

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
November 13, 2019
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Yassin and Councilwoman Horgan

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.

Mayor Menna called for a moment of silence for the public servants fighting wildfires in California and Australia.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Middle School Girls' Soccer Team presentation

Middle School Boys' Soccer Team presentation

Mayor Menna said the Red Bank Middle School Boys' Soccer Team members were returning heroes having won their division for the fourth year in a row. He also noted the Red Bank Middle School Girls' Soccer Team has won their division for the first time in school history. He presented certificates to each member of both teams.

Superintendent Rumage praised and congratulated the students. He thanked the Governing Body for their support.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

No one appeared.

MINUTES & REPORTS

Workshop Meeting Minutes of 10/2/2019

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None.

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

Regular Meeting Minutes of 10/23/2019

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None.

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

ORDINANCES - Public Hearing/Adoption:

2019-69 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 94, Article I; Establishment, Amending Section 64-9 Cadet Corps to Remove the Residency Requirement for Membership

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

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being four 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: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being four ayes and no nays, the motion was approved on final reading.

ORDINANCES – First Reading:

2019-70 Mayor Menna read, “Ordinance Amending Chapter 430: “Licenses and Permits” of the Borough’s Revised General Ordinances to Eliminate Citizenship Requirement for Business Licenses.”

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being four ayes and no nays, the motion was approved on first reading.

Mayor Menna announced the Ordinance would be scheduled for a Public Hearing on 11/26/2019.

2019-71 Mayor Menna read, “Ordinance Amending and Supplementing Chapter 608, Streets and Sidewalks, Relating to the Placement of Telecommunications Facilities in Public Rights of Way.”

Councilman Ballard asked for a review of the Ordinance.

Administrator Shehady explained that the Ordinance was required to provide for the installation of 5G cells. He said they wanted to get ahead of the process and ensure regulations were in place when the requests came in.

Councilman Ballard asked if the Borough could enforce the locations where they were placed.

Administrator Shehady confirmed that there would be guidelines concerning where they could and could not be placed. He did note that they could not restrict what as under FCC purview.

A discussion followed on the powers of the Borough versus the FCC or BPU.

Administrator Shehady again reviewed the differences between 5G technology and earlier technologies.

Councilman Ballard asked for more information.

Administrator Shehady said he would resend his earlier email on the issue.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being four ayes and no nays, the motion was approved on first reading.

Mayor Menna announced the Ordinance would be scheduled for a Public Hearing on 11/26/2019.

RESOLUTIONS

19-263 Mayor Menna read, “Resolution for Payment of Bills Amounting to \$1,720,297.25.”

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

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

- 19-264 Resolution Calling for Study Commission to Review the Open Public Records Act.
- 19-265 Resolution to Establish a Fair and Open Process for Awarding of Certain Contracts for the 2020 Calendar Year.

- 19-266 Resolution Ratifying and Confirming the Appointment of a Full-Time Police Officer
- 19-267 Resolution Accepting the Retirement and Confirming Benefits for Police Sergeant Joey N. Fields.
- 19-268 Resolution Authorizing the Purchase and Installation of Roofing Materials under the Education Services Commission of New Jersey Cooperative Purchase Agreement.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-269 Mayor Menna read, “Resolution Authorizing Change Order No. 4 Related to the Contract with Seacoast Construction, Inc. for the English Plaza/White Street Streetscape Improvement Project.”

Councilman Ballard questioned the change order.

Administrator Shehady offered details on the regarding \$2,000 work of additional work that was needed which had been offset by the reduction of surplus items not needed for the project resulting in a net zero change to the cost.

Councilman Ballard said he thought it was fishy that it balanced out.

Administrator Shehady clarified that additional work was backed out when they found the additional work was needed so there would be no request additional funds.

Councilman Ballard said he understood but was not comfortable with the change and said he wanted to table the resolution.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-270 Mayor Menna read, “Resolution Providing for the Combination of Certain Bond Ordinances and Determining the Form and Other Details of the Offering of \$7,134,000 General Obligation Bonds, Series 2019 Consisting of \$2,712,000 General Improvement Bonds, Series 2019, \$3,700,000 Water-Sewer Utility Bonds, Series 2019 and \$722,000 Parking Utility Bonds, Series 2019 of the Borough of Red Bank, in the County of Monmouth, State of New Jersey and Providing for their Sale.”

Councilman Ballard asked if this would be coming out of the Water and Parking utilities.

Mayor Menna confirmed that it would.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-271 Mayor Menna read, “Resolution Authorizing Place-to-Place Transfer of Plenary Retail Distribution License No. 1340-44-028-005 (TST Beverages, LLC).”

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-272 Mayor Menna read, “Resolution: 19-272 Resolution Awarding a Professional Services Contract to Stephen G. Pfeffer for Financial Accounting Services.”

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-273 Mayor Menna read, "Resolution Rejecting All Bids Received for the Replacement of the Fire Suppression System at the Red Bank Senior Center and Authorizing Re-Advertisement and Re-Bidding of the Project."

Councilman Ballard asked if the bond was to cover the Fire Suppression System.

Administrator Shehady said it was for Building Improvements, not just the Fire Suppression System.

Councilman Ballard questioned why they could not move forward with the bid for \$191,000.

Councilman Yngstrom explained that the bid was for a wet system which would not work so they would have to re-bid for a dry system.

Administrator Shehady noted there would also be additional costs so the overall costs would be too high. He said the bid of \$191,000 exceeded the engineer's estimate for that phase of the work.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-274 Mayor Menna read, "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."

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

MAYOR AND COUNCIL COMMENTS

Mayor Menna congratulated Councilman Yngstrom and Councilwoman Horgan and their re-election.

Councilman Ballard reviewed a Moody's Report that was recently received giving Red Bank a positive rating.

Councilman Zipprich reported that he had attended an assembly at the Middle School for World Kindness Day. He reviewed the program.

Councilman Yngstrom thanked all those who had helped out with the Veteran's Day program. He reported on upcoming Parks & Recreation events including the Westside Tree Lighting on 12/7 at 6pm, Santa Calls on 12/11 and 12/12, the Holiday Home Decorating contest and a winter clothing drive.

Councilwoman Triggiano had no report.

DISCUSSION & ACTION

Mayor Menna read a request from Jamie Atkins to install mural at 116 Chestnut Street with written consent of the property owner.

Councilman Zipprich made a motion to approve the request, Councilman Yngstrom seconded.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

Mayor Menna read a request from Michael Green for membership in the Liberty Hose Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

Mayor Menna read a request from Giovanni Carvente-Ajuech for membership in the Union Hose Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

Mayor Menna read a request from the following individuals for membership in the Cadet Corps of the Red Bank Volunteer Fire Department: Lucas Finkel, Colin McSorley, Jonathan Rivera, Alan Soden III, Salvatore Vitello, Jack Welsh and Kevin Welsh.

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

Mayor Menna read the following requests recommended for approval by the Special Events Committee at their meeting held on 11/4/2019. (All approvals subject to final plan review by Special Events Committee.)

- Request from St. Anthony of Padua to hold the Our Lady of Guadalupe Procession from Johnny Jazz Park traveling down Dr. Parker Blvd. to Bridge Avenue and ending at the Parish Center at Herbert Street at 7pm on Thursday, 12/12/2019.
- Request from Friends of Clearwater to use Marine Park for a festival to be held on Saturday, 8/16/2020 and Sunday, 8/17/2020. Subject to final plan review by Committee..

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Cindy Burham—71 Wallace Street—said she had understood that the USDA was going to test the Community Garden for free but when she called to find out the date but said they would not give her any information. She said she later found that he had called them and cancelled the testing. She said she had email him to ask why. She said they were now scheduled to come out on the 22nd and would welcome gardeners and answer their questions.

Mayor Menna asked Administrator Shehady to respond to Ms. Burnham's comments.

Administrator Shehady said Ms. Burham's sequence of events was incorrect and her characterization was incorrect. He read emails that had been sent to Ms. Burnham and noted that the USDA had cancelled the testing when they had found that no Borough Official had requested the testing. He said any such testing would have to be approved by Resolution of the Council just as the Department of Environmental Protection had done. He said the USDA had understood this and had cancelled the testing. He said they had told him that they had been under the impression that the person who had called was an official of the Borough and, when they found that was not the case, had elected to cancel.

Suzanne Visconti—25 Cedar Street—said she had seen a notice on the bulletin board regarding an agreement between the CWA Union and Management regarding recording procedure. She asked if a resident or member of the public had been recorded without their knowledge. She asked if the public had a right to be told.

Stephen Hecht—135 Branch Avenue—said he had concerns about the protocol for public comments. He urged the Council to reexamine the protocol particularly regarding who can be addressed.

Mayor Menna thanked him for the comment and noted that had been the protocol for the past three years. He said it was the result of the recommendation of a previous Council member but said they would review it.

No one else appearing, Councilman Zipprich made a motion to close the Public Comment, seconded by

Councilwoman Triggiano.

EXECUTIVE SESSION

19-261 Mayor Menna read a resolution to adjourn to executive session to discuss Property Acquisition and Personnel (Finance). No action to be taken.

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

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi