

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 11, 2017
5:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Borough Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney Cannon, Engineer Neumann and Engineer Valesi.

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, 2017.

WORKSHOP

Council Meeting Time—February 22, 2017

Mayor Menna explained that there was a conflict regarding the February 22, 2017 Council meeting. He said the Planning Board had scheduled a meeting for the same night due to the fact that their regular meeting date fell on Presidents Day. He suggested the Council move their meeting to 5pm to accommodate both meetings.

The Council consensus was to move the meeting. Mayor Menna said a resolution had been prepared and would be added to the agenda.

APPROVAL OF MINUTES – December 14, 2016

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

ROLL CALL:

AYES: Zipprich, Schwabenbauer, Taylor Whelan

NAYS: None

ABSENTE: Horgan, Yngstrom

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

APPROVAL OF MINUTES – December 28, 2016

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

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor Whelan

NAYS: None

ABSENTE: Yngstrom

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

APPROVAL OF MINUTES – January 1, 2017

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

No Mayoral appointments.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer said she would like to see the Council get more done in 2017. She called for setting objectives. She said the Finance/Personnel Committee would be searching for a new Administrator. She also called for a review of the procedure for performance evaluations. She said the Committee would be working on a budget that would work to reestablish reserved that had recently been reduced. She said they would also be working on a capital plan to rebuild or repair the Public Works

facility. She suggested that Council members should work together to make sure their objectives were not conflicting.

Councilman Taylor said he thought the idea to form objectives was a great idea. He reported that the Environmental Commission had met the previous night and reviewed their objectives. He said he had a Code Committee meeting the following night. He said he had had informal conversations with some of the members/employees and was looking to develop more concrete objectives.

Councilman Whelan said the Parking Committee had met the previous Thursday. He said it was a productive effective meeting and said they had tackled a number of topics including issues with the parking pay stations. He said they also discussed the dedicated left turn lane from Broad to Linden and the possibility of eliminating it to add additional parking spaces. He said the also discussed the RFP for the White Street Parking Garage.

Councilwoman Horgan reported that she had represented the Mayor and Council at an Eagle Scout ceremony the previous Sunday. She reviewed the project of the Fair Haven Scout that was a member of a Red Bank troop to build a garden at a Fair Haven School.

Councilman Zipprich said the Department of Public Works would have their reorganization meeting on Wednesday, January 18. He also reported that there would be Community Conversation with Law Enforcement would be held at 10am on the following Sunday followed by the Come Together Unity March which would end a Pilgrim Baptist Church. He said there would be a service on Monday, Martin Luther King Day, also held at Pilgrim Baptist Church. He also reported that the following week would be RiverCenter Board of Directors Executive meeting that he would be attending.

Councilman Yngstrom said he was excited to be the new liaison to the Parks and Recreation Department. He said he had met with the Director. He said they were excited for 2017 and looked to build on the work from the previous year. He said the Parks and Recreation Committee would be meeting the following night to discuss their objectives to try to get things rolling. He said the Parks and Recreation resident committee would be meeting on Monday, January 23 and noted it was open to the public. He also reported that the Parks and Recreation Department would be unveiling a new logo at the following Council meeting as a result of a recent contest. He said the Department would be hosting a family trip to Jenkinson's Aquarium on Friday, February 3. He said the cost was \$10 and preregistration was required. He said they would also have a father/daughter sweetheart dance on February 10 at the Senior Center and reviewed that event. He said the Couch Potato to 5K event would be coming back in March. He people should check the Parks and Recreation website for additional information.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Christian O'Keefe for membership to the Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department.

Councilman Whelan said he had met Mr. O'Keefe and that he was a remarkable young man. He offered a motion to approve the request, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

By Consent Agenda:

Mayor Menna read the following requests recommended for approval by the Special Events Committee:

- Request from Nemo Tile, 21 White Street, to hold Grand Opening celebration on Thursday, January 19, 2017 from 6pm to 9pm and to block off three parking spaces during event.
- Request from Greater Red Bank Women's Initiative to hold a non-partisan gathering in Riverside Gardens Park on Saturday, January 21, 2017 from 3pm to 5pm.

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

ROLL CALL:

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

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 public comment on Ordinances on First Reading and Resolutions only.

No one appearing, Councilman Zipprich made a motion to close the public comment, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2017-01 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 680, ‘Vehicles and Traffic,’ Section 680-36, Schedule II, ‘Parking Prohibited Certain Hours.’”

Councilman Zipprich offered a motion to introduce the ordinance, seconded by Councilman Taylor.

ROLL CALL:

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

NAYS: None.

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

Public Hearing to be held January 25, 2017 at 6:30 pm

Councilman Zipprich commended DPW Director Keen for doing an audit of some of the Borough ordinances such as this.

ORDINANCES – Public Hearing and Final Adoption

None.

RESOLUTIONS

17-14 Mayor Menna read “A Resolution Appointing Eugenia Poulos as Fund Commissioner and Eva Biviano as Alternate Fund Commissioner to Central Jersey Health Insurance Fund.”

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

ROLL CALL:

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

NAYS: None

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

17-15 Mayor Menna read “A Resolution Appointing Clifford Keen as Fund Commissioner and Eugenia Poulos as Alternate Fund Commissioner to Monmouth County Joint Insurance Fund.”

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

ROLL CALL:

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

NAYS: None

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

17-16 Mayor Menna read, “A Resolution Amending the Time and Place of Borough Council Meetings for 2017.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming January 16 – 20, 2017 as No Name Calling Week in the Borough of Red Bank.

PAYMENT OF VOUCHERS

17-17 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$2,971,497.69.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

Councilman Taylor noted that the Council had previously discussed implementing a time limit regarding public comment. He called for a resolution for the following meeting.

Mayor Menna agreed that the matter had been discussed and the Council was in agreement. He asked that a draft be provided to the Borough Attorney for review. He called for the matter to be listed under workshop at the next meeting with a possible resolution to be added to the agenda.

NEW BUSINESS

Councilman Zipprich commended the Public Works staff for their tireless cleanup efforts following the recent snowfall.

Mayor Menna agreed that they had one a great job.

AUDIENCE

Freddie Boynton—365 Shrewsbury Avenue—told the Council of a series of traffic stops that he felt were unwarranted and said he felt there were issues with newer police officers.

Mayor Menna said he would discuss the matter with the Police Chief and Fire Commissioner.

Mr. Boynton also criticized the driver of a Borough truck and the use of the snow plow. He said the staff needed training on how to drive and plow. He also criticized an employee who had been terminated but had not received back pay.

Administrator Sickels said he could not speak to specific personnel issues but said they had been reviewed past rosters to address any outstanding issues.

Alberto Larontonda—242 Spring Street—said he was appearing to follow up on a previous attendance regarding his water service. He reviewed his dispute over financial responsibility of water lines. He noted that the repair had been done.

Mayor Menna said he had address the issue in his New Year's Day message and said he was asking the Borough Attorney and Engineer to deal with the amelioration of issues and look into insurance programs to deal with these types of situations. He said the decision had come from the information Mr. Larontonda had given to him.

Mr. Larontonda said that was wonderful news. He said it was a good move forward. He reviewed programs offered in other municipalities. He reviewed the recent repair done at his property and presented a section of the pipe that had been replaced. He said there was lead in the pipe and expressed concern about lead pipes in the system and the possibility of lead leaching into the water supply. He said the insurance program would be a good short term solution but said the town needed to address long term concerns regarding the possible public health hazard.

Mayor Menna said the Borough's first responsibility was to the health and well-being of all residents. He said they all knew the system was very old. He said that had been taking steps to replace outdated technology and said he felt the insurance program was also important. He said he felt it was critical that, once they had more empirical data, they pass information on to the residents and also an educational program about changes to the system. He said the public health issue was something they took seriously and said they would be taking a look at that.

Councilman Zipprich said he wanted to remind everyone that the Red Bank Water Department routinely monitored for contaminants in the drinking water. He said the findings were recorded according to State and Federal laws. He noted an annual report was distributed to residents as required by State law.

Administrator Sickels asked DPW Director Keen to address the lead testing procedures to assuage any fears regarding lead.

Director Keen noted that Red Bank had some issues with lead and copper in the past and as a result the state had required that they take 205 samples over a three year period. He said that number was well about the 30 samples that most towns were required to take. He said there was no indication that there were any lead problems in the system. He detailed the process and their testing showed that there was lime scale inside the pipes that prevents lead and copper from leaching into the supply. He said whenever they identify a problem, they immediately replace the pipe which he said was what was called for by the industry and by the DEP.

Jimmy Dark—48 West Sunset Avenue—asked about the status of the power line issue.

Mayor Menna said he was aware of the JCP&L project issue which stretched from Red Bank to Aberdeen. He said it was being hotly contested by a group called R.A.G.E. and by the affected municipalities. He said the project has not been approved. He said it was also subject to Federal review as well as legislative oversight by the Board of Public Utilities. He said Red Bank was monitoring it and joining with sister municipalities to oppose the project.

Councilwoman Schwabenbauer noted there would be a public meeting on the issue in Middletown at 7pm on January 25.

Mr. Dark asked for information on a website where he could follow up on the information.

Councilwoman Schwabenbauer said she would give him the information.

Mr. Dark expressed concern about radiation and he understood the need to ensure that power would be available during storms.

Mayor Menna noted that this project would not affect storm outages. He said it was corporate overreach.

Mr. Dark continued to express concern about the project and questioned where Red Bank was going to approve it.

Mayor Menna said Red Bank was opposed to it.

Mr. Dark asked about radiation and how tall the towers would be.

Mayor Menna suggested Mr. Dark go to the meeting and again noted Red Bank was opposing the project. He said the matter had been covered in the media and said there was a lot of information out there.

Mr. Dark continued to express concern about health issues. He called for a public vote on the project.

Mayor Menna said the State law was written so that not even municipalities or legislature had any right on the matter. He said the Board of Public Utilities was ultimately going to rule on the matter.

Mr. Dark asked where the lines in Red Bank would be if the project was approved.

Mayor Menna said it would essentially be through the NJTransit right-of-way from the train station going over the bridge.

Councilwoman Horgan said it was important for resident to attend the meeting on January 25.

Attorney Cannon noted that many of the meetings were viewable on line. He said no municipal approvals were required. He reviewed the project and the opposition including the efforts by R.A.G.E. He said the ultimate decision would lie with the Board of Public Utilities and the need for an easement by NJTransit. He again stressed that no municipal approvals were required.

Councilman Zipprich said, if one was unable to attend a meeting, a petition was available on change.org. He suggested searching for "Residents Against Giant Electric" and said the petition would pop up.

Tom Labetti—45 Elm Place—suggested the Council consider starting some meetings at 8pm. He also said he did not feel the town should replace the IT Director until a new Administrator was chosen. He suggested the responsibility could be given to the new Administrator. He also asked about the Monmouth County Assessment Demonstration Program and noted there was no information on the Borough's website.

Administrator Sickels said bids had been received but the Council had not acted on the bids. He said Red Bank had agreed to participate but said the Finance Committee would be discussing the matter.

Mr. Labetti noted the tax appeal deadline was January 17 but said there was no information on the website.

Mayor Menna asked the Clerk to make sure the information was posted on the website.

Mr. Labetti welcomed Attorney Cannon and asked if Aberdeen was a Faulkner municipality.

Mr. Cannon said it was.

Mr. Labetti said he had asked Council candidates if they would consider looking into a Charter Study Commission to review the different forms of government. He asked the Council to direct Mr. Cannon to look into the process.

Mr. Cannon said it could be done by petition and referendum.

Mayor Menna added that it was approximately a two year process.

Mr. Cannon offered more details on the process.

Cindy Burnham—71 Wallace Street—asked for an update on pending lawsuits with Meridian/Riverview.

Mayor Menna asked if she was referring to tax court matters.

Ms. Burnham said she was.

Mayor Menna said there were involved in negotiations and discovery. He said there was nothing on the table right now.

Ms. Burnham asked who was serving as the Borough's Counsel on the matter.

Mayor Menna noted that she was one of the members of Council that had voted for him and said it was the DiFrancesco Bateman firm.

Freddie Boynton—365 Shrewsbury Avenue—said the Council had appointed someone as a Parking Supervisor at the last Council meeting.

Mayor Menna said that had been done on the recommendation of the Parking and Finance committees.

Mr. Boynton said he was bothered that the Borough had hired retired Police Officers that were receiving a substantial pension. He criticized the promotion to Supervisor at a higher salary. He suggested the Borough should do a background check to determine the reasons for retirement. He said he didn't want to discuss it publicly but said he felt there were reasons that they had retired that should be considered. He criticized the hiring of retirees rather than residents that needed jobs.

EXECUTIVE SESSION

None.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi