

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 12, 2017
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Yngstrom, Zipprich (via telephone), Horgan, Schwabenbauer, Taylor and Whelan.

ALSO PRESENT: Borough 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.

SUSPEND REGULAR ORDER OF BUSINESS

Councilwoman Horgan 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.

2016 Audit Presentation

Councilwoman Schwabenbauer reviewed the highlights of the 2016 Audit. She thanked the CFO and Department Heads for their efforts.

Mayor Menna also thanked the Finance Committee for their hard work.

17-155 Mayor Menna read, “A Resolution of Governing Body Certification of the Annual Audit.”

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.

RESUME REGULAR ORDER OF BUSINESS

Councilwoman Schwabenbauer offered a motion to resume the regular order of business, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Tonnage Restriction on Bridge Avenue

Mayor Menna called for an Ordinance to place a tonnage restriction on Bridge Avenue between Monmouth Street and Drs. Parker Boulevard.

Chief McConnell review options and concerns. He suggested a 13 ton restriction rather than the usual 4 ton restriction which would restrict tractor trailers but allow box trucks. He also suggested better directional signs to keep trucks on Highway 35. He said they often end up on Bridge Avenue by accident.

The Council was in agreement to create an Ordinance to set a 13 ton restriction.

Attorney Cannon said he would draft the Ordinance for introduction at the next meeting.

River Rangers request

The River Rangers organization requested use of Maple Cove for the purpose of launching and retrieving canoes. The Council approved the request contingent upon submission of insurance and other required paperwork.

APPROVAL OF MINUTES – June 28, 2017

Councilman Yngstrom offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

Mayor Menna appointed Thomas Labetti as Mayoral Representative to the Monmouth County/NJTPA Local Concept Development Study for Monmouth County Oceanic Bridge.

Mayor Menna appointed Stephanie Albanese to the Library Board of Trustees as a full member for an unexpired 5-year term ending 12/31/2020.

Councilman Whelan offered a motion to approve the appointments, 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.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer had no report.

Councilman Taylor had no report.

Councilman Whelan reported that the Red Bank Volunteer Fire Department would be sponsoring a CPR class on August 19, 2017 at the Red Bank Public Library. He said the cost for the class would be \$20 which would include lunch and the certification card. He also reported that there had recently been a conviction in a homicide case and credited Detectives Campanella and DePonte for their efforts on that case. He also said the Department would be reinstating their bike patrol. He said the Parking Committee had met the previous week and had had a good meeting. He called for a public meeting on the White Street RFPs and suggested August 9, 2017 or a special meeting to be held before that date.

Mayor Menna said they would have a public meeting. He noted the Red Bank Business Alliance had had a meeting on July 13th but said the Borough would have a meeting also. He said he would review the scheduled and put it on an upcoming agenda. He said he would be discussing the matter with the Council.

Councilman Yngstrom reviewed the Parks and Recreation Department's Summer Series including movies and music concerts. He said there would be Dog Days events on Monmouth Street on August 29 and September 26. He reported that the Navesink River Municipalities Commission had been working with Clean Ocean Action regarding water quality in the Navesink River. He said testing had shown improvement and credited the Department of Public Works (DPW) for their efforts. He also thanked DPW and the Police Department for getting speed limit signs installed on South Bridge.

Councilman Zipprich thanked RiverCenter for their recent Symphony in the Park event. He said DPW and the Police Department had done an outstanding job that night.

Councilwoman Horgan reported on the upcoming Indie Film Festival set to begin July 26, 2017. She reviewed details of the event including social media and ticket information. She also noted the event organizers were working to install a mural on the building at 75 Leighton Avenue.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Mollie Hensler 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 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 RiverCenter for free parking on Friday, July 28, Saturday, July 29 and Sunday, July 30, 2017 during the 63rd Annual Red Bank Sidewalk Sale.

Councilwoman Schwabenauer 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.

PUBLIC COMMENT—Ordinances on Resolutions Only

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

Freddie Boynton—PO Box 2074, Red Bank—criticized the limitation of trucks on Bridge Avenue. He said it would be difficult to make turns on the alternate streets.

No one else appearing, Councilwoman Schwabenbauer offered a motion to close the public comment portion of the meeting, seconded by Councilman Whelan.

ORDINANCES – First Reading

2017-24 Mayor Menna read, “An Ordinance Amending Chapter 352: “Fiber Optic Cables” to Comply with the Provisions of N.J.S.A. 54:30A-124.”

Councilwoman Schwabenbauer offered a motion to introduce the ordinance, 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.

Public Hearing to be held July 26, 2017 at 6:30 pm

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

By Consent Agenda:

- 17-156 A Resolution Authorizing Tax Credits/Refunds Totaling \$2,285.50 due to Judgments of the Tax Court of New Jersey.
- 17-158 A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 (Clean Communities Fund, in the amount of \$22,333.07)
- 17-159 A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 (Pedestrian Safety Grant, in the amount of \$16,500.00)

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.

17-160 Mayor Menna read, “A Resolution Authorizing T&M Associates to Provide Design Services and Remedial Investigation Services in Regard to Bellhaven Park Project.”

Councilman Yngstrom 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

PAYMENT OF VOUCHERS

17-157 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$1,425,945.38.”

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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Linda Cohen—28 Riverside Avenue—asked when the date for the Public Hearing on the RFPs would be held.

Councilman Whelan said the Council would be reviewing the matter and said a date would be announced.

Mayor Menna confirmed that they would be announcing a date.

Bill Meyer—12 Monmouth Street—asked about the authorization for design services regarding Bellhaven.

Mayor Menna said there were environmental issues and said it was not a complete redesign. He said remediation needed to be done.

Mr. Meyer said that should have been done already. He reviewed expenses already incurred and criticized the soft engineering costs. He also criticized previous approvals. He asked why the Environmental Commission hadn't been consulted.

Councilman Taylor said the Environmental Commission had met and reviewed the matter the previous night.

Councilman Yngstrom reviewed the need for the tests for contamination and the remediation steps that would be taken based on the test results.

Mr. Meyer called public input before spending more money on design. He said neighbors were not in favor of the plan.

Councilwoman Horgan noted that not all of the neighbors were opposed.

Councilman Taylor excuse himself from the meeting.

Kathleen Gasienica—110 Locust Avenue—said she wanted to clear up a misconception that she was president of her condo association and to state that she was in favor of a well-designed park for children to learn about nature. She criticized previous design plans and reviewed issues with the site. She criticized the engineering work. She said the property was not being maintained. She asked what the Borough had to show for the money spent so far and who had initiated this new expense.

Mayor Menna said it was a good question. He reviewed the previous work including planning and design. He said the Council had had some concerns and had also listened to the public then ultimately rejected the design. He said revisions had been made by the engineer because the Council had changed the plan. He said the Parks and Recreation Committee had initiated the current request due to seepage from an oil tank. He said they were authorizing that work. He said it was environmental work to eliminate the issues and not design work.

Ms. Gasienica again questioned the work of the engineer.

Administrator Sickels said the work was done at the direction of Committee members and the public. He reviewed the need for a park in the area and gave an in depth history of the project. He noted there were new committee members and they wanted to see the project completed. He said a new concept plan was part of the remediation process.

Ms. Gasienica asked who the experts had been throughout the process and criticized the engineer's design.

Mayor Menna said she was arguing about something that happened last year. He said they were spending money on the advice of the engineer, the Parks and Recreation Council Committee and the Parks and Recreation Citizen Committee. He noted they would be getting back 75 percent of the costs.

Ms. Gasienica questioned if the figure of 75 percent was for all of the costs.

Attorney Cannon clarified that it was for 75 percent of the remediation costs.

Mr. Gasienica questioned the expertise of the engineer.

Ben Forrest—16 Locust Avenue—noted he had lived in the area for 20 years and said he was not in favor of a busy park there and called for a survey to get feedback from the neighborhood.

Mayor Menna said that was a good idea.

Mr. Sickels noted there was a petition already on file.

Fred Boynton—PO Box 2074, Red Bank—said he had recently lost his niece and said there had been issues with a litter locker in the area of the funeral home. He called for DPW staff to be more attentive to that issue. He also accused employees of DPW for falsifying time.

Mayor Menna told Mr. Boynton, if he had direct information, he should notify the County Prosecutor.

Mr. Boynton said he had brought it to the attention of Administrator Sickels.

Councilman Whelan asked if hand scanners weren't in place.

Mr. Boynton said some employees don't use the scanners and said Mr. Sickels was aware of the situation.

Mr. Sickels said he would discuss the matter with Mr. Boynton after the meeting.

Mr. Boynton said there was firewood in back of his the lodge which he had been told the Borough would not accept it at the recycling center. He said he had been to the recycling center and seen tree stumps. He questioned why the Borough would pick it up at the curb but wouldn't accept it and the recycling center. He also said the lodge was planning on having another meeting and said the Council would be invited.

Bill Meyer – 12 Monmouth Street – criticized engineering costs. He said he was not impressed with how the engineers were used. He said he was aware that engineers and their firms contributed heavily to political campaigns and were endeared to each other. He criticized the design of the recent well. He called for fiscal responsibility and called for more public input.

No one else appearing, Councilwoman Horgan offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Schwabenbauer.

EXECUTIVE SESSION

17-163 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiation/potential litigation and personnel; action to be taken.

Councilwoman Horgan offered a motion to adjourn to executive session, 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 adjourn from executive session, 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

17-161 Mayor Menna read, "A Resolution Accepting Bids and Awarding Contract for Installation and Repair of Water and Sewer Mains Force Account 2017-2020."

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.

17-162 Mayor Menna read, "A Resolution Accepting Bids and Awarding Contracts for Installation and Repair of Water and Sewer Services Force Account 2017-2020."

Councilman Yngstrom 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.

ADJOURNMENT

Councilwoman Schwabenbauer 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