

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 23, 2017
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Mayor Menna called for a moment of silence in remembrance of Former Councilman and Fire Commissioner John Madden.

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.

WORKSHOP

Parking Ordinances (2)—Councilman Whelan reviewed proposed changes to parking on White Street and asked that two ordinances be added to the agenda. He noted that the changes would add at least two additional spaces.

Trolley Ordinance—Councilman Whelan reviewed a proposal that had been received that would provide shuttle service at no cost to the Borough. He said the Police Department, Public Works, Parking and RiverCenter were working to get the program in place for a trial period.

Mayor Menna said it was a great idea and would offer cleaner, nicer transportation. He said the ordinance would have to be amended but he felt they could fast track it.

Historic Preservation—Councilman Zipprich said the Historic Preservation Commission (HPC) had worked on a Historic Preservation Element for the Master Plan years back. He said he had met with the Director of Planning & Zoning and some concerned citizens regarding instances where there had been removal of the historic fabric of the town and cited several examples. He said some modifications in historic homes are guided by the HPC in their advisory capacity but said the HPC and concerned homeowners felt the Historic Ordinance was lacking in enforcement guidelines. He asked for the Council's thoughts on the issue.

Mayor Menna noted he had been a co-author of the Historic Preservation Ordinances and reviewed the history. He noted areas of town that needed attention. He said historic preservation and clear, crisp urban development were not inconsistent but were parallel. He said he would welcome a broadening of protections. He noted that he had called for RFQs for architectural design services. He asked if any other council members had a problem with reviewing ideas from the Historic Preservation Commission.

Councilwoman Schwabenbauer said she felt they would be willing to look at anything and, once it was put before them, they would have a more informed opinion.

Green Business Recognition Program—Councilman Taylor reviewed the Green Team and the Sustainable Jersey program. He said the Green Team had suggested this program to highlight business efforts to make sustainable choices. He said it was a volunteer program that offered resources to businesses and recognized their efforts.

Mayor Menna said it was a great idea but reminded him that the Code Committee was supposed to come up with a procedure regarding the Grease Trap ordinance. He discussed the need to show that it had been serviced and to provide an annual certification to the Borough.

Councilman Taylor asked if it was a Code issue or Health issue.

Mayor Menna said it had been going back and forth between the two but that it needed to be addressed because it was affecting Public Works.

Councilman Zipprich said the grease trap inspections weren't happening.

Councilman Taylor again asked if it was a Health Department issue or a Borough issue.

Mayor Menna said it was somewhere in between and again said it should be incorporated into the current effort.

Councilman Zipprich said there was also an issue with grease that did not go through the trap and reviewed the associated problems.

Councilman Taylor said the recognition program was a little broader than that but they could work to make that a separate requirement. He said the recognition program was voluntary and said he felt the grease trap issue should be mandatory. He said he just wasn't sure where the responsibility landed.

Tom Fishkin—Readies—said, in his experience, this year was the first year the Health Department had required a certificate from a licensed grease trap cleaner.

Mayor Menna said that had to be in the ordinance.

Marine Park RFP—Councilman Yngstrom said he, Councilman Taylor and Councilwoman Horgan and Recreation Director Hoffmann had been working on an RFP to find a consultant to assist with the soliciting of public input and guide the process to develop a concept plan for Marine Park. He said the consultant would be similar to the one used for Riverside Gardens Park. He said the proposals would be due back by September 22.

Councilwoman Horgan asked if it was an RFP or an RFQ.

Councilman Yngstrom corrected his report and said it was a Request for Qualifications (RFQ).

Councilman Whelan confirmed that it would not be a submission of designs but just qualifications.

Councilman Yngstrom said that was correct.

APPROVAL OF MINUTES – August 9, 2017

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

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 reported that Summer Camp had just wrapped up and thanked the staff, Police Department, Fire Department, Department of Public Works and the Schools for contributing to its success. He also reported on upcoming events including the final Jazz in the Park concert in 8/24, the Count Basie 365 concert on 8/25 and Dog Days on 8/29. He also reported that there would be a Public Hearing on the Bellhaven concept plan on 8/30 at 5pm.

Councilman Zipprich said the RiverCenter Board of Directors had met last Wednesday and discussed the open letter on parking that had been addressed to the Mayor and Council. He thanked them for an active and spirited conversation. He also thanked the organizers of the Stand in Solidarity Against Hatred.

Councilwoman Horgan said she was please that so many residents had turned out for the recent rallies.

Councilman Whelan agreed that the rally had been a nice night for the Community. He thanked First Deputy Fire Chief Stu Jensen and Firefighter Ryan Chippendale for a recent CPR class that had kicked off the previous weekend. He said he was happy that the Parking Committee had been able to add seven new spots to the parking inventory in the past year. He said he was still unable to offer an update on the White Street RFP but hoped this was the last meeting where he would have to say that. He said they were working with the Redevelopment Attorney and said there was no update as of right now.

Councilman Taylor reported that the Environmental Commission had had a presentation by a representative of the Monmouth County Mosquito Commission at their meeting the previous night. He said she offered tips on what residents can do to help with the situation. He said information would be distributed at the Back to School Clean Up scheduled for the following Saturday from 9am to 2pm. He also noted the Green Team was still working on the Sustainable Jersey certification.

Councilwoman Schwabenbauer said the Finance Committee had called for an audit of retiree benefits which she noted was one of the largest line items in the budget. She said they were able to identify a number of ineligible dependents which realized a cost savings of \$31,000.

COMMUNICATIONS AND PETITIONS

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 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

2017-29 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 680, “Vehicles and Traffic,” Section 680-38, “Schedule IV: “Time-Limit Parking.”

Councilman Whelan offered a motion to introduce the ordinance, seconded by Councilman Taylor.

ROLL CALL:

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

NAYS: None

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

Public hearing to be held on September 13, 2017 at 6:30 p.m.

2017-30 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 680, "Vehicles and Traffic," Section 680-44, "Schedule X: "Loading Zones."

Councilman Whelan offered a motion to introduce the ordinance, seconded by Councilman Ziprich.

ROLL CALL:

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

NAYS: None

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

Public hearing to be held on September 13, 2017 at 6:30 p.m.

ORDINANCES – Public Hearing and Final Adoption

2017-25 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 680: "Vehicles and Traffic" to Exclude Trucks over Thirteen Tons from Bridge Avenue."

Mayor Menna noted that many business owners and other concerned citizens had met with the Police Chief regarding the ordinance. He opened the public hearing and asked if anyone would like to speak regarding the ordinance as it was currently written.

He asked Chief McConnell to offer an update from the meeting.

Chief McConnell said they had discussed the logistics of the ordinance and the problems it would create for drivers of the trucks. He said the original intent was to prohibit tractor/trailers while allowing box trucks but said it became apparent that any other route would present considerable problems for those drivers and tie up traffic. He said, unless there was a safety concern on Bridge Avenue, he felt they would be creating a more problematic situation than currently existed. He said the crux of the meeting was that the business owners felt it would impact their business and that they would not be able to traverse the roads properly. He said he agreed with them.

Mayor Menna said the Chief had previously stated he was going to request better signage from the Department of Transportation to better direct southbound truck traffic.

Chief McConnell said the DOT had corrected signage for northbound traffic but it had been done as part of a larger project. He said it was difficult to get that work done unless it was part of something larger. He said he would reach out to the DOT to try to get better signage.

Mayor Menna said he understood that it was Chief McConnell's recommendation that the Council not move forward with the change.

Chief McConnell said that was correct.

Mayor Menna asked if there was any member of the public that was in disagreement with that recommendation and wanted to comment on the ordinance.

No one appearing, Councilman Whelan offered a motion to close the public hearing, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

Councilman Whelan said he was in favor of the Chief's recommendation and suggested voting down the ordinance.

Councilman Ziprich said he agreed.

Councilman Whelan offered a motion to reject the ordinance on final reading, seconded by Councilman Ziprich seconded.

ROLL CALL:

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

NAYS: None

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

Councilman Taylor said he still had safety concerns regarding Bridge Avenue especially since it had recently been repaved. He said he had discussed the matter with the Chief and there would hopefully be targeted enforcement in the area.

Councilman Zipprich said that was a common problem when roads were resurfaced.

RESOLUTIONS

By Consent Agenda:

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

- 17-187 A Resolution Authorizing Acceptance of the Historic Preservation Commission's 2014, 2015 and 2016 Annual Reports and Listing of Properties in Need of Historical Designation.
- 17-188 A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2017-2018
- 17-189 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2016-2017
- 17-190 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2017-2018
- 17-191 A Resolution Authorizing the Appointment of Regular Crossing Guards for the 2017-2018 School Year.

Councilman Zipprich offered a motion to approve the resolutions, 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.

- 17-192 Mayor Menna read, "A Resolution Authorizing Change Order No. 6 Related to the Contract with Precise Construction, Inc. for the Marine Park Site & Bodman Place Pump Station Improvements Project (\$7,560.00 Increase)."

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.

- 17-193 Mayor Menna read, "A Resolution Authorizing Change Order No. 3 and Final Related to the Contract with USA Contractors Corp. for the Municipal Complex Repairs Project (\$14,700.00 Decrease)."

Councilman Taylor 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.

- 17-194 Mayor Menna read, "A Resolution Authorizing Tax Appeal Settlement Regarding CA 21 Broad Street, LLC, 21-23 Broad Street. Block 28, Lot 8, Red Bank, New Jersey (\$11,421.23)."

Councilwoman Horgan 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 recused himself from Resolution No. 17-195 noting that he was a tenant in the affected property.

- 17-195 Council President Horgan read, "A Resolution Authorizing Tax Appeal Settlement Regarding Navesink Investments, LLC, 151 Bodman Place, Block 3, Lot 1.01, Red Bank, New Jersey (\$24,613.83)."

Councilman Yngstrom 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.

17-196 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$5,213.09 due to Over Payment by Property Owners."

Councilman Whelan 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.

17-197 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$15,714.76 due to Judgments of the Tax Court of New Jersey."

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.

17-198 Mayor Menna read, "A Resolution Authorizing the Release of Performance Bond to USA General Contractors Corp. and the Acceptance of its Two Year Maintenance Bond and Payment of the Total Amount Due on Partial Payment Certificate No. 6 & Final for the Borough's Municipal Complex building Repairs Project."

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.

17-199 Mayor Menna read, "A Resolution Establishing the Municipal Green Business Recognition Program."

Councilman Taylor 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.

Councilman Yngstrom asked that an resolution be added to authorize the advertisement of an RFQ regarding Marine Park Improvements.

17-200 Mayor Menna read, "A Resolution Authorizing the Receipt of Qualifications for the Planning, Design, Solicitation for Public Feedback, and Development Concept for the Redesign and Improvements to Marine Park."

Councilman Yngstrom 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.

PROCLAMATIONS

Mayor Menna read a proclamation issued by Assembly members Houghtaling and Downey honoring Freddie Boynton.

PAYMENT OF VOUCHERS

17-201 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$4,609,687.97."

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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

James Scavone—Director, Red Bank RiverCenter—noted there had been much discussion since the organization had issued an open letter regarding the parking garage. He said there was misinformation and he would like to clarify their position. He read a prepared statement the said RiverCenter remained committed to securing a minimum of 500 net new spaces. He said headline had been misleading and wanted to stress that they were not opposed to the proposals that had been received. He said they had been impressed and thought they had potential. He called for continued meetings in an effort to stress to the developers the importance of 500 net new spaces. He stressed the importance if increased parking and said he appreciated the Council's efforts. He noted that studied showed the Borough had a much higher parking deficiency and said he felt 500 spaces was a compromise. He again urged the Council to work toward a parking solution and said he statement had the unanimous support of the RiverCenter Board of Directors.

Tom Fishkin—Readies Fine Foods, 30 Broad Street—said he wanted to reiterate Mr. Scavone's statement as a RiverCenter Board member and a business owner. He stressed the importance of securing more inventory.

Ingeborg Perdorfer—Business Owner—said she was in support of the proposals and spoke in favor of apartments that would bring more residents into the downtown. She also stressed the importance of 500 new spaces.

Suzanne Viscomi—25 Cedar Street—said she understood the Mayor had called for an update to the Borough Code and asked for an update.

Mayor Menna said he understood the Code Committee was working on it.

Councilman Taylor said that was correct. He said the Committee had been working on it and hoped to have a proposal soon.

Alan Placer—Hobbymasters, White Street—spoke in regard to the Green Team initiatives. He noted that when his business had gone solar, they had used the refund to install the most efficient lighting system available. He said they had also started a program to recycle packaging. He said he had done these things because it made financial sense. He said he did not feel businesses would responsive to the program described without a financial incentive.

Councilman Taylor noted that part of the program would include the offer of an audit that could result in financial savings.

Mr. Placer also noted there were also short term issues with parking and called for a meeting between the Red Bank Business Alliance and the Parking Committee to discuss.

Mayor Menna said he felt that was a good idea.

Mr. Placer called for the Council to work together on the parking proposals without politics and not to say "yes" or "no" before the final drafts.

Anthony Barbera—West Front Street—Reiterated the need for parking. He said it was irresponsible for Council members to discount the proposal before they had been reviewed. He urged them to listen and choose one developer. He called for an end to the political issues. He noted the number of other projects in the region that would bring competition.

Ned Gaunt—RiverCenter Chair—noted he had been involved with the organization since 1990/91. He said polls had shown that parking was the most important issue facing the district. He said this was a chance to meet that goal and reviewed the potential benefits of the project. He urged the Council to support the project.

Ben Forrest—16 Locust Avenue—said he was concerned that the dialog was not happening in public. He called for discussions to be in full view. He said he was also concerned about the proximity to the election. He again stated his opinion that it was important that the details be public. He said he agreed there was a parking crisis.

Valerie Aufiero—Front Street Trattoria—said she had been in town 32 years and said parking was getting worse. She said she agreed that they needed 500 spaces. She urged the Council to consider the small business owner.

Dorothy Ferlanti—Pinot's Palette—urged the Council to work together to find the right proposal for the town.

Jay Herman—thanked Councilwoman Horgan and Councilman Zipprich for their words about being a welcoming community and about the recent marches. He said he agreed with other speakers who had noted the parking issue had been going on for a long time. He thanked Councilman Whelan for bringing it to the surface. He also thanked Mayor Menna for trying to get everyone on the same page. He said 500 net new spaces was essential. He said the new spaces would help every business in town. He said RiverCenter had had a number of discussions with one of the developers who had submitted a proposal. He said he wanted to lay out what he was willing to do to modify his plan.

Attorney Cannon said it would not be appropriate for Mr. Herman to advocate on behalf of one developer during the RFP process. He said he would instruct the Council not to answer any comments.

Mr. Herman clarified that he was not saying they should pick that one developer but wanted to note that this developer had shown that he could satisfy everyone's want. He said if another developer could do that, they should choose them. He reviewed how the plan could be amended and urged the Council to come together and work with a developer.

Linda Cohen—28 Riverside Avenue—said she agreed with the previous speakers. She said, as a resident, she felt it would make an enormous difference to have more housing in town with more people using restaurants, shops, etc. She urged the Council to consider the proposals seriously.

Freddie Boynton—PO Box 2974, Red Bank—Thanked the Chief of Police for providing officers for the recent Block Party and thanked the Street Department for providing a street sweeper. He also said there was an issue with garbage trucks coming too early at 9 Wall Street. He said letters had been sent on the issue.

Mayor Menna said it was supposed to be addressed and noted there was an ordinance setting the hours. He said a notice had been sent that they should inform their carter that they could not be there before a certain hour.

Mr. Boynton said the issue was with the restaurant in the area.

Mayor Menna said they would follow up but said a notice had been sent.

EXECUTIVE SESSION

17-202 Mayor Menna read a resolution to adjourn to executive session to discuss personnel, contract negotiation and litigation; it was anticipated that no action would be taken.

Councilman Whelan offered a motion to adjourn to executive session, 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 Taylor offered a motion to adjourn from 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.

ADJOURNMENT

Councilman Taylor offered a motion to adjourn 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.

Respectfully submitted,

Pamela Borghi