

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JULY 13, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Borough Administrator Sickels, Borough Clerk Borghi, Attorney Cipriani and Engineer White.

ABSENT: Councilman Zipprich and CFO 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 2, 2016.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan  
NAYS: None

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

**2015 Audit Presentation**

Mayor Menna introduced 2015 Auditor David Kaplan and thanked him for his many years of service. Mr. Kaplan reviewed the details of the 2015 Audit and said they had issued an unmodified opinion which he said was the highest form of assurance. He said the Borough's debt percentage was at .673 percent and noted they were allowed to have as much as 3.5 percent. He said there was a new mandate from the Government Accounting Standards Board that required disclosure of all municipalities' share of the State's unfunded pension fund liability. He said Red Bank's share was \$12 million for PERS and \$19 for PFRS. He said he was not sure what would happen in the future but noted the disclosures were required and had been made in the Audit. He said appeals had started to abate and said tax collection was at the highest percentage in at least ten years. He said there were two recommendations which were for a stronger review process for water/sewer billings and for stronger controls over assessed fees in the Municipal Court. He said the Borough had an excellent team and was lucky to have them.

Mayor Menna commended Mr. Kaplan and again thanked him for his many years of service. He noted that Mr. Kaplan had been appointed by former Mayor McKenna. He said it had been an extraordinary appointment and the Council had been happy to continue it. He also commended the Borough staff and commended the Council Finance Committee who had served in 2015, especially Councilman DuPont who had served as Chair. He said when he and former Mayor McKenna had first started, there used to be Corrective Action Plans with 20 to 30 items.

Mayor Menna asked if there were any questions from the public.

Stephen Hecht asked about the increase in the Parking Fund balance.

Mr. Kaplan said it was due to a realization of revenue that had exceeded what had been anticipated.

William Meyer—12 Monmouth Street—asked about the pension obligation issue and asked how the amount had been determined. He also asked if Mr. Kaplan had any recommendations on how to mitigate the issues and criticized the pension system.

Mayor Menna said he did not believe Mr. Kaplan was speaking to the management of the pension system which was regulated by State Statute. He said he believe he was only referring to the municipality's obligation to pay some of the accrued pension benefits over years.

Mr. Kaplan explained the components of the pension fund including employee contributions which were paid in full to the pension system. He said there was also an annual bill that the State levied against each municipality which was also paid in full. He said the item he had been referring to was a new standard that had been implemented this year and mandated by the Government Accounting Standards Board. He said it was a calculation that the State had done to measure each participant's share of the unfunded pension liability as of June 30, 2015.

Mr. Meyer asked if that was a share of the whole State's debt.

Mr. Kaplan clarified that is was a share of the unfunded pension obligation. He pointed out the Red Bank's share of the PERS was 0.05348 percent which was way less than one percent and still totaled \$12 million. He said the municipality was not required to fund that liability but said it was a footnote disclosure.

Mr. Meyer asked several clarifying questions and asked if Mr. Kaplan would advise that the Borough should recognize that within its budget.

Mr. Kaplan said absolutely not until they were mandated to do so.

Councilwoman Schwabenbauer thanked Mr. Kaplan for his work. She said she agreed that the Borough had an excellent Finance team and said they spoke very highly of him.

16-187 Mayor Menna read "A Resolution of Governing Body Certification of the Annual Audit."

Councilwoman Schwabenbauer offered to approve the resolution, seconded by Councilwoman Burnham.

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-188 Mayor Menna read "A Resolution Regarding the Borough of Red Bank Report of Audit for the Year Ended December 31, 2015 and Corrective Action Plan Required by Federal OMB Circular Reference Number A-133."

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

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

### **Planning Board Recommendation**

Mayor Menna introduced Andrew Bayer, Redevelopment and Affordable Housing Counsel for the Borough and Planning Director Glenn Carter. He reviewed Resolution 16-189 "A Resolution Designating a Study Area Consisting of 75-79 White Street (Block 31, Lot 2.01) and 55 West Front Street (Block 30, Lot 10.01) as a "Non-Condemnation Area in Need of Redevelopment" Pursuant to the Local Redevelopment and Housing Law."

Mayor Menna said the Council would not be adopting any standards but would be accepting the recommendation of the Planner as adopted by the Planning Board.

Councilwoman Horgan made a motion to be table the resolution since the full Council was not present noting that Councilman Zipprich was not in attendance.

Mayor Menna said Councilman Zipprich could have participated by phone if he had wanted.

Councilman Whelan said Councilman Zipprich would not be at the next meeting either and said he did not see the need to table the matter.

Councilman Taylor agreed noting that there was a quorum. He said he thought the matter had dragged on too long.

There being no second, the motion failed.

Attorney Bayer reviewed the history of the matter and noted that it had been referred to the Planning Board. He said a study had been done and the Planning Board had met and determined that the criteria had been met for the study area to be determined as a non-condemnation area in need of redevelopment. He said the Council had a resolution before them to determine whether or not to adopt the Planning Board and CME's finding that the study area meets the criteria to be an area in need of redevelopment. He reviewed specifics of testimony and findings at the Planning Board. He said the resolution would be the first step in the process and said CME Associates would then have to prepare a redevelopment plan which would be presented to the Council. He offered more details on the process including site plan reviews and the difference between how the private property would be treated versus the Borough owned property.

Mayor Menna summarized that it was a multi staged process and that this was only one of the many stages. He noted that both the Council, the Planning Board and the public would have opportunities to comment at various points in the process. He said he did not feel there was any harm in moving it along and getting the proper reports.

Mayor Menna asked the Council if they had any questions for Attorney Bayer. No one offered any questions.

Mayor Menna asked if any members of the public had any comments.

William Meyer—12 Monmouth Street—asked whether or not the non-condemnation designation would affect people with a legal right of way across the White Street Parking Lot. He said he had heard rumors that the plan was further along than the public knew and included the entire lot.

Mayor Menna said there was no plan that had been presented to the Council or to Mr. Bayer or the Planner. He said there was no plan whatsoever at this point.

Mr. Meyer asked if the Borough was going to protect and honor rights of way that were currently held in regard to the White Street lot.

Mayor Menna said he thought that whatever legal rights were there were there. He added that it was premature to discuss the matter.

Mr. Meyer asked if there would be any condemnation proceedings.

Attorney Cipriani said, if the resolution was adopted in the current form, it would be for non-condemnation. She said, in order for the Borough to change it to a process that would allow for eminent domain, they would have to start at the beginning again.

Mr. Meyer asked if that would apply to a right of way across the lot.

Attorney Cipriani said it would limit all eminent domain action.

He said he agreed that the Borough needed a parking garage in the right location. He said he felt the public should be included in the process more than they had been. He asked that the final proposal be put up for referendum on the November ballot.

Mayor Menna said that all of the members of the Council were responsible people that had been elected by the public to represent their interests. He noted that everyone had learned in recent weeks about the unintended consequences of referenda. He said, in his opinion, there was no need for a referendum on the issue because it could be driven by emotion rather than reality. He said the Council would make the decision.

Mr. Meyer said he would have to respectfully disagree. He said he felt people in the town could, many times, make a better decision than those who were elected and had a particular constituency they were trying to make happy. He again stated he felt the public should be included in the process and that it be put into a referendum for November.

Attorney Cipriani said, while she was not sure of what the filing date was, she said it would be difficult to get the matter on this November's ballot when they did not have a plan to present to the public. She said the alternative would be to incur the expense of a Special Election or to wait another year.

Mr. Meyer expressed concern about the expense of that was being incurred in the development of the plan.

Mayor Menna said it was public record. He said the Borough was also very fortunate to have RiverCenter representing 45 percent of the tax base who was will to contribute toward the development costs to get the plan going. He said that showed that there was confidence in the business community.

Mr. Meyer asked the Mayor to tell him how much was being spent.

Mayor Menna said he did not have the information but said the plans were available.

Mr. Meyer said he felt that should be made known to the public before the Borough went forward.

Stephen Hecht—135 Branch Avenue—expressed concern about 55 West Front Street being included in the resolution. He said, if the property met the “D” variance criteria, the owner should be responsible cleaning up the property so it was no longer a nuisance. He said he felt the Council had made a mistake in allowing the property to be included in the resolution. He urged the Council to separate the two pieces of property.

Ed O'Neill—40 Herbert Street—asked what the rationale was for including 55 West Front Street and also what the rationale was for the Parking Lot.

Attorney Bayer reviewed the reasons outlined in the Planner's Board report.

Mr. O'Neill said he didn't see how 55 West Front Street differed from other properties. He said it seemed like spot zoning.

Mr. Bayer said, under Redevelopment Law, it wasn't

Mr. O'Neill said it looked like the Local Board's authority was being usurped because someone didn't like a decision they had rendered.

Councilman Whelan said, in response to the comment as to why the two properties weren't separated, that upon adoption they would separate because each lot would need their own development plan.

Mr. Bayer agreed and said there would be two plans, one for each site.

Councilman Whelan noted that they could say “yes” to one plan and “no” to the other.

Councilwoman Horgan said she had heard from residents who were asking for a parking inventory. She asked if the Borough had ever taken stock of its parking spaces, permits, etc.

Mayor Menna and Councilman Whelan said they had and that the information was contained in the 2014 Scoping Report.

Councilwoman Horgan acknowledged that she had that report but didn’t recall that being in the report.

Councilman Whelan said the report was eye-opening.

Councilwoman Horgan asked if the information was still the same.

Mayor Menna said, if anything, things had gotten worse.

A discussion followed on the number of spots and the usage.

Councilwoman Burnham said she felt there was a problem with the Parking Moratorium that was in place. She said she felt that it had encouraged large restaurants with large parking needs to open. She said she felt they could have been collecting parking deficiency fees that could have gone toward a parking garage. She also noted the Count Basie Theater was also expanding without adding parking.

Councilman Whelan said she had made a valid point but questioned whether those businesses would have opened in Red Bank if they had had to pay the parking fees.

Councilwoman Burnham suggested lowering the contribution amounts.

Attorney Cipriani reminded the Council that the resolution before them was simply on the designation. She said the questions of the garage plan and how it might be founded were beyond the scope of the proposed resolution.

Vince Lapore—33 Ocean Terrace, Long Branch—said he had attended other meetings on matters of redevelopment, eminent domain or condemnation and that was why he was appearing at this meeting. He commended Red Bank for avoiding eminent domain. He compared Red Bank to Long Branch and the problems Long Branch had seen. He asked why they were declaring the area in need of redevelopment rather than rehabilitation.

Attorney Bayer said the referring resolution from the Council had asked that the Planning Board determine if it was an area in need of redevelopment. He said it did not give the option of rehabilitation.

Mr. Lapore asked if every member of the Council had read the CME report.

Mayor Menna said it had been given to each member.

Mr. Lapore asked about tax abatements.

Mayor Menna said the primary focus of the resolution was on a municipal-owned property. He said the second property was privately owned but said he could ensure Mr. Lapore that neither he nor any member of Council would contemplate an abatement program.

Mr. Lapore asked about the private entity that would be contributing.

Mayor Menna said he was referring to the downtown business alliance.

Ben Forest—16 Locust Avenue—express concern about going around an autonomous board. He said the town was doing well and that there was no need to redevelop. He called for patience. He said it was the property owner’s choice to leave the property as grass. He questioned the link between the parking lot and the private property. He said just because something was legal didn’t mean it was okay.

William Meyer—12 Monmouth Street—said he didn’t understand why the lot would be designated if it was Borough owned. He said it was hideous to circumvent the Zoning Board. He again called for a referendum and said he had heard the Borough was giving away developers rights with the plan. He cited parking issues and the loss of the lot as an event venue. He called for more public input.

Vince Lapore—Long Branch—again asked why it had not been done as rehabilitation. He also asked what would prevent the municipality from selling to a private developer who could then receive tax abatements.

Attorney Bayer—said the municipality can sell any property today regarding of whether it was not in an area in need of redevelopment.

Mr. Lapore said the designation would make it more valuable with the tax abatement potential.

Mr. Bayer said, if the Council approved the redevelopment plan and if they chose a redeveloper, there would be a redevelopment agreement which the Council would have to approve. He said any leverage would lie with the Governing Body.

Mr. Lapore asked if the Council had been established as a Redevelopment Agency.

Attorney Cipriani said they had.

Stephen Hecht—135 Branch Avenue—said he thought it was clear that there were multiple agendas and multiple concerns. He said Councilman Whelan had stated that there would be a separation of the two pieces of property if the Council approved the resolution before them. He also noted that the Mayor had stated that the primary purpose was for the parking lot. He said he did not understand why they did not separate the issues at this time and allow the private owner to clean up his property or go back to the Zoning Board. He said it didn't look right and felt it had been pushed through in May.

No one else appearing, Councilman Taylor made a motion to close public comment on the resolution, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-189 Mayor Menna read, “A Resolution Designating a Study Area Consisting of 75-79 White Street (Block 31, Lot 2.01) and 55 West Front Street (Block 30, Lot 10.01) as a “Non-Condemnation Area in Need of Redevelopment” Pursuant to the Local Redevelopment and Housing Law.”

Councilman Whelan offered to approve the resolution, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Horgan

There being three ayes and two nays, the motion was declared approved.

16-190 Mayor Menna read, “A Resolution Referring to the Planning Board a Proposed Resolution Determining a Portion of the Borough an Area in Need of Rehabilitation.”

William Meyer—12 Monmouth Street—came forward to state that he had understood they were going to call Councilman Zipprich to participate in the vote.

Mayor Menna clarified that he had stated Councilman Zipprich could have made arrangements to participate by phone.

Mr. Meyer said he thought they were going to table it so Councilman Zipprich could be present.

Mayor Menna said there had been no second on that motion.

Mr. Meyer said he still did not understand.

Attorney Cipriani said there had been a motion to table but that there had been no second so the motion had died. She said the Mayor had reference the fact that a Council member may participate by telephone if they were on speakerphone and able to hear everything. She said, typically, it is the absent Council member who makes that request and said no such request had been made.

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

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Horgan

There being three ayes and two nays, the motion was declared approved.

### **Zoning Request by Property Owner**

Mayor Menna called forward Armand McOmber and asked him to keep his comments very brief. He said ordinarily the Council would not hear comment on a Zoning request.

Mr. McOmber said he was appearing on behalf of Ray Rapp Realty who had had an application before the Zoning Board that had been turned down. He said he was appearing to request that the Council “tweak” their Zoning Ordinance regarding the definition of a two bedroom apartment. He said there was no consideration for something such as a den or an office.

Mayor Menna said the normal procedure would be to submit a written request to the Council and it would be forwarded to the Zoning Officer.

Attorney Cipriani said the form of the request was unusual and suggested a written request be submitted with a proposal that could be reviewed by the Planner.

Councilwoman Horgan thanked Mr. Rapp for his efforts to improve the area.

Councilwoman Burnham said she also thought he had done a fabulous job and felt he had been a political scape goat. She reviewed the project and asked questions on the specifics.

Attorney Cipriani asked her to wait for the formal proposal before commenting.

Councilwoman Burnham said it was her personal comment.

Ms. Cipriani reminded her she was currently sitting at the Council table.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None

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

## **WORKSHOP**

### **Council Meetings**

Councilman Taylor expressed concern about the length of many of the Council meetings. He proposed a time limit on public comment. He said the goal was not to restrict public comment but to allow an opportunity for all those who want to speak. He suggested a five minute limit.

Mayor Menna said he thought it was a good suggestion and suggested they survey other municipalities to see what their procedure was.

Councilman Whelan said he was aware that the School Board had a five minute limit.

Councilwoman Burnham questioned the need and said she felt a time limit was wrong. She said she felt comment could be controlled by the attorney or the Mayor.

Mayor Menna asked the Clerk to survey other municipalities.

## **APPROVAL OF MINUTES – June 22, 2016**

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

### **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None.

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

## **MAYORAL APPOINTMENTS**

Mayor Menna made the following appointments on the recommendation of the Environmental Commission:

- Kate Triggiano to the Environmental Commission as full member for an unexpired 3-year term ending 12/31/2018.
- Roy Meyer to the Environmental Commission as Alternate #1 for an unexpired 2-year term ending 12/31/2016.

Councilwoman Burnham offered a motion to approve the appointments, seconded by Councilwoman Schwabenbauer.

### **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None.

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

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

Councilman Burnham thanked the Department of Public Works for helping to install raised bed planters at the Senior Center. She described the planters and noted she had donated them.

Councilwoman Horgan thanked all who had attended the vigil on the previous Sunday. She said the Education Technology Committee had met on June 30<sup>th</sup>. She said the web site design was almost complete and would be up by September 15. She said the new Code Book was projected to be ready by the end of the month. She said the ordinances would be accessible on the website. She said the Borough would be bringing its fiber network on line between the Department of Public Works, the Senior Center and Borough Hall the following week. She said that meant the internet connections would be consolidated from three to one. She said they had also discussed security issues in the parks. She also reported that the IT Director was working on creating a public parking map. She reviewed various Library programs including a Meditation program to be on select Saturdays in July and August. She also

reported that the Red Bank Elks Lodge had hosted a celebration of the Red Bank Schools and the Superintendent in particular on July 8<sup>th</sup>.

Councilman Whelan reported that the parking payment system was available on phones and said, at the request of the business community, they would be numbering the old meter heads so they could also be paid for through the phone app. He said the business community had also had concerns about the 15 minute meters. He said they had previously been marked by a white meter head which wasn't always immediately identifiable. He said they stenciling the spaces with the 15 minute notation. He thanked the Mayor for organizing the recent vigils and complemented the Police Chief on his leadership of the Red Bank Police Department. He also reported that RiverCenter had helped coordinate the recent Indie Film Festival. He said they had had over 2,000 attendees and had received national coverage with filmmakers from around the world participating. He said RiverCenter had also been notified that the American Planning Association New Jersey Chapter had named Red Bank as a Great Downtown and was looking to coordinate an awards ceremony.

Councilman Taylor reported that the 2016 Summer Series was well underway. He said they had had good luck with the weather so far and had great crowds. He reviewed the movie series, fitness activities and jazz performances planned in the coming weeks. He thanked the program's sponsors. He also noted that Gracie and the Dudes had opened in the Riverside Gardens concession stand and said he felt it was a positive addition to the park. He also reported that the Summer Camp program opened this week and reviewed the activities planned for the program. He said Fall Soccer registration was underway and noted that the Parks and Recreation Department had several discount tickets for area attractions. He also noted there was a resolution on the agenda that would give Parks and Recreation the ability to take credit cards.

Councilwoman Schwabenbauer reported that the audit was complete.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Red Bank Area Crop Walk to hold the 36<sup>th</sup> Annual Red Bank Crop Hunger Walk, Sunday, October 16, 2016 from 2:30pm to 4:00pm and to post "CROP SIGNS" in front of participating organizations. Approved by Special Events Committee.

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

### **ROLL CALL:**

AYES:           Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:           None

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

Mayor Menna read a request from Doc Shoppe to conduct "tent sales" on August 6 & 7, September 3 & 4 and October 1 & 2, 2016 outside their store at 43 Broad Street.

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

### **ROLL CALL:**

AYES:           Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:           None

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

Mayor Menna read a request from Zeik Dental to hold a grand opening celebration and ribbon cutting on Saturday, July 16, 2016 from noon to 5pm. Approved by the Special Events Committee.

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

### **ROLL CALL:**

AYES:           Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:           None

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

## **PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only**

Tom Labetti—45 Elm Place—asked about resolution 16-184. He said he had not had a chance to read it.

Mayor Menna said it was the resolution that had been discussed and tabled at the previous meeting. He said the resolution stated opposition the JCP&L high wire extension and had been unchanged.

Mr. Labetti asked about what purpose the resolution would serve for the town. He noted the need for poles and infrastructure upgrades. He suggested the town could negotiate its support for a benefit.

Mayor Menna said the discussion on upgrades was not new. He said it had been an ongoing discussion through the last two Mayors over the past 25 years. He said there were continuing discussions with JCP&L and said the town did not have a bargaining chip but was at their mercy.

Mr. Labetti asked if they were hoping the resolution would carry weight before the State boards.

Mayor Menna said the Red Bank resolution would be one of dozens and said the BPU was going to do whatever it would do whether Red Bank passed a resolution or not.

Mr. Labetti asked what the purpose of the resolution was if it wasn't achieving anything.

Mayor Menna said it achieving something which was to express the consensus of residents who had expressed concerns. He reviewed the issues with the project. He said the Council was obligated to articulate what the people in the community were saying.

Councilwoman Horgan said they had also heard from people asking them to support the resolution and noted the possible effect on property values.

Administrator Sickels said he had reached out to JCP&L to ask for additional information or that they host a public meeting in Red Bank. He said they had put a hold on meetings for now and that he was waiting to hear from them.

Mayor Menna reviewed a similar situation from the past where NJTransit had wanted to expand the Monmouth-Middlesex line with Red Bank as a hub. He also reminded everyone of a plan to have Red Bank be a transit station for refuse. He said the Borough had taken a stand in each case.

Mr. Sickels reported on the JCP&L project that would support the power station for the trains.

Mr. Labetti thanked the Council for the information.

Councilman Taylor said he still felt the vote was premature. He said, to his knowledge, they had no received any more information on the project. He asked that they table the matter until they have a public meeting. He questioned letting emotion drive the decision.

Councilwoman Horgan said there was a lot of information out there and offered website information.

Councilwoman Burnham asked Mr. Sickels if he had said JCP&L would not meet with Red Bank.

Administrator Sickels said he had not said that. He noted that the company had invited Mayors and Administrators to a meeting which he had attended. He said they had stated that there would be public outreach and other public meetings. He said he had conveyed that Red Bank would like to host a meeting. He said they had told him they would get back to him but, at this time, they were not scheduling any additional meetings.

Councilwoman Schwabenbauer said she was behind on the issue. She asked that the matter be tabled for two weeks so she could have a chance to research the matter.

Mayor Menna noted that they were in the public comment portion of the meeting and when the resolution came up for a vote, the motion to table could be made.

Sal Aquino—11 Johnny Court, Middletown—said there was information on the issue all over the internet and said there had been conflict between JCP&L and PJM who operated the grid in thirteen states. He said he had emailed PJM and they had responded that the need for the project was because the two existing transmission lines were on the same set of utility poles. He said that was creating the reliability issue because, if something happened to a pole, both lines would go out creating an outage. He said the correction would eliminate outages due to things like trees falling, etc. He said he felt they were preying on residents who had been victims of Superstorm Sandy implying that the project would stop outages which he said it would not. He said he felt it was a money grab because their coal-based generation business model was dying. He expressed concern about safety and environmental issues. He explained how JCP&L would profit from the project.

## **ORDINANCES – First Reading**

2016-11        Mayor Menna read, “An Ordinance Authorizing the Conveyance of an Open Space Easement to the County of Monmouth with Regard to Count Basie Park.”

Councilwoman Horgan said, in reading the ordinance, it appeared it had already been approved and asked why it was being done again.

Mr. Sickels said it was because the additional project, the ordinance had to be amended.

Attorney Cipriani said the Borough had asked that question but said the County felt very strongly that they wanted it done.

Councilwoman Burnham asked where the easement was.

Mr. Sickels said it was at Count Basie Park. He said the County-funded project had to be protected by ordinance for the life of the project so the dates had to be amended.

Councilwoman Horgan offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Burnham.

## **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Final reading and public hearing to be held July 27, 2016 at 5pm.

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

### **RESOLUTIONS**

#### **By Consent Agenda:**

- 16-191 A Resolution Authorizing Tax Credit Totaling \$567.13 due to Wrongly Applied Payment
- 16-192 A Resolution Authorizing Tax Credits/Refunds Totaling \$29,590.84 due to Judgments of the Tax Court of New Jersey.
- 16-193 A Resolution Authorizing Tax Credits/Refunds Totaling \$17,441.18 due to Judgements of the Tax Court of New Jersey.
- 16-194 A Resolution to Authorize the Parks & Recreation Department to Accept Credit Card Payments through their On Line Registration System.
- 16-195 A Resolution to Approve the Hiring of Parks & Recreation Summer Staff.
- 16-196 A Resolution to Approve the Hiring of Permanent Part Time Librarian.

Councilwoman Schwabenbauer offered to approve the resolutions by consent agenda, seconded by Councilwoman Horgan.

#### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

- 16-184 Mayor Menna read “A Resolution Objecting to the Proposed Monmouth County Reliability Project.”

Councilman Taylor offered to table the resolution to the July 27, 2016 meeting, seconded by Councilwoman Schwabenbauer.

#### **ROLL CALL:**

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Horgan

There being three ayes and two nays, the motion was declared approved.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

- 16-197 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$1,318,533.61.”

Councilman Schwabenbauer offered to approve the resolution, seconded by Councilwoman Horgan.

#### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **OLD BUSINESS**

Councilwoman Burnham asked for an update on Marine Park and asked if a consultant had been hired.

Councilman Taylor said no one had been hired. He said, due to vacation schedules, they had not been able to negotiate to a final contract.

Councilwoman Burnham asked if the matter would come to the Council before a consultant was hired.

Mayor Menna said it would have to.

Councilman Taylor said the Committee would be making a recommendation to the Council.

Administrator Sickels said they had received bids for the first phase of improvements at the park. He said he expected the Council could take action on the matter at the next meeting.

## **NEW BUSINESS**

### **AUDIENCE**

Stephen Hecht—135 Branch Avenue—noted that there had been extended discussion on Resolution 16-189 regarding the Parking Lot and 55 West Front Street. He said the Council had also voted on Resolution 16-190. He asked for an explanation of Resolution 16-190 and also regarding the difference between an area in need of rehabilitation and an area in need of redevelopment.

Attorney Cipriani said she reviewed the elements of an area in need of rehabilitation noting that, in this instance, it was a non-condemnation designation.

Mr. Hecht asked if an area in need of rehabilitation is the option of entering into a Payment in Lieu of Taxes (Pilot) agreement.

Ms. Cipriani said they did not and that was one of the differences.

Mr. Hecht asked about the area covered by 16-190.

Mayor Menna asked Planning Director Carter to address the question. He noted that something similar had been done on Shrewsbury Avenue in the 1990s.

Mr. Carter said the suggestion had come from his office and the resolution was the first step. He reviewed the differences between an area in need of rehabilitation and an area in need of redevelopment. He said the criteria was different and one aspect was the age of the housing stock.

Mr. Hecht asked if the resolution concerned private property and asked how it would benefit the rest of the town.

Mr. Carter explained that he had been given the mission to make the development review process more efficient and more business friendly. He said he had taken some steps already and said this was a continuation of that. He said it would give properties a different route for approvals. He reviewed his credentials and also reviewed the powers of and differences between the Zoning and Planning boards. He explained why he felt this was the better process and cited general examples. He again noted that it was made clear to him that his mission was to make the process more business friendly.

Mr. Hecht said he felt they were “going around” the board because it was more business friendly.

Mr. Carter said he would refer to it as an alternate procedure that was done in many municipalities.

Mr. Hecht said he knew Red Bank was lucky to have Mr. Carter but said he felt that his explanation was the reason he was concerned. He said he felt that, instead of changing the Master Plan or using the Zoning Board as it was meant to be used, the Borough had found an alternate way that happened to be legal but questioned if it was right.

William Meyer—12 Monmouth Street—said he wanted to follow up on Mr. Hecht’s comments. He said he felt it was an “end run” around the Zoning Board. He said he was offended by the procedure to circumvent the Board. He said he had an issue with density variances and criticized previous decisions. He claimed that it strained the infrastructure and also said he believed that, even though the Borough Engineer had said otherwise, it was the reason the Borough had to build a second well.

Councilman Taylor said that Mr. Meyer continued to put out that false information.

Tom Labetti—45 Elm Place—asked about the “LHRL” Redevelopment process and asked if it would allow the town to take out any special bonds that they could issue on behalf of or lend out to a developer.

Attorney Cipriani said there was a process for redevelopment bonds. She said they were done very infrequently in a town of the size of Red Bank. She said, if it was done, it would be part of the Redeveloper’s Agreement and would be done through a public process.

Mr. Labetti confirmed that it would “creak open” a door to allow for a different type of bonding than they were used to. He also said he didn’t believe that they could petition for a referendum on Zoning Ordinances but asked if they could petition for a referendum regarding going into a redevelopment plan.

Ms. Cipriani said a redevelopment plan was essentially a Zoning Ordinance and would be subject to the same limitations.

There was a discussion on the difference between a redevelopment plan that superseded the ordinance versus an overlay.

Vincent Lapore—33 Ocean Terrance, Long Branch—asked Mr. Carter about his statement that the redevelopment area would provide a different venue to make things easier. He asked about the ability for an applicant to request waivers rather than variances.

Ms. Cipriani said the best way to conceive of it was as a Zoning Ordinance. She said the extent that one could request a waiver from the Redevelopment Ordinance was the same as one could request a waiver from a Zoning Ordinance.

Mr. Lapore questioned if there should be a multi-deck parking garage in a Redevelopment Zone. He reviewed the bonding process.

Attorney Cipriani said one of the goals of the Council was to have options. She noted it was municipal property and, if the Council wanted to bond and build a parking garage, that was something they could do

now. She added the redevelopment plan was more desirable proceeding with a private developer. She said the question of the bonding had not been part of the discussion.

Mr. Lapore said he had been fighting Long Branch for 20 years on Redevelopment Zones. He noted that the Mayor and some of the Council members may not be here in five years but the Redevelopment Zone may still be in place. He reviewed his specific experiences in Long Branch that often included tax abatements.

Attorney Cipriani agreed that a private party could have the opportunity to ask for abatements. She said she could not speak to Long Branch agreements. She said there was nothing in the Redevelopment Law that would give someone the right to that unless provided for in the Redeveloper's Agreement and a PILOT ordinance had been passed.

Mr. Lapore again said there could be a different composition of the Council in three to five years.

#### **EXECUTIVE SESSION**

16-198        Mayor Menna read a resolution to adjourn to executive session to discuss personnel, litigation and contract negotiations; no formal action to be taken.

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

#### **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None

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

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

#### **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None

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

#### **ADJOURNMENT**

Councilman Whelan offered a motion to adjourn the meeting, seconded by Councilman Taylor.

#### **ROLL CALL:**

AYES:        Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS:        None

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

Respectfully submitted,  
Pamela Borghi