

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 24, 2017  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

Mayor Menna called for a moment of silence in memory of the victims of the vicious attack in Manchester, England and also for long-time Planning Board member John Cash.

**ROLL CALL**

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

**ALSO PRESENT:** 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.

**WORKSHOP**

**Civil Defense Sirens**

Administrator Sickels explained that there three locations where civil defense sirens were still in place. He said they were no longer necessary and there was old equipment that could present a hazard. He said JCP&L would like permission to abandon all services at those locations. He said he would coordinate with them to have equipment and poles that may be deemed hazardous.

**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.

Councilman Zipprich offered a motion to move up Resolution No. 17-120, 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.

17-120 Mayor Menna read, "A Resolution Appointing Probationary Police Officers."

Councilman Whelan reviewed the backgrounds of the candidates.

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.

Mayor Menna administered the oath of office to Patrolmen Baron & McConnell.

Councilmembers congratulated the new officers.

Chief McConnell thanked the Mayor and Council.

**EXECUTIVE SESSION**

17-122 Mayor Menna read a resolution to adjourn to executive session to discuss pending litigation and contract negotiations; possible 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 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.

## **WORKSHOP**

### **White Street RFPs**

Councilman Whelan said the Parking Committee had decided to release the RFPs to the public after the Council meeting. He said there would be a public presentation of the proposals immediately following the next Council meeting. He said there would be no public comment at that meeting.

Mayor Menna reaffirmed that there would be a regular Council meeting and immediately following the Parking Committee will convene for the public presentation of the proposals. He stressed that there would be no Council discussion or action as the Council meeting will have ended.

Councilman Zipprich said the intent was to have everything open to the public and the presentations would be given in an effort for transparency.

Councilman Whelan said that had been the intent from the beginning but noted there had been obstacles to the release. He said they had listened to Counsel and said they could now release them. He said they looked forward to public input.

## **APPROVAL OF MINUTES – May 10, 2017**

Councilwoman Horgan offered a motion to approve the minutes, 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.

## **MAYORAL APPOINTMENTS**

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Schwabenbauer reported that the Finance Committee had met the previous week to review a presentation from the Borough's Health Care Broker and would be having a follow up meeting the next week.

Councilman Taylor reported that the Environmental Commission had met the previous night and had hosted an Electric Car event over the weekend. He said that had had several participants from the business community and private owners. He said it had inspired conversations for additional electric car parking spaces and charging stations. He said he was working on a recommendation from the Environmental Commission to the Parking Committee. Regarding the Code Committee, he said he wanted to recognize Tom Welsh who had received a commendation from a realtor citing his professional demeanor. He said the Council had recently passed a Vacant Property Ordinance and said he expected a link to information would be on the website by June 1.

Councilman Whelan said the Parking Committee was striving for transparency and recognized the members of the business community for their part in the process.

Councilwoman Horgan reported that the Library had held an 80<sup>th</sup> Anniversary celebration on the previous Saturday. She said it had been well attended and reviewed the festivities.

Councilman Zipprich added that local historic preservation advocate George Bowden had cut the ribbon to the new History Room. He reported that he had attended the RiverCenter Executive meeting on Tuesday where they had discussed the Business Community's request for input to a parking solution. He offered an update on new businesses and said the current vacancy was 6.34 percent. He said the organization had signed with a new PR firm to promote the Business district and the Visitor's Center. He congratulated the Environmental Commission on their successful electric car show. He offered more details on the event and thanked the sponsors. He stressed swimming pool safety in light of the Memorial Day.

Councilman Yngstrom reported that the Spring Art Show had been scheduled for the following Saturday due to rain and said it would be rescheduled. He said over 150 paintings had been received. He said Memorial Day would be observed on Monday, May 29 at 11am at 51 Monmouth Street. He said, in the event of rain, it would be moved to the Elks Lodge. He reviewed the proposed program. He also said the Summer Series was underway with Fitness in the Park being held each Wednesday at 6pm. He said Movies and Jazz would begin shortly with Movies on Tuesdays and Jazz on Thursdays.

Mayor Menna said he wanted to add that the Fire Department would hold a Memorial Service at 10am at 90 Monmouth Street on May 29. He said the public was invited to that also.

Councilman Zipprich

## COMMUNICATIONS AND PETITIONS

### PUBLIC COMMENT—Ordinances on Resolutions Only

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

Vincent LePore—33 Ocean Terrace, Long Branch—said he had appeared previously when there were discussions on redevelopment or rehabilitation zones. He said he had been very active in opposition to eminent domain abuse in Long Branch. He asked for an explanation of Resolution 107 and asked Councilman Whelan at what point the public would be able to ask questions.

Mayor Menna said Mr. LePore was addressing two different things. He said Mr. Whelan had not addressed any issues with rehabilitation but was commenting on RFPs that had been received for a garage proposal.

Mr. LePore asked the Mayor to explain Resolution 107.

Mayor Menna said the Resolution would refer the matter to the Planning Board so they could review the plan to designate an area in need of rehabilitation. He said the Planning Board would hold public hearings and, if they recommended going forward, it would be referred back to the Council for more Public Hearings.

Mr. LePore asked how long the Planning Board would have to respond.

Mayor Menna said the Planning Board could continue hearings for as long as they deemed necessary. He added that it would depend on the amount of public comment. He also reviewed the proposed area to be covered by the designation.

Mr. LePore said he was concerned about the use of eminent domain.

Mayor Menna confirmed that there would be no use of eminent domain.

Mr. LePore noted that short term tax abatements were allowed in a rehabilitation zone.

Mayor Menna confirmed that they were but noted they would be limited to five years and said it would be up to the discretion of the Council.

Mr. LePore reviewed issues that had occurred in Long Branch and cautioned against PILOTS and abatement.

John Bowers—Colts Neck—spoke in support of the rehabilitation resolution and said he hoped it would pass. He said it would afford growth. He said both the Council and the Planning Board had the power to check to stop the process.

Michael Gregan—156 West Front—said he had been in town for about 15 years and said the area between Brothers Pizza east to the parking lot across from Pazzo had become friends. He said they were all in favor of the rehabilitation and the idea of gentrifying the area. He spoke of the benefits of improvements to the area.

Mayor Menna said, while it was not part of the resolution, he was considering asking to the Council to consider retaining a forward looking architectural firm to assist applicants on the properties. He said he would not be done at the expense of tax payers but would be built into an escrow fund. He said he hoped they could take action on it at a future Council meeting.

Vahid Walker—1 Allen Place—asked about the guidelines for the rehabilitation designation once it was referred to the Planning Board.

Mayor Menna said the Planning Board would have guidance from its Planner and other professionals such as Engineer. He said they would also get guidance from the Public. He said, as a result of those comments, he hoped the Planning Board would make recommendations to have the Council consider some design and zoning characteristics as well as visual characteristics since it was an entrance way into Red Bank.

Mr. Walker asked about grandfathered issues.

Mayor Menna said whatever was there would be grandfathered in. He again said there would be no use of eminent domain and explained the difference between a rehabilitation area and a redevelopment area.

Mayor Menna asked if anyone else would like to speak.

No one appearing, Councilman Zipprich offered a motion to close the public comment portion of the meeting, 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.

## ORDINANCES – First Reading

2017-17 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 680: "Vehicles and Traffic," Section 680-42, "Schedule VIII: "Stop Intersections."

Councilman Zipprich offered a motion to introduce the ordinance, 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.

Public Hearing to be held June 14, 2017 at 6:30 pm

**ORDINANCES – Public Hearing and Final Adoption**

**RESOLUTIONS**

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 Taylor 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.

17-112 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."

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

Councilman Zipprich asked if the policy would require each employee to have a bank account.

Councilwoman Schwabenbauer said it did not. She said those without bank accounts would be paid via a pre-loaded debit card. She noted the benefits of direct deposit.

Councilman Yngstrom asked if seasonal or underage employees would be exempt from the program.

CFO Poulos said it would be mandatory for everyone. She said the deposits could also be made to savings accounts.

Councilman Yngstrom said some parents of minors may want to see what their children were receiving.

Councilwoman Schwabenbauer said there would still be a pay statement issued that they could review.

Councilman Whelan noted that many without bank accounts may have been using a check cashing service which would have taken a significant fee.

Councilman Zipprich asked about replacement of lost debit cards.

CFO Poulos said it would be handled like any other debit card.

Councilman Zipprich asked if the same card would be used for each pay period.

CFO Poulos said it was one card that was reloaded each pay day.

Administrator Sickels noted that the County had been using a similar program for about ten years and pointed out that they had several seasonal and/or underage employees.

**ROLL CALL:**

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

NAYS: None.

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

17-115 Mayor Menna read, "A Resolution Authorizing Additional Design Work for Primary School Emergency Access Roadway Project."

Councilman Zipprich 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.

17-116 Mayor Menna read, "A Resolution Authorizing the Borough Engineer to Prepare Design Plans and Advertise/Receive Bids in Regard to Repairs to River Street Retaining Wall."

Councilman Zipprich 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.

17-117 Mayor Menna read, "A Resolution Authorizing the Release of a Performance Guarantee Posted by Butch's Lube N Wash for Block 97, Lot 11.02 and Requiring the Posting of a Maintenance Guarantee."

Councilman Taylor 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.

17-118 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$3,892.39 due to Judgments of the Tax Court of New Jersey."

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

ROLL CALL:

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

NAYS: None

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

17-119 Mayor Menna read, "A Resolution Authorizing Abandonment of Obsolete Civil Defense Sirens and Associated Poles/Equipment."

Councilman Zipprich 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.

17-121 Mayor Menna read, "A Resolution Granting Kleinfelder East Inc.'s Request to Conduct Borings and Install a Temporary Monitoring Device on Behalf of Exxon Mobil in the Public Roadway Adjacent to 330 Shrewsbury Avenue on Sunset Avenue."

Councilman Zipprich 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.

17-123 Mayor Menna read, "A Resolution Authorizing the Release of Developers' Responses to Request for Proposals for the Redevelopment of the White Street Municipal Parking Lot Located at 75-79 White Street, Block 31, Lot 2.01, Provided that Confidential Financial Data is Redacted Therefrom."

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

#### **PAYMENT OF VOUCHERS**

17-124 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$5,669,757.52."

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.

#### **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming June 2, 2017 as National Gun Violence Awareness Day in the Borough of Red Bank.

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

Carl Colmorgen—67 Oakland Street—asked about the ordinance regarding political signs. He expressed concern about political signs in public right-of-ways.

Louis LePore—33 Ocean Terrace, Long Branch—said the map affiliated with Resolution 17-107 did show that White Street was included.

Mayor Menna said the map may have been an earlier version. He said the White Street area was already designated as part of the area in need of redevelopment. He reviewed details of properties included on the map.

Mr. LePore said he was aware that the Administrator was retiring at the end of the year. He said he understood that the Long Branch Mayor had submitted an application for the position.

Mayor Menna said that was untrue. He added that they would be looking for someone who was experienced as a professional in the area of public administration.

Mr. LePore said he had heard otherwise and again expressed his concern about the rehabilitation resolution.

Mayor Menna said he appreciated his comments.

Freddie Boynton—365 Shrewsbury Avenue—thanked the Mayor and Council members for coming to a recent meeting held by his lodge. He criticized the Department of Public Works. He said catch basins were full and said he had not seen the street sweeper as much as he should. He said he felt they were doing too much driving around with nothing to do. He said it was time for the matter to be addressed. He suggested the Public Works should be doing the park maintenance work.

**ADJOURNMENT**

Councilman Whelan offered a motion to close the audience portion and adjourn the meeting, 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.

Respectfully submitted,  
Pamela Borghi