

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

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Council President Horgan and Council Members Yngstrom, Zipprich, Taylor, Whelan and Schwabenbauer.

ALSO PRESENT: Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney Cannon and Engineer Neumann.

ABSENT: Mayor Menna.

SUNSHINE STATEMENT

Council President Horgan 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

No workshop items.

APPROVAL OF MINUTES:

December 13, 2017 (Special Meeting)

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

ABSTAIN: Schwabenbauer

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

December 13, 2017 (Regular Meeting)

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

ROLL CALL:

AYES: Yngstrom, Zipprich, Horgan, Taylor, Whelan

NAYS: None

ABSTAIN: Schwabenbauer

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

MAYORAL APPOINTMENTS

No Mayoral Appointments.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Yngstrom thanked everyone help out with the December Parks and Recreation events. He said the winter clothing drive was very successful and said anyone in need should stop by the Recreation Office. He reviewed upcoming events including a Father/Daughter Dance scheduled for February 9 and a ski trip to Camelback Mountain on February 10. He reviewed the resolution to award a contract for the planning, design, solicitation of public feedback and developing a concept plan for the redesign and improvements to Marine Park. He said the Recreation Committee had reviewed all of the applicants and felt that Kimley Horn was the best choice. He reviewed the background of the firm.

Councilman Zipprich said he had no report and wished everyone happy holidays and happy New Year.

Councilwoman Schwabenbauer also wished everyone happy holidays and noted this was her last meeting. She thanked the Borough employees saying they worked harder than anyone knew and were the glue of the organization. She said, in regard to the appointment of an Administrator, there had been a decision made by some members of Council to not make an appointment. She said she did not agree with that decision and felt there had been a particularly qualified candidate. She said was disappointed that the appointment had not moved forward.

Council Taylor had no report.

Councilman Whelan reported on the Santa Run fundraiser done by the Navesink Hook & Ladder Company over the holidays. He said they had delivered presents to over 100 families. He also thanked the Police and Fire departments noting that while everyone else was home enjoying their holiday, the members of both departments were on call to respond to any emergencies.

Council President Horgan said, as part of her report, she would like to note that they would be hiring an Administrator but not right now. She said the Council had appointed a Municipal Management Consultant in October and were waiting for their report to determine what skill set the new Administrator should have. She also reported that there was a resolution on the agenda to accept an anonymous donation for new computers for the Library.

COMMUNICATIONS AND PETITIONS

No Communication/Petitions.

PUBLIC COMMENT—Ordinances on Resolutions Only

No one appearing, Councilman Zipprich made a motion to close the Public Comment period, 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.

ORDINANCES – First Reading

No ordinances on First Reading.

ORDINANCES – Public Hearing and Final Adoption

2017-39 Council President Horgan read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 2015 Personnel Policies Section 105-3, "Authority."

Council President Horgan opened the public hearing and asked if anyone would like to speak.

Cindy Burnham—71 Wallace Street—asked for details on the ordinance.

Administrator Sickels reviewed the changes to the Policies Manual which applied to non-Union employees and noted the changes were necessary to match the recent approved union contract.

No one else 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 Taylor offered a motion to approve the ordinance on final reading, 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.

2017-40 Council President Horgan read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 695 "Water and Sewer," Article III "Water Department" Section 695-6 "Water Rates."

Council President Horgan 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 Zipprich offered a motion to approve 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.

2017-41 Council President Horgan read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 90, "Officers and Employees," Article V "Fire Marshal."

Council President Horgan 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 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 Whelan offered a motion to approve 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.

2017-42 Council President Horgan read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 361 "Fire Prevention and Protection."

Council President Horgan 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 Taylor offered a motion to approve the ordinance on final reading, 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.

2017-43 Council President Horgan read, "An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 505 "Property Maintenance, Article I "Adoption of Standards."

Council President Horgan 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 Taylor offered a motion to approve the ordinance on final reading, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS (By Consent Agenda)

Council President Horgan read the following resolutions:

17-289 A Resolution Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Donations for the Library in Accordance with N.J.S.A. 40A:5-29

17-290 A Resolution Authorizing the Execution of a Developer's Agreement with Yellowbrook Property Company, LLC.

- 17-291 A Resolution Authorizing the Execution of a Developer's Agreement with RBank Capital, LLC.
- 17-292 A Resolution Authorizing Contract for Animal Control Services with the Borough of Shrewsbury.
- 17-293 A Resolution Awarding Contract to Kimley-Horn and Associates, Inc. for Consulting Professional Services for the Planning, Design, Solicitation of Public Feedback, and Developing a Concept Plan for the Redesign and Improvements to Marine Park.
- 17-294 A Resolution Authorizing T & M Associates to Prepare Department of Environmental Protection Wetlands Mitigation Application regarding Red Bank Primary School Access Road Project.
- 17-295 A Resolution Authorizing Change Order No. 1 Related to the Contract with A.C. Schultes for the Construction of Well No. 8 and SCADA Improvements Project.
- 17-296 A Resolution Authorizing the Borough of Red Bank's Purchasing Agent to Enter into a Contract with Alert Ambulance for Emergency Medical Services
- 17-297 A Resolution Authorizing the Release of a Performance Guarantee Posted by Sound Storage, LLC for Block 75, Lot 114.01 and Requiring the Posting of a Maintenance Guarantee.
- 17-298 A Resolution to Cancel 2017 Appropriations
- 17-299 A Resolution Authorizing Transfer of 2017 Current Fund

Councilman Zipprich offered a motion to approve the resolutions en masse, 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.

PROCLAMATIONS

None.

PAYMENT OF VOUCHERS

- 17-300 Council President Horgan read, "A Resolution for Payment of Bills Amounting to \$1,172,515.38."

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

ROLL CALL:

- AYES: Yngstrom, Zipprich, Horgan, Schwabenbauer, Taylor, Whelan
- NAYS: None

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

OLD BUSINESS

Councilman Taylor said he wanted to address the issue of hiring an Administrator. He express concern with the process and asked who would be in charge as of January 1. He again criticized the process and how it was handled.

A discussion followed regarding scheduling issues with Committee and Council members.

Councilman Zipprich criticized how the committee has handled scheduling and said he had been left out of the process.

Councilwoman Schwabenbauer disagreed.

There was continued discussion regarding the application and interview process.

Council President Horgan said an interim Administrator would be named on January 1. She agreed that Councilwoman Schwabenbauer had worked hard on the review of applicants.

Councilman Taylor said his side of the Council had been removed from the process.

Council President Horgan said they wanted to find the right person and she didn't think that person was in the applications received.

Councilman Taylor said there had been no collaboration regarding appointments for the reorganization.

Council President Horgan reviewed previous years and said the Democrats currently had a majority. She said, when the Republicans had the majority, they chose the appointees.

Councilman Taylor said he was bothered by the lack of cooperation.

Councilman Whelan asked if an email would go out prior to the meeting.

NEW BUSINESS

Councilman Taylor said the Council was at an impasse and called for the Borough to look into switching to a non-partisan form of government.

Councilwoman Horgan compared other situation that she felt the republicans had been uncooperative.

Councilman Whelan said every vote for the redevelopment plan/parking garage had required a tie breaker by the Democratic Mayor. He compared Red Bank to other towns where Democrats tend to favor development and Republicans fight against it. He said, in Red Bank it was the reverse and said he felt there was political divide on every issue.

AUDIENCE

Ben Forrest—16 Locust Avenue—said there should not be a time where no one was in charged and urged the Council to make a decision.

Attorney Cannon said he understood the intention was to appoint an interim Administrator on January 1.

Mr. Forrest said he also wants to address concerns about the project at 55 West Front Street and said he felt there had been ethical lapses.

Cindy Burnham—71 Wallace Street—asked Councilman Whelan if he had said the Democrats were usually for development and Republicans were usually opposed.

Councilman Whelan confirmed that that was his statement.

Ms. Burnham said she believe the Democrats had “played” Councilman Whelan to get him to promote the garage.

Councilman Whelan disagreed.

Freddie Boyton—PO Box 2074—urged the Council to make up their mind on the Administrator appointment and not to show favoritism.

No one else 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.

EXECUTIVE SESSION

No Executive Session,

ADJOURNMENT

Councilman Yngstrom 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