

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 27, 2017  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

Mayor Menna called for a moment of silence in memory of Lawrence “Larry” Roberts.

**ROLL CALL**

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

**ALSO PRESENT:** Borough Administrator Sickels, Borough Clerk Borghi, Engineer Neumann, Attorney Cannon and Redevelopment Attorney London.

**ABSENT:** Chief Financial Officer Poulos

**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 announced that there would be a couple of changes to the agenda. First, he said, he was asking that Ordinance 2017-34, “An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Commercial Parking Facilities,” which had been submitted by the Borough’s Planner be tabled. He said he believed the ordinance has certain basic deficiencies that needed to be addressed and offered specifics.

2017-34 Mayor Menna read “An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Commercial Parking Facilities.”

Councilman Whelan offered a motion to table the ordinance, 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.

He also said he would be asking that Resolution 17-221 “A Resolution Authorizing the Removal of Certain Properties from the Historic Preservation Commission’s Listing of Properties in Need of Historic Designation” be tabled. He said there were Due Process considerations and felt the Historic Preservation Commission should also review the objects. He said, as one of the co-authors of the original ordinance, he would be happy to meet with the Commission to review the basis of the ordinance as it was adopted.

17-221 Mayor Menna read “A Resolution Authorizing the Removal of Certain Properties from the Historic Preservation Commission’s Listing of Properties in Need of Historic Designation.”

Councilman Zipprich offered a motion to table 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.

**WORKSHOP**

**Monmouth County Recycling Facility**

Councilman Zipprich said the Public Works Committee had reviewed the proposed resolution and were in support.

Councilman Taylor said the Environmental Commission had also reviewed and summarized the details of the resolution to urge the County to build a recycling facility that would result in cost savings to municipalities.

**Shared Services Agreement for Rehabilitation Funds**

Mayor Menna reviewed the background and the need for an Administrator to oversee the program. He said the resolution would authorize the County to administrate the program and noted the benefits of using a shared service rather than hiring a full time employee.

Councilwoman Horgan asked if the funding was in the form of a loan.

Mayor Menna said the funding could be a loan for rehabilitation projects and could also be used for public projects.

Administrator Sickels said the funding in question was unexpended funds the Borough had received from Manalapan. He said they had originally received \$2 million to do work on 100 units. He said they had done that and these were surplus funds that were left over after fulfilling that obligation. He said the Borough had used the twenty percent allowed for Administration funds. He said he had met with the Commissioner of the DCA and

said they had reviewed the agreement. He said it was determined that they could expend the funds. He said they had approached the County about administering the program and they said they would do it for a flat rate per unit. Councilman Zipprich asked if the funding could be used for infrastructure improvements.

Mr. Sickels said it could and noted the Borough would be seeking to use the funds for a retaining wall that was adjacent to private property.

Megan McCaffrey—23 Chestnut Street—said she had had a pending project under the program and had been told no more funding was available. She also questioned the use of funds for infrastructure improvements rather than housing. She also said she would like someone of the Finance Committee to check into the fact that, if a person sold their home before ten years, the loan was to be repaid to the town.

Administrator Sickels clarified that the Borough had expended the maximum amount of funds that could be used for Administrative expenses but still had project funds available. He said he had explained the situation to the Commissioner of the DCA and had been told that the Borough could use the funds for projects but couldn't use the project money for administration. He said, by partnering with the County, they avoided large administration costs and said they had permission to move forward from the DCA. He said he also neglected to mention that he had had the files pulled for projects that remained pending. He said they would reach out to those properties to see if they were still in need and to ask them to get updated estimates. He said those properties would be given first priority.

Ms. McCaffrey said her property had been next in line so she asked if that meant they would be ready to go tomorrow.

Mr. Sickels said the estimates would have to be updated.

Ms. McCaffrey asked if she had his assurance that he would revisit the old properties.

Mr. Sickels said he had a list and, if she was on the list, she would be contacted. He added that, if she wasn't on the list, he would research to make sure there was not an error.

### **Two River Water Reclamation Authority**

Administrator Sickels said the Two River Water Reclamation Authority treats the Borough's sewage and reviewed the route and details of the process. He said there was a line that was deteriorating and said it was ninety percent the responsibility of the Borough so there would be a cost to repair. He said it was found that a chemical to reduce deterioration was not being introduced at the most effective point. He said they had proposed making improvements to introduce the chemical at a Bodman Place location. The proposed resolution would authorize the relocation of a regional chemical injection point to Bodman Place at no additional cost to the Borough beyond the existing annual fees.

### **Trolley Resolution**

Mayor Menna noted that an ordinance regarding trolley service had been introduced at the last meeting and, assuming it was adopted, the Borough would need a certificate of insurance from the vendor and would also need to forward the route to the County for review and approval regarding impact on County roads. Mayor Menna suggested language be added to state that patrons may not have open containers of alcohol on the trolley.

Administrator Sickels said a resolution had been distributed that would set the route for the trolley service.

Mayor Menna confirmed that it would be added to the agenda.

### **APPROVAL OF MINUTES – September 13, 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**

None.

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

Councilman Yngstrom said the Parks & Recreation newsletter was now available on line. He reviewed registrations currently underway and reported on the Department's Winter Photo Contest. He said there were three Halloween events beginning with a movie in Riverside Gardens Park on Oct. 13, the annual Halloween Parade on Oct. 22 and a Halloween Egg Hunt at Count Basie Field on Oct. 27. He said they were also planning a family trip to Cheesequake Farms on Oct. 14.

Councilman Zipprich reported that the Historic Preservation Commission would meet next week to discuss design guidelines for the "Your Porch" project in the Washington Street Historic District as well as other guidelines in the Historic District. He said the Department of Public Utilities Committee had met the previous week to discuss the Monmouth County Recycling facility that had been discussed under Workshop. He said the Committee also discussed ongoing projects including Well Reconstruction, Road Rehabilitation, Facilities, Fleet and Grounds Maintenance. He also reported that he had attended a support dinner at Lunch Break the previous night and had also attended the organizations Vigil of Hope. He congratulated the Count Basie Theater on their recent groundbreaking. He also thanked the Police, Fire and DPW staff for donating time at the recent Touch a Truck event.

Councilwoman Horgan had no report.

Councilman Whelan noted he had also attended several of the events mentioned by Councilman Zipprich. He invited everyone in attendance to attend a Parking Committee meeting to be held at the Primary School following this Council meeting. He asked audience members to hold their comments regarding parking until the Parking Committee meeting.

Councilman Taylor said the Environmental Commission will be hosting a Pedestrian & Bike Safety Workshop of their Oct. 10 meeting. He said the purpose was to address those types of issues within the Borough. He reviewed the strides the Commission had already made.

Councilwoman Schwabenbauer had no report.

**COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from residents of South Street to hold a Block Party on October 22, 2017 and to close South Street from Brown Place to Bergen Place from 4pm to 9pm.

Councilman Whelan offered a motion to introduce the ordinance, 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.

Stephen Hecht—135 Branch Avenue—asked about Resolution 17-225 regarding a Developer’s Agreement with Denholtz. He asked if they would be given any tax abatements.

Mayor Menna said they would not.

Mr. Hecht asked about Resolution 17-226 regarding a Developer’s Agreement with the Count Basie Theatre and asked if they would be getting a tax abatement.

Mayor Menna noted the theater was tax exempt. He noted that the last time the theater expanded, the Borough had been able to obtain a payment in lieu of taxes for the value of the previously taxable additional property. He said that would survive the current Developer’s Agreement. He said he would be very grateful if the Board of Directors would recognize that the Borough had been extremely hospitable and said he felt it was a wonderful partnership. He said it would be wonderful if the Board would show its appreciation by revisiting some of their income producing properties to create a PILOT similar to other organizations in town.

Ben Forrest—16 Locust Avenue—spoke in support of Ordinance 2017-33. He said he was grateful to see the Council working together and questioned the lack of a public process. He said he was happy it was moving forward.

**ORDINANCES – First Reading**

Mayor Menna noted that Ordinance 2017-34, “An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Commercial Parking Facilities,” had been tabled earlier in the meeting.

**ORDINANCES – Public Hearing and Final Adoption**

2017-32 Mayor Menna read, “An Ordinance Amending the Revised General Ordinances of the Borough to Insert New Chapter 412: Jitneys.”

Borough Attorney Cannon clarified that Section 4:12-17, B(7) should read, “It shall be unlawful for any person riding a jitney to drink intoxicating liquors or be under the influence of drugs of any kind.” He said it was not a substantive change.

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

2017-33 Mayor Menna read, “An Ordinance Rescinding Ordinance No. 2016-25 and the Redevelopment Plan for the Property Commonly known as the White Street Parking Lot Located at 75-79 White Street and Identified on the Borough’s Official Tax Map as Block 31, Lot 2.01.”

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

Marybeth Maida—Branch Avenue—said she agreed that the Council coming together was the way to do this. She added that she only became aware of the issue because she had seen it in the media. She said she was uncomfortable with the process and the way it happened. She said she felt it had been politicized and criticized the Council for exposing the Borough to a lawsuit. She said if the Ordinance had not been approved, they would not have had a lawsuit. She criticized the amount of money that had been spent. She said the process had been sloppy. She pointed out that the votes had been split along party lines. She asked that Councilmembers be more careful in the future and also called for them to be more united. She also asked why the Parking Committee meeting couldn’t be held in the Council Chambers. She also criticized the date noting it was “Back to School Night.” She said she was glad the project was moving forward and reiterated her concerns.

Michael Ballard—190 River Street—said he respected the Mayor but said the RFP process had been a travesty and a nightmare. He criticized the lack of opportunity for public comment and said he felt the night of “Back to School Night” had been chosen on purpose. He asked why the information had not been posted on the Borough’s website. He accused the Council of hiding the matter from residents. He called for the meeting to be cancelled and rescheduled for a time when more people would be able to attend.

Linda Cohen—28 Riverside Avenue—said she felt they had waited a long time for a result and said the business community had been very patient. She said they needed to move forward. She said the developers had been asked to come out several times and said it wasn’t fair to let it happen again. She said she disagreed with Mr. Ballard and again said it needed to move forward.

Mayor Menna said he wanted to clarify that the only action item the Council would be considering at this meeting was an action that would rescind the December 2016 ordinance that created the design and zoning specifications for the area in need of redevelopment. He said the reason for the action was that it would vitiate that previous action of the Council and would also eliminate the legal situation that had been created in the Superior Court. Regarding the meeting night, he continued, the Council chose the night, not to suppress or hide a public hearing, but to encourage it. He said all six of the Council members had never envisioned that thought and would not have tolerated it. He said the meeting at the Primary School had been noticed to the official papers so they would still have to at least commence and adjourn. He said no final action or decision will be made by the Parking Committee at the meeting. He said there would be subsequent public meetings and said he felt they should be held in the Council Chambers. He again stated that the meeting at the Primary Schools was not meant to suppress but was chose to accommodate a larger crowd.

No one appearing, Councilman Whelan 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 Whelan said the notion that just one side of the Council had picked a date was incorrect. He said he had spoken to the Mayor and Councilman Yngstrom about the date before he had told Councilman Taylor and Councilwoman Schwabenbauer. He said the Primary School had been chosen as a larger venue and said he had also heard criticism when meetings were not moved to accommodate more people.

Councilman Zipprich noted that he had thanked Councilman Whelan at the last Council meeting for setting up tonight’s parking meeting and said the entire Council had felt tonight would be a good opportunity. He said they had not been aware that it was “Back to School Night.” He said it had been a team effort to try to get public comment and said he apologized on behalf of the Parking Committee including himself and Councilmen Whelan and Yngstrom. He said he agreed with the Mayor’s statement that this would be the first of many dialogs that would be held.

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

## RESOLUTIONS

17-220 Mayor Menna read, “A Resolution Authorizing Water/Sewer Refund due to Overpayment”

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.

17-222 Mayor Menna read, “A Resolution Authorizing Tax Appeal Settlement Regarding Riverhouse Associates LLC, 49 Riverside Avenue, Block 6, Lot 7, Red Bank, New Jersey.”

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.

17-223 Mayor Menna read, “A Resolution Authorizing Continued Discussions with Certain Redevelopers for the Property Commonly Known as the White Street Parking Lot Located at 75-79 White Street and Identified on the Borough’s Tax Map as Block 31, Lot 2.01.”

Councilman Whelan 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.

17-224 Mayor Menna read, “A Resolution Authorizing the Execution of a Revised Developer’s Agreement with Count Basie Theatre, Inc.”

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

ROLL CALL:

AYES: Yngstrom, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

ABTAIN: Zipprich

There being five ayes, no nays and one abstention, the motion was declared approved.

17-225 Mayor Menna read, “A Resolution Authorizing the Execution of a Developer’s Agreement with Denholtz Associates.”

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.

17-226 Mayor Menna read, “A Resolution Urging Monmouth County Freeholders to Take Action to Build and Operate a Recyclables Processing Facility.

Councilman Zipprich offered a motion to approve the resolutions, 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.

17-227 Mayor Menna read, “A Resolution Authorizing a Service Agreement with Monmouth County for Contract Administration of the Red Bank Borough Indigenous Need Housing Rehabilitation Program.

Councilman Yngstrom offered a motion to approve the resolutions, 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.

17-228 Mayor Menna read, “A Resolution Authorizing Two River Water Reclamation Authority to Relocate Chemical Injection Point to the Bodman Place Pump Station.”

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.

17-229 Mayor Menna read, “A Resolution Establishing Red Bank Jitney Route No. 1 Wholly within the Limits of the Municipality.

Administrator Sickels said the phrase “subject to Monmouth County approval” should be added to the end of the resolution since the route would partially travel on a County road.

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

ROLL CALL:

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

NAYS: None

## **PROCLAMATIONS**

None.

## **PAYMENT OF VOUCHERS**

17-230 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,855,105.19.”

Councilwoman Schwabenbauer 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.

## **OLD BUSINESS**

Mayor Menna called for a resolution at the next meeting to request the NJ Department of Transportation study the installation of a traffic signal device on Riverside Avenue.

## **NEW BUSINESS**

### **AUDIENCE**

Jimmy Dark—48 West Sunset Avenue—said the street sweeper was not traveling on every street. He said the service was “hit or miss.”

Mayor Menna noted the Public Works Director was in attendance and could address his concerns.

Mr. Dark said he would rather discuss it with the Mayor.

Mayor Menna said he would meet with him after the meeting.

Mr. Dark also said he was friends with some people on Catherine Street who had asked for a contact number to personally reach the Mayor.

Mayor Menna said they could discuss it after the meeting and he would be happy to call them.

Michael Ballard—190 River Street—said he wanted to address comments that had been made after he had spoken earlier. He said he had addressed the whole Council as a whole. He said he was glad the residents were being given a chance to speak on the issue but said he knew for a fact that the information on the meeting was not on the Borough’s website. He questioned why it had not been posted. He also said he knew the Borough had originally requested the Middle School and had been denied because it was “Back to School Night.”

Councilman Taylor said “Back to School Night” was listed on the school website as being held from 6pm to 7pm so it would have concluded before the 8pm parking meeting.

Borough Clerk Borghi clarified that the meeting was posted on the website as of today. She said, because it was a Council Committee meeting rather than a regular Council meeting, she had not taken it upon herself to post the information. She said she had been asked to post it first thing this morning and said it had been up all day today.

Councilman Whelan said a resident had contacted him about the fact that it was not posted. He said he had reached out to the Clerk and said it had been posted within approximately five minutes. He said he and Councilman Zipprich had also posted information on his social media page. He said it had also been announced at the last meeting.

Cindy Burnham—71 Wallace Street—asked who had received the donations raised at the recent Oysterfest that had been sponsored by RiverCenter.

Mayor Menna asked RiverCenter Director James Scavone to respond.

Mr. Scavone said the funds had gone to Habcore and to the Booker Cancer Center.

Ms. Burnham said she thought it was Meridian.

Mr. Scavone noted the Booker Cancer Center was at Riverview.

Ms. Burnham asked if there were currently lawsuits pending with Riverview/Meridian.

Mr. Scavone said RiverCenter was not involved in any lawsuit with the organization.

Ms. Burnham said the Borough was because they didn't pay taxes.

Mayor Menna said the Borough was in litigation with Hackensack/Meridian in regard to tax appeals.

Ms. Burnham questioned why RiverCenter was giving Riverview money.

Mayor Menna said that matter was outside of the Council's jurisdiction.

Ms. Burnham said she thought it was weird that RiverCenter was giving money to someone the Borough was suing.

Mr. Sickels also stated that it was a RiverCenter event not a Borough event.

Ms. Burnham said she felt that RiverCenter was part of the town and they should know what was going on. She added that some of the RiverCenter Board members were also on the Meridian Board.

Stephen Hecht—135 Branch Avenue—said the Mayor had mentioned that Ordinance 2017-33 would rescind zoning and asked if they were rescinding the template for the RFPs. He also asked if they were rescinding the designation of the White Street lot as an area in need of redevelopment.

Redevelopment Attorney London said the Ordinance adopted at this meeting had rescinded the Ordinance that had adopted the redevelopment plan. She said it would not change the property's designation as an area in need of redevelopment.

William Meyer—12 Monmouth Street—He said he had believed that the designation of the White Street lot as an area in need of redevelopment was going to be rescinded. He said he thought it was a mistake to not also rescind the designation and suggested it be put on a future agenda so they could start from scratch. He said he did not believe the lot fit the definition in the statute. He also said he understood that the Council had the authorization to determine where RiverCenter tax money was applied. He said the Council should apply their funding to build a parking garage.

James Scavone—RiverCenter Director—announced that the Business Community would be hosting a fund raising event on October 5, 6, and 7 to collect donations for disaster relief.

Freddie Boynton—PO Box 2074—asked Mayor Menna about contractors digging holes in the street and said residents should be notified if their homes were going to be affected. He reviewed issues with a particular contractor.

Mayor Menna said he appreciated his comments and said it was standard operating procedure to notify in the event of a blockage even if it was an emergency blockage. He said residents should be notified on both sides of the street by hand delivered notice.

Mr. Boynton said he was not happy with the response he had received from the Administrator. He again said contractors should hand out notices to affected residents. He also said the Borough needed to monitor municipal trucks.

No one else appearing, Mayor Menna announced that there would be a meeting of the Parking Committee at the Primary School at 8:00pm.

**EXECUTIVE SESSION**

None.

**ADJOURNMENT**

Councilman Whelan offered a motion to 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