

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 22, 2017
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Mayor Menna called for a moment of silence for the victims of the attack that occurred in Westminster, England earlier in the day.

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, Attorney Cannon and Auditor Fallon.

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.

Mayor Menna noted there was a special resolution on the agenda and called for a motion to move it up on the agenda.

Councilman Whelan made a motion to move Resolution No. 17-68 to the top of the agenda, seconded by Councilman Taylor.

Councilman Yngstrom asked Officer Zadlock of the Red Bank Police Department to come forward and explain a new program that would be authorized by the proposed resolution and how it had come about.

Officer Zadlock described a call he had been on to check on someone's well-being where he had seen a need for mentors in our community. He talked about the things a police officer would see on the job and his own personal history of being told he would never succeed.

Mayor Menna thanked Officer Zadlock for his presentation and for his service. He said members of the Council would be happy to assist with the mentoring program. He asked for comments from the Council.

Councilman Whelan spoke in support of the program and said he and Councilmen Whelan and Taylor had offered to serve as mentors for the program.

Councilman Zipprich said he and Mayor Menna would also be willing to serve and talked about the importance of the program.

Councilwoman Horgan thanked the officers for starting the program and said he had been moved by Officer Zadlock's presentation.

RESOLUTIONS

17-68 Mayor Menna read, "A Resolution Authorizing Red Bank Police Department to Establish Mentoring Program to be Known as "Club 109."

Councilwoman Horgan 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.

SUSPEND REGULAR ORDER OF BUSINESS

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

Mayor Menna reviewed the budget process and the items listed on the agenda. He asked Auditor Fallon for his comments on the budget.

Mr. Fallon said the budget as introduced would call for a 1.6 cent increase on the tax rate. He also noted that the total budget was only \$109,000 hire than the one from three years ago which, he said, was a less than one percent increase over a three year period. He said he considered it a tax payer friendly budget as it raised taxes as little as

possible while still providing municipal services equal to the prior year. He reviewed specific details within the budget.

Councilwoman Schwabenbauer thanked Auditor Fallon. She said salaries were up which was due to union contracts but all other spending was down. She said they had cut over \$740,000 in other places. She also noted that health care costs were down which she credited to the fact that they had gone out to bid for the service. She said revenue was also down. She said there would be a public meeting on Wednesday, April 19 at 6:30pm where the Finance Committee would open their meeting to the public to review the budget.

2017-10 Mayor Menna read, “Borough of Red Bank Calendar Year 2017 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14).”

Councilwoman Schwabenbauer made 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.

Mayor Menna noted there would be a public meeting with the Finance Committee regarding the budget on April 19, 2017 at 6:30 pm.

17-63 Mayor Menna read, “A Resolution Authorizing Introduction of 2017 Municipal Budget.”

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.

17-64 Mayor Menna read, “A Resolution Authorizing the Borough of Red Bank to Conduct the 2017 Annual Budget Examination.”

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.

RESUME REGULAR ORDER OF BUSINESS

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

WORKSHOP

Alternate Public Defender

Mayor Menna noted that there was a need for an alternate Public Defender. He said there were only two submissions in response to the RFQ from last year and said there was an immediate need for an additional Public Defender at a trial slated for April 6, 2017. He said Kevin Wigenton was appointed at the reorganization meeting. He said the second was Lawrence Luttrell and said he was recommending he be appointed as the alternate. He said the Council could also put out a second RFQ and look for additional applicants which could also be appointed at a later date but again noted there was an immediate need so repeated his suggestion that they appoint Mr. Luttrell at this meeting. He said, if there was no objection, a resolution to appoint would be added to the end of the agenda.

APPROVAL OF MINUTES – March 8, 2017

Councilman Zipprich 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 and no nays, the motion was declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer reported that more tax account information was now available on line.

Councilman Taylor reported that the Environmental Commission would be meeting on the second and fourth Tuesdays. He said the Code Committee had met to discuss the Abandoned Property Ordinance but said it should be tabled so they could work out additional details.

Councilman Whelan reported that there would be a Coffee with a Cop event at Readies Market on April 4th from 8am to 9:30am where the public could address questions or concerns with an officer.

Councilwoman Horgan commended the IT Department for the new features on the website regarding tax accounts. She said water/sewer bills could also be received electronically and noted a request form was on the website. She said the improvements were due to a server replacement done by the IT Department.

Councilman Zipprich thanked the Mayor for the moment of silence. He said the Wedding Walk would be held on Sunday. He said the DPU Committee had met the previous Wednesday to review the Department's response to the recent winter storm. He commended the Director and Supervisors for their efforts. He also thanked the Emergency Management Team for coordinating prior to the storm. He said there was a 50/50 raffle underway for the Red Bank Borough Education Foundation. He also reported that there would be a Historic Preservation Commission meeting the following week. He reviewed details from a meeting he had had earlier in the week with the T. Thomas Fortune Committee and expressed their thanks to the Red Bank Men's Club for support of the project. He said the previous day the STEAM museum had been at the Red Bank Primary School and noted that it had been funded in part by the Red Bank Borough Education Foundation.

Councilman Yngstrom reported that the Parks and Recreation Couch to 5K Program would start the following Monday. He also noted that there would be an open public meeting held at Pilgrim Baptist Church on April 6 to discuss concept plans for Sunset Park. He said the Department's 2nd Annual Cinco de Mayo celebration would take place Friday evening, May 5 and was tentatively scheduled to be held at the Primary School. He said the Department was currently accepting sponsorship donations for the Summer Series which included Jazz, Movies and Fitness in the Park programs.

COMMUNICATIONS AND PETITIONS

PUBLIC COMMENT—Ordinances on 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 portion, seconded by Councilwoman Horgan.

ORDINANCES – First Reading

2017-11 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 508: Property, Vacant and Abandoned."

Councilman Taylor made a motion to table the ordinance to April 12, 2017, 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 tabled.

2017-12 Mayor Menna read, "An Ordinance Confirming Commitment to Guarantee Repayment of New Jersey Department of Consumer Affairs Downtown Business Improvement Zone Loan to Red Bank RiverCenter in the Event that Red Bank RiverCenter is Unable to Make the Required Payments."

Councilman Zipprich made a motion to introduce the ordinance, 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.

Public Hearing to be held April 12, 2017 at 6:30 pm

2017-13 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Parking Contributions."

Councilman Whelan made a motion to introduce the ordinance, seconded by Councilman Zipprich.

Councilwoman Horgan asked for an explanation of the ordinance.

Councilman Whelan explained that the Parking Committee had met on the issue and reviewed the changes that had been recommended. He said they felt there was no need to continue the moratorium and that there were a new business friendly environments being created throughout Monmouth County and they felt there was a need to attract new and better quality businesses. He said they needed to make it easier. He said he felt retail had changed and there was a greater need for entertainment based businesses. He noted that the ordinance would require a public hearing at the next Council meeting so there was a resolution on the agenda to extend the moratorium for an additional thirty days while that process took place.

Councilman Zipprich noted that, years ago, the Council had amended the Planning and Zoning ordinances to make things more business friendly. He said the ordinances would be one step further in supporting the business community.

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 April 12, 2017 at 6:30 pm

ORDINANCES – Public Hearing and Final Adoption

None.

RESOLUTIONS

By Consent Agenda:

- 17-65 A Resolution Confirming Effective Date for Appointment of Frank J. LaRocca, Esq. as Municipal Court Judge.
- 17-66 A Resolution Authorizing Tax Credits Totaling \$96.84 due to Interest Charged in Error
- 17-67 A Resolution Authorizing Tax Refund Totaling \$2,316.42 due to Wrongly Applied Payment.
- 17-69 A Resolution Authorizing the Release of a Performance Guarantee Posted by Grandville Towers/Teddy Construction Co., Inc. for Block 4, Lots 11.01 and Requiring the Posting of a Maintenance Guarantee.

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.

17-70 Mayor Menna read, “A Resolution to extend the Temporary Suspension of the Parking Deficiency Schedules in the Borough’s Planning and Development Regulations during Economic Emergency.”

Councilman Whelan 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.

17-71 Mayor Menna read, “A Resolution Appointing Lawrence W. Luttrell as Alternate Public Defender for the Borough of Red Bank.”

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

ROLL CALL:

AYES: Yngstrom, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

ABSTAIN: Zipprich

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

17-72 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$2,855,228.85.”

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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Mimi Coffenberg—32 Highland Avenue—said she had some questions regarding the budget and asked who she could speak to.

Councilwoman Schwabenbauer said she could speak to her or she could reach out to CFO Poulos.

Ms. Coffenberg said she also had questions about a recent water bill that was very high. She said she had been referred to DPW Director Keen but was waiting for a return call. She said the employee reading the meter had told her it was running high and she reviewed the issues with the bill that she said was \$1,500. She said she also had concerns with the assessments in town. She noted she was a realtor and said she felt properties were overvalued.

Mayor Menna suggested she should file a tax appeal and said the system was fraught with issues. He said the assessment ratio was affecting the budget.

Councilman Zipprich asked if anyone that she had spoken with had identified if there was an issue with a possible leak.

Ms. Coffenberg said they had.

Councilman Zipprich also suggested she follow up with Mr. Keen.

Anthony Young—39 Highland Avenue—said he owned an additional property at 201 Harding Road. He said the water bill had dropped by half when the new meter had been installed.

Administrator Sickels reviewed how a meter could be tested and suggested he should follow up with Mr. Keen to determine if there was an issue with the old meter. He also noted that the previous bill may have been estimated and suggested he contact the Finance Office for an account history.

Mr. Young said he also agreed that assessments were an issue and noted that his had gone up significantly.

Mayor Menna expressed his frustration with the situation and the staff. He said the Council had no legal authority over the Assessor.

Mr. Young asked if the Borough was able to pull out of the PILOT Program.

Mayor Menna said, not that he was aware of.

Lenny Friedman—35 Highland Avenue—said his assessment was up 40 percent. He asked for something to be done.

Cindy Burnham—71 Wallace Street—noted that the Borough Attorney had asked her to turn her camera away because Councilwoman Schwabenbauer had felt intimidated. She noted that Sue Visconti recorded every meeting. She said she did not understand why should not videotape and said, when she had walked away, the attorney had moved her camera.

Attorney Cannon said the public had a right to record the meeting. He said Ms. Visconti monitored the camera and panned as people spoke. He said Ms. Burnham had the right to do the same thing but did not have the right to come into the Council Chamber and make people on the dais uncomfortable by intentionally pointing it at those individuals. He said he had tried to discuss it with her politely in the hallway. He said it was his opinion that Ms. Visconti was trying to record to make a public record but that Ms. Burnham was doing it for another purpose that was not valid. He said turned her camera to the entire dais and did not turn it off or take it from her. He said she would not be allowed to point the camera at one individual to make them feel uncomfortable.

Ms. Burnham called him a bully.

He said it was his job to protect the process.

Ms. Burnham also asked about an addendum to the White Street RFP.

Mayor Menna said Ms. Burnham could ask any question she wanted but the Council could not answer because the matter was under litigation.

Ms. Burnham said developers had asked questions and she understood that Mr. Sickels had answered. She said one of the questions was whether or not the Borough was amenable to a Payment In Lieu of Taxes (PILOT). She read the answer that stated the responders could propose PILOTs. She questioned why the Borough would allow for a PILOT.

Mr. Sickels asked if he could respond.

Mayor Menna said he made a statement that no one would be commenting and they would stick by it.

Ben Forrest—16 Locust Avenue—congratulated the Council on the introduction of the budget. He commended the effort and said he looked forward to more details. He said he also wanted to comment on the snowplowing that Mr. Zipprich had reported on earlier. He said the work was very efficient and also said they had done a good job with getting cars off of the street. He said he also wanted to comment on the issue with the camera. He said he felt the Attorney touching the camera was inappropriate. He said he did not know what the policy was but said he felt she was being singled out.

Attorney Cannon said the camera had been pointed at individuals for several meetings and said it had been watched. He said what they did with the video was not his concern. He said the Council would set a policy and procedure. He said he had moved the camera because the alternative would have been to call the police which he did not want to do.

Mr. Forrest said the same policy should be in place for everyone.

Mr. Cannon agreed.

Mayor Menna noted that they currently do not have a policy.

Councilman Zipprich thanked him for the snow comments.

Councilman Taylor noted that the car ban was an initiative that had been passed in February and said it had worked out really well.

Councilwoman Schwabenbauer said she wanted to note that a User Friendly Budget document would be posted to the website the next day and said it was much easier to read.

Freddie Boynton—365 Shrewsbury Avenue—questioned why they were holding the meeting regarding Sunset Park at Pilgrim Baptist Church. He suggested it should be held at the Senior Center. He questioned the loyalty of Rev. Porter and said he received \$200,000 in salary for Cedar Crossing. He also questioned the fact that a Candidates' Night had been held there. He said he was concerned that people from out of town had attended the Candidates' Night and said he could not go into another town and tell them what he wanted. He also brought up the Police Activity issue and gave details on a specific incident with a specific individual. He said it had been brought up at a meeting that they had held on Monday night. He said he felt communication with the Police had fallen apart and said nothing was being done. He offered details of people from other towns that had come to their meeting to discuss the issues with the Police Department. He also reviewed incidents that had happen at Council meetings in the 1980s.

Sue Visconti—19 Morford Place—said she felt Councilmembers Schwabenbauer, Taylor and Whelan were big on transparency and assumed the rest of the Council was also. She said that was why she recorded the meetings. She noted the number of viewers and said she had gotten compliments from both political parties. She said she always posted the entire meeting. She stressed the need for transparency citing those who were unable to attend yet wanting to be engaged. She said the idea had started when Councilman Zipprich began recording when he was running for office. She said the whole meeting would be out there for anyone to see.

Councilman Zipprich confirmed that he had recorded and noted that they were for his own use and not published. He asked Ms. Visconti if she was recording by using two devices.

Ms. Visconti said she used one to live stream on Facebook and another to record for YouTube.

Councilman Zipprich asked if she edited the video.

Ms. Visconti said the Facebook video was live so there was no editing. She said the YouTube video could sometimes be broken into two recordings due to the length of the meeting. She said if it was edited, she would always note that but said the full meeting was always published.

Victor Kuo—91 Broad Street—questioned the intent to abolish parking fees. He said he understood the town was trying to be business friendly. He said retail was currently hurting. He said the trend was leaning toward restaurants and entertainment which brought in more people. He asked how they would control businesses coming into town.

Councilman Whelan said it was a free market and did not believe the Council should control business. He said the intent was to make the town more business friendly.

Mayor Menna clarified that he felt Mr. Kuo meant the overall policy in terms of a management tool to control density issues, etc. He said they need to discuss the matter further when it comes back for Public Comment and Adoption.

Councilman Zipprich said the idea had initially been put forward to help the business community thrive after 2008. He said the intent was to make it easier for a business that wanted to come to Red Bank and to encourage them to come to town.

Mr. Kuo said that recession had ended and expressed concern. He asked that the Council speak with business owners and landlords before moving forward on the issue.]

Councilman Whelan said he had attended many meetings and noted that the moratorium had been in place since 2010. He said RiverCenter was in on the discussions and was in favor of the ordinance.

Mr. Kuo said RiverCenter was more landlord focused and said he should listen to the businesses too.

Councilman Zipprich reviewed the history of the previous Parking Committee and said they had met with the restaurants. He said the original ordinance had been done in a vacuum.

Councilman Yngstrom noted that businesses would still have apply for variances if they did not provide enough parking. He stressed that it was not as simple as just waiving a fee.

Leo Cristofili—Shady Oaks, Middletown—said he had come to the meeting to hear if there was a discussion on the Sanctuary City issue as it pertained to law enforcement. He also called for the town to quash the entire tax assessment process and reviewed issues he saw with Federal taxation and property taxes.

Mayor Menna noted that, as a Middletown resident, his Congressional representative was Christopher Smith and suggested he contact him on the tax questions noting that only the Federal Government can address the issues he raised. He thanked him for his comments.

EXECUTIVE SESSION

17-73 Mayor Menna read a resolution to adjourn to executive session to discuss litigation (land use claim); no action to be taken.

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

Councilman Zipprich 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.

Mayor Menna asked if anyone from the public had any additional comments.

No one appearing, Councilman Zipprich offered 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.

ADJOURNMENT

Councilman Zipprich offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi