

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL – BOROUGH OF RED BANK**  
**JUNE 14, 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:** 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.

Mayor Menna called for a moment of remembrance for victims of recent tragedies.

**WORKSHOP**

**Part time Code Inspectors**—Mayor Menna reviewed the need to replace recently retired employees in the Code Enforcement Office. He noted that they would all be part time positions. He said the resolution would be added to the agenda.

**Animal Welfare Advisory Committee**—Mayor Menna reviewed the need for an Animal Welfare Advisory Committee. He said it would not interfere with the Animal Control Office but would be more of an educational/advisory function. He asked interested parties to submit their names to the Municipal Clerk.

**Ban on Sale of “Puppy Mill” Dogs**—Mayor Menna said other municipalities had adopted a ban on sales of animals from puppy or kitten “mills.” He said it would not preclude the sale of animals from a legitimate breeder. He said, while he wasn’t fond of the idea, said he would consider a “grandfather” clause.

Councilman Whelan asked if it would be on the agenda tonight.

Mayor Menna said it would not.

Councilwoman Schwabenbauer said she was opposed to puppy mills but said she would like to study the issue.

**Mayor’s Wellness Campaign Strolls**—Mayor Menna reported that the Parks and Recreation Department would be working on establishing Mayor’s Wellness Campaign Strolls.

**Gilda Rogers**—Mayor Menna said a resolution was being added to commend Gilda Rogers adding that she had been honored at an event the previous Monday night.

**DOT Resolution—East Bergen Place**—Mayor Menna said the DOT has requested a resolution as part of a request to extend a grant for East Bergen Place. He said this would also be added to the agenda.

Councilman Zipprich noted the grant had been applied for two years ago.

**APPROVAL OF MINUTES – May 24, 2017**

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

**ROLL CALL:**

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

**NAYS:** None

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

**MAYORAL APPOINTMENTS**

Mayor Menna made the following appointments:

- Linda Cohen to Planning Board as Class IV Member to an unexpired four year term expiring 12/31/17.
- Juanita Lewis to Planning Board as Alternate Member #1 to an unexpired two year term expiring 12/31/18.
- Michael Ballard to Planning Board as Alternate Member #2 to an unexpired two year term expiring 12/31/17.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Yngstrom thanked everyone who had participated in and assisted with the Memorial Day Ceremony. He also congratulated the participants in the recent Couch to 5K program and said they had participated in their

first 5K in Asbury Park the previous night. He said Summer Camp sign ups were underway and said the Summer Series line up for Jazz and Movies would be released the following week.

Councilman Zipprich said his thoughts went out to the victims of the recent tragedies. He said it was LGBT Pride Month and noted the flag flying in front of Borough Hall was donated courtesy of the 077Q1 group. He said the Department of Public Works Committee would meet the following week and added that he wanted to publically congratulate Troop 67 on their new Eagle Scout, Tommy Matuszak. He noted he had presented a Certificate of Achievement to him on behalf of the Mayor the previous Sunday. He also congratulated Sean Murphy as the highest ranking Red Bank Senior at Red Bank Regional High School and said he had presented a resolution on behalf of the Mayor and Council.

Councilwoman Horgan read a letter from the Friends of the Library to thank the Mayor and Council for participating in the Library's 80<sup>th</sup> anniversary. She also reported on a recent book mark contest and said the theme had been "I Spy My Favorite Thing in Red Bank." She reviewed the top responses and said all schools had participated.

Councilman Whelan said the Police Department's K9 Unit and dog Hunter had assisted in a drug bust that netted 500 doses of Heroin. He said it proved the usefulness of having a K9 Unit. He also reported that Red Bank had assisted with a fire in Little Silver by standing by while Little Silver responded to the fire. He said he particularly want to congratulate Linda Cohen on her appointed to full Planning Board member. He said he also want to report on the Parking Committee meeting scheduled after the close of the Council Meeting. He said five proposals has been received in response to an RFP. He said tonight the proposals would be presented publically and offered information on how to submit comments.

Councilman Taylor said he would have a Code Committee meeting the following week and said the Environmental Commission was continuing to work toward Sustainable Jersey recertification.

Councilwoman Schwabenbauer reported that she, CFO Poulos and Administrator Sickels would be meeting with the Auditor to go through the Audit results and said they would be presented at the next meeting. She said they were also waiting for final results but said it looked good for the Borough to receive a grant to build a transient dock that would allow for a dock and dine facility. She said the Borough could be getting \$90,000 to \$100,000.

Mayor Menna asked how much the Borough would have to contribute.

Councilwoman Schwabenbauer said it was not a matching grant.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Sam Gregg for membership to the Navesink Hook & Ladder Company 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, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from Daniel Johnson for membership to the First Aid & Rescue Squad of the Red Bank Volunteer Fire Department.

Councilman Whelan offered a motion to approve the request, 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 the following requests recommended for approval by the Special Events Committee:

Request from Red Bank Crop Hunger Walk to hold their 37<sup>th</sup> Annual walk in Red Bank between 2:30 and 4:00pm and Sunday, October 15, 2017.

Councilman Zipprich offered a motion to approve the request, 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.

Request from Life Vest Inside to participate in the 6<sup>th</sup> annual Worldwide Dance for Kindness and close Broad Street from White Street to Front Street from 12:00noon to 2:00pm on Sunday November 12, 2017.

Councilman Zipprich offered a motion to approve the request, 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.

**PUBLIC COMMENT—Ordinances on Resolutions Only**

Mayor Menna opened public comment on Ordinances on First Reading and Resolutions only. He said Resolution 17-132 was being removed from the agenda because it had previously been acted upon.

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

**ORDINANCES – First Reading**

2017-18 Mayor Menna read, “An Ordinance Establishing Salaries or Wages of Officials and Employees of the Borough of Red Bank, in Monmouth County.”

Administrator Sickels said the Ordinance would amend ranges of certain positions.

Councilwoman Schwabenbauer offered a motion to introduce the ordinance, 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.

Public Hearing to be held June 28, 2017 at 6:30 pm

**ORDINANCES – Public Hearing and Final Adoption**

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

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

No one appearing, Councilman Zipprich offered a motion to close the public hearing, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

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

**RESOLUTIONS**

Councilman Zipprich made a motion to vote on the following resolutions with a single vote on a Consent Agenda, seconded by Councilwoman Horgan.

**By Consent Agenda:**

17-125 A Resolution Honoring Sean Murphy as the Highest Ranking Red Bank Senior

17-126 A Resolution Authorizing Approval of Sidewalk Cafes.

17-127 A Resolution Accepting Performance Guarantee and Inspection Fee Posted by Sound Storage, LLC for Block 75, Lot 114.01

17-128 A Resolution Authorizing the Release of Maintenance Guarantee for Cedar Crossing Affordable Housing Development Project (Phase 1) and the Release of Performance Guarantee for Cedar

- Crossing Affordable Housing Development Project (Phase 2) Posted by the Red Bank Affordable Housing Corporation for Block 75.01, Lots 83, 84, & 85 and Block 75.03, Lots 50.01 & 69
- 17-129 A Resolution Adopting a Change to an Existing Deferred Compensation Plan with Valic.
- 17-130 A Resolution Adopting a Change to an Existing Deferred Compensation Plan with AXA Advisors 89-PD-AXA-120616.
- 17-134 A Resolution Authorizing the Release of a Performance Bond to Precise Construction, Inc., for North Prospect Avenue Bulkhead and Library Bulkhead Replacement, upon the Acceptance of a Two-Year Maintenance Bond by the Borough and the Payment of the Total Amount Due on Payment Certificate No. 4 for Final Payment and Release of Retainage.
- 17-135 A Resolution Authorizing Change Order No. 1 Related to the Contract with USA General Contractors Corp. for the Municipal Complex Repairs Project.
- 17-136 A Resolution Authorizing Change Order No. 2 Related to the Contract with USA General Contractors Corp. for the Municipal Complex Repairs Project.
- 17-137 A Resolution Accepting Bid from and Awarding Contract to Greenleaf Landscape Systems and Services for the 2017 Park Maintenance Contract.

**ROLL CALL:**

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

NAYS: None

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

- 17-131 Mayor Menna read, "A Resolution Authorizing Place to Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-44-005-010 (Red Bank Buy Rite, LLC t/a Royal Wine & Spirits)."

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.

- 17-133 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$250.00 due to Over Payment by Property Owner."

Councilwoman Schwabenbauer 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.

- 17-138 Mayor Menna read, "A Resolution to Approve the Hiring of Permanent Part Time Fire Inspector and Permanent Part Time Code Inspectors."

Councilman Taylor 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.

- 17-139 Mayor Menna read, "A Resolution to Congratulate and Commend Gilda Rogers on Receiving the 7<sup>th</sup> Annual Earl Thomas Teasley Humanitarian Award."

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

**ROLL CALL:**

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

NAYS: None

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

- 17-140 Mayor Menna read, "Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the East Bergen Place Project."

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.

**PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming June 2017 as Pride Month in the Borough of Red Bank.

**PAYMENT OF VOUCHERS**

17-141 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,119,712.89."

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.

**OLD BUSINESS****NEW BUSINESS**

Councilman Zipprich said he wanted to note that Councilman Whelan had requested that the Mayor remove two members of the Parking Committee from the public presentations by the RFP responders scheduled later in the evening and that they be replaced by Councilmembers of his choosing. He said they had obliged but had not yielded their seats on the Parking Committee going forward.

Mayor Menna reviewed the Committee system stating that Council members were appointed to Committees. He said, if members of a Committee could not attend for whatever reason, that was their right and privilege and they would not give up their seat. Secondly, he continued, if any other members of the Council were so inclined to replace those members, that was fine.

Councilman Whelan clarified that he had emailed the Mayor to say that he thought it would be appropriate that Councilmen Zipprich and Yngstrom not sit with the Committee during the presentations given the fact that they had issued press releases saying they were staunchly against all of the proposals. He said he felt, since they had been again the proposals from the beginning, they should give two other Council members a chance to hear the proposals with an open mind.

Attorney Cannon reviewed the Open Public Meetings Act and cited examples of what was and was not allowed.

**AUDIENCE**

Ben Forrest—16 Locust Avenue—noted Councilman Whelan had reported that five proposals had been received. He said he had been pleasantly surprised that there had been five and thanked the Council for directing that they be posted to the website. He said it was important for the Council to take their time and do it right. He urged them to listen to their attorneys. He encouraged the Council to come to a consensus and to avoid litigation.

Bill Brooks—77 Tower Hill Avenue—asked about the difference between an RFP and an RFQ.

Attorney Cannon said RFP offers specifics that should be met by the proposals. He said RFQs were requests for qualification to see if someone was qualified to perform a service to be named later. He said bids required strict compliance with the lowest responsible bidder winning.

Mr. Brooks asked if it was okay that the heights in the proposals were outside of the specifications.

Attorney Cannon said it would depend on the RFP and said he would defer to the Redevelopment Attorney.

Tom Labetti—45 Elm Place—asked if the Borough's case with Hackensack Meridian would be going before a judge before the next Council meeting.

Mayor Menna said it was not. He added that he was urging people to contact State Senator Beck since she was sitting on a committee that was considering a bill that would make the State the recipient of contributions from certain not for profits in the hope that they would reimburse the municipalities. He said he felt it was a bad bill. He said he had met with the litigation attorney on the matter and said he was very confident in him. He said there was no firm court date.

Councilwoman Schwabenbauer said it was important to call. She said she agreed that she felt the State would keep the money and reviewed funds that were already being held.

Mayor Menna reviewed more information on the bill and detailed other problems with it. He said the Council would be adding a resolution to oppose the bill.

Alan Placer—HobbyMasters—said the RFP was a flawed process and said it could be edited. He urged Council members not to close their ears before the presentation.

Andre Bondi—109 McLaren Street—said he was concerned about traffic enforcement on White Street and cited examples of traffic issues on the street. He said he felt a garage would aggravate the situation.

Mayor Menna thanked him for his comments.

Bill Meyer—12 Monmouth Street—said he wanted to present his idea for a parking solution.

Mayor Menna said they could not accept it as there was an active RFP.

Attorney Cannon said the RFP had closed on April 7 and they could accept no other proposals. He said it had been their practice to return anything that had been received after that date in deference to those who had submitted on time.

Mr. Meyer said he wanted to offer it for a comparison.

Mayor Menna said the public and the Council will be privy to recommendations by professionals and noted there was pending litigation.

Mr. Meyer said it should have been part of the public discourse earlier.

Kal Pipo—42 Wallace Street—asked what the reference to a PILOT meant.

Attorney Cannon gave a brief overview of Payments in Lieu of Taxes (PILOTS). He said there was nothing on the table in regard to a PILOT as this time.

Mr. Pipo asked how many years a PILOT would be in effect.

Attorney Cannon said it varied but confirmed that it would be for a limited time.

Fred Stone—16 McLaren Street—asked if the other stakeholders such as the schools, County and Library share in those PILOT agreements.

Attorney Cannon said the other taxing entities did not share in the agreement and said it was negotiated exclusively with the town. He said there was a bill that could change that.

Mayor Menna agreed that there was a bill pending but said this issue had not come up and said the discussion was premature.

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

17-142 Mayor Menna read, “A Resolution to Oppose S3243.”

Councilwoman Horgan 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.

## **EXECUTIVE SESSION**

None.

## **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