

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 9, 2016
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Mayor Menna and Councilman Taylor

SUNSHINE STATEMENT

Council President Burnham 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 October 26, 2016.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

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

Monmouth Boat Club Check Presentation

Patrick Corr, Commodore of the Monmouth Boat Club, presented a check in the amount of \$5,000 as a donation in lieu of taxes. Council President Burnham accepted the check and thank the Commodore on behalf of the Borough.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

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

WORKSHOP

No workshop items.

APPROVAL OF MINUTES

No minutes were listed for approval.

MAYORAL APPOINTMENTS

No Mayoral appointments.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer said she had no report for the Finance Committee but would provide a report from the Recreation Committee on behalf of Councilman Taylor. She said the Veterans Day Ceremony would be held on November 11th at 51 Monmouth Street. She said the ceremony would be moved to the Elks Club on Front Street in the event of rain and review details of the ceremony. She also reported that the Department would be holding a winter clothing drive and said donations could be dropped off at the Recreation Office. She also noted that Adult Basketball was being offered on Tuesday nights at the Red Bank Middle School and said the Westside Tree Lighting would be held Saturday, December 3rd.

Councilman Whelan said he had not report but wanted to congratulate Councilwoman Horgan and Councilman-Elect Yngstrom. He said they had the same goals and he looked forward to working with them.

Council President said she had no report.

Councilwoman Horgan reviewed the Election results. She said she and Councilman-Elect Yngstrom was thankful for those who had come out and volunteered. She said she also looked forward to continuing to work together with her fellow Council members.

Councilman Zipprich congratulated Councilwoman Horgan and Councilman-Elect Yngstrom on their hard work. He thanked Councilwoman Burnham noting that she had been very gracious and had congratulated Horgan and Yngstrom on their election.

COMMUNICATIONS AND PETITIONS

Council President Burnham read a request from St. Thomas Episcopal Church to hold Festival of Guadalupe on Monday, December 12, 2016 from 9-5pm and to close Sunset Avenue from 24 E. Sunset Ave. to the intersection of E. Sunset & Bridge Ave.

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

Council President Burnham read a request from St. Anthony of Padua to hold a procession for Our Lady of Guadalupe on December on Monday, December 12, 2016 at 7pm. Procession to travel from Dr. James Parker Blvd. and Shrewsbury Avenue to St. Anthony's Parish Center on Bridge Avenue. Subject to review by Red Bank Police Department Traffic Division.

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

Council President Burnham read a request from Red Bank Parks & Recreation to hold Westside Tree Lighting in Ralph "Johnny Jazz" Gatta Park on Saturday, December 3, 2016 at 4pm.

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

Council President Burnham read a request from Sickles Market to open a Seasonal Market for Christmas tree & wreath sales from November 25 through December 24, 2016. Conditioned upon further review of final plan by Special Event Committee.

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

No one appearing, Councilman Zipprich offered a motion to close the public comment, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

ORDINANCES – First Reading

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS (By Consent Agenda)

Council President Burnham read the following resolutions:

- 16-282 A Resolution Authorizing Person-to-Person Transfer of Plenary Retail Distribution License No. 1340-44-028-003
- 16-283 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by Riverview Medical Center for Block 9, Lots 33 and 35; Block 10, Lot 14.01; and Block 11, Lots 1, 1.01, and 2.
- 16-284 A Resolution Authorizing the Release of a Performance Guarantee Posted by Terra Fund III, LLC for Block 75.03, Lots 48.01 & 53.
- 16-285 A Resolution Authorizing the Borough of Red Bank to Enter into a Cooperative Pricing Agreement (Education Service Center, Region 20—PACE Purchasing Cooperative)
- 16-286 A Resolution Authorizing Tax Appeal Settlement Regarding Danlou Properties, LLC, 3 Broad Street, Block 28, Lot 14.01, Red Bank, New Jersey.

16-287 A Resolution Authorizing Tax Appeal Settlement Regarding DLMW Partners, LLC, 8-10 W. Front Street, Block 9.01, Lot 5.01, Red Bank, New Jersey.

16-288 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 \$7,142.40)

16-289 A Resolution Authorizing Transfer of 2016 Budget Appropriations.

16-290 A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a (Fire Department Equipment).

16-291 A Resolution Authorizing Disposal of Surplus Property.

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

16-292 Councilwoman Burnham read, "A Resolution for Payment of Bills Amounting to \$2,073,305.33."

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Carl Colmorgen—67 Oakland Street—asked about the proposed location for the Sickles Market.

Administrator Sickels said the market was to be located on the outside property between Shrewsbury Avenue and the Anderson Building.

William Meyer—12 Monmouth Street—said he had understood that there was going to be a Public Hearing at the Planning Board regarding the Redevelopment Plan for the White Street Parking lot. He expressed concern that the public had been left out of the discussion on the details of the Parking Garage. He said he had attended the Planning Board meeting and found that the only issue on the table was whether or not the plan was in conformity with the Master Plan. He said he felt they had been shut down on offering input on what the plan was going to be. He said he was offended that people in town had been left out of the process. He expressed concern about the fact that the Borough had designated the Parking Lot an area in need of redevelopment and said he did not see where it was applicable. He also expressed concern about how it would be developed and the associated disruption to the business community. He said he had previously mentioned alternate plans to reformat the existing lot and reviewed details of that plan. He said he was also concerned about expanding businesses and properties building up. He again called for the Council to start from scratch.

Councilwoman Schwabenbauer reviewed the process and noted that they were at "scratch." She reviewed the details of the actions that had been taken so far.

Councilman Whelan agreed and said they had started at the beginning. He said the Public Hearing on the plan was scheduled for December 14. He also reviewed the process and said the only duty of the Planning Board was to determine if the plan was in accordance with the Master Plan. He said, if the Council agrees with the plan, there would be an RFP. He said the Council could reject all of the proposals. He noted that once a proposal was chosen, it would have to go back to the Planning Board for site plan review.

Mr. Meyer said he disagreed. He said the plan required a minimum 500 space garage that was limited to eight stories.

Administrator Sickels said that "plan" might be a bad word. He said it provided parameters for the property that had been suggested in order for developers to prepare proposals for consideration by the Mayor and Council. He said there was no secret plan.

Attorney Cipriani also review the process noting that when it comes back from the Planning Board, there would be a full hearing. She said if the plan was determined to be good enough, the Council would designate a redeveloper. She said it would be subject to a redevelopment agreement with a more specific ordinance. She said it was a very lengthy process with lots of opportunities for public comment.

Mr. Meyer said he felt they should have looked at alternatives with the public before developing parameters. He again expressed concerns about the repercussions.

Councilman Zipprich asked Mr. Meyer to explain his interpretation of the Statute.

Mr. Meyer said there were several categories and he said he felt the lot did not meet the criteria.

Victor Kuo—Temple, 91 Broad Street—asked Mr. Meyer to stop speaking on behalf of the business owners. He said he knew the project was in the best interest of the town. He asked everyone to stop listening to conspiracy theories and wait for the facts from the public hearing and RFPs.

Rosemary Costa—140 River Road—said she had twice written to Glenn Carter regarding a church next to her property. She said the parking lot was supposed to be used between 8 and 10 pm. She said there were nursing students parking in the lot seven days a week. She said they had increased the hours and the traffic. She said there were alarms going off, doors slamming, loud talking, etc. She said Mr. Carter had not responded to her and said she felt she had been ignored. She said the church had implemented a change of use.

Council President Burnham said she had heard similar complaints from other neighbors.

Ms. Costa again said it was clearly a change of use. She said there were ongoing issues with Riverview staff parking in residential areas. She said she wanted a written response from Mr. Carter. She said she would take it to her legal counsel.

Councilwoman Burnham said she would talk to Mr. Carter and said she would also discuss the issues with the Code Enforcement staff.

Ms. Costa said she had gotten the run around from the Code Enforcement office.

Stephen Catania—14 Monmouth Street, the Cheese Cave—said he had attended the Planning Board meeting regarding the White Street Plan and said he had been able to listen to all of the dialogue. He said he thought there had been good points brought up and said he thought it was important that business owners and residents recognized that it was an unstructured plan. He said they were welcoming the process that would define what was in the best interest of the community. He said he was a tenant of Mr. Meyer but said that did not mean that his thoughts and wishes regarding the parking issue were represented by him. He said they had different expectations and needs. He said he could speak on his own behalf regarding what the business community needed regarding parking.

John Bowers—866 Route 34, Colts Neck—He noted that last three speakers had all stated that parking was a problem. He said 194 cars that would be added under the redesign suggested by Mr. Meyer were a drop in the bucket and not going to get it done. He said the town needed to address the problem. He said residential taxes would go down because the businesses would be doing better.

No one else appearing, Councilman Zipprich made a motion to close the public comment, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Schwabenbauer, Whelan

NAYS: None

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

Respectfully submitted,

Pamela Borghi