

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
OCTOBER 25, 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 Clerk Borghi, Chief Financial Officer Poulos, Engineer Neumann and Attorney Cannon.

ABSENT: Borough Administrator Sickels

**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**

Councilman Zipprich 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.

**Monmouth Boat Club Check Presentation**

Commodore Tom Bean from the Monmouth Boat Club presented Mayor Menna with a check on behalf of the club. Mayor Menna thanked him and noted the Club was not obligated to make a payment to the Borough. He said it was appreciated.

**RESUME REGULAR ORDER OF BUSINESS**

Councilman Taylor offered a motion to resume the regular order of business, 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.

**EXECUTIVE SESSION**

17-250 Mayor Menna read a resolution to adjourn to executive session to discuss litigation; it was anticipated that no action would be taken.

Councilman Zipprich offered a motion to adjourn to executive session, 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.

Councilwoman Schwabenbauer offered a motion to adjourn from executive session, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

Councilman Zipprich offered a motion to resume the regular 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.

## **ROLL CALL**

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

## **WORKSHOP**

### **Washington Street**

Councilman Ziprich said the Historic Preservation Commission had been reviewing the possibility of offering tax incentive to properties in the district. He distributed a draft of the recommendations and decision guidelines.

Mark Fitzsimmons, of the Historic Preservation Commission, offered more details on the guideline document and stressed the importance of the Historic District.

Councilwoman Schwabenbauer said she was in support of the idea but would like a sense of what the tax incentives would look like and how it would impact the budget.

## **APPROVAL OF MINUTES – October 11, 2017**

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

### **ROLL CALL:**

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

NAYS: None

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

## **APPROVAL OF MINUTES – October 18, 2017**

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

### **ROLL CALL:**

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

NAYS: None

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

## **MAYORAL APPOINTMENTS**

Mayor Menna appointed Karen Fasano Thomsen to the Animal Welfare Advisory Committee.

Mayor Menna made the following appointments to the Shrewsbury Avenue Advisory Committee:

Ed O'Neill  
Kate Okeson  
Helene Blyskun  
Lance VanGlahn  
Steve Rogers  
Sharon Lee  
Jesse Garrison  
Mark Taylor, Council Liaison

Mayor Menna made the following appointments to the Riverside Ave/Front Street Area in Need of Rehabilitation Committee:

Dan Mancuso  
Yvonne Scudery  
David Huber  
Judy Anthony  
Michaela Ferrigine  
Eric Yngstrom, Council Liaison

Councilman Taylor asked if the Riverside Avenue Committee would address the traffic light at Bodman Place issue.

Mayor Menna said that was a separate matter but said they could look into it also. He also said that he had heard from the press that it had already been declined.

Councilman Whelan asked if the Riverside/Front Street Committee was purely for that rehabilitation area.

Mayor Menna confirmed that it was

Councilman Whelan about the focus of the Shrewsbury Avenue Committee.

Mayor Menna said the items they would be addressing would include lighting, streetscape and walkability.

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

Councilman Yngstrom reported that there would be a Halloween Egg Hunt on 10/27 at 7pm at Count Basie Park. He said the Falcon Arts Program was an afterschool program for different learners that would run for four weeks starting November 7. He said the Recreation Department would be sponsoring the second annual Winter clothing

drive from November 13 through December 19. He said the Veterans Day Ceremony would be held on Saturday 11/11 at 11am at 51 Monmouth Street.

Councilman Zipprich reported that the Department of Public Works was currently executing a Road Program and reviewed the streets in the program and the areas being affected. He congratulated the winners from the recent Halloween Parade. He also thanked all of the participating Departments. He noted that he had attended the Lunch Break annual fall gala the previous Friday. He also congratulated Pilgrim Baptist Church on their recent 100<sup>th</sup> Jubilee celebration.

Councilwoman Horgan said she had no report.

Councilman Whelan said he wanted to echo the comments regarding the participation of the various Departments in the recent Halloween Parade. He also noted that there were some parking requests under Communications and Petitions that he would address later.

Councilman Taylor reported that the Environmental Commission/Green Team were continuing to work on the Sustainable Jersey certification. He said there were two resolutions on the agenda that would contribute to that goal which would establish a Creative Team and allow for the installation of Electric Vehicle Supply Stations. Regarding the Code Committee, he reported that Citizen Tracker could now be filed on line through the Borough's website. He also announced that the Holiday Flavor Festival, scheduled for November 13, would be donating half of the proceeds to the Red Bank Borough Education Foundation.

Councilwoman Schwabenbauer reported that interviews for the new Administrator were ongoing. She said they were in the second round for resumes received prior to September 8. She said they were setting up first round interviews for resumes received after September 8. She said she anticipated having someone in place before the end of the year. She said she was pleased by the diversity of the resumes.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read request from RiverCenter to install a holiday tree in Riverside Garden Park and tree lights throughout the business district with installation to begin approximately October 30 and decorations removed between January 15-31, 2018 and tree lights remaining until March 31, 2018.

Councilman Zipprich 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 RiverCenter for free parking throughout town on Friday, November 24, 2017 and Saturday, November 25, 2017 and also from December 11 through December 25, 2017.

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

#### **ROLL CALL:**

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

NAYS: None

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

Mayor Menna read a request from Riverview Medical Center for authorization to purchase the maximum number of Parking Permits for use in Marine Park from October 1, 2017 through March 31, 2018 to decompress their campus.

Councilman Whelan said the request had been unanimously recommended for approval by the Parking Committee. He reviewed the details of the plan and said he thought it was a win/win.

Mayor Menna expressed concern about the enforcement of the sunset provision.

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

#### **ROLL CALL:**

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

NAYS: None

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

Mayor Menna read a request from 26 West on the Navesink Valet to implement Valet Parking service for a 90-day trial period with all pick-ups and drop-offs occurring on Boat Club Court and vehicles being stored in the Municipal Lot in Marine Park.

Mayor Menna again expressed concern about the request. He said the owners knew from day one that there were no parking spaces, they were increasing their usage and that permits were not available on Front Street. He said he did not think Boat Club Lane could accommodate the request.

Councilwoman Horgan asked if the boat clubs had been consulted.

Councilman Yngstrom recommended that they approve it for a 90 day trial period.

Mayor Menna said he understood the effort to try to be accommodating but again expressed concern about traffic enforcement issues.

Councilwoman Horgan suggested they do a 30 day trial.

Councilman Whelan said the Parking Committee had reviewed the matter at length with Police Chief, DPW Director, Administrator and RiverCenter Director. He asked if any of them wanted to address the Mayor's concerns.

Mayor Menna said the Council had supported the Valet Program for the downtown but not for one restaurant.

Councilman Zipprich reviewed the discussion from the Parking Committee meeting.

Chief McConnell said he had had the same concerns which is why the recommendation was for a brief trial. He said he and the Administrator had been more concerned about the possibility of traffic queuing on Front Street than the effect on Boat Club Lane. He said, if the Council approved the request, the Police Department would monitor the situation and make a recommendation. He also noted that the service would not be for just the one business but would be open to the public.

Councilman Whelan confirmed that the Attorney had advised that it could not be dedicated to just one business. He also asked if there would be a way to revoke the approval before the 90 days.

Attorney Cannon said, unless there was a public safety issue, they would have to honor the 90 day approval.

Mayor Menna asked the Police Chief to clarify his concerns regarding traffic on Front Street.

Chief McConnell said, based on the number of cars the business had estimated would use the service per night, the possibility existed that there could be a backup onto Front Street.

Mayor Menna agreed and reviewed various scenarios of traffic problems that could develop. He also pointed out that there was valet service two blocks away.

RiverCenter Director Scavone said he wanted to let the Council know that the request was short term because the restaurant was in negotiations to purchase a private lot. He confirmed that there was valet parking on Broad Street but said it was used for businesses on Broad Street. He said customers using businesses on side streets did not use the Broad Street service as a matter of human nature.

A discussion followed on the valet service and other private parking arrangements.

Councilman Whelan suggested they could approve the request for 60 days and give the Chief the ability to shut it down if there was an issue.

Councilman Zipprich said he agreed with Councilman Whelan. He said it had been discussed by the Committee and had been discussed with authorities. He said he appreciated the Mayor's comments and said the issues had been discussed by the Committee but it was agreed that it would be presented to the Council.

Councilman Taylor said the concerns were well founded and said he was in favor of a 90 day trial with a provision to shut it down if necessary.

Councilwoman Horgan said the Council was committed to being more business friendly and thought they should give it a try.

Councilman Zipprich asked Attorney Cannon if they could include an "escape clause."

Attorney Cannon said it would be fine as long as it was made clear requestor.

Freddie Boyton—PO Box 2074—urged the Council to consider the needs of emergency services that might have to access that area.

Councilman Yngstrom offered a motion to approve the request for a 90 day trial period with the provision that the approval could be revoked on the advice of the Police Chief, 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 and the request was approved.

#### **PUBLIC COMMENT—Ordinances on Resolutions Only**

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

No one appearing, Councilwoman Horgan made a motion to close, 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.

#### **ORDINANCES – First Reading**

2017-36 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Electric Vehicle Supply Equipment."

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

Councilwoman Horgan asked where they would be placed.

Councilman Taylor said the ordinance would provide for installation at future locations and noted that it was a Sustainable Jersey initiative.

Councilman Zipprich also noted that the ordinance had an exclusion for one and two family residences.

Councilman Taylor confirmed that that was the case and noted it had been reviewed in the Code Committee.

**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 on November 8, 2017 at 6:30 p.m.

2017-37 Mayor Menna read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 64 Fire Department, Article VI: Length of Service Awards Program."

Councilman Whelan 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 on November 8, 2017 at 6:30 p.m.

2017-38 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 450, "Noise," Section 450.1 "Noise Disturbances."

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

**ROLL CALL:**

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

NAYS: None

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

Public hearing to be held on November 8, 2017 at 6:30 p.m.

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

2017-35 Mayor Menna read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 105, "Personnel Policies," Section 105-3, "Authority."

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

No one appearing, Councilman Taylor 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.

Councilwoman Schwabenbauer 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.

### **RESOLUTIONS**

By Consent Agenda:

17-237 A Resolution Appointing Per Diem Part-Time Dispatcher

17-238 A Resolution Authorizing the Appointment of Regular Crossing Guard(s) for the 2017-2018 School Year.

17-239 A Resolution Authorizing Curfew for October 30 and 31, 2017.

17-240 A Resolution Acknowledging Receipt of Best Practices Inventory as Prepared by the Chief Financial Officer.

17-241 A Resolution Expressing Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act.

17-242 A Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87 – NJ 2017 Body Armor Replacement Fund Program in the Amount of \$3,713.80)

17-243 A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 -- Drunk Driving Enforcement, in the amount of \$5,595.48.

17-244 A Resolution to Cancel Stale Escrow Balances.

17-245 A Resolution Authorizing the Creative Team as a Subcommittee of the Green Team.

Councilman Whelan asked about Resolution 17-239 and what type of curfew was being imposed.

Borough Clerk Borghi explained that it was a standard resolution done every to impose a curfew on anyone under the age of 18 unless they were with a parent or guardian.

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.

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17-246 Mayor Menna read, “A Resolution Authorizing Tax Appeal Settlement Regarding 26 Broad Street, LLC, 26 Broad Street, Block 30.01, Lot 20.02, Red Bank, New Jersey.”

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.

17-247 Mayor Menna read, “A Resolution Accepting Bids and Awarding Contract for the Borough’s River Street Retaining Wall Project.”

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

**ROLL CALL:**

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

NAYS: None

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

17-248 Mayor Menna read, “A Resolution Authorizing the Presentation of Service Ribbons to Certain Members of the Police and Fire Departments.”

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.

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming October 2017 as Breast Cancer Awareness Month in the Borough of Red Bank.

## **PAYMENT OF VOUCHERS**

17-249 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,085,216.03.”

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**

Phil Calvano—11-13 Broad Street—said he had issues with people playing music excessively. He was concerned because there was no time limit imposed.

Councilman Whelan said the Council was trying to address his concerns but said it was desirable to have performers in the downtown area.

Mayor Menna said he didn't believe the gentleman was objecting to approved activities.

Mr. Calvano clarified that he was not opposed to music in the downtown area. He said it was an issue for the residents in the downtown. He also questioned the issue of panhandling with a guitar case. He also said, as written, the ordinance would allow anyone to play an instrument anywhere.

Mayor Menna noted that some municipalities only allow performers if they have a permit and asked the Attorney to comment.

Attorney Cannon reviewed the types of permits that were issued in other municipalities. He suggested they should try enforcement first.

Mr. Calvano expressed concern that the new ordinance was still open ended. He again noted someone could set up and play any instrument anywhere.

Mayor Menna agreed that there were issues other than just noise.

A discussion followed on noise versus licensing issues, what would be “considered excessive” and what criteria would be considered for a permit.

The Council decided to move forward with the ordinance as is.

Cindy Burnham—71 Wallace Street—asked how many spaces would be leased to Riverview Medical Center.

Councilman Whelan said it would be 100.

Ms. Burnham asked about a pending lawsuit with Meridian.

Mayor Menna said there was pending litigation in the tax court.

Ms. Burnham discussed a certain property that had been purchased by the organization and asked if it was being taxed.

Mayor Menna said he did not know the specifics and referred the question to the Tax Assessor.

Freddie Boynton—PO Box 2074—asked on behalf of Celestial Lodge if the Mayor could get the light repaired in front of the lodge.

Mayor Menna said JCP&L had been told and the work order was in. He said he had had several requests regarding lighting issues and called for discussions with JCP&L to upgrade the lights.

Mr. Boynton also reported that there were issues with several properties that had excessive debris. He asked who was in charge of Code Enforcement.

Councilman Taylor said that was his committee.

Mr. Boynton asked him to take action and said there were problems with skunks in the area.

Councilman Taylor said, if Mr. Boynton could provide the addresses he was concerned about, he would ask the office to look into them.

Mr. Boynton described several properties.

Mayor Menna said he was again called for a zoned Code Enforcement system. He said they were currently being reactive instead of proactive.

Cindy Burnham—71 Wallace Street—said she had noticed a lot of real estate signs in the right of way as well as campaign signs.

Councilman Yngstrom said he felt some houses were listed for sale to avoid being put on the abandoned properties list.

Councilman Taylor said he did not believe that would preclude them from being listed.

Mayor Menna said he believed that they would still have to register.

**EXECUTIVE SESSION**

17-251      Mayor Menna read a resolution to adjourn to executive session to discuss litigation/property acquisition; it was anticipated that no action would be taken.

Councilman Zipprich offered a motion to adjourn to 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.

Councilman Zipprich offered a motion to adjourn from executive session and close 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