

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
April 24, 2019
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Hassin, Triggiano, Ballard, Yngstrom, and Horgan.

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

ABSENT: Councilman Zipprich

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 December 12, 2018.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Red Bank Middle School Girls' Basketball presentation.

Proclamation

Mayor Menna read the following a Proclamation proclaiming April 26, 2019 as Arbor Day. Mayor Menna and Councilman Yngstrom presented the proclamation to Shade Tree Committee member Boris Kofman.

Redevelopment Agency Commissioner Appointments

Mayor Menna appointed the following individuals to the Red Bank Redevelopment Agency:

Kate L. Triggiano - Member for a term expiring 12/31/2019
Hazim Yassin - Member for a term expiring 12/31/2019
Wilson Beebe - Member for a term expiring 12/31/2021
Alpha Reynolds-Lewis - Member for a term expiring 12/31/2021
Megan Massey - Member for a term expiring 12/31/2022
Jan Wouters, Esq. - Member for a term expiring 12/31/2023
David R. Huber - Member for a term expiring 12/31/2023

Councilman Yngstrom offered a motion to confirm the appointments, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Stephen Hecht—135 Branch Avenue—asked if members of Council who were serving on the Redevelopment Agency would have to recuse themselves from discussions that involved matters before the agency.

Mayor Menna and Attorney Cannon said they would not cite the State Statute regarding the appointments.

Mr. Hecht said he had not realized they were statutory appointments.

William Poku—90 Bank Street—asked if the Council had considered the impact of gentrification in regarding to the Redevelopment Agency.

Ben Forest—13 Locust Avenue—said he wanted to speak in support of the ordinance to create a “No Parking” area on Chestnut Street.

No one else appearing, Mayor Menna asked for a motion to close.

Councilwoman Horgan offered a motion to close the Public Comment, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

MINUTES & REPORTS

Workshop Meeting Minutes of 4/3/2019

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

Regular Meeting Minutes of 4/10/2019

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

ORDINANCES - Public Hearing/Adoption:

2019-10 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 680, Vehicles and Traffic, Section 680-35, "Schedule I: "No Parking."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

There being five 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.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-11 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Shed Heights."

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 Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-12 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Dwelling Apartment Uses Above the Street Level."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-13 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Permitted Uses in the Professional Office Zone."

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 Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and 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 Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-14 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Restoration of Non-Conforming Structures."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-15 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Engineering Inspection Fees."

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

Councilman Yassin offered a motion to approve the adoption of the ordinance, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-16 Mayor Menna read, “Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Presubmission Reviews and Applications for Development.”

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-17 Mayor Menna read, “An Ordinance Establishing an Electric and/or Natural Gas Aggregation Program.”

Mayor Menna introduced Nick Reynolds of Commercial Utility Consultants who reviewed the program and its benefits.

Councilwoman Triggiano asked questions about the inclusion of renewable energy.

Mr. Reynolds said they could include that as part of the auction. He said different options would be offered to the public and said the options with a higher percentage of renewable energy would have a high cost.

Councilwoman Triggiano asked about the outreach that would be done to clarify the charges.

Mr. Reynolds said the auction would be for the energy only and said delivery charges would not be affected. He said the resolution before the Council would be for the auction only and said another resolution would need to be done to move forward from there. He said those under contract with an energy supplier would be able to switch at the end of their contract. He said participants could opt out of the program at any time. He reviewed the benefits including savings and budget billing.

A discussion followed regarding options for renewable energy and experiences from other towns that had done the auction.

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

Stephen Hecht – 135 Branch Avenue – asked how the numbers had been estimated.

Mr. Reynolds reviewed how the numbers had been calculated and said it was based on actual usage.

Mr. Hecht noted that Mr. Reynolds had mentioned that those who were already in third party contracts would have to wait until the end of their contract. He asked if this program would have a contract.

Mr. Reynolds said it would be month to month.

Mr. Hecht asked how Mr. Reynolds’ company got paid.

Mr. Reynolds said they were paid by the supplier.

William Poku—90 Bank Street—asked what the company’s policy was for shut offs.

Mr. Reynolds said that would be handled by JCP&L. He said they were only replacing the energy supplier.

James Scavone—Executive Director, RiverCenter—said he had heard discussion about residential properties and asked if businesses could participate.

Mr. Reynolds said they could but that there was a different rate for commercial properties.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-18 Mayor Menna read, “An Ordinance to Implement the Borough’s Third Round Housing Plan Element and Fair Share Plan Consistent with the Terms of a Settlement Agreement Reached between the Borough of Red Bank and the Fair Share Housing Center Regarding Compliance with the Borough’s Third Round Affordable Housing Obligations in Accordance with in re: N.J.A.C. 5:96 And 5:97, 221 N.J. 1 (2015), the New Jersey Fair Housing Act, and Relevant Regulations and Policies Adopted by the New Jersey Council on Affordable Housing.”

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

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and 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 Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

2019-19 Mayor Menna read, “An Ordinance to Amend the Borough’s Planning And Development Regulations Consistent with the Terms of a Settlement Agreement Reached between the Borough of Red Bank and the Fair Share Housing Center Regarding Compliance with the Borough’s Third Round Affordable Housing Obligations in Accordance with in re: N.J.A.C. 5:96 And 5:97, 221 N.J. 1 (2015), the New Jersey Fair Housing Act, and Relevant Regulations and Policies Adopted by the New Jersey Council on Affordable Housing.”

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

William Poku—90 Bank Street—asked about the Settlement Agreement.

Mayor Menna said it could be provided to him.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and 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 Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

ORDINANCES - First Reading:

2019-10 Mayor Menna read, “Ordinance Amending And Supplementing Chapter 213, Alarm Systems, Article 213-9: False Alarms To Amend Penalties.”

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None.

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

Mayor Menna announced the Public Hearing would be held 5/8/2019 at 6:30 pm.

RESOLUTIONS

19-80 Mayor Menna read, "Resolution Opposing the Williams/Nese Raritan Bay Pipeline and Urging the New Jersey Department of Environmental Protection to Conduct a Public Hearing on the Bayshore and Extend the Public Comment Period."

Councilwoman Triggiano offered a motion to approve the resolution, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

Mayor Menna asked if there were any questions on Resolutions 19-108 through 19-119 and asked if there was any object to voting on them en masse.

Councilman Ballard asked if Resolutions 19-115 through 19-117 fit in with the Police Department's restructuring plan.

Administrator Shehady confirmed that they did.

Mayor Menna read the following resolutions and called for a motion to adopt en masse:

19-108: A Resolution Regarding Special Duty Assignments for Police Officers of the Borough of Red Bank

19-109: A Resolution Expressing Support for Legislation Increasing State Funding to the "Shore Protection Fund" from \$25 Million to \$50 Million (S-1614/A-826)

19-111: A Resolution Authorizing Approval of Sidewalk Cafés

19-112: A Resolution Accepting the Performance Guarantee Posted by Denholtz Associates for the Development Project Located at Block 63, Lots 1.01, 3, 4, 8, 9, 10, & 10.01 and Block 75.05, Lot 16.01

19-113: A Resolution Accepting Bids and Awarding a Contract for the White Street/English Plaza Streetscape Improvement Project

19-114: Resolution Accepting the Retirement of Rosa Brown

19-115: A Resolution Appointing Special Law Enforcement Officer Class II (J. McCartney).

19-116: A Resolution Appointing Special Law Enforcement Officer Class II (A. Todd)

19-117: A Resolution Ratifying and Confirming the Appointment of a Full-time Police Officer (P. Vescio)

19-118: A Resolution Ratifying and Confirming the Appointment of Part-time Parking Enforcement Officer (E. Perry)

19-119: Resolution Extending the Borough's Professional Services Contract with Suplee, Clooney & Company for Financial Accounting Services from May 1, 2019 to June 1, 2019.

Councilman Yngstrom offered a motion to approve the resolutions en masse, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

MAYOR & COUNCIL COMMENTS

Councilman Ballard had no report.

Councilwoman Horgan reviewed a flyer citing statistics that had been released by the Library Board that included the number of visits, programs and attendance. She said it also highlighted the Library's extended hours and new computers. She said more information was available at www.redbanklibrary.org.

Councilman Yassin had no report.

Councilman Yngstrom thanked those that had helped with the recent Spring Egg Hunt. He reported that a parade had been added to the Memorial Day activities on May 27. He announced that the Westside Jazz Series would begin on Friday, May 31 at Johnny Jazz Park.

Councilwoman Triggiano said she had no report for the Fire Department. She said the Environmental Commission would be participating in a Town Wide Clean Up on Saturday, April 27 and would be holding an Earth Day Event on Sunday, April 28. She said there would be a seedling giveaway and a bike rodeo. She

reported that the Police Department was also holding a Stuff the Truck event to collect non-perishable food donations for Lunch Break. She said items could be dropped off anytime through Sunday.

Mayor Menna noted that the Borough used to have a Town Wide Yardsale and suggested they should bring it back.

Councilwoman Triggiano said the Library had held it as a fundraiser and suggested someone check with them before moving forward.

Administrator Shehady said he would look into it.

Stephen Hecht, a member of the Library Board of Trustees, spoke from the audience to let the Council know the event was planned for the fall.

DISCUSSION & ACTION

Mayor Menna read a request from Christine McSorley and James Bruno to transfer their memberships from the Westside Hose Company to the Liberty Hose Company of the Red Bank Volunteer Fire Department.

Councilwoman Triggiano made a motion to approve the request, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Alberto Larononda—242 Spring Street—distributed written statement regarding his efforts to obtain copies of documents regard Red Bank Lead and Copper Sampling Plan. He said his OPRA request to the Borough had been denied by the Borough and he had subsequently obtained the documents from the Department of Environmental Protection (DEP). He presented several demands as a result of reviewing the documents provided by the DEP including a demand that the Borough reimburse him \$433.80 for his efforts to obtain the documents from the DEP.

Attorney Cannon stated that the Borough of Red Bank was in compliance will all Federal and State regulations regarding water testing. He further explained that the requested documents had been deliberative in nature and should not have been provided to him by the DEP. He said the information provided had been incomplete and contained personal information regarding property owners.

No one else appearing, Councilwoman Horgan made a motion to close the public portion, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

EXECUTIVE SESSION

18-105 Mayor Menna read a resolution to adjourn to executive session to discuss Litigation (Reverse Tax Appeals) and Personnel (Parking director); Possible action to be taken.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

RESUME REGULAR BUSINESS

Councilwoman Horgan made a motion to resume Regular Business, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

ADJOURNMENT

Councilman Ballard offered a motion to adjourn the meeting, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

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

Respectfully submitted,

Pamela Borghi