

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 8, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Borough Administrator Sickels, Borough Clerk Borghi, Attorney Cipriani and Engineer White. (CFO Poulos joined the meeting at approximately 7pm)

**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 2, 2016.

**SUSPEND REGULAR ORDER OF BUSINESS**

Councilman Taylor offered a motion to suspend the regular order of business, seconded by Councilman Whalen.

**ROLL CALL:**

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

NAYS: None

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

**Parks & Recreation Spring Photo Contest**

Mayor Menna said the Parks and Recreation Department would be making a presentation to the winner of their Spring Photo Contest.

Councilman Taylor reviewed the contest announced the winners. He said Luis Enrique Santamaria Delgado was the only winner that had been able to attend. He noted he was 12 years old and would receive a gift certificate from Kramer Photography.

Mr. Santamaria Delgado explained how he had taken the photo and the Council members commended him on his effort.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

NAYS: None

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

**WORKSHOP**

**RiverCenter Downtown Business Improvement Zone Loan**

Mayor Menna reviewed a request from RiverCenter for the Borough to support their application for a business loan.

Councilwoman Burnham asked how much the loan was for.

RiverCenter Director James Scavone reviewed the application and said they were allowed to apply for up to \$500,000. He said that was what RiverCenter had applied for but said between \$200,000 and \$300,000 was what was usually awarded.

Councilwoman Burnham asked what they planned to do with the money.

Mr. Scavone said it was to make streetscape improvements to White Street and English Plaza and reviewed details of the proposed project. He said it would be similar to the streetscape projects that had been done on Broad and Monmouth streets.

Councilwoman Burnham asked if part of the funds could be used to install extra lighting in the eastside parking lots.

Mr. Scavone said they could not do that as part of this project because the application had to cover a contiguous area.

Mayor Menna explained that RiverCenter had given the Borough a preliminary vignette the previous year and the Council had been in favor of the plan. He said they were now moving to the second phase of the plan. He said, in the past, the Mayor had issued a letter saying the Borough agreed with the plan but said he felt it should

be done by resolution since it was a substantial commitment. He said Mr. Scavone had stated that the predominant emphasis would be on accessibility to the English Plaza lot and that the White Street improvements would be in regard to English Plaza.

Councilwoman Horgan asked if the Borough would be backing the loan.

Mr. Scavone explained that it was a requirement of the Department of Community Affairs that the Borough agree to back the loan in the very unlikely event that RiverCenter would cease to exist.

Mayor Menna noted there were safe guard provisions built into the creation of the Special Improvement District to ensure that any financial obligations would be assessed to properties within the district.

Mr. Scavone added that RiverCenter's by-laws stated that, should they cease to exist, any loan payments would have to be paid first out of any surplus funds.

Mayor Menna said the resolution would be added to the agenda.

### **RiverCenter Parking Garage Contribution**

Mayor Menna said there had been active, ongoing discussions regarding the White Street Parking Lot. He added that the Borough was grateful that RiverCenter existed and said, as part of their partnership with the Borough, they recognized that any parking improvements would not only benefit the Borough's residents and visitors but would also benefit the businesses. He noted that businesses in the Borough pay approximately 45 percent of the taxes. He said he was grateful that RiverCenter's Board had agreed to contribute toward the continuation of a study with respect to the parking garage. He said they would be contributing \$40,000 toward the "soft costs." He reviewed the various expenses involved with the project and said he was grateful that the Board was contributing to the joint project that would bring Red Bank into the 21<sup>st</sup> century. He reviewed the Memorandum of Understanding from RiverCenter which he said was the next step in the process.

Councilman Whelan asked that the resolution be revised to allow for RFQs as well as RFPs for more flexibility.

Mayor Menna said he did not have a problem with that change and noted that resolution would be added for this matter as well.

### **Marine Park Boat License**

Mayor Menna reviewed the proposal to enhance recreation in Marine Park. He said he had reviewed material from the Borough Attorney that outlined the criteria that would be included in an RFP.

Attorney Cipriani said there was a meeting set the following week with Administrator Sickels to address some of the issues including DEP issues and parking and that costs would be shifted to the responder and not to the Borough.

Administrator Sickels said he would have a draft and get it to the Council before the next meeting so they could review.

Mayor Menna said the Administrator had previously expressed concern that there would have to be a ticket booth and restrooms. He said he felt that was antiquated and unnecessary. He said it should be made clear that the applicant would pay any and all costs, fees, etc. and would have to address handicapped accessibility and parking issues. He called for a resolution to be on the next agenda to authorize the RFP.

### **APPROVAL OF MINUTES – May 25, 2016**

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

#### **ROLL CALL:**

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

NAYS:            None.

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

### **MAYORAL APPOINTMENTS**

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

Councilwoman Schwabenbauer had no report.

Councilman Whelan noted the Planning Board had had to cancel their meeting due to lack of a quorum. He said they had rescheduled the public hearing for the designation of the area in need of redevelopment for July 6.

Councilwoman Horgan reported that she had presented a resolution to the Highest Ranking Red Bank Senior at Red Bank Regional, Claire Toomey, a ceremony held on the previous Monday. She reviewed some of Ms. Toomey's accomplishments. She also noted that Superintendent of Schools, Jared Rumage, had been honored by the Monmouth County Education Association on June 2<sup>nd</sup>. She also reported that Gilda Rogers would be hosting a program the following Saturday at the Red Bank Public Library titled "Backward Glances." She said participants should bring a photograph that they wanted to put into permanent form and Ms. Rogers would assist them. She reviewed Library's Summer Reading Program and noted there were many other programs planned.

Councilman Zipprich reported thanked Fire Chief Soden and Recreation Director Hoffmann for putting together a well-organized Memorial Day tribute. He said there would be a Department of Public Works Committee meeting the following Wednesday at 1pm to discuss infrastructure issues and resolutions. He said the Shade Tree Committee would meet on June 21. He said he had represented the Borough on the previous Friday at the Rumson-Fair Haven High School Gayla which was an inclusive prom. He said he and other Council members had attended the Bike Blessing at Pilgrim Baptist Church on the previous Saturday. He noted it was LGBT

Pride Month and said he had presented the Borough at the annual parade in Asbury Park. He reported that the Red Bank Borough Education Foundation was planning their 2<sup>nd</sup> annual Casino Night on September 30<sup>th</sup>.

Councilwoman Burnham had no report.

Councilman Taylor reported that the Memorial Day remembrance had been well attended but had to be moved inside due to weather. He said it was a seamless move thanks to the Department of Public Works and Parks and Recreation staff. He thanked the performers and speakers. He noted that Riverfest had been held the previous weekend and said it included a beer garden that benefited the Recreation Department. He said they had numerous volunteers and thanked those that had come out to support the department. He also reported that, thanks to a collective effort, sponsors had been obtained for the department summer programs for a total of \$11,000 in sponsorships. He also congratulated Del Dal Pra who he said had recently been named Sporting News Athletic Director of the Year and reviewed his contributions to Red Bank. He also noted that the Parks and Recreation Summer newsletter would be coming out the following Friday.

## **COMMUNICATIONS AND PETITIONS**

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

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

No one appearing, Councilman Zipprich offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS:        None

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

### **ORDINANCES – First Reading**

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

2016-7        Mayor Menna read, "An Ordinance Authorizing the Grant of a Storm Filter Access Easement within the Right of Way of Drs. James Parker Boulevard and Bank Street."

Mayor 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 Horgan.

**ROLL CALL:**

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

NAYS:        None

There being six 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:        Burnham, Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None

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

2016-8        Mayor Menna read, "An Ordinance Authorizing the Acceptance of a Storm Sewer and Utility Easement on Portions of Block 83 Lots 6.03 Through 6.11, and Block 82, Lots 17.02 Through 17.06."

Mayor 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 Whalen.

**ROLL CALL:**

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

NAYS:        None

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

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

**ROLL CALL:**

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

NAYS:        None

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

2016-9 Mayor Menna read, "An Ordinance Authorizing the Acceptance of a 6 to 10 Foot Wide Waterfront Public Access Easement from Home & Land Development Corp."

Mayor 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 Whalen.

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Burnham.

ROLL CALL:

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

NAYS: None

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

2016-10 Mayor Menna read, "An Ordinance Authorizing the Acceptance of a 25 Foot Wide Public Access and Open Space Easement over Portions of Block 83, Lots 5, 6.01 and 6.02, and Block 82, Lot 17."

Mayor 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 Whalen.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

## **RESOLUTIONS**

### **By Consent Agenda:**

- 16-158 A Resolution Authorizing the Filing of a Recycling Tonnage Grant.
- 16-159 A Resolution Reauthorizing the Green Team.
- 16-160 A Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 which Affirms the Legislative Intent of the Fair Housing Act.
- 16-161 A Resolution Authorizing Contract for Animal Warden Services with the Township of Shrewsbury.
- 16-162 A Resolution Constituting an Agreement with Certain State Contract Vendor—SHI International Corp.
- 16-163 A Resolution Accepting Performance Bond Issued by UBS Financial Services for Minor Site Approval, Block 97, Lot 11.02, 170 Newman Springs Road, Application Number P11413, Butch's Lube N' Wash.
- 16-164 A Resolution Accepting Performance Bond Issued by 1<sup>st</sup> Constitution Bank on Behalf of Asha Realty One, LLC.
- 16-165 A Resolution to Approve the Hiring of Parks and Recreation Summer Staff.
- 16-166 A Resolution Authorizing Disposal of Surplus Property.
- 16-167 A Resolution Honoring Claire Toomey as the Highest Ranking Red Bank Senior.

Councilman Taylor offered to approve the resolutions by consent agenda, seconded by Councilwoman Burnham.

ROLL CALL:

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

NAYS:        None

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

16-168        Mayor Menna read, "A Resolution Confirming Commitment to Guarantee Repayment of New Jersey Department of Consumer Affairs Downtown Business Improvement Zone Loan to Red Bank RiverCenter in the Event RiverCenter is Unable to Make the Required Payments."

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

ROLL CALL:

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

NAYS:        None

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

16-169        Mayor Menna read, "A Resolution Authorizing the Execution of a Memorandum of Understanding with the Red Bank Special Improvement District, Inc. d/b/a Red Bank RiverCenter for the Development of a Parking Facility/Garage."

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

ROLL CALL:

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

NAYS:        None

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

#### **ADOPTION OF 2016 MUNICIPAL BUDGET**

Mayor Menna noted the members of the Council had been presented with a copy of the budget and noted that the Auditor and CFO were not present. He noted that the budget had been further reduced noting that a prior proposed budget had failed.

Councilwoman Schwabenbauer, who serves as Chair to the Finance Committee, reviewed the course of events since the introduction of the budget. She outlined the reasons that there had been a reduction of revenue from the previous year as well as some increased expenses. She also noted some of the important factors of the 2016 budget. She said the budget that had originally been proposed for adoption had come in with a 1.98 percent increase and had a little more in reserves than the prior year. She said that budget had not been passed at the previous Council meeting. She reviewed conversations between Council members for proposed amendments to the budget. She said, since the introduction of the budget, an Parking Agreement had been signed that would bring in additional revenue of \$35,000 which would allow them to reduce the surplus by the same amount. She said change would result in a final tax increase of 1.68 percent meaning a reduction of \$5.00 to the average homeowner.

Attorney Cipriani reviewed the process to amend and adopt the budget.

Councilman Zipprich thanked Councilwoman Schwabenbauer and the Finance Committee for all of the work that had gone into the budget. He said asked if the Parking Agreement referenced was "anticipated revenue" and not guaranteed.

Councilwoman Schwabenbauer confirmed that that was the case and said there was always a question mark. She noted that the revenue from the increase in parking meter rates was also a question mark but added that the numbers were based on historical experience.

Councilman Zipprich asked about the sale of surplus property.

Councilwoman Schwabenbauer said there was currently an auction underway but they were unable to include that revenue.

Councilman Zipprich said he wanted to thank Councilwoman Horgan for the work he and she had done since the budget had failed. He said they had spent countless hours coming up with different opportunities to reduce the taxes on the residents. He said Councilwoman Schwabenbauer had been very cooperative. He said he thought the amendment was a good addition and said he thought the reduction on taxpayers was a positive.

Councilwoman Horgan said she thought it was good that they were compromising and thanked Councilwoman Schwabenbauer, Councilman Taylor, CFO Poulos, Administrator Sickels and Auditor Allison for their efforts.

Councilwoman Burnham noted that she had been involved.

Mayor Menna agreed that she had been involved.

Councilwoman Burnham also commended the Finance Committee for compromising and said she felt they had done a good job for the people while maintaining a reserve.

Mayor Menna said he wanted to thank the Councilmembers for not being part of the ongoing diatribe on some of the blog sites. He said one of the most often heard remarks questioned why they were saving for accumulated benefits of public employees due to retire. He said the Borough of Red Bank had nothing to apologize for and noted they were one of the first of 10 municipalities in the State to cap the benefits at \$15,000 before it was fashionable in the rest of the State. He said the reserve that Councilwoman Schwabenbauer was referring to was

to cover contractual arrangements that were negotiated approximately 30 years ago before the controls were in place. He said the reserve was for individuals who were vested in those contractual rights and said there were very few left. He again noted that employees that came in after the change were limited to \$15,000. He said he wanted to thank the committee and all members of the Council.

Councilman Zipprich confirmed that the change would be a decrease from 1.98 percent down to 1.6 percent.

Councilwoman Schwabenbauer said it would actually be 1.68 percent which would result in a change of \$5 for the average homeowner.

Councilman Zipprich said he recognized that Councilwoman Schwabenbauer had expressed concern about decreases in services and said he wanted to note the elimination four positions in Public Works.

Councilwoman Schwabenbauer said they were positions that had been proposed but had not been occupied.

Councilman Zipprich disagreed and said people had left the positions and that the positions had been reduced when they had privatized sanitation.

Mayor Menna said other things the Council should be looking at even after the budget passed included the contract that the Borough had with Health Insurance providers and other contractual vendors such as payroll services.

Councilman Zipprich said he wanted to follow up on something the Mayor had mentioned in the past which was a reduction in the vehicle fleet and a call for more fuel efficient vehicles to help reduce operating expenses.

Mayor Menna noted Councilman Zipprich had been an advocate of hybrid and fuel efficient vehicles during his time on Council and said he agreed that the Borough should move toward smaller, more fuel efficient or hybrid vehicles. He also called to reduce the fleet of take home vehicles.

Councilman Whelan said he wanted to make a comment about Councilman Zipprich's earlier comment about question mark revenue that would be received from the Parking Agreement. He said he was very confident in that revenue and reviewed the statistics of the agreement.

16-170 Mayor Menna read "A Resolution Amending the 2016 Municipal Budget."

Councilwoman Schwabenbauer offered a motion to adopt the resolution, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

16-171 Mayor Menna read "A Resolution Adopting the 2016 Municipal Budget."

Councilwoman Schwabenbauer offered a motion to adopt the resolution, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

## **PAYMENT OF VOUCHERS**

16-172 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,083,919.78."

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

**ROLL CALL:**

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

NAYS: None

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

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming June 2016 as Lesbian, Gay, Bi-Sexual and Transgender Pride Month in the Borough of Red Bank.

## **NEW BUSINESS**

## **OLD BUSINESS**

Councilwoman Schwabenbauer was excused from the meeting at 7:25pm.

## **AUDIENCE**

Stephen Hecht—135 Branch Avenue—said he had a questions about the Assessment Demonstration Program. He asked about the deadline for towns to decide on participation.

Administrator Sickels said the deadline was to opt-in to the program and the Borough had taken action to do so before the deadline. He said they were now negotiating with another town to determine who would be performing the inspections.

Mr. Hecht said his second question was going to be regarding who would be performing the inspections.

Mayor Menna said they had not yet entered into a contract.

Mr. Hecht asked how it would work.

Mr. Sickels again said they were negotiating an interlocal agreement with another municipality.

Mr. Hecht asked how long they had to choose.

Mr. Sickels there would be more to report at the next meeting.

Fred Boyton—365 Shrewsbury Avenue—spoke of his experience of meeting Mohammed Ali and noted that he had been allowed by the Borough to take a week off early in his employment to go for a week-long visit with the boxer. He said it had been an honor and said he wanted to thank the Borough for allowing him to do that.

Mayor Menna said Mr. Boynton had been blessed to have the opportunity to see a man of much character and grace who impacted millions of people.

#### **EXECUTIVE SESSION**

16-173        Mayor Menna read a resolution to adjourn to executive session to discuss litigation and contract negotiations; no formal action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session, seconded by Councilwoman Horgan.

#### **ROLL CALL:**

AYES:        Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

Councilman Zipprich offered a motion to adjourn from executive session, seconded by Councilman Whalen.

#### **ROLL CALL:**

AYES:        Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

#### **ROLL CALL**

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

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

ABSENT:        Councilwoman Schwabenbauer

#### **ADJOURNMENT**

Councilman Zipprich offered a motion to adjourn the meeting, seconded by Councilman Whalen.

#### **ROLL CALL:**

AYES:        Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

Respectfully submitted,

Pamela Borghi