

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 8, 2017
6:30 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, Engineer Neumann and Attorney Cannon.

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.

SUSPEND REGULAR ORDER OF BUSINESS

Councilman Zipprich offered a motion to suspend the regular order of business, 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.

Colorectal Cancer Proclamation

Mayor Menna read a proclamation proclaiming March of 2017 as Colorectal Cancer Awareness Month in the Borough of Red Bank. He presented the proclamation to Bonnie Woodward, an advocate of Fight Colorectal Cancer.

RiverCenter 2017 Special Improvement District Budget

17-49 Mayor Menna read, “A Resolution Approving the 2017 Budget of the Special Improvement District of the Borough of Red Bank.”

RiverCenter Executive Director James Scavone appeared before the Council and reviewed the budget for 2017.

Councilman Zipprich thanked Mr. Scavone for his effort to keep the budget flat for the 10th year in a row.

Mayor Menna asked if there were any questions from the Council regarding the RiverCenter budget. There were none.

Mayor Menna asked if anyone in the audience had any comments on the RiverCenter budget.

John Bowers—866 Route 34, Colts Neck—said he was one of the original founders of the Special Improvement District (SID) and also an Ex-Chair of the Board of Directors. He lauded Mr. Scavone for the work done but added that he thought the SID should do more in regard to the parking problem. He said RiverCenter can borrow and enter into contracts. He said, if the RFP did not work, he did not see why the SID and the Council couldn’t step up and see that a garage got built. He said parking fees were an issue and a short term solution.

Mayor Menna noted that the comments should be on the budget and said they were not going to discuss a parking garage because there could be a legal issue since it was currently out for an RFP.

Attorney Cannon agreed that the Council could not comment on that issue because there was an outstanding RFP.

Mr. Bowers said a garage would raise \$1 million for the Borough and said it was a long term solution.

Michael Simpson—25 Devon Court, Tinton Falls and 65 Monmouth Street—said he was also a founder of RiverCenter and an Ex-Chair. He reviewed the original agenda items from when the organization was founded and said two had not been done, adding that one was parking. He said there was nothing in the budget for parking. He said he deeply respected Mr. Scavone but thought they should look at what they could do about the parking situation. He said they needed to take it seriously going forward and said it was the biggest single issue.

Mr. Scavone clarified that the budget presented to the Council was regarding the funds raised by the assessment only. He said, through a generous deal with Riverview Medical Center, RiverCenter was able to lease 40 spaces to employees. He said this brought in additional income that was geared toward

parking initiatives. He said they had made significant progress out of the capital budget which was separate from the budget presented at this meeting. He also noted that parking was the most discussed issue by far at every one of their meetings.

Victor Kuo—91 Broad Street—said there were a lot of questions from business owners regarding the State statute governing SIDs which said they were supposed to help businesses rather than promote. He called for more transparency. He reviewed specific line items and asked for more information.

Mayor Menna said members have the ability to review the backup information that goes into the budget.

Mr. Scavone said the full audit from the previous year was on the organization's website and said it had much more detail.

Mayor Menna said members should be able to come into the office to review the documentation.

Mr. Scavone said that was correct. He said he would be happy to review with any member.

Councilman Zipprich noted that, prior to serving as Director, Mr. Scavone had served as the Chief Financial Officer.

Ben Forrest—16 Locust Avenue—said if the RFP did not work out, Mr. Bowers idea sounded like a good proposal. He said he would rather see a smaller lot rather than a dominating structure.

Councilman Zipprich offered a motion to approve the resolution, 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.

RESUME REGULAR ORDER OF BUSINESS

Councilman Zipprich offered a motion to resume the regular order of business, 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.

Mayor Menna noted there would be a public hearing on the budget on April 12, 2016 at 6:30 pm.

WORKSHOP

Special Events Committee Secretary

IT Director

Administrator Sickels said, since the topics dealt with personnel, they should be held until after an Executive Session of the Council.

Mayor Menna confirmed that they would be held.

APPROVAL OF MINUTES – February 22, 2017

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Yngstrom said Parks and Recreation would be holding a Town Hall meeting at St. Anthony's of Padua the following evening. He said it would begin at 7:30 and would be in both English and Spanish. He also report that the Department would host their second annual Cinco de Mayo celebration on Friday, May 5 at the Primary School. He said sign ups were still underway for the Community Garden. He said the season would begin March 4 and the cost was \$25 per season. He said the Department was currently seeking sponsorships for its Summer Series including jazz concerts, movies and fitness programs.

Councilman Zipprich wished everyone a happy International Women's Day and Women's History Month. He said the DPW committee would be meeting on the 15th at 1pm to discuss building and grounds, field preparation. He said they were currently working on the Capital Budget. He said the

Historic Preservation Commission had met with the Zoning Board to education Board members on the Historic Inventory and the Historic Element of the Master Plan. He thanked Mr. Scavone for the RiverCenter budget presentation. He also reported that this was Restaurant Week in the business district and reviewed other upcoming events including the Wedding Walk on March 26. He also noted the Red Bank Borough Education Foundation was holding a 50/50 raffle with a drawing on April 28 at the Primary School.

Councilwoman Horgan said the Red Bank Public Library was celebrating its 80th anniversary this year and reviewed activities included in the celebration. She said they would hold a May 20th kick off event and grand re-opening of the History Room. She reviewed scheduled activities which she noted were all listed on the library website. She also reported that, starting on March 25, the Library would expand its hours to 10am to 5pm. She thanked Director McDermott for her leadership and said they were moving in the right direction.

Councilman Whelan said the Parking Committee had met the previous day and said they had had good synergy and good ideas. He said they looked forward to the receipt of the RFPs. He thanked the Police and Fire Departments for their efforts. He noted that the Human Relations Advisory Committee had passed a resolution. He noted the committee was only advisory and had not authority regarding policy. He said a resolution would be before the Governing Body to discuss at some point but said it would not be tonight.

Councilman Taylor said he had scheduled the next Code Committee meeting to put final touches on the abandoned property ordinance. He said the Environmental Commission was continuing to move forward with the Sustainable Jersey accreditation.

Councilwoman Schwabenbauer said she had met with Administrator Sickels and CFO Poulos to take a first look at the budget. She said the Finance Committee would meet the following week to review the first draft. She said some capital projects were not yet in the budget and said they needed them sooner rather than later.

COMMUNICATIONS AND PETITIONS

Mayor Menna read the following requests:

Approved by Special Events Committee:

- Request from Dublin House to erect a temporary tent in the front courtyard from Thursday, March 16, 2017 through Saturday March 18, 2017 for St. Patrick's Day.
- Request from Red Bank Catholic to hold Making Wishes Come True Benefit Carnival on Saturday, June 3, 2017 in St. James Parking Lot from 9am to 3pm.
- Request from Liberty Hose Company of the Red Bank Volunteer Fire Department to hold Annual Robert "Doc" Holiday Memorial Car Show in the White Street Parking Lot on Sunday, July 9, 2017 with a Rain Date of Sunday, July 16, 2017 and to request closure of White Street from 7am to 4pm.
- Request to hold 4th Annual Michael (POP) Conlin Irish Wake Fundraiser at Dublin House on Saturday, July 29, 2017 from 2pm to 7pm and to close White Street by English Plaza to Broad Street to Monmouth Street to Dublin House for approximately 20 minutes beginning at 2pm.
- Request from Monmouth Day Care Center to hold 8th Annual Touch a Truck in Red Bank Middle School Parking Lot on Saturday, September 23, 2017 from 10am to 2pm.

Councilwoman Horgan offered a motion to approve the requests, 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 COMMENT—Ordinances on Resolutions Only

Mayor Menna opened public comment on Ordinances on First Reading and Resolutions only.

Ben Forest—16 Locust Avenue—asked about Ordinance 2017-7.

Mayor Menna said it was a definitional change of the Parks and Recreation Committee to add "Youth and Senior Services to its title.

Jane Chandler—52 Leonard Street—said she had an issue with the water meter installation company. She said there was a resolution on the agenda for a change order which she understood but asked that they not make final payment at this point. She said she would speak more on it later.

ORDINANCES – First Reading

None.

ORDINANCES – Public Hearing and Final Adoption

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

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 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.

Councilman Yngstrom offered a motion to adopt the ordinance on final reading, 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.

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.”

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 Taylor.

ROLL CALL:

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

NAYS: None

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

Councilwoman Schwabenbauer offered a motion to adopt the ordinance on final reading, 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.

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.”

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 Councilwoman Schwabenbauer.

ROLL CALL:

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

NAYS: None

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

Councilman Taylor offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

17-50 Mayor Menna read, “A Resolution Honoring 2016 Fire Chief Christopher Soden.”

Councilman Whelan 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.

17-51 Mayor Menna read, "A Resolution Authorizing Settlement of a Tax Appeal for the Property Located at 141 West Front Street, also known as Block 34, Lot 3.01."

Councilwoman Schwabenbauer 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.

17-52 Mayor Menna read, "A Resolution Authorizing Tax Appeal Settlement Regarding 14 W. Front Street, LLC, Block 9.01, Lot 11, Red Bank, New Jersey."

Councilwoman Schwabenbauer offered a motion to approve the resolution, 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.

17-53 Mayor Menna read, "A Resolution Authorizing the Release of a Performance Guarantee posted by Boat House at Red Bank for Block 29, Lots 29 and 30.01."

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

ROLL CALL:

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

NAYS: None

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

17-54 Mayor Menna read, "A Resolution Authorizing Change Order No. 1 Related to the Contract with National Metering Services Inc. for Water Meter Replacement Program."

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.

17-55 Mayor Menna read, "A Resolution Supporting the Filing of a Complaint by the New Jersey Association of Counties with the New Jersey Council on Local Mandates that the Criminal Justice Reform Act N.J.S.A. 2A:162-15 et seq., Constitutes an Unfunded State Mandate in Violation of Article VIII, Section II, Paragraph V of the New Jersey Constitution."

Councilwoman Schwabenbauer offered a motion to approve the resolution, 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.

17-56 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, 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 March 2017 as Women's History Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

17-57 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$804,318.99."

Councilwoman Schwabenbauer offered a motion to approve the resolution, 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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Jane Chandler—52 Leonard Street—asked if Red Bank was going to be a Sanctuary City and referred to a meeting that had recently been held on the issue.

Mayor Menna said the meeting had not been a meeting of the Governing Body and said there was nothing for the Council to consider at this time. He said, if and when something was presented to them, they would give it all due consideration.

Ms. Chandler said the Mayor had been quoted as saying "We welcome all and are a very welcoming town." She said it sounded like he would welcome murders and thugs.

Mayor Menna said he had no idea who would draw that conclusion.

Ms. Chandler said, in regard to the water meter issue, that a man had come to her home on November 10 to install her meter. She said he couldn't do the work because of a clamp and said he would all back within two and a half weeks to reschedule. She said she had received a letter the previous Monday and distributed copies to the Council. She said she was upset by the content of the letter.

Mayor Menna noted the letter was unsigned and told her to disregard it until a proper letter was sent with a name of someone she could contact. He said that was not the way the Borough did business.

Administrator Sickels said DPW Director Keen's name appeared at the top along with the number to his office.

Mayor Menna again said it should have been signed.

Mr. Sickels said it was a form letter with conditions to be filled in.

Ms. Chandler said she agreed with the Mayor. She said it should have been signed but said it also included a threat to shut off her water in 30 days.

Mayor Menna said that was a violation of State law.

Ms. Chandler said she had called Public Works and commended an employee named Devon who had been very helpful. She said the appointment had been rescheduled and a Water Utility employee had verified that there was no problem with her meter. She said she would like an apology.

Keith May—104 Spinnaker Lane—said he appreciated that the Human Relations Advisory Committee resolution was not before the Council at this time. He cautioned them on the public safety issues. He said he had attended the meeting and reviewed what had transpired. He detailed the atmosphere inside versus outside. He offered his personal perspective on the meeting and his personal experience regarding immigration. He said he was opposed to the Committee's recommendation.

Leo Christofili—121 Cranberry Court, Middletown—reviewed an article from the Asbury Park Press where the Mayor was quoted as saying "I respect the opinion that we ought to be protective of all people. Local government is not competent to get involved in immigration. We have enough issues."

Mayor Menna said that was correct and that was part of the law adding that the Borough did not have the authority to get involved in immigration issues.

Mr. Christofili also expressed concern about the Borough joining the lawsuit referenced in Resolution 17-55.

Attorney Cannon clarified that the Resolution only expressed support for the lawsuit. He reviewed the issue of unfunded mandates and the matter at the heart of the lawsuit.

Mr. Christofili noted that the matter was currently under appeal and asked if the Borough was joining the appeal.

Mr. Cannon said the Borough was not a party to the lawsuit.

Mr. Christofili confirmed that the Council had expressed an opinion of support.

Mr. Cannon said it was largely symbolic.

Mr. Christofili referred to documents he had asked be distributed to the Council and read select passages. He said he was appearing at this meeting as a Monmouth County tax payer.

Freddie Boynton—365 Shrewsbury Avenue—thanked the Mayor for the yellow traffic paint near Lunch Break but said cars were still illegally parked in the area. He called for enforcement and said the Borough could be liable if they did not enforce. He also noted that had been a meeting at the Celestial Lodge on Monday and said they would be inviting State Officials, police officers and Council members to a future meeting. He said the purpose was to express concern about police activity.

Mayor Menna said he had heard about various parking issues earlier in the day and had spoken to the Police Chief about enforcement. He said there were other areas that he was concerned with also.

Councilman Taylor said there was another issue in the same intersection where drivers were using the dedicated bike lane as a right turn lane and said they should look at all of it.

Ben Forrest—16 Locust Avenue—said he was bothered by the fact that the Count Basie Theater had sold naming rights for its stage to the Asbury Park Press. He also said he had also attended the Human Relations Advisory Committee meeting and had seen distasteful conduct on both sides. He said overall it was a good and powerful gathering and said the HRAC had done a good job of listening. He said he agreed with the Mayor regarding the term “Sanctuary City” and said he felt it encouraged fearmongering. He said he had several Latinos in his neighborhood and said he feels safe and spoke of the positive effects of diversity. He said he felt the current President was setting a tone that was scary. He said many of the immigrants had come from towns where they had lived in fear.

EXECUTIVE SESSION

17-58 Mayor Menna read a resolution to adjourn to executive session to discuss potential litigation and personnel; possible action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session, 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.

Councilman Whelan offered a motion to adjourn from executive session, 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.

Councilman Whelan offered a motion to adjourn from executive session, 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.

RESOLUTIONS

17-59 Mayor Menna read, “A Resolution Appointing Frank J. LaRocca, Esq. as Municipal Judge.”

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

ROLL CALL:

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

NAYS: None

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

17-60 Mayor Menna read, “A Resolution to Approve the Hiring of Dina Anastasio as Secretary to the Special Events Committee.”

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.

17-61 Mayor Menna read, “A Resolution Appointing Information Technology Director.”

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.

17-62 Mayor Menna read, “A Resolution Appointing Information Technology Consultant.”

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

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