

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 12, 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 Clerk Borghi, Chief Financial Officer Poulos, Engineer Neumann and Attorney Cannon.

ABSENT: Administrator Sickels

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.

Presentation to Red Bank Charter School Internship Students

- Makenzie Loudin (Parks and Recreation)
- Millie Gutierrez (Police Department)

Mayor Menna called on Recreation Director Hoffmann and Police Chief McConnell to discuss their participation in the Red Bank Charter School Internship Program.

Director Hoffmann introduced Ms. Loudin who had worked with the Parks and Recreation Department and presented her with a certificate.

Chief McConnell introduced Ms. Gutierrez who had worked with the Police Department and presented her with a certificate.

Mayor Menna thanked the Charter School, the parents and the two students. He said the Borough welcomed participation in its internships programs from all of the Borough's schools.

Councilwoman Horgan spoke of the benefits of the internship programs.

RiverCenter Budget Hearing

17-74 A Resolution Approving the 2017 Budget of the Special Improvement District of the Borough of Red Bank.

Mayor Menna asked if there were any comments from the Council. There were none.

Mayor Menna opened the public hearing and asked if anyone wanted to speak. He asked if there were any comments from the public. There were none.

No one appearing, Councilman Zipprich made a motion to close the public portion, 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 Zipprich made a motion to approve the resolution, seconded by Councilwoman HorganTaylor.

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 Taylor.

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Inclusive Community Resolution—Mayor Menna explained that there had been a call for Red Bank to reaffirm its commitment to inclusivity and diversity. He said there was a proposed resolution for the Council to consider.

Councilman Whelan reviewed his work with the Human Relations Advisory Committee (HRAC) and their accomplishments. He reviewed his own relationship with members of the immigrant community. He noted he also served as the liaison to the Police Department. He noted the Committee had already put forward an Inclusive and Welcoming resolution that the Council had adopted in 2007. He said he feared a new resolution could lead to a false sense of security. He also said he wanted to note that the Council could not tell the Police Department how to enforce but said they answered to the Attorney General and the Federal Government.

Mayor Menna said all of the Council were sensitive to the same issues. He said despite perceptions in the press, Red Bank would not be considered a “Sanctuary City” and could not direct the Police Department to do anything except abide by the law and apply it equally and fairly to all.

Mayor Menna read, “A Resolution Reaffirming the Borough’s Status as a “Welcoming and Inclusive Community.”

Councilman Zipprich thanked HRAC Chair David Pascale and the Committee for their efforts.

Councilman Whelan pointed out that Red Bank had a diverse Police Department and reviewed the Department’s policy. He said he did not know what the resolution would add. He said it offered no authority to do anything of substance. He again commended the efforts of the HRAC and the Red Bank Police Department.

Councilwoman Horgan said it was just be reaffirming and said 2007 was ten years ago. She said she felt they needed to address the concerns of the community. She said she felt the resolution was clear about what the Borough could and could not do.

Councilman Whelan said he felt they should work on issues where they could make a dramatic impact.

Councilwoman Horgan said she agreed but said she felt every issue was important.

Councilwoman Schwabenbauer said there was not a word in the resolution that she disagreed with and said she was proud that it had been done ten years ago before it was a national issue. She said people present at this meeting understood that it was not a Sanctuary City resolution but pointed out that the Mayor had noted that it had been mischaracterized by someone he spoke with earlier in the day. She said she had had dozens of people contact her on the issue and, with the exception of just a few, they all called it a Sanctuary City resolution. She said she was concerned that people would think it was a Sanctuary City resolution and that it would offer some type of protection that it did not. She called for more promotion of the 2007 resolution to make everyone aware of it.

Mayor Menna said they could not be any clearer than what was stated in the draft resolution which said Red Bank would stand by the precepts that were contained in the law against discrimination. He said he agreed that the Council spent a great deal of time on impactful issues but said he felt it was also importance to pass resolution to express concern over other issues.

Councilman Yngstrom said he thought it was the Council’s job to explain to the public what the resolution meant. He said if someone called a Councilmember, it was on that Councilmember to explain which he said he felt was their job as elected officials.

Councilwoman Schwabenbauer said she did not disagreed but noted the people she had spoken with were a drop in the bucket. She said the vast majority of the people would not get the word.

Councilman Taylor said he had also spoken with several people and said most were not aware of the 2007 resolution. He said he had also been contacted by several non-Red Bank residents and he was concerned that it could have a negative affect on the business district since many had said they would not come to Red Bank if the resolution was adopted.

Councilman Zipprich clarified that the HRAC was advisory only. He said the entire committee had spent a great deal of time on research and had been very thorough. He stressed that it was not a Sanctuary City resolution in any way but said he stated that Red Bank was an inclusive and welcoming community.

Councilman Whelan said he agreed with everything that Councilman Zipprich had said and commended the HRAC for their efforts.

Mayor Menna called for a straw poll to see if there was consensus to add the resolution.

Councilwoman Horgan, Councilman Zipprich and Councilman Yngstrom were in favor.

Councilman Whelan, Councilman Taylor and Councilwoman Schwabenbauer were not in favor.

Councilman Whelan said he would rather table it. He said he did not feel they should have to vote “yes” or “no” because Red Bank already all of the things stated in the resolution. He again said he felt it was not needed and that it meant nothing.

Mayor Menna asked if he felt the 2007 resolution should be rescinded if he felt it mean nothing.

Councilman Whelan noted that the 2007 resolution was in place and again said he felt taking action now could offer a false sense of hope.

Mayor Menna said it was their job to inform and educate people. He said many were not aware of the 2007 resolution so they would be reaffirming and educating on the issue.

Councilman Zipprich said the resolution would bolster what was done by the Council members in 2007.

Councilman Whelan said the meaning of the phrase “inclusive” have changed between 2007 and 2017.

Mayor Menna said that was a valid point. He said what had changed since 2007 was the world and the law and he said he felt the matter did needed revisiting.

Mayor Menna noted that the straw poll had resulted in a three/three vote. He said he would break the tie in favor of adding it to the agenda.

Green Team – Councilman Taylor reviewed the town’s status in the Sustainable Jersey program and the need for a Green Team. He said the Environmental Commission had met and approved a list of names for the team. He said he would for the information to the Clerk to prepare a resolution for the next Council meeting.

Councilwoman Horgan asked if they represented both business and residential as the previous Green Team had.

Councilman Taylor said they had representatives from across the Borough including businesses, residents and Borough staff.

APPROVAL OF MINUTES – March 22, 2017

Councilman Whelan offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

Marc Kline to the Human Relations Advisory Committee as full member for an unexpired 3-year term ending 12/31/2018.

Councilman Whelan offered a motion to affirm the appointment, 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.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer reported that the budget presentation would be one week from this meeting in the Council Chambers at 6:30pm.

Councilman Taylor noted that he had already reported on the Environmental Commission and said he would have more initiatives to discuss at the next meeting. He said the Code Committee was ready to move forward on the vacant and abandoned property ordinance. He thanked the Borough Attorney and the Code Committee for their contributions. He said the ordinance would give the Borough the teeth to get the property owners to sell or improve the property. He also reported on an incident that occurred at the recent Streetfair involving an inflatable ride that had deflated. He stressed that no one was hurt and said the Borough officials had ensured that the ride was being operated in accordance with procedure. He said the Department would review their procedure going forward.

Councilman Whelan said the RFPs had been received regarding the White Street Parking Lot. He said it would be discussed in Executive Session. He also reported on a recent fire. He said three volunteers had been injured. He commended the members of the volunteer department. He said he had reached out to make sure the injured members were okay and said they would be looking at how to prevent these types of injuries going forward.

Councilwoman Horgan reported that the Primary School had received First Prize in a fresh fruit and vegetable contest which focused on eating well. She reviewed the program and the contest. She also noted that it was Library Week this week and said the library would be forgiving fines this week. She also noted that the previous

day had been National Library Worker Day and said the Board had treated the staff and had recognized Linda Hewitt. She also noted the Library would be holding an 80th Anniversary Celebration on May 20, 2017.

Councilman Zipprich reported on the upcoming Red Bank Borough Education Foundation event and raffle to be held April 28, 2017. He reviewed Marine Park renovations and said work should be completed by June 1, 2017. He reviewed the project and included repairs stemming from damage incurred during Hurricane Sandy. He also offered an update on the 90 Monmouth Street project. He said the Public Works committee would meet the following Wednesday. He thanked Director Scavone and his team for presenting a flat budget for the ninth year in a row. He reviewed programming offered by the district including the Beer and Wine festival to be held April 30, 2017.

Councilman Yngstrom said a meeting regarding Sunset Park had been held at Pilgrim Baptist Church the previous week. He said the feedback was important. He said the survey was still available on line but would be closing on April 21, 2017. He said the Egg Hunt had been held the previous Saturday and thanked the volunteers who assisted. He said moving the event to Count Basie Field had allowed for a larger crowd. He said next year they will use all three fields since it was very crowded. He reviewed new and upcoming Recreation programs. He said the Shade Tree Committee had reviewed plantings and the removal of hazardous trees. He said Arbor Day would be celebrated on Friday April 28, 2017 at the Middle School with a tree planting.

Councilman Zipprich said he also wanted to note that the Mayor's Ball would be held on May 5, 2017.

COMMUNICATIONS AND PETITIONS

Acknowledgement of receipt of 2016 Zoning Board Annual Report

Councilwoman Horgan offered a motion to accept the report, 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.

Mayor Menna read a request from Clean Ocean Action to hold Beach Sweeps at Maple Cove from 9am to 12:30pm on Saturday, April 22, 2017 and on Saturday, October 21, 2017.

Councilwoman Schwabenbauer offered a motion to approve the request, 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.

Special Events (recommended for approval subject to final plan review by Committee)

Mayor Menna read a request from Pilgrim Baptist Church to hold 5th Annual Community Unity & Bike Blessing Festival and to close Leonard Street from Leighton Avenue to Shrewsbury Avenue on Sunday, June 3, 2017 from 9am to 5pm.

Councilman Whelan offered a motion to approve the request, 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.

Mayor Menna read a request from Lunch Break to hold Annual Community Picnic/Softball Event at Count Basie Field on Saturday, August 19th from 8am to 4pm with a rain date of August 20, 2017.

Councilman Whelan offered a motion to affirm the appointment, 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.

Mayor Menna read a request from Lunch Break to hold The White Road Cup Event at Count Basie Field on Friday, November 24, 2017 from 8am to 2pm.

Councilman Whelan offered a motion to affirm the appointment, 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.

Mayor Menna read a request from This Is It Productions to hold Riverfest 2017 in Marine Park on June 2, 3 and 4, 2017.

Mayor Menna called for a motion to table the request pending further discussion in Executive Session as Contract Negotiations.

Councilman Zipprich offered a motion to affirm the appointment, 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 tabled.

PUBLIC COMMENT—Ordinances on Resolutions Only

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

Ben Forrest—16 Locust Avenue—asked about the resolution on inclusivity. He said he was in support of it and urged the Council to vote “yes.” He said symbolism mattered. He cited the current tone in the Country and how it affected Borough residents. He said he felt it was important to reaffirm the Borough’s commitment to the people in town. He said it should not be a party issue.

Kate Triggian—22 Leighton Avenue—said she felt there was misconception on the issue. She said she felt that it had been clarified that it was not a Sanctuary City resolution. She noted that things had changed since 2007. She said she felt it was double talk to not reaffirm. She said one should agree or disagree. She said she was concerned that if it was tabled, it would give racists the feeling that they had “won.”

Suellen Sims—10 Harris Park and Ellen Herman—11 Vista Place—said they were founders of the Greater Red Bank Women’s Initiative. Ms. Sims said they had grown to 600 members. She said they were in favor of the resolution and read a statement of support.

Ms. Herman said she disagreed with Councilman Whelan regarding the resolution causing a false sense of security. She said she felt symbols could also start wars, expose the truth and set people free. She said it was important to deliver the message to the immigrant population that they cannot correct how they came but they can be accepted as human beings.

Ms. Sims presented a petition that she said had been signed by over 300 people in support of the resolution.

David Pascale—59 Madison Avenue and HRAC Chair—said he wanted to address comments including the fact that it had no purpose because it had no legislative teeth. He noted that the Council had previously passed resolutions to state the Council’s stance on a particular issue and offered examples. He said the resolutions would signal to the residents a position on quality of life and the value of inclusion.

Monica Urena—President of the Dreamers Plus organization at Brookdale—said she wanted to address the false sense of security issue. She said since Red Bank had already stated it was inclusive, she could not see the issue with reaffirming that. She said she would be happy to explain the matter to the community.

Jay Herman—11 Vista Place—said if the resolution had been provided by the HRAC.

Mayor Menna said it was an edited version with the same intent.

Mr. Herman said he couldn’t see what was missing.

Mayor Menna said it was the statistic reporting issues.

Mr. Herman said the 2007 resolution was completely different from the current version. He said, in regard to Councilman Whelan’s concern about creating a false sense of security, there was a need to reach out to one third of the community to express that the Council was on their side. He said it was important to show support. He said it was a moral issue. He asked the Council to think of how Martin Luther King or Anne Frank would have voted on the matter.

Sue Viscomi—19 Morford Place—when it first came out she was concerned about the optics of it being considered a sanctuary city resolution and the impact it could have on the schools and population. She called on the Council to do more to help people become citizens. She said she understood because she was often judged on her appearance. She said she hoped their opposition was not just political.

Bill Brooks—77 Tower Hill Avenue—said there was a need to let the community know that a resolution had been done in 2007 before they enacted another resolution. He also reviewed the Police Department oath that included the pledge to uphold the Constitution. He cautioned the Council not to contradict.

Anthony Young—39 Highland Avenue—said he wanted to comment that the nets at Eastside Park were in bad shape.

Councilman Yngstrom said new equipment was being ordered.

Mr. Young said taxes were too high and noted there were issues with the water service. He said the assessments were a disaster. He criticized the resolution and said he felt it could have a negative impact on property values. He said he felt it was careless that the HRAC was allowed to bring it forward.

Boris Kofman—28 Riverside Avenue—praised the HRAC for drafting the resolution. He said he felt it was important to show respect to all citizen. He said he hoped for a unanimous vote.

Mark Gregory—109 Bank Street—said he was excited about the proposed park at Sunset Avenue. He said he had concerns about children and safety and cited overcrowding as an issue.

Mayor Menna said health and safety was the preeminent concern. He said if Mr. Gregory had confidential information, it should be forwarded to the Code Enforcement Office. He said they wanted to see those issues rectified.

Mr. Gregory—said he felt Red Bank had the best Code Enforcement in County

Councilman Whelan asked the Police Chief to review the Department Policy.

Chief McConnell said he had no concerns with the resolution. He said he agreed that it was important to communicate and said he agreed that it could cause a false sense of security. He said he worked with the HRAC when they were drafting the resolution. He said there would be a time when ICE came into town because of criminal activity or other criteria. He said the Police Department would support them. He said he was concerned about the optics that could cause them to lose credibility. He spoke of efforts to spread the message and concern about how it would be received.

Ms. Herman asked if the Federal Government provided funding for that assistance.

Chief McConnell said they do not but neither did any other agency that assisted in Red Bank. He said the Departments did not operate that way.

Mayor Menna noted that the Department was guided by the Attorney General of the State of New Jersey. He said there was a mutual assistance protocol.

Chief McConnell said, when a crime occurs, their first call was to ICE. He said the agency assists Red Bank more that Red Bank assists them. He said he was citizens who were viewed as assisting police.

David Pascale—noted that the 2007 resolution was done to establish a partnership with the National League of Cities.

Bill Meyer—12 Monmouth Street—said he want to speak about the CAP ordinance and asked it was being done as a way to avoid the cap on a property tax increase.

Mayor Menna asked CFO Poulos to explain.

CFO Poulos said it allowed the Borough to bank the amount the Borough was under the cap up to a maximum. She said the town was not necessarily going to use it.

Mr. Meyer said previous years had seen increases of five to six percent. He urged the Council to avoid anything over the two percent cap and questioned expenditures. He also asked about the ordinance that would guarantee the RiverCenter loan.

Attorney Cannon said the loan was from the DCA to RiverCenter. He said the Council had previously taken action by resolution but the DCA required an ordinance.

Mayor Menna added that the ordinance included language that stated, in the event of a default, the loan expense would be passed on to the district tax payers not the residents.

Mr. Meyer discussed parking garage issues and addressed his concerns about the pending development proposals.

Mayor Menna said they could not discuss that matter.

Mr. Meyer said he was concerned that the public was being left out of litigation matters. He also said he would like to see RiverCenter direct more money toward the parking problem.

Anthony Tiedeman—239 Spring Street—asked about parking at Marine Park. He said he had received fines while fishing and called for a permit for boat owners.

Mayor Menna noted that the Marine Park boat slips were offered at a significant savings under market rate and asked if he was also asking for a parking permit.

Mr. Tiedeman said he was asking that they be able to purchase permits or have the fee included as an additional fee with the boat slip.

Mayor Menna said they would discuss it.

Councilman Whelan said they would discuss it in the parking committee.

Councilman Taylor said there had been discussions in both the Parking and Parks committees and said they would work to find a solution.

George Lyriss—Teak Restaurant—noted they could use MPay to pay for parking.

No one else appearing, Councilman Whelan made a motion to close the public portion, 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 tabled.

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 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 26, 2017 at 6:30 pm

ORDINANCES – Public Hearing and Final Adoption

2017-12 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

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

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

Councilman Zipprich 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.

2017-10 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).

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.

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.

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

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

Victor Kuo—Temple Restaurant—asked why the Borough was acting on 2017-13 to eliminate parking fees at this time. He said he felt there was no reason since there wasn't a garage. He suggested they extend the moratorium. He said the Council should focus on other issues. HE noted the moratorium had been in place for many years.

Councilman Whelan said he wanted to clarify that the moratorium meant the fees were not being collected.

Mr. Kuo said he understood that but asked that they table the matter until the garage was built.

Anthony Barbera—22-24 West Front Street—said he disagreed. He said the Council should consider it now because there had never been a time that the business district had been so threatened by competing retail areas. He said some of the areas were aggressively recruiting. He questioned where the money was.

Ben Forrest—13 Locust Avenue—asked the Mayor to explain the issue.

Mayor Menna said the ordinance would delete the Borough's parking deficiency ordinance that had been suspended due to economic issues. He said they had been extending the suspension year after year. Mayor Menna said they were holding the Public Hearing on the matter but that he thought it would be going back to the Parking Committee for further review.

Councilman Whelan said the Committee had was ready to move forward with it at this meeting.

Attorney Cannon noted that the change would only be monetary. He said the parking restrictions would still remain in place.

Councilman Whelan reviewed the reasons for the repeal. He said nothing was really changing as the fee hadn't been collected in years. He said applicants would still have to go to the Zoning Board. He cited how the fee could affect even a small business.

Councilman Zipprich also noted that they had been extending the moratorium every six months.

George Lyrisis—Teak/Bistro—said he saw no problem with competition. He said Red Bank needed to resolve parking issues. He said the money was not the issue. He said they were losing businesses because of the lack of parking.

Victor Kuo—Temple Restaurant—noted the number empty properties. He said people were leaving town. He questioned why people were leaving if the moratorium was a factor. He again called for an extension until a garage was built.

James Scavone—RiverCenter Executive Director—said everyone agreed that there was an immediate concern about the parking inventory. He said the moratorium and/or fees were not related to increasing the parking inventory and would not get a garage any faster. He said the fees had put Red Bank on an uneven playing field with other retail areas. He said there were a couple of misconceptions about the moratorium. He said he had heard people say that if the town brought the fees back that they would automatically have more retail return to Broad Street. He said he had also heard that property owners actively seek out restaurants. He said that neither was true. He discussed how fees could affect different types of businesses.

Jay Herman—11 Vista Place--said the reason to act on the ordinance now was because it was a wet blanket on renting space and, while it was in place, the threat existed that it could return. He said George Lyrisis had turned away from a project because of the parking fees. He said one of RiverCenter's prime successes was that they had drawn business owners that though of the community as a whole rather than just their own needs. He said he felt Mr. Lyrisis and Mr. Kuo were only considering competition for themselves and not what was best for the whole town.

Victor Kuo—Temple—said he was a team player and worked many hours with the Red Bank Business Association. He said competition was good and again urged the town to keep the moratorium and tie it to a garage.

George Lyrisis—Teak/Bistro—said he disagreed with Jay Herman's comments and said he welcomed competition. He said he was concerned about losing business because of people circling and looking for spaces.

Boris Kofman—28 Riverside Avenue—asked how many RFPs had been received.

Mayor Menna said they had received five responses but they could not discuss them.

Anthony Barbera—22-24 West Front Street—urged the Council not to bring back the fees.

No one else appearing, Councilman Whelan offered a motion to close the public hearing, 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.

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

RESOLUTIONS

17-75 Resolution Authorizing Change Order No. 1 Related to the Contract with Electro Maintenance, Inc. for the Supply and Installation of FEMA Backup Emergency Generators.

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.

17-76 A Resolution Authorizing the Filing of a Recycling Tonnage Grant.

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.

17-77 A Resolution Authorizing Tax Credits/Refunds Totaling \$982.28 due to Judgments of the Tax Court of New Jersey.

Councilwoman Schwabenbauer 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.

17-78 A Resolution to Approve the Hiring of Parks and Recreation Summer Camp Staff Supervisors.

Councilman Taylor 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.

17-79 A Resolution Authorizing Place-To-Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-33-039-008. (Taina Corp t/a Buona Sera)

Councilwoman Horgan 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.

17-80 A Resolution Accepting Performance Guarantee Issued by Count Basie Theater, Inc. for Block 43, Lots 1-3 & 4.01.

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

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.

17-81 A Resolution Authorizing the Release of Performance Guarantee Posted by M&N Bagel Store for Block 98, Lot 14.

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.

17-82 A Resolution Authorizing the Release of a Performance Bond Posted by Electro Maintenance, Inc. and Accepting the Posting of a Maintenance Bond in Connection with a Contract for Supply and Installation of FEMA Back-Up Emergency Generators.

Councilman Whelan 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.

17-83 A Resolution Amending the 2017 Temporary Appropriations.

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.

PAYMENT OF VOUCHERS

17-84 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$1,557,420.75.”

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.

RESOLUTIONS

17-85 A Resolution Reaffirming the Borough’s Status as a “Welcoming and Inclusive Community.”

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan

NAYS: Schwabenbauer, Taylor, Whelan

There being three ayes and three nays, Mayor Menna voted “aye” to break the tie and the motion was declared approved.

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming April 2017 as Jazz Appreciation Month in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming April 9 to 15, 2017 as National Library Week in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming April 2017 as Distracted Driving Awareness Month in the Borough of Red Bank.

OLD BUSINESS

Councilman Taylor said that, now that the Council has passed the resolution to eliminate the left turn lane onto Linden Place, he would like to see it painted.

NEW BUSINESS

None.

AUDIENCE

Freddie Boynton—365 Shrewsbury Avenue—said he respected the Police Department but wanted to bring up an ongoing issue with parking in the area of West Bergen Place.

Mayor Menna said he understood they had been enforcing.

Mr. Boynton said there was still an issue in the area due to work being done and called for more enforcement.

Mayor Menna said it must be enforced.

Mr. Boynton said he also respected the Council but questioned why they had scheduled a public meeting at Pilgrim Baptist Church. He said he felt it should have been at a school. He said he still had concerns about the location of Sunset Avenue as a park and said he would be getting a petition and a lawyer. He again questioned the Borough's relationship with Pilgrim.

Mayor Menna said he appreciated his comments. He commended Councilman Yngstrom on his efforts. He said there would be other meetings in other locations. He said there was an extraordinary amount of money being contributed by the State for remediation. He noted they were nowhere near putting a shovel in the ground. He said he did not think the DEP would clear the project until they were completely satisfied.

Mr. Boynton discussed problems at a property in Long Branch.

Cindy Burnham—71 Wallace Street—said she had a message from Tom Labetti who was not able to attend the meeting. She said he wanted to ask for a comment on the tax appeal suit pending with Riverview/Meridian and the issuance of protective orders. She asked Attorney Cannon to comment.

Mayor Menna said Mr. Cannon was not the attorney on the matter. He said it was being handled by the Borough's tax appeal attorney. He said he would get back to her on the matter.

Ms. Burnham questioned the amount Riverview contributed in a Payment In Lieu Of Taxes (PILOT) agreement. She said the matter could be huge for Red Bank.

Attorney Cannon said it was a huge issue throughout the State. He reviewed the matter and said, generally, protective orders dealt with financial information.

Ms. Burnham said she had been unable to get answers on the matter.

Mayor Menna said the matter had been referred to the litigation attorney and was currently begin litigated. He said, until they had a report from that litigation attorney, there was nothing to tell.

Ms. Burnham asked how long he expected that to take.

Mayor Menna said he could not forecast how fast or slow the Tax Court of the State of New Jersey would move. He again explained that it was a confidential matter and explained the reasoning for that.

Ms. Burnham asked if Attorney Cannon had been the campaign manager for the democrats in the previous election year.

Mr. Cannon said he had helped with the campaign.

Ms. Burnham asked if it was only last year or the year before also.

Mr. Cannon said it was just last year.

Ms. Burnham asked if he had been in charge of getting money to run the campaign.

Mr. Cannon said he had not. He said he had been responsible for organization.

Ms. Burnham asked if he had been voted in unanimously by the democrats.

Mayor Menna and Borough Clerk Borghi confirmed that the vote was unanimous by the entire Council.

Ben Forrest—16 Locust Avenue—said he wanted to revisit the issue with the camera that had come up at a previous meeting. He said he would like to see the Council develop a policy and reviewed points that he would like to see covered. He called for the Attorney to apologize to Ms. Burnham. He recapped the events of the previous meeting.

Attorney Cannon said it was his job to protect his clients. He said his client had felt uncomfortable. He said he probably could have handled it better. He apologized to anyone he may have offended and said he would like to move past it.

Mr. Forrest continued to criticize.

Mr. Cannon again apologized for touching the camera and repeated that he would acknowledge that he could have handled it better.

EXECUTIVE SESSION

17-86 Mayor Menna read a resolution to adjourn to executive session to discuss Litigation (Land Use Claim), Personnel and Contract Negotiation; no action to be taken.

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

Councilwoman Horgan offered a motion to adjourn from 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.

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