Councilman Zipprich 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.

18-296 Mayor Menna read, "A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2018-2019."

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

ROLL CALL:

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

NAYS: None

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

18-297 Mayor Menna read, "A Resolution Authorizing Transfer of 2018 Current Fund."

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

ROLL CALL:

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

NAYS: None

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

#### **PROCLAMATIONS**

None.

#### **PAYMENT OF VOUCHERS**

18-297A Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,876,685.92."

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

ROLL CALL:

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

NAYS: None

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

#### **OLD BUSINESS**

None.

#### **NEW BUSINESS**

None.

#### **AUDIENCE**

William Poku—90 Bank Street—said he concerns had been raised about affordable housing at the Westside Loft property and segregation. He also noted there were properties designated in town as affordable housing units that had been demolished. He asked who had the standing to authorize the removal of properties and to make sure contracts were enforced.

Attorney Cannon said the Council had the authority to negotiate and enforce provisions of contracts.

Mr. Poku said the NAACP had been a party to the contract and asked if they had the authority.

Attorney Cannon said he was not sure of which property Mr. Poku was referring to but noted the NAACP had been a party to negotiations of the Fair Share litigation but the properties were covered by developer's agreements. He said the NAACP would not have direct standing.

Mr. Poku asked who had the standing to enforce.

Mayor Menna said the Attorney could not provide him with a legal opinion.

Mr. Poku said he had been trying to schedule an appointment with the Administrator.

Mr. Cannon noted Mr. Poku had number lawsuits pending against the Borough and he had advised him not to meet with him.

Mr. Poku asked how he could address an issue that had nothing to do with the lawsuits.

Mr. Cannon said if he had a general service issue, he should call Borough Hall but if he wanted to sit down and discuss some other matter, he had advised municipal officials not to do so due to pending litigation.

Mr. Poku asked how a person would address issues.

Mr. Cannon suggested they come to a public meeting and speak.

Alberto Larontonda—242 Spring Street—said he would like to meet with the Administrator or Attorney to discuss the financial responsibility of the cost of the water line repairs on East Bergen Place. He said he understood the town was replacing those lines. He noted he had had to pay the full cost for repairs to his lines and asked why the town would pay to replace the East Bergen lines.

Mayor Menna said an appointment would be set up.

Joe Sheblin—Red Bank Post Office—thanked the Council for the resolution. He said the Post Office was ready to implement the program.

Carl Colmorgen—67 Oakland Street—said there was a problem with the intersection of Reckless and Broad. He said there was a large hole in the road. He said it had been temporarily filled but the repair did not last.

Councilman Zipprich asked if the hole was on Broad Street or on Reckless Place.

Mr. Colmorgen said it was on Reckless.

Councilman Zipprich said he would follow up.

Ben Forest—16 Locust Avenue – Thanked Councilmen Taylor and Whelan for their service. He said they were always accessible and always listened. He said, in regard to the VNA property, he understood some things could not be shared and that there was a bigger picture. He said he would trust the Council and said it was useful to hear their concerns. He said he appreciate hear them.

No one else appearing, Councilman Whelan offered a motion to close the public comment portion, 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.

**EXECUTIVE SESSION**

None.

**ADJOURNMENT**

Councilman Whelan offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi