

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
FEBRUARY 8, 2017  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: 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 January 1, 2017.

**WORKSHOP**

**Preliminary Concept Plan for Sunset Avenue Park**

Mayor Menna announced that this item had been removed from the agenda.

He also announced the Ordinance 2017-06 would also be removed from the agenda for minor amendments.

**APPROVAL OF MINUTES – January 25, 2017**

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor Whelan

NAYS: None

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

**MAYORAL APPOINTMENTS**

No Mayoral appointments.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Yngstrom apologized for missing the previous meeting and congratulated Jack Davis who had submitted the design that was chosen for the new Parks and Recreation Department logo. He announced that the Community Garden sign ups were underway and said the season would begin on March 4. He said the cost was \$25 and form were available at the Parks and Recreation Office. He thanked those that had participated in the recent trip to Jenkinson's Aquarium and said future trips would be posted on the website. He also reported that baseball and softball registration deadlines were approaching and that the Department was currently accepting registrations for an upcoming Couch to 5K Classic event to begin in March.

Councilman Zipprich noted the Red Bank Business Alliance had held a town hall style meeting the previous night. He reviewed the meeting and thanked James Scavone for representing the Business Community. He said John Bowers had present his parking concept to RiverCenter members the previous week. He also reported that the Public Utilities Department was preparing for the predicted snow event. He thanked Director Keen for being proactive in regard to the storm. He said trash pickup had been suspended for those properties east of Broad Street. He also noted an alert had been sent to advise residents of the predicted storm and stressed the need to get all of the cars off of the street to allow the snow plows to plow curb to curb. He advised that power outages should be reported to 1-888-LIGHTSS. He also reported that the Department of Public Works Committee would meet on February 22.

Councilwoman Schwabenbauer said she had no report.

Councilman Taylor said the Code Committee would be meeting the following Monday and discussing tweaks to the abandoned property ordinance and other issues. He said the Environmental Commission would be meeting with the Shade Tree Commission on February 21 at 7pm to discuss concepts for Sunset Park. He said it was an open public meeting.

Councilman Whelan said he had spoken with the Director of the Office of Emergency Management regarding the storm and said he wanted to piggy back on what Councilman Zipprich had already reported. He said OEM was working with Police Chief and DPW staff. He said all Fire Department personnel would be on stand-by. He said Red Bank was fully prepared and told everyone to stay safe and warm.

He said there had been a new release on the parking payment app and said efficiency had been improved. He said proclamations would be read later regarding the recent retirements of Thomas McDonough and Eliot Ramos.

Mayor Menna said he had been pleasantly pleased to be asked to appear live on 94.3 The Point radio station in response to a survey that name Red Bank as the Most Romantic Town at the Jersey Shore. He also noted that a wedding store had just opening in town. He also reported that he had executed an agreement with the Mayors' Coalition the previous day to reaffirm Red Bank's commitment against discrimination of the LGBT Community. He noted that Red Bank was one of only six participating municipalities in the State of New Jersey.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Red Bank PBA Local #39 to hold a Street Fair, Sunday, April 9<sup>th</sup> from 11am to 5pm (Broad & Monmouth Streets) pending approval of final plan by the Special Events Committee.

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

#### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request to hold 8th Annual Red Bank Community Block Party, Saturday, August 12th with a rain date of Saturday, August 19th from 12 to 7pm and close Dr. J. Parker Blvd between Shrewsbury Avenue and Bridge Avenue pending approval of final plan by the Special Events Committee.

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

#### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from Red Bank Volunteer Fire Department to hold Red Bank Street Fair, Sunday, September 10th from 11am to 5pm (Broad & Monmouth Streets) pending approval of final plan by the Special Events Committee.

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

#### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five 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, seconded by Councilwoman Schwabenbauer.

#### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

#### **RESOLUTIONS**

17-32 Mayor Menna read "A Resolution to Amend the 2017 Temporary Capital Budget."

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

#### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **ORDINANCES – First Reading**

2017-06 An Ordinance Amending and Supplementing Chapter 508, “Property, Vacant and Abandoned.”

It was announced at the beginning of the meeting that this item would be removed from the agenda.

2017-07 Mayor Menna read “An Ordinance Amending and Supplementing Chapter 85, Mayor and Council, Section 85-7 (B) Standing and Special Committees.”

Councilman Taylor made a motion to introduce the ordinance, seconded by Councilman Yngstrom.

### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None.

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

Public Hearing to be held March 8, 2017 at 6:30 pm

2017-08 Mayor Menna read “An Ordinance Amending and Supplementing Chapter 105, Personnel Policies, Article V: Hours of Work and Compensation, Section 105-50 Compensation Policy.”

Councilwoman Schwabenbauer made a motion to introduce the ordinance, seconded by Councilman Taylor.

### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None.

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

Public Hearing to be held March 8, 2017 at 6:30 pm

2017-09 Mayor Menna read “A Bond Ordinance Providing an Appropriation of \$630,000 for Various Park Improvements Including at Count Basie Park and Eastside Park and Authorizing the Issuance of \$375,500 Bonds or Notes of the Borough for Financing Part of the Appropriation.”

Councilwoman Schwabenbauer made a motion to introduce the ordinance, seconded by Councilman Yngstrom.

### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None.

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

Public Hearing to be held March 8, 2017 at 6:30 pm

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

2017-02 Mayor Menna read “An Ordinance Amending and Supplementing Chapter 680, “Vehicles and Traffic,” Section 680-36, Schedule II, “Parking Prohibited Certain Hours.” (Snow Restrictions - All Streets.)”

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

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

### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilman Whelan.

### **ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five ayes and one nay, the motion was declared approved.

2017-03 Mayor Menna read “An Ordinance Amending and Supplementing Chapter 680, Vehicles and Traffic, Section 680-50, “Schedule XVI: Lane Use Reservations.”

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

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilman Whelan.

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five ayes and one nay, the motion was declared approved.

2017-04 Mayor Menna read “An 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 Zipprich offered a motion to close the public hearing, seconded by Councilman Whelan.

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Councilman Whelan offered a motion to adopt the ordinance on final reading, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five ayes and one nay, the motion was declared approved.

2017-05 Mayor Menna read “An Ordinance Amending and Supplementing Chapter 680, Vehicles and Traffic, Section 680-38, Schedule IV: Time Limit Parking.”

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

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Councilman Whelan offered a motion to adopt the ordinance on final reading, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five ayes and one nay, the motion was declared approved.

## **RESOLUTIONS**

17-33 Mayor Menna read “A Resolution Authorizing the Appointment of Regular Crossing Guard(s) for the 2016-2017 School Year.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-34 A Resolution Accepting Performance Bond Issued by Total Storage Concepts, LLC for 6 Central Avenue & Berry Street, Block 75, Lots 105, 106, 107, & 108.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-35 Mayor Menna read “A Resolution Authorizing the Release of a Performance Guarantee Posted by Lincoln Square at Red Bank, LLC for Block 75.01, Lots 76.01, 90, 90.01, 91, 92, and 93.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-36 Mayor Menna read “A Resolution Authorizing Tax Credits/Refunds Totaling \$14,447.25 due to Judgements of the Tax Court of New Jersey.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-37 Mayor Menna read “A Resolution Authorizing Submission of an Application for a National Highway Safety Administration Grant (2017 Distracted Driving—U Drive, U Text, U Pay)”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-38 Mayor Menna read “A Resolution Authorizing Expenditure from the Capital Improvement Fund for Preliminary Expenses-Improvements to DPW Facilities Located at Chestnut Street.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-39 Mayor Menna read “A Resolution Authorizing Engineer to go Forward with Professional Engineering and Land Surveying Services for the Municipal Public Works Facility.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-40 Mayor Menna read “A Resolution Authorizing Transfer of Current Fund Appropriation Reserves.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

17-41 Mayor Menna read “A Resolution Approving Protocol for Borough Council Meetings.”

Councilman Taylor offered a motion to approve the resolutions, seconded by Councilwoman Schwabenbauer.

Councilman Zipprich expressed concern that the policy would limit Council members’ comments. He was concerned about setting a limit to give feedback or have a conversation with residents.

Mayor Menna noted that the limit applied to Council Committee reports only. He asked if that addressed his concern.

Councilman Zipprich said that it did.

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming February 2017 as Black History/T. Thomas Fortune Month in the Borough of Red Bank.

Mayor Menna read a proclamation commending Thomas McDonough on his retirement from the Red Bank Police Department and proclaiming February 18, 2017 as an official day of celebration in the Borough of Red Bank.

Mayor Menna read a proclamation commending Elio Ramos on his retirement from the Red Bank Police Department and proclaiming February 18, 2017 as an official day of celebration in the Borough of Red Bank.

Councilman Whelan noted the State Legislature had also passed resolutions to commend the officers that he would be presenting on their behalf at the upcoming event.

## **PAYMENT OF VOUCHERS**

17-42 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,631,724.28.”

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

**ROLL CALL:**

AYES: Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

Councilman Taylor noted there was a crosswalk on Chestnut Street east of the railroad tracks but said there was no crosswalk on the west side of the tracks. He expressed concern for people that crossed in that area and said it was hazardous. He suggested the Borough look into installing a crosswalk on the west side of the tracks.

Mayor Menna referred the matter to the Police Chief for review.

## **AUDIENCE**

Barbara Boas—135 Branch Avenue—said she wanted to speak about residential parking issues. She said she felt there was a lot of confusion. She also said parking enforcement was not consistent. She said people needed to know how to get a residential sticker for their vehicle.

Mayor Menna asked that an announcement be placed on the website. He said he also agreed that parking enforcement should be uniform. He said he disagreed with a policy that called for enforcement only if someone complained.

Stephen Catania—14 Monmouth Street—read a written statement regarding the recent Town Hall meeting and said the object was to have a forum for dialogue between businesses and residents of Red Bank. He thanked the members of Council who had attended. He called upon the Council to provide factual information to the residents in an effort to build consensus and support for a parking garage facility.

Brian Donahue—118 Bank Street—said he had arrived late and asked for confirmation that the matter of Sunset Park had been tabled.

Mayor Menna said it had been withdrawn for further discussion.

Mr. Donahue said it had been really good to read that there had been some kind of movement on the project. He said he had been looking forward to the project since he had first become aware of it fourteen years ago. He noted the large section of Riverwalk available in the area.

Mayor Menna said the delay had not been due to lack of diligence or lack of interest but noted that the property was a heavily environmentally impacted site. He said the Borough had been working with its Engineers and with the DEP and reviewed the criteria that had to be met to create a public site.

Councilman Yngstrom also noted that there would be a meeting held on February 21 to discuss the matter and to get input from residents.

Freddie Boynton—365 Shrewsbury Avenue—said, it had been difficult to hear but said he wanted to respond in regard to the comment about a crosswalk by the train station, that the Council should also look into the matter of crosswalks on Shrewsbury Avenue. He said he had been calling for that for a long time. He also criticized the policy of requiring vehicles to be removed from the streets during snow emergencies. He pointed out that there were many houses that did not have driveways. He also reported that there was a problem with vehicles parking too close to the intersection in the area of Lunch Break. He said it was difficult to see when approaching the intersection with Drs. Parker Boulevard.

Mayor Menna said Mr. Boynton was not the only person that had seen vehicles parking too close to the intersection. He said vehicles that were parked illegally should be ticketed. He called upon the Chief of Police to enforce that parking regulations.

Councilman Taylor noted that he had been commenting on the commuter crosswalk near the train station. He said he wanted to clarify because Mr. Boynton had said he had been unable to hear.

Ben Forrest—13 Locust Avenue—said he wanted to comment about snow removal. He said he would like to see better removal in the downtown. He said he knew it was the responsibility of the property owner but called for the Borough to partner with RiverCenter to look into having a contractor take care of the entire downtown area. He said whoever took care of the municipal lot did a great job.

Mayor Menna said he felt Mr. Forrest was correct. He said RiverCenter was legally able to provide such a service and could pay for it with SID funds. However, he continued, the Borough could not pay Public Works employees to remove snow from private properties. He added that the Borough would enforce the snow removal regulations as stated in the ordinance.

Councilman Zipprich said he had met with RiverCenter Director Scavone earlier to discuss the impending storm. He said Mr. Scavone had a procedure in place including notifying business of their responsibility to remove the snow following the storm as per the Borough ordinance.

Gary Carpenter—55 North Bridge Avenue—thanked the Council for action taken to remove graffiti from a property in his neighborhood. He said he was now appearing to request that the Borough consider paving Brower Place and also noted there was no street lighting in the area at night.

Mayor Menna thanked him for his comments.

## EXECUTIVE SESSION

17-43            Mayor Menna read a resolution to adjourn to executive session to discuss litigation; no action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session, seconded by Councilman Whalen.

## ROLL CALL:

AYES:            Yngstrom, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS:            None

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

Councilman Zipprich offered a motion to adjourn from executive session, seconded by Councilwoman Schwabenbauer.

## **ADJOURNMENT**

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

### **ROLL CALL:**

AYES: Yngstrom, Ziprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Respectfully submitted,

Pamela Borghi