

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 28, 2016
5:00 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, Chief Financial Officer Poulos, Attorney Cipriani and Engineer White.

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 Whelan offered a motion to suspend the regular order of business, seconded by Councilwoman Burnham.

ROLL CALL:

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

NAYS: None

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

Presentation to Luigi Laugelli

Mayor Menna said the Council had the wonderful opportunity to say thank you to Luigi Laugelli, Principal at the Red Bank Primary School. He said Mr. Laugelli had impacted many in the community, especially the most impressionable.

16-306 Councilwoman Horgan read, "A Resolution Honoring Luigi Laugelli."

Councilwoman Horgan and Mayor Menna presented Mr. Laugelli with a copy of the resolution.

Mr. Laugelli thanked the Council, Superintendent Rumage and those in attendance for their support.

Councilwoman Horgan 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 ayes and no nays, the motion was declared approved.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Parking Contribution Ordinance

Councilman Whelan said the moratorium on the Parking Contribution would expire at the end of the year. He suggested they extend it a little further and noted how far they had come on a path to a garage. He said he would like to extend it six months to see that project through. He said he felt extending it another six months would be appropriate to give them time to see where the garage project was going to go. He reviewed dates that he had tried to schedule Parking Committee meetings to review the matter but said it had been difficult to get all Committee members together. He again said he would like to extend it another six months so the 2017 Parking Committee could meet and review. He said he hoped this would be the last extension.

Mayor Menna said the Parking Committee would be formed on January 1 and said he hoped the members would begin discussion the matter on January 2. He said he had listed to a lot of comments on the matter

and called for the Committee to have earnest discussions as quickly as possible. He said if the extension was approved, he felt it had to be the last extension.

Councilman Whelan agreed and cited the progress and specific accomplishments that had been made by the Parking Committee.

Mayor Menna said the Borough had momentum and said he had been extraordinarily educated by some of the comments. He said he wanted everyone to know that he took the comments of the Environmental Commission to heart. He said he had been looking at things outside the box to see how they could do things better.

Councilman Whelan said, in regard to the moratorium, he felt reinstating fees would prevent businesses from coming to town and would kill growth. He also said he felt it many of the existing businesses might not have come to town if the fees were in place.

Councilwoman Horgan asked when the Committee had met.

Councilman Whelan said they had not been able to.

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

APPROVAL OF MINUTES

No minutes were scheduled for approval.

MAYORAL APPOINTMENTS

No Mayoral appointments.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Schwabenbauer had no report.

Councilman Whelan reported that he had been able to join Navesink Hook & Ladder Company as they handed out Christmas presents to 60 or 70 homes in the Borough. He also noted the number of emergency calls handled by the Department over Christmas Eve and Christmas Day. He praised the volunteers for their service and commended their families for supporting their effort.

Mayor Menna asked Commissioner Whelan to reach out to 2016 Chief Soden on behalf of himself and the rest of the Council. He said, while all Chiefs merit the Council's appreciation, Chief Soden had had an extraordinarily challenging year. He said it was probably a harder one than any other Chief which, he said, was not because of firematics but because of long range planning. He asked Councilman Whelan to let him know that, despite all of the issues, he had the Council's support and appreciation.

Commissioner Whelan thanked the Mayor and said that would mean the world to Chief Soden.

Councilman Taylor thanked everyone for their assistance with the Westside Tree Lighting including the Police Department, Fire Department and Department of Public Works. He reviewed the contest to identify a new Parks and Recreation logo. He said submissions for the department's winter photo contest were due Friday. He also reflected on what he said had been an incredible year and thanked the volunteers to had helped out throughout the year.

Councilwoman Horgan announced that the Borough's IT Director was leaving. She said she wanted to publicly acknowledge all that he had done. She said he had offered to stay on for the transition and to help find a new Director.

Councilman Zipprich said he wanted to echo Councilwoman Horgan's sentiment and said IT Director Fagliarone had made great strides. He also reported that the DPW Committee had met earlier in the day and had covered a lot of ground. He said the Historic Preservation Committee had submitted their annual report. He also reported that the Fortune House property on Drs. Parker Boulevard was undergoing a full renovation and said he was looking forward to that completion in the new year.

Councilwoman Burnham said she had received a lot of calls about water leaks. She called for the Council to revisit the issue and called for a resolution that would require the Borough to pay for repairs from the main to the curb. She cautioned property owners to watch for leaks. She also said she felt the Count Basie lease was not working. She said there were issues on nights when there were Board meetings and suggested the procedure needed to be tweaked.

Mayor Menna said they would look into it at the beginning of the year. Regarding the water issue, he said he had been educated through the efforts of citizens and said he intended to call for the introduction of an ordinance that would provide for a cooperative agreement to purchase insurance for those types of repairs. He said he had received many emails on the matter and noted that the program was working in other towns. He said he also wanted to open the work to more contractors. He said he was not comfortable with one contractor. He said the homeowner should have the option to choose.

Councilwoman Burnham said the Public Works Committee had discussed bringing in three contractors.

Councilman Zipprich asked Administrator Sickels to review the situation.

Mr. Sickels said new bid specs had been drafted to include multiple contractors. He reviewed the reasons why the Borough had gone with a single contractor. He said the matter would be presented to the committee in January and said there would be a report in the coming year.

Councilwoman Burnham said she wanted to reflect on her time in office. She said it had been interesting and had been an honor to serve. She said she would continue to be available to help residents. She said she had created a record against borrowing and spending. She said she hoped the new administration would fulfill the needs of the residents and listen to them.

Mayor Menna said, on behalf of all the Council, he thanked Councilwoman Burnham for her service. He said it was important to recognize the time and effort and the challenge of holding office. He noted the personal sacrifice that was required.

COMMUNICATIONS AND PETITIONS

None.

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Ben Forrest—16 Locust Avenue—asked about the Parking Contribution moratorium that was discussed.

Mayor Menna explained the program calling for contributions toward parking deficiencies. He said the moratorium would put that program on hold.

Councilman Whelan added that the moratorium had been in place since 2010 so it was not a new issue.

William Meyer—12 Monmouth Street—asked if it would apply to new applications or new deficiencies.

Mayor Menna said it would apply to any application being made.

Mr. Meyer said he thought that would be an important factor for the parking garage.

Mayor Menna said it had nothing to do with that issue and said the fees were application based.

Mr. Meyer asked what if an applicants was 35 spaces short. He said that would hurt everyone. He asked it would preclude those applications being granted.

Administrator Sickels said the moratorium would allow the Board to grant a variance without a parking contribution. He noted there were projects in the pipeline.

Councilman Whelan said if those applicants had to pay, they may not have come to Red Bank. He said there was no guarantee they would be willing to pay the fees.

Mr. Meyer said it could mean more problems down the road.

Mayor Menna reviewed specific projects where there had been no parking in the area. He said those types of applications would be withdrawn because they would have no support.

Mr. Sickels said it came about because people were trying to fill stores. He said people weren't signing leases due to the parking contribution requirement. He said, with the moratorium in place, leases were signed.

Attorney Cipriani said the ordinance would only prohibit the collection of the fee. She said it would not grant dispensation of the parking requirements. She said the Board would still consider parking issues.

Mr. Meyer said he felt there should be some teeth to prevent applications for a density variance or a change of use. He expressed concern about a demand for parking going forward and suggested uses with lower parking needs.

Stephen Hecht—135 Branch Avenue—noted that the Mayor had said he was impatient and that he wanted things to move quickly. He suggested they limit the extension to three to four months.

Mayor Menna said he was fine either way and said it was up to the Council.

James Scavone—Executive Director of Red Bank RiverCenter—reiterated that the business community did not see the moratorium as prohibiting actions by the Board as the Attorney had noted. He said their issue was with charging fees for a parking shortage when that shortage could not be fixed. He said the fees would turn businesses away.

ORDINANCES – First Reading

None.

ORDINANCES – Public Hearing and Final Adoption

2016-26 Mayor Menna read, “An Ordinance Establishing Salaries or Wages of Officials and Employees of the Borough of Red Bank in Monmouth County.”

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

There being five ayes and one nay, the motion was declared approved.

RESOLUTIONS

16-307 Mayor Menna read “A Resolution Approving the Hiring of Kristin McCombs as Seasonal Part Time Violations Clerk for Municipal Court.”

Councilwoman Horgan 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 ayes and no nays, the motion was declared approved.

16-308 Mayor Menna read, “A Resolution Approving the Hiring of Oscar Salinas as Recreation Specialist.”

Councilman Taylor offered a motion to approve the resolution, 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.

16-309 Mayor Menna read, “A Resolution Approving the Hiring of Bill Wilk as Parking Utility Supervisor.”

Councilman Whelan 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 ayes and no nays, the motion was declared approved.

16-310 Mayor Menna read, “A Resolution Fixing Compensation of Certain Offices, Positions and Employees of the Borough of Red Bank for the Year 2016.”

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

ROLL CALL:

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

NAYS: None

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

16-311 Mayor Menna read, “A Resolution Accepting Performance Bond Issued by Fortune Square/Yellowbrook Properties for 94 Drs. James Parker Boulevard, Block 75.01, Lot 86.”

Councilman Zipprich 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 ayes and no nays, the motion was declared approved.

16-312 Mayor Menna read, “A Resolution Authorizing Transfer of 2016 Budget Appropriations.”

Councilwoman Schwabenbauer 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 ayes and no nays, the motion was declared approved.

16-313 Mayor Menna read, "A Resolution to Extend the Temporary Suspension of the Parking Deficiency Schedules in the Borough's Planning and Development Regulations during Economic Emergency."

Councilman Zipprich asked if the term could be shortened to three months.

Councilman Whelan said he was fine with that.

Councilman Taylor noted that inventory was the problem. He said having people pay into a system without a way to make up the shortage would just penalize the prospective business owners. He said he was okay with three months but noted it would put them on a tighter time frame to find the inventory solution.

Councilman Whelan offered a motion to approve the resolution as amended with an expiration date of April 1, 2017, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

There being five ayes and one nay, the motion was declared approved.

PROCLAMATIONS

None.

PAYMENT OF VOUCHERS

16-314 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$2,047,432.72."

Councilwoman Schwabenbauer 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 ayes and no nays, the motion was declared approved.

OLD BUSINESS

NEW BUSINESS

Councilman Zipprich said he wanted to offer Council President Burnham success in the New Year. He noted that they had been on the opposite sides of many issues over the year but he wanted to thank her for her enthusiasm and tenacity. He said she always had Red Bank best interests at heart.

Mayor Menna commended her expertise in Code Enforcement and said he was tempted to make her an honorary Code Enforcement Officer.

AUDIENCE

Jimmy Dark—48 West Sunset—said he wanted to thank Councilwoman Burnham for her service. He also thanked Freddie Boynton for his help. He also thanked Mayor Menna for his assistance in getting a tree trimmed. He called for the Council to work with people and be compassionate.

William Meyer—12 Monmouth Street—said he was not a fan of the method used to get a parking garage. He agreed that there was a need but said the method was flawed. He said the public had been left out of the process. He said there had been no details on the location, size and cost. He said he had looked in to a precast building and reviewed the details of his recommendation. He again criticized the redevelopment process.

Mayor Menna said his plan was interesting. He said it was an open process and said Mr. Meyer should have the company he was recommending contact the Administrator to have their name put on the RFP list.

Mr. Meyer said he would forward the information but said he wanted the town to build and maintain ownership. He offered more details and noted that the need could be reduced because of the possibility of driverless cars.

Mayor Menna said he was a fan of the German model of a fully automated garage. He said Asbury Park would soon be announcing something. He said they had to look toward the next century.

Mr. Meyer called for the Council to continue to review the plans and to consider the possibility of self-driving cars.

Councilman Whelan reviewed some of the problems with self-driving cars and said he felt mass use was farther away than one might think.

Mayor Menna said it was a great discussion and said hearings would be held as the process continued.

Administrator Sickels asked the name of the company that Mr. Meyers had been citing.

Mr. Meyer said it was called High Concrete Group and said there were from Denver, Pennsylvania.

Councilwoman Burnham asked how long it would take to construct.

Mr. Meyer estimated six months or less and said it would not disturb most of the lot.

Ben Forrest—16 Locust Avenue—thanked Councilwoman Burnham and said he would miss her. He also commented on retirements discussed at the last meeting and accrued sick time payouts. He said he was supportive of paying people what they had earned under a contract. He said it was not the fault of the employee and said it had been revolting to read terrible things reported about employees. He thanked Administrator Sickels for his service.

Councilman Taylor noted that the Borough had capped the payouts in 1994.

Boris Kofman—28 Riverside Avenue—asked the Mayor to clarify his comments about environmental aspects of a plan for the parking garage.

Mayor Menna said he had listened intently to the comments from the Environmental Commission. He said he had been moved by some of the suggestions. He thought they were appropriate and that he should look deeper into it. He said he had made inquiries that he would like to share with the Commission. He said he had seen cool initiative in other towns. He said he looked forward to having that dialog.

Mr. Kofman referred back to comments about Code Enforcement and asked about lawn signs illegally placed in public areas. He asked if citizens could remove them.

Mayor Menna said they absolutely could.

Freddie Boynton—365 Shrewsbury Avenue—said Councilwoman Burnham had done an outstanding job and said she was outspoken. He also questioned if certain trucks would be able to fit and urged the Council to make it high enough. He said Administrator Sickels would be deeply missed. He also addressed a recent incident at Monmouth mall and urged everyone to be careful.

EXECUTIVE SESSION

None.

ADJOURNMENT

Mayor Menna called for a motion to adjourn Sine Die until 3:00 pm January 1, 2017.

Councilman Zipprich offered the motion, seconded by Councilman Taylor.

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi