

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 10, 2017
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Yngstrom, Zipprich, Horgan, Taylor and Whelan.
ALSO PRESENT: Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Engineer Neumann and Attorney Cannon.
ABSENT: Councilwoman Schwabenbauer.

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2017.

WORKSHOP

Downtown/Train Station Rehabilitations

Mayor Menna reviewed the previous discussion regarding a proposal to consider an area including the train station and Monmouth Street as an area in need of rehabilitation. He stressed that it would not be an eminent domain issue as participation would be voluntary. He noted that the map that had been presented last year had been amended to reduce the area. He reviewed specifics of the new map. He said the Council would pass a resolution to refer the matter to the Planning Board for recommendation. He said they would investigate and report back to the Council. He noted the Council was faced with pressing low and moderate housing obligations that needed to be addressed.

Councilman Zipprich said Councilman Taylor had raised concerns that the matter had not gone through the Code Committee and said that he agreed.

Mayor Menna said he thought that it had been discussed by the Committee. He said there was on legal reason for it to be referred to the Committee but said they could refer it back as a courtesy. He asked that they meet and review before the next meeting.

Councilman Taylor thanked Councilman Zipprich and said he would like his Committee to have the opportunity to look at it.

APPROVAL OF MINUTES – April 26, 2017

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor Whelan
NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Yngstrom reported that Parks and Recreation had hosted a Cinco de Mayo event on May 5 and thanked the sponsors and supporters. He also reported on the upcoming Mother/Son brunch on May 13, a Spring Art Show on May 20 at Riverside Gardens and the Memorial Day ceremony on May 29 at 11am at 51 Monmouth Street.

Councilman Zipprich thanked Barbara Boas and Debbie Marks for all of their efforts regarding the Red Bank Mayor's Charity Ball. He said he and Councilmembers Horgan and Yngstrom had attended a fund raiser for Sunset Park that had been held the previous Sunday. He reviewed ways to donate to the cause.

Councilwoman Horgan said the Library would be celebrating their 80th Anniversary on May 20. She said the public was invited to a reception and reviewed other events.

Councilman Whelan reported that the Parking Committee had met and said there had been no movement regarding litigation. He said he hoped to release the RFPs as soon as possible.

Councilman Taylor said the Environmental Commission was moving full steam ahead to get recertified as a Sustain Jersey tow. He said they had been a bronze level participant and were striving for silver. He said they had met with the Green Team and said he had been told it was one of the largest. He said DPW Keen had offered support from his staff and noted that much was already in place. He said the deadline for the Sustainable Jersey Application was June 4. He also reported that the Environmental Commission would be hosting an Electric Car

event on Sunday, May 21 that would highlight the Borough's charging station and vehicles from area dealers. He also noted the Code Committee would review the proposed rehabilitation plan .

Councilman Zipprich thanked him for the Electric Car event and asked if Chargepoint would be present.

Councilman Taylor said they would and pointed out that they were the make of the charging station. He said the Environmental Commission and suggested making the stations a part of the proposed garage.

Mayor Menna thanked all for their participation in the Mayor's Ball and said it was a good event for two wonderful local charities that would benefit.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Metrovation to install graphics on a construction barricade to be located at 200 Monmouth Street.

Chris Cole of Metrovation presented renderings of the proposed graphics.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor Whelan

NAYS: None

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

Mayor Menna read a request from Indie Street Film Festival to install a mural at 75 Leighton Avenue the weekend of July 7 through 9, 2017 with the permission of the property owner. Additional request to block off Catherine Street between Leighton Avenue and Shrewsbury Avenue from 5 to 10 pm on Friday, July 7, 2017 and from 9am to 7pm on Sunday July 9, 2017 to be reviewed by Special Events Committee for recommendation.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor Whelan

NAYS: None

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

Mayor Menna read a request from Cory Golosinski for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor Whelan

NAYS: None

There being five 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 Red Bank Environmental Commission to host event highlighting electric vehicles on Sunday, May 21, 2017 from 12-3pm and requesting to use all parking spaces on Monmouth Street between Maple Avenue & Pearl Street (roadway will be kept open) and the Borough Parking Lot.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from Red Bank Charter School to hold the following events:

- a. Spring Dance at Red Bank Senior Center, Friday, June 9, 2017 from 5 to 10:30pm.
- b. Graduation ceremonies at Riverside Gardens, Tuesday, June 13, 2017, 5pm (requesting practice in the morning from 9 to 11am and Rain Date of June 14, 2017.)
- c. Welcoming Picnic at Eastside Park on Wednesday, September 6, 2017 from 3-8pm.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from St. Anthony of Padua to hold a Procession for Feast of St. Anthony of Padua on Saturday, June 11, 2017 with procession to begin at St. James School on Peter's Place traveling to St. Anthony via Chestnut Street then to Bridge Avenue. Parish picnic to follow on Church property. Requesting closure of Herbert Street from 9:30 am to noon.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from Count Basie Theatre to hold their annual Summer Gala on Friday, June 23, 2017 including use of outside patio for cocktails and hors d'oeuvres before the performance and dinner and dancing on the patio after.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from RiverCenter to use of Marine Park for Sunday, July 2, 2017 for concert performance from 8-10:30 pm by the New Jersey Symphony. Subject to final plan approval.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five 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.

John Bowers—Colts Neck—spoke in favor of the rehabilitation area resolution and said it would encourage responsible development. He thanked the Mayor for bringing it forward and said he hoped the Council would act affirmatively.

Stephen Hecht—135 Branch Avenue—asked about Resolution 17-105 and 17-108. He asked for clarification on the leases referenced in 17-105. Administrator Sickels reviewed the details of the leases.

Mr. Hecht questioned the amounts being received and if they should be reconsidered.

Mayor said the amount would be based on the prevailing rate and increased over time. He said the leases were instrumental in the revitalization of the downtown.

CFO Poulos reviewed specifics of the terms.

Mayor Menna offered more details on the benefits of the leases.

Councilman Whelan noted that the lessee would pay for the spaces and people visiting downtown would also pay at night.

Mr. Hecht asked about the Developer's Agreement that was the subject of Resolution 17-108.

Mayor Menna said the Attorney had just finished coordinating the agreement and said the Council would be reviewing it in Executive Session. He said they may act on it when they return to public session.

Mr. Hecht question why the Borough had not been able to negotiate a parking agreement with the theater.

Mayor Menna said the theater had not been inclined to fund a parking garage. He said they were doing a beautiful expansion. He also noted there was an agreement that brought in income from the municipal lot. He said, as to why they would not contribute to a garage, he said Mr. Hecht should ask the Basie.

Mr. Hecht again asked if the Borough could encourage contribution.

Mayor Menna said they had expressed interest in parking solutions but it would not be building a parking deck.

Mr. Hecht said he thought those discussions should be public.

Mayor Menna agreed with the need and noted the impact on residential streets. He added that the theater had never said they were unwilling to partner on parking solutions, but noted they had said they would not build a parking garage. He also noted the benefits the theater provided to the community.

Ben Forrest – 16 Locust Avenue – asked about the rehabilitation area resolution and the map that was referenced. He asked if the map was on the website or otherwise available.

Mayor Menna provided him with a copy.

Municipal Clerk Borghi confirmed that is was on the website.

Vahid Walker – 1 Allen Place – spoke in favor of the rehabilitation resolution. He reviewed his history in town and commended the 1995 Master Plan. He said great progress had been made but said there was still a disconnect between different areas of town. He called for improvement in the train station area and noted the competition growing in other areas.

Mayor Menna said the point was to keep progressive thought going and agreed that the areas were not connected. He said they may be inviting architects to submit ideas for architectural enhancements. He said Red Bank could not be compared to areas like Long Branch and Asbury Park because both of those towns received urban aid from the State. He also noted that their schools received additional funding. He said they all had similar characteristics but Red Bank lacked the State aid.

Mr. Walker asked about the new housing projects that had been recently built.

Mayor Menna said that helped but said those projects could have been completed sooner if it hadn't been for litigation.

Councilman Whelan thanked Mr. Walker for coming to the meeting and for his comments. He said he hoped he continued to attend meetings.

Mr. Walker complimented the Council, the Planning Board and the Construction/Fire Marshal Office for their efforts.

ORDINANCES – First Reading

ORDINANCES – Public Hearing and Final Adoption

2017-14 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 478: Parks and Recreation, Article 1: Public Waters and Boats, Section 478-7 Fishing.”

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, Taylor, Whelan

NAYS: None

There being five 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, Taylor, Whelan

NAYS: None

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

2017-15 Mayor Menna read, “Bond Ordinance Amending and Supplementing Bond Ordinance Number 2015-08 Finally Adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on April 22, 2015 and Entitled “Bond Ordinance Providing for Various Roadway Improvements by the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,610,000 therefor and Authorizing the Issuance of \$1,533,000 Bond or Notes to Finance Part of the Cost Thereof”, to Increase the Total Appropriation therein from \$1,610,000 to \$2,260,000 (including a \$157,321 United States Community Development Block Grant), Increase the Total Down Payment therein from \$77,000 to \$101,679, and Increase the total Debt Authorization therein from \$1,533,000 to \$2,001,000, and to Amend and Supplement other Provisions therein.”

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, Taylor, Whelan

NAYS: None

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

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

2017-16 Mayor Menna read, "Bond Ordinance Amending and Supplementing Bond Ordinance Number 2015-10 Finally Adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on April 22, 2015 and Entitled "Bond Ordinance Providing for Various Improvements by the Water/Sewer Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$877,000 therefor and Authorizing the Issuance of \$877,000 Bonds or Notes to Finance the Cost thereof", to Increase the Total Appropriation therein from \$877,000 TO \$1,277,000 and Increase the Total Debt Authorization therein from \$877,000 TO \$1,277,000, and to Amend and Supplement other Provisions therein."

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, Taylor, Whelan

NAYS: None

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

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

RESOLUTIONS

17-104 Mayor Menna read, "A Resolution of the Borough of Red Bank, in the County of Monmouth, New Jersey, Determining the Form and Other Details of its "Note Relating to the Construction Financing Program of the New Jersey Environmental Infrastructure Trust", to be Issued in the Principal Amount of up to \$1,825,000, and Providing for the Issuance and Sale of Such Note to the New Jersey Environmental Infrastructure Trust, and Authorizing the Execution and Delivery of Such Note by the Borough of Red Bank in Favor of the New Jersey Environmental Trust, All Pursuant to the New Jersey Environmental Infrastructure Trust Construction Financing Program."

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-105 Mayor Menna read, "A Resolution Authorizing Entry into Agreement with 55 BROAD, LLC for First Renewal of Lease of Thirty Parking Spaces within the Mechanic Street to Wallace Street Parking Lot."

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-106 Mayor Menna read, "A Resolution Authorizing Change Order No. 4 Related to the Contract with Precise Construction Inc. for the Marine Park Site & Bodman Place Pump Station Improvements."

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-107 Mayor Menna read, “A Resolution Referring to the Planning Board a Proposed Resolution Determining a Portion of the Borough in Need of Rehabilitation.”

Councilman Zipprich offered a motion to table the resolution to the May 24, 2017 Council meeting, seconded by Councilman Taylor.

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-108 Mayor Menna read, “A Resolution Authorizing the Execution of a Developer’s Agreement with Count Basie Theatre, Inc.”

Mayor Menna said this resolution would be held so it could be discussed in closed session with possible action to be taken once they returned to public session.

Attorney Cannon reviewed the process.

ROLL CALL:

AYES: Yngstrom, Horgan, Taylor, Whelan

NAYS: None

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

17-109 Mayor Menna read, “A Resolution to Approve the Hiring of Parks and Recreation Summer Staff.”

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-110 Mayor Menna read, “A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a. (Police Vehicles).”

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-111 Mayor Menna read, “A Resolution Authorizing Approval of Sidewalk Cafes.”

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

17-112 Mayor Menna read, “A Resolution Requiring all Borough Employees to be Compensated by Direct Deposit Only Commencing July 1, 2017 in accordance with P.L. 2013, C.28.”

Councilman Whelan offered a motion to table the resolution to the May 24, 2017 Council meeting, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

PAYMENT OF VOUCHERS

17-113 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$1,316,632.08.”

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

PROCLAMATIONS

OLD BUSINESS

NEW BUSINESS

AUDIENCE

John Bowers—Colts Neck—said the Count Basie Theater was a blessing but discussed problems with their patrons parking in private lots. He said, while they bring in millions, they also bring negativity. He said he felt they should chip in to try to ameliorate the parking problem.

Fred Stone—16 Mechanic Street—said he wanted to thank the Council for adopting the bond resolution that would enable the construction of the emergency path to the Primary School. He said the project was 25 years in the making and said they were excited to see it happening.

Councilman Zipprich thanked Mr. Stone for his comments and agreed that it had been a long time in the making. He thanked the Board of Education for their support and spoke of the benefits of the project.

Stuart Jensen—93 McLaren Street—noted he served as Deputy Fire Chief and also thanked the Council for their support of the emergency access road. He spoke of the importance in regard to the Red Bank Volunteer Fire Department.

Ben Forrest—16 Locust Avenue—said he wanted to speak on the area in need of rehabilitation. He said he was always hearing about the competition from neighboring communities. He said the Council had done pretty well at running the town and said they were not in crisis. He called for rational thinking and said the parking issues were much worse in Asbury Park.

Councilwoman Horgan noted it was also more expensive.

Mr. Forrest urged the Council to keep it in perspective.

Freddie Boynton—365 Shrewsbury Avenue—said he had noticed a Borough vehicle earlier in the day that had no brake lights. He called for vehicle inspections. He said he had also heard reports that Borough workers were required to manually remove aluminum cans from a recycling dumpster and place them in a different dumpster. He said he felt that was unsafe.

Councilman Zipprich said he believed the Borough had single stream recycling.

Mr. Sickels confirmed and said, if that was the case, it should be reported to a supervisor.

EXECUTIVE SESSION

17-114 Mayor Menna read a resolution to adjourn to executive session to discuss pending litigation and contract negotiations; possible action to be taken.

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

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

Councilman Zipprich recused himself during the Executive Session.

Councilwoman Horgan offered a motion to adjourn from executive session, seconded by Councilman Whelan.

ROLL CALL:

AYES: Yngstrom, Horgan, Taylor, Whelan

NAYS: None

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

RESOLUTIONS

17-108 Mayor Menna read, “A Resolution Authorizing the Execution of a Developer’s Agreement with Count Basie Theatre, Inc.”

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

ROLL CALL:

AYES: Yngstrom, Horgan, Taylor, Whelan

NAYS: None

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

ADJOURNMENT

Councilwoman Horgan offered a motion to close the audience portion and adjourn the meeting, seconded by Councilman Taylor.

ROLL CALL:

AYES: Yngstrom, Horgan, Taylor, Whelan

NAYS: None

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

Respectfully submitted,

Pamela Borghi