

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
AUGUST 9, 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 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 said he had met with community property owners regarding Ordinance 2017-25 and said they had expressed concerns regarding turning radius issues and had also considered concerns mentioned by the Chief of Police. He suggested the Council move forward with the Public Hearing on the Ordinance and carry the vote to the next meeting pending review with the Police Chief and Engineer.

Councilman Taylor offered a motion to table the ordinance, seconded by Councilman Zipprich.

**ROLL CALL:**

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

**NAYS:** None

There being six ayes and no nays, the ordinance was declared tabled.

Mayor Menna announced that the Public Hearing and Final Adoption would be tabled to August 23, 2017 at 6:30 pm.

**WORKSHOP**

**West Front Street**

Mayor Menna reviewed issues with West Front Street traffic due to the closure of Hubbard Avenue and criticized the lack of traffic control. He called for Monmouth County or the Township of Middletown to provide traffic control to divert traffic onto side roads.

Administrator Sickels said he had discussed the matter with the County Engineer and Freeholder Arnone. He said he had requested a variable message sign be put in place to divert traffic further up Hwy 35 or at Parkway Exit 114 rather than 109. He said he would follow up to ensure the signs were in place. He said requests to the County for manpower from the Sheriff's Office received negative results. He said they could also ask the County to direct the contractor to pay for additional manpower.

Mayor Menna expressed frustration with the lack of support from either the County or Middletown and noted Red Bank had originally been told the work would be complete July 14.

Councilman Zipprich said he had seen signs on Half Mile Road and on West Front Street.

Mayor Menna said those had been in place earlier and said signage needed to be placed further out.

Mr. Sickels said he had asked for additional signage that could help divert traffic before it got to that area. He said he would follow up the next day and would also look into requiring the contractor to provide for additional police officers.

**APPROVAL OF MINUTES – July 12, 2017**

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

**ROLL CALL:**

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

**NAYS:** None

There being six ayes and no nays, the minutes were declared approved.

**APPROVAL OF MINUTES – July 26, 2017**

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

**ROLL CALL:**

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

NAYS: None

There being six ayes and no nays, the minutes were declared approved.

### **APPROVAL OF MINUTES – August 1, 2017**

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the minutes were declared approved.

### **MAYORAL APPOINTMENTS**

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

Councilman Yngstrom said reviewed upcoming events in the Summer Series and also announced the Count Basie 365 would be returning to Johnny Jazz Park on August 25, 2017. He also announced the return of Dog Days on Tuesday, August 29 on Monmouth Street.

Councilman Zipprich congratulated the organizers of the Indie Street Film Festival and the Crossing Borders Festival at the Two River Theatre.

Councilwoman Horgan said there was a resolution on the agenda to appoint a part time Library Assistance and a part time Library Page which would allow the Library to extend its hours of operation.

Councilman Whelan said the 2017 National Night Out was a great success. He commended local businesses for their donations in support of Borough events.

Councilman Taylor said the Environmental Commission/Green Team was continuing to work on the Sustainable Jersey certification. He said there would be a Primary School “Back to School” clean up on Saturday, August 26, from 9am to 2pm. He also commended John Drucker for his assistance to expedite the clean-up of a fire damaged property on Leonard St. He also reported that a Code Committee would be scheduled.

Mayor Menna asked that the Abandoned Property list had been distributed to Council members so they could be aware of what was on the list.

Councilman Taylor said residents were also encouraged residents to report any abandoned properties.

Administrator Sickels said he would make sure the list was distributed to Council.

Councilwoman Schwabenbauer said the Finance/Personnel Committee was currently accepting resumes for the Borough Administrator position.

Mayor Menna reported that, in addition to the Film Festival, Red Bank also received attention from the nation media the previous Saturday when there was a Kevin Smith look-a-like contest. He praised Mr. Smith’s loyalty to Red Bank and noted his continued investment in Red Bank noting that his production office is located in the municipal and employs over 30 full time employees. He also noted that the Monmouth Film Festival would be taking place at the Two River Theatre and commended the organizers.

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from JJ’s Organic Grill to hold a grand opening event with a deejay from noon to 6pm on Saturday, August 12 and permission to hang a “Grand Opening” temporary sign from Friday, August 11 through Sunday, August 13.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Boondock’s Fishery to use four spaces at Marine Park on Sunday, September 10 from noon to 4pm to accommodate registration for a dog show at their establishment.

Councilman Taylor offered a motion to approve the request, 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.

Mayor Menna read a request from Elm Place residents to hold a block party and close Elm Place between Hudson Avenue and Spring Street on Saturday, September 16 from 2pm to 11pm.

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.

Mayor Menna read a request from the Red Bank Public School District to hold a Pre-School Olympic Parade at Count Basie Field on Friday, October 13 with a rain date of Tuesday, October 17, from 9:30am to 11am.

Councilwoman Horgan 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 a request from Rumson Boat Race to solicit and hang signage through-out the business district to promote their regatta event scheduled to be held in Rumson on September 23, 2017.

Mayor Menna noted the Special Events Committee had recommended this request be denied.

Councilman Taylor offered a motion to deny the request, 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 COMMENT—Ordinances on Resolutions Only**

Mayor Menna opened public comment on ordinances on first reading and resolutions only.

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

#### **ORDINANCES – First Reading**

##### **ORDINANCES – Public Hearing and Final Adoption**

2017-20 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 665: Trees to Include Additional Regulations Relating to Trees Located on Borough Property and in Borough Right-of-Ways.”

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, Schwabenbauer, Taylor, Whelan

NAYS: None

There being six 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, Schwabenbauer, Taylor, Whelan

NAYS: None

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

2017-26 Mayor Menna read, “An Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Red Bank, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto. (Equipment)”

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

No one appearing, Councilwoman Horgan 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.

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

2017-27 Mayor Menna read “An Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Red Bank, New Jersey, from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto. (Police Cars)”

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

No one appearing, Councilwoman Horgan 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.

Councilwoman Horgan offered a motion to adopt the ordinance on final reading, 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.

2017-28 Mayor Menna read, “An Ordinance Authorizing the Guaranty by the Borough of Red Bank, New Jersey for Payment of Principal and Interest on the Capital Equipment Lease Revenue Bonds, Series 2017 (Red Bank Project) of the Monmouth County Improvement Authority.”

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

No one else appearing, Councilwoman Horgan 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 Horgan.

ROLL CALL:

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

NAYS: None

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

## **RESOLUTIONS**

### **By Consent Agenda:**

Mayor Menna called for a vote on the following resolutions by Consent Agenda:

- 17-181      A Resolution Approving the Form and Authorizing the Execution and Delivery of a Letter of Representation and a Continuing Disclosure Agreement in Connection with the Issuance and Delivery of the Monmouth County Improvement Authority’s Capital Equipment Pooled Lease Revenue Bonds, Series 2017 and Authorizing an Authorized Municipal Representative to do all Other Things Deemed Necessary or Advisable in Connection with the Issuance, Sale and Delivery of Such Bonds.
- 17-182      A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2017-2018.
- 17-183      A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – Recycling Tonnage Grant in the Amount of \$15,373.03

Councilman Taylor offered a motion to approve the resolutions, 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.

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- 17-184      Mayor Menna read, “A Resolution Appointing Part Time Library Assistant and Part Time Library Page.”

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

Councilman Taylor asked if the additional staff would be able to help with matter that the Department of Public Works had been handling.

Councilwoman Horgan said she was not sure but would find out.

Mayor Menna said he believed these were technical assistants for the Library rather than DPW type employees.

Councilman Taylor noted that DPW was shorthanded and was often sending staff to the Library to assist with things like setting up chairs, etc. He said he was hoping the Library staff could handle those types of duties.

Mayor Menna agreed that an Assistant Librarian could help set up chairs.

Councilman Zipprich said, generally, DPW staff goes to the Library to take care of custodial issues but agreed that the Librarians had been asking for additional support from the understaffed Department.

ROLL CALL:

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

NAYS:            None

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

## **PROCLAMATIONS**

None.

## **PAYMENT OF VOUCHERS**

Mayor Menna questioned two items on the bill list.

CFO Poulos said she believe they were Parks and Recreation purchases.

Recreation Director Hoffmann came forward and said they were expenses for Recreation trips.

- 17-185            Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$2,340,166.96.”

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**

Ben Forrest—16 Locust Avenue—asked for an update on the Parking RFPs and when Public Comment would be taken. He expressed concern about a recent statement issued by RiverCenter. He offered his

opinion on issues that need to be addressed. He also expressed concern that the vote would require a tie breaker and questioned a decision to build such an important structure based on a minimum vote. He suggested they might want to consider a restart of the process. He again called for public discussion.

Mayor Menna assured him that there would be a public discussion but said the matter was still in review and no decision had been made.

Tom Fishkin—President, RiverCenter Board of Directors—said RiverCenter was not opposed to the RFPs just concerned about the current form. He said the ones submitted don't meet the criteria. He said he was also not in favor of the lack of dialog. He said the Special Improvement District was looking after the needs of its constituents. He said they wanted to see progress.

John Werner—Riverview Towers—said he was a boat owner and moored his boat in Marine Park. He said there had been issues with thefts. He called for more security.

Mayor Menna said he, the Police Chief and Recreation Hoffmann would meet with him to try to resolve the matter.

Jacqueline Mattis—Spring Street—said there were also issues with vandalism of the boats and asked for fencing at the site. She said there were safety issues at events in the park where children could fall in.

Scott Broschart—15 Hudson Avenue—echoed Mr. Forrest's concerns about the White Street project but said he disagreed with the suggestion to re-start. He discussed how long parking had been an issue.

Rose Costa—40 River Road—said she was having an issue with Trinity Episcopal Church allowing hospital personnel to use their parking lot. She said she understood that would constitute a change of use. She described the activity that she said was taking place 15 feet from her window. She said the hospital needed to find appropriate parking.

Mayor Menna said Ms. Costa had brought the issue to his attention and said he had brought the matter to the Zoning Officer and Code Enforcement. He said he understood that an investigation had revealed that situation was no longer continuing and that it had been a temporary situation.

Ms. Costa said it was still going on and asked who was responsible for Code Enforcement.

Mayor Menna said it was Stanley Sickels through Tom Welsh and the Code Enforcement Officers. He said Glenn Carter had reviewed the matter with the church.

Ms. Costa said Mr. Carter had told her that it was private property and that they could do whatever they pleased.

Mayor Menna disagreed and reviewed regulations. He again said he understood the situation was over.

Ms. Costa asked that a letter be sent from Code Enforcement because the problem had not ceased.

Mr. Sickels said the issue was that they were not charging for parking and said it was a gray area in the code.

Ms. Costa reviewed a previous issue with the same church and said they had been told it was a change of use. She said they were abusing the situation.

Mayor Menna called for a meeting with Ms. Costa, Mr. Carter and Code Enforcement representatives.

Cindy Burnham—71 Wallace Street—said she wanted to make the Council aware of what was going on in the Historic District. She said a lot of employees were parking in the area all day. She said she had been told that they park there because the \$38 ticket was cheaper than paying pay station. She called for a solution for long term employee parking. She asked that they make the east side lots employee friendly.

Suzanne Viscomi—25 Cedar Street—said she wanted to follow up on the second meter issue that she had discussed at the previous Council meeting. She said she had found an adapter that could be purchased for \$10.

Mayor Menna said he had also found a solution that cost \$200 and called for a report by the next meeting, from either the Director of Public Works, the CFO or the Administrator, regarding the cost to hook up to the irrigation system meter. He said the representation was made that it was going to cost \$1500. He said he had talked to other towns and believe there was no reason why the matter of secondary meters had to wait until 100 percent of the homeowners had the new meters installed. He said he wanted to know how much it would cost and what the procedure would be.

Councilman Zipprich asked Mr. Sickels if that information was in the bid package.

Mr. Sickels said he would review the specs and get the information. He said the \$1500 quote was to install pit meters if they were unable to gain access and had to add the meters from the outside. He said he would get the information and prepare the report that the Mayor had requested.

Mayor Menna also asked why the original contract had to install the additional meters.

Mr. Sickels again stated that the quoted cost was in the case that the Borough was unable to gain access and had to place the meter on the exterior of the building. He again said he would provide the report for the next meeting.

Ms. Viscomi also asked for more details to be included on the agendas. She asked for more transparency and noted that there had been bond ordinances on the agenda but no dollar amounts were given.

Mayor Menna said all of the information was all on website.

Ms. Viscomi said she would like to see more information on the agenda.

Victor Kuo—91 Broad Street—said he had been watching the progress of the parking issue over the last year and said they had come a long way. He urged the Council to move forward.

Freddie Boynton—PO Box 2074, Red Bank—said there were issues with unsafe vehicles at the Department of Public Works and reviewed specifics.

Mayor Menna called for the Police Chief to coordinate with the State to have an inspection of the vehicles.

Mr. Boynton claimed an employee had been attacked by the Director and by a Supervisor for being a whistle blower.

Councilman Zipprich asked the Administrator to follow up with the Director of Public Works.

## **EXECUTIVE SESSION**

17-186 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiation; it was anticipated that no action would be taken.

Councilwoman Horgan offered a motion to adjourn to 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.

Councilman Zipprich offered a motion to adjourn from 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.

## **ADJOURNMENT**

Councilman Zipprich offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi