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- 6.I. Workshop Discussion Items
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Documents:

[DRAFT MINUTES 05-30-2018.PDF](#)

8. MAYORAL APPOINTMENTS
9. REPORTS OF MAYOR AND COUNCIL MEMBERS
10. COMMUNICATIONS AND PETITIONS

- 10.I. Recommended For Approval By Special Events Committee

- Block Party request from residents of South Street for Saturday, June 30, 2018 and request to close South Street between Branch Avenue and Brown Place from 3pm to 12midnight.
- Block Party request from residents of Mori Place for Tuesday, July 3, and request to close Mori Place from 3pm to 11pm.
- Request from T. Thomas Fortune Foundation to place temporary chalk graphics on public sidewalks on July 1, 2018.
- Request from JBJ Soul Kitchen to hold the 2nd Annual Day of Hope Community Walk on public walkways from JBJ Soul Kitchen on Monmouth Street, to Bridge Avenue, to Catherine Street, to Shrewsbury Avenue and returning to JBJ Soul Kitchen on Monmouth Street on Thursday, September 20, 2018 at 11:30am.

11. PUBLIC COMMENT--Ordinances On First Reading And Resolutions Only
12. Budget-Public Hearing And Adoption

Documents:

[2018-13 PUBLIC HEARING.PDF](#)
[18-151 BUDGET AMENDMENT.PDF](#)

13. ORDINANCES - First Reading

14. ORDINANCES - Public Hearing And Final Adoption

- 14.I. 2018-15 Ordinance Amending And Supplementing Chapter 490, Planning And Development Regulations, Relating To Historic District Regulation And Article VIII Relating To The Historic Preservation Commission.

Documents:

[2018-15 PUBLIC HEARING.PDF](#)

- 14.II. 2018-17 An Ordinance Amending And Supplementing The Revised General Code Of The Borough Of Red Bank, Chapter 85, "Mayor And Council," Article II, "Office Of The Mayor" And Chapter 90, "Officers And Employees," Article VI "Borough Administrator."

Documents:

[2018-17 PUBLIC HEARING.PDF](#)

15. RESOLUTIONS

- 15.I. 18-153 A Resolution To Amend The Time And Place Of Borough Council Meeting For 2018.

Documents:

[18-153.PDF](#)

- 15.II. 18-154 A Resolution Honoring Harry Jain As The Highest Ranking Red Bank Senior.

Documents:

[18-154.PDF](#)

- 15.III. 18-155 A Resolution Authorizing Approval Of Sidewalk Cafés.

Documents:

[18-155.PDF](#)

- 15.IV. 18-156 A Resolution Authorizing Renewal Of Plenary Retail Distribution Licenses For 2018-2019

Documents:

[18-156.PDF](#)

- 15.V. 18-157 A Resolution Authorizing Renewal Of Plenary Retail Consumption Licenses For 2018-2019

Documents:

[18-157.PDF](#)

- 15.VI. 18-158 Resolution To Authorize The Issuance Of An Interest-Free Internal Note Of The Borough Of Red Bank, County Of Monmouth.

Documents:

[18-158.PDF](#)

15.VII. 18-159 Resolution Authorizing Change Order No. 8 Related To The Marine Park Site & Bodman Place Pump Station Improvements Project.

Documents:

[18-159.PDF](#)

16. PROCLAMATIONS
17. PAYMENT OF VOUCHERS
18. OLD BUSINESS
19. NEW BUSINESS
20. AUDIENCE
21. EXECUTIVE SESSION
22. ADJOURN EXECUTIVE SESSION
23. ADJOURNMENT

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 30, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Taylor, Whelan, Yngstrom, Ballard, Zipprich, and Horgan.

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, CFO Poulos, Attorney Cannon and Engineer Neumann.

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 1, 2018.

Mayor Menna called for a moment of silence in memory of Firefighter Andrew Hill.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

Presentation to Del Dal Pra, JSIWA 2018 Man of the Year

Mayor Menna read a proclamation to commend Mr. Dal Pra on being named the Jersey Shore Interscholastic Wrestling Association Man of the Year for 2018.

Parks & Recreation Director Hoffmann reviewed the contributions Mr. Dal Pra had made to the JSIWA and the Red Bank Recreation Department over the years.

Mayor Menna and Councilman Yngstrom presented the proclamation to Mr. Dal Pra.

Mr. Dal Pra thanked the Mayor and Council and noted others who has also contributed. He reviewed future plans for the organization including striving for a female wrestling tournament. He also credited Director Hoffmann for his work in the Recreation Department.

Proclamation—June 1, 2018 Gun Violence Awareness Day

Mayor Menna read a proclamation naming June 1, 2018 Gun Violence Awareness Day in the Borough of Red Bank. He reviewed the history of the Mayors' Coalition Against Handguns and said he was happy to once again sign their pledge. He presented the proclamation to representatives of Mothers Against Gun Violence.

Proclamation—June 2018 Pride Month/Presentation of 077Q1

Mayor Menna read a proclamation naming June 2018 as Lesbian, Gay, Bisexual and Transgender Pride Month in the Borough of Red Bank. He and Councilman Zipprich presented the proclamation to Kate Okeson. Ms. Okeson presented the Mayor with a Pride flag to be hung at Borough Hall in the month of June.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna asked the Resolution 18-145 be moved up on the agenda.

18-145 Mayor Menna read, "A Resolution Authorizing Person-to-Person Transfer of Plenary Retail Distribution License No. 1340-32-018 (Fondue Holdings Inc. to Renegade Fondue, Inc.)."

Councilman Whelan offered a motion to approve the resolution as amended, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

WORKSHOP

No Workshop Items.

APPROVAL OF MINUTES – May 9, 2018

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna appointed Ann Ciabattoni to the Library Board of Trustees as a Full Member to an unexpired five year term expiring 12/31/2020.

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

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Ballard reported that the Finance Committee had met on May 17 to review the next steps in the budget process including the June 13 Public Hearing/Adoption. He welcomed Administrator Shehady to the Borough. He said they had discussed a process to monitor expenses and plan for the next year. He reported the PBA negotiations would begin soon. He said the discussions would not be public because it was a personnel matter but said he would report at the conclusion.

He also reported that Red Bank Regional High School would be calling for a bond referendum. He said he had attended a focus group on the matter and said information was very preliminary. He said the bond would allow for \$16-\$18 million to expand to add additional classrooms and said there would be second question to bond for a turf athletic field. He said there was no mention of tuition increases for students attending from outside districts. He said enrollment at the high school was up and they expected it to continue to increase over the next five years. He said he hoped for concrete numbers and more information for the public toward the end of June. He also reported that the Borough would be hosting a Shared Service Summit hosted by Ken DeRoberts of Government Strategy Group on September 15 at the Red Bank Middle School. He reviewed the purpose of the summit.

Councilman Zipprich thanked the 077Q1 Neighbors for their donation of the flag. He noted there was a resolution on the agenda to award a contract for a Parking Study. He thanked Councilman Yngstrom and Councilwoman Horgan for their work on the matter. He said the vendor had been presented to the RiverCenter Board and said they had agreed to be a partner on the expense. He thanked Administrator Shehady for sitting in on a recent DPW Committee meeting. He commended Parks and Recreation Director Hoffmann for an outstanding great job on the recent Memorial Day Service. He said he had also attended the May 13 Basie Awards and thanked the Count Basie Theater staff and congratulated the winners. He also noted the T. Thomas Fortune Cultural Center Foundation had held a successful fund raiser the previous week.

Councilwoman Horgan had no report.

Councilman Yngstrom thanked everyone who had attended the Memorial Day Service including speaker Sergeant Major Scott Lewis. He thanked the Elks for the use of their facility and participants including the Primary School Choir, Father Loche, Red Bank Fire Department, Red Bank Police Department and the many service groups that placed wreaths. He said the Parks & Recreation staff had done a great job. He said registration of open for the Red Bank Classic 5K on June 16 and said the event would include a Broad Street Dash for kids. He reviewed upcoming Recreation Department programs.

Councilman Whelan also welcomed Administrator Shehady. He reported that the May 18 Mayor's Charity Ball had been a fantastic evening. He thanked the Mayor for the moment of silence for Andrew Hill and reviewed his experience of knowing Mr. Hill and of his service to the Fire Department.

Councilman Taylor reported that the Code Committee had met the previous Wednesday and continued discussion on the initiative to assess the occupancy of upper floors in the downtown area. He said the Environmental Commission continued to work toward Silver status with Sustainable Jersey and said there should be ordinances and resolutions presented in the coming months to work toward that goal.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Two River Theater to install temporary directional signage in the public right of way during ongoing construction at their site.

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

ROLL CALL:

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

NAYS: None

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

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak. He reminded everyone of the rules for public comment including the three minute time limit.

Susanne Viscomi—25 Cedar Street—asked about the salary ordinance particularly in regard to the Assistant Administrator position.

Mayor Menna said that the Borough would not be hiring an Assistant Borough Administrator and asked Administrator Shehady to clarify.

Administrator Shehady explained that the ordinance was procedural and would establish ranges for various positions. He said the ordinance did not mean that the Borough intended to fill each position. He said a resolution would be presented at a later date that would set specific salaries. He said he did not intend to recommend the hiring of an Assistant Administrator.

Mayor Menna again confirmed there was no intention to hire an Assistant Administrator and said he did not see the need.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2018-17 An Ordinance Amending and Supplementing the Revised General Code of the Borough of Red Bank, Chapter 85, “Mayor and Council,” Article II, “Office of the Mayor” and Chapter 90, “Officers and Employees,” Article VI “Borough Administrator.”

Councilman Yngstrom offered a motion to approve the introduction of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

Public Hearing and final adoption scheduled for June 13, 2018 at 6:30 pm.

ORDINANCES – Public Hearing and Final Adoption

2018-14 Mayor Menna read, “An Ordinance Establishing Salaries or Wages of Officials and Employees of the Borough of Red Bank.”

Councilwoman Horgan offered a motion to approve the adoption of the ordinance, seconded by Councilman Taylor.

Councilman Ballard voiced his concerns regarding the ordinance and called for it to be tabled.

Councilman Zipprich said he agreed.

Mayor opened the public hearing and asked if anyone would like to speak.

Ben Forrest—16 Locust Avenue—said he would like to hear the details on Councilman Ballard’s concerns.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna asked for Council comments on the ordinance.

Councilman Taylor said he had not attended the last Finance Committee and wasn't sure if the matter had been discussed. He asked for details regarding Councilman Ballard's concerns.

Councilman Ballard said he was concerned because various versions of the ordinance had been presented. He cited positions where he felt there were discrepancies. He said he thought it should be reviewed to ensure it was accurate.

Councilman Taylor asked what type of changes he was considering.

Councilman Ballard said he was interested in finding the rational for certain salaries.

Councilman Zipprich said he felt there were also positions that should have been listed but were not.

Mayor Menna said if the Ordinance was not ready they should table it.

Councilman Taylor agreed.

Councilwoman Horgan offered to rescind her motion and Councilman Taylor agreed.

Councilman Ballard offered a motion to table the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

The Ordinance was tabled to June 27, 2018. Mayor Menna said if there were substantive changes, it would have to be reintroduced

2018-15 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Historic District Regulation and Article VIII Relating to the Historic Preservation Commission."

Mayor Menna announced that the Ordinance would be carried until June 13, 2018 due to the fact that the Planning Board had not yet articulated their position on the matter as required by statute.

Councilman Zipprich offered a motion to table ordinance, seconded by Councilwoman Ballard.

ROLL CALL:

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

NAYS: None

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

The Ordinance was tabled to June 13, 2018 pending Planning Board review.

2018-16 Mayor Menna read, "An Ordinance Amending Borough Code Chapter 231: "Animals" to Include New Article VIII, "Regulating the Sale of Dogs and Cats and Prohibiting the Sale of Certain Dogs and Cats from Pet Shops."

Mayor Menna announced that the Ordinance would be carried until June 27, 2018 for further Committee review.

Councilwoman Horgan offered a motion to table the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

The Ordinance was tabled to June 27, 2018.

2018-18 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter 590, Solid Waste, Article IV "Collection from Retail Food Establishments"

Mayor 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 Whelan.

ROLL CALL:

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

NAYS: None

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

Councilman Whelan offered a motion to approve the adoption of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

18-135 Mayor Menna read, "A Resolution Appropriating \$154,912.28 Excess Bond Proceeds from Bond Ordinance Number 2014-3 to Provide for Water/Sewer Improvements and Acquisitions of the Borough, By and For the Borough of Red Bank, in the County of Monmouth, State of New Jersey."

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

ROLL CALL:

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

NAYS: None

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

18-136 Mayor Menna read, "A Resolution Approving Change Order No. 1 for a Contract Awarded to Kimley-Horn and Associates, Inc. for Consulting Professional Services for the Planning, Design, Solicitation of Public Feedback, and Developing a Concept Plan for the Redesign and Improvements to Marine Park."

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

Councilman Ballard asked if these were Green Acres funds.

Councilman Yngstrom said they were funds from an existing ordinance adopted in 2013 for Marine Park improvements.

ROLL CALL:

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

NAYS: None

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

18-137 Mayor Menna read, "A Resolution Awarding a Fair and Open Professional Services Contract for a Comprehensive Parking Study to Walker Associates of New York, New York."

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

ROLL CALL:

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

NAYS: None

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

18-138 Mayor Menna read, "A Resolution to Approve the Hiring of Parks & Recreation Summer Staff."

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

18-139 Mayor Menna read, "A Resolution Authorizing Tax Appeal Settlement Regarding Woodside Properties, LLC, 128 Broad Street, Block 60, Lot 15, Red Bank, New Jersey."

Councilman Ballard offered a motion to approve the resolution, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

18-140 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$972.71 due to Judgments of the Tax Court of New Jersey."

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

ROLL CALL:

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

NAYS: None

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

18-141 Mayor Menna read, "A Resolution Authorizing Tax Credit/Refunds Totaling \$1,215.36 due to Judgments of the Tax court of New Jersey."

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

ROLL CALL:

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

NAYS: None

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

By Consent Agenda:

Mayor Menna called for a vote on the following resolutions by Consent Agenda:

- 18-142 A Resolution Authorizing the Release of a Performance Guarantee Posted by William Duckworth for 15 Leonard Street, Block 75.04, Lots 31.01, 32 & 33.
- 18-143 A Resolution Authorizing the Borough of Red Bank to Conduct the 2018 Annual Budget Examination.
- 18-144 A Resolution Authorizing Approval of Sidewalk Cafés.
- 18-145 A Resolution Authorizing Person-to-Person Transfer of Plenary Retail Distribution License No. 1340-32-018 (Fondue Holdings Inc. to Renegade Fondue, Inc.)
- 18-146 A Resolution Authorizing Renewal of Club Licenses for 2018-2019
- 18-147 A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2018-2019
- 18-148 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2018-2019
- 18-149 A Resolution Amending the 2018 Temporary Appropriations (Eugenia will provide day of meeting.)

Councilman Ballard offered a motion to approve the resolutions, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

None

PAYMENT OF VOUCHERS

18-150 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$6,021,766.22."

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman Taylor brought up his concern with the intersection of Pearl and Oakland streets. He said he realized it was difficult to get a four way stop but asked that Police and DPW look into striping and enforcing. He noted the area had commuter pedestrians, a school and a theater. He said lighting and site line visibility were issues. He said striping in general, and particularly handicapped spaces, need to be addressed.

Mayor Menna said he and the Administrator would be taking a drive-through to look at some of these issues. He said he had also contacted State legislators to discuss local authority over four way stops.

Councilman Taylor said he felt that would be a great solution. He said there was also an area of State Highway 35 that had been repaved by the State but said they had never re-striped. He suggested the Borough re-paint the crosswalks in the interest of pedestrian safety.

Councilman Zipprich pointed out that Pearl Street was part of the current road program.

Councilman Taylor also noted that the Shrewsbury Avenue Advisory Committee was looking to work on traffic calming issues.

Mayor Menna said he had constantly brought up issues with the theater district including parking issues, greater accessibility and pedestrian safety. He suggested metered parking in the residential areas that would be free for those who lived there.

Councilman Yngstrom mentioned that Chief McConnell had had a great idea of painting areas in front of driveways and said they had heard positive feedback from residents.

Councilman Ballard said River Street and Tilton Avenue was also a very dangerous area and noted its proximity to the Primary School.

The Council also discussed issues with the intersection of Shrewsbury Avenue and Front Street.

AUDIENCE

James Scavone—Director of RiverCenter—said RiverCenter was undergoing a Strategic Planning Process. He said there would be a series of public meeting. He said the first would be at the Oyster Point on June 18th.

Freddie Boynton—PO Box 2074—asked about the status of a request for a handicapped space on Tilton Avenue. He discussed a recent event in town resulted in the death of a young man. He said both parties involved were part of his family. He also said he felt that the Borough was responsible for the actions of Borough employees while they were working. He said received a letter from the Borough Attorney that the Borough was not responsible and that it was a personal matter. He questioned that response.

Ben Forest—16 Locust Avenue—thanked the Council for authorizing the Parking Study. He said he also appreciated them tabling the Animal ordinance. He questioned the Borough's involvement in the matter and questioned the proposed regulations. He said people would get their desired pets from other sources including the internet. He said he felt it would be better if they got them from what appeared to be a responsible business.

No one else appearing, Councilman Zipprich offered a motion to close the audience portion of the meeting, seconded by Councilman Whelan.

ROLL CALL:

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

NAYS: None

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi

ORDINANCE 2018-13

AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Councilman Ballard offered the following Ordinance and moved its introduction:

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Red Bank in the County of Monmouth finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 171,055.67 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Red Bank, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Red Bank shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$598,694.83, and that the CY 2018 municipal budget for the Borough of Red Bank be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: May 9, 2018

I hereby certify this to be a true copy of Ordinance No. 2018-13 which was adopted on first reading on May 9, 2018 and has been scheduled for public hearing on June 13, 2018.

Municipal Clerk

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-151**

A RESOLUTION AMENDING BUDGET

WHEREAS, the Local Municipal Budget for the Year 2018 was approved on the 30th of May, 2018, and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend the approved Budget, now

THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, County of Monmouth, that the following amendments to the approved Budget of 2018 be made:

CURRENT FUND

	From	To
GENERAL REVENUES		
3. Miscellaneous Revenues – Section F: Special items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations (continued):		
NJ COPS in SHOPS	\$0.00	\$3,080.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues	\$56,204.62	\$59,284.62
Summary of Revenues		
3. Miscellaneous Revenues		
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues	\$56,204.62	\$59,284.62
Total Miscellaneous Revenues	\$7,056,824.42	\$7,059,904.42
5. Subtotal General Revenues (Items 1,2,3 and 4)	\$9,254,280.75	\$9,257,360.75
7. Total General Revenues	\$22,563,442.36	\$22,566,522.36

GENERAL APPROPRIATIONS

8. General Appropriations		
A) Operations – Excluded from “CAPS” (continued) Public and Private Programs Offset by Revenues (Continued)		
NJ – Cops in Shops	\$0.00	\$3,080.00
Total Public and Private Programs Offset by Revenues (Continued)	\$275,342.62	\$278,422.62
Total Operations – Excluded from “CAPS”	\$1,362,362.16	\$1,365,442,.16
Detail:		
Other Expenses	\$1,015,212.16	\$1,018,292,.16
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	\$4,618,742.86	\$4,621,822.86
(O) Total General Appropriations – Excluded from “CAPS”	\$4,618,742.86	\$4,621,822.86
(L) Subtotal General Appropriations {Items (H-1) and (O)}	\$21,626,353.86	\$21,629,433.86
9. Total General Appropriations	\$22,563,442.36	\$22,566,522,36

Summary of Appropriations

(A) Operations Excluded from “CAPS” Public and Private Programs Offset by Rev.	\$275,342.62	\$278,422.62
Total Operation – Excluded from “CAPS”	\$1,362,362.16	\$1,365,442.16
Total General Appropriations	\$22,563,442.36	\$22,566,522.36

DEDICATED WATER-SEWER UTILITY

10. Dedicated Revenues from Water-Sewer Utility

Operating Surplus Anticipated	<u>\$332,968.58</u>	<u>\$336,968.58</u>
Total Operating Surplus Anticipated	\$332,968.58	\$336,968.58
Rents	\$6,530,000.00	\$6,539,000.00
Miscellaneous	\$90,000.00	\$99,000.00
Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services		
Water and Sewer Connection Fees	<u>\$60,000.00</u>	<u>\$66,000.00</u>
Total Water-Sewer Utility Revenues	<u><u>\$7,173,281.37</u></u>	<u><u>\$7,202,281.37</u></u>

11. Appropriations for Water-Sewer Utilities

Operating:		
Other Expenses	<u>\$1,806,132.00</u>	<u>\$1,835,132.00</u>
Total Water-Sewer Utility Appropriations	<u><u>\$7,173,281.37</u></u>	<u><u>\$7,202,281.37</u></u>

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018

ORDINANCE NO. 2018-15

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS,
RELATING TO HISTORIC DISTRICT REGULATIONS AND CHAPTER 9, ARTICLE
VIII RELATING TO THE HISTORIC PRESERVATION COMMISSION**

Councilman Zipprich offered the following ordinance and moved its introduction on first reading:

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 9, Article VIII and Chapter 490 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County is hereby amended and supplemented as follows:

SECTION 1. Chapter 9, Article VIII Historic Preservation Commission is hereby replaced with:

Article VIII: ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION.

- A. Establishment and Classes of Members. A Historic Preservation Commission (HPC) is hereby established consisting of five (5) regular members and which may include two (2) alternate members, each of whom shall be appointed by the Mayor, of the following 3 classes:
1. Class A - A person who is by occupation a professional in building design and construction or architectural history;
 2. Class B - Persons who are knowledgeable or have a demonstrated interest in local history;
 3. Class C - Persons who are residents of the municipality and who hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.
 4. There shall be one member each from Classes A and B fulfilling the terms.
 5. Those regular members who are not designated as Class A or B shall be designated as Class C. Of the regular members a total of at least one less from a majority shall be of Classes A and B. Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.
 6. All members shall be residents of the municipality excepting Class A and Class B.
 7. Terms of Membership.
 - a. The term of each regular member shall be 4 years and the term of each alternate member shall be 2 years.
 - b. Alternate members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No.2."
 - c. The term of any member in common with the Planning Board or Board of Adjustment shall be for the term of membership on such Board.
- B. The terms of the members first appointed under this Ordinance shall be such that 2 members shall be appointed to a one-year term, 2 members shall be appointed to a 2-year term, and one member shall be appointed to a 3-year term. Alternate No. 1 shall be appointed to a 2-year term and Alternate No. 2 shall be appointed to a one-year term. The first year of the terms of all initial appointments under this Ordinance shall expire on December 31 of that year. The term of a regular member subsequently appointed shall be 3 years; and

- the term of an alternate member shall be 2 years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only, within 60 days of said vacancy. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board or Board of Adjustment shall be for the term of the membership on the Planning Board or Board of Adjustment, as the case may be.
- C. Role of Alternate Members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
 - D. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term, only.
 - E. Compensation. Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.
 - F. Removal. A member of the Commission may, after public hearing if he requests it, be removed by Governing Body for cause.
 - G. Conflict. No member or alternate member of the HPC shall be permitted to act on either any matter in which he or she has directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Commission on the hearing of such matter, nor shall participate in any discussion or decision.
 - H. Organization. The HPC shall elect from its membership a Chairman and Vice Chairman whose terms of office shall be for one year. The Chairman shall preside over the Commission and shall have the right to vote. The Vice Chairman shall, in case of absence or disability of the Chairman, perform the duties of the Chairman. A Secretary shall be appointed by the Commission may or may not be a member of the Commission or a municipal employee. The Commission shall be governed by Roberts Rules of Order.
 - I. Funding. The Governing Body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Commission shall have the authority to contract for the services of qualified persons to direct, advise and assist the Commission, and may acquire equipment and supplies necessary to its effective operation.
 - J. Advice. The Commission is empowered to seek advisory opinions and technical assistance from appropriate municipal officers and employees on any matter within the Commissions jurisdiction.
 - K. Rules and Procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:
 - a. A quorum for any action by the HPC shall be 3 members.
 - b. All HPC minutes and records shall be public records.
 - c. All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).
 - d. The Commission shall adopt rules for the transaction of its business, which shall provide for time and place meetings.

SECTION 2. Chapter 490, Article II, Section 10 (§490-10) Fees and Escrows, add:

(H) Application for a Certificate of Appropriateness from the Historic Preservation Commission: \$100.

SECTION 3. Chapter 490, Article V, Section 55 (§490-55) Historic District Regulations, is hereby replaced with:

A. Purpose and Intent.

- (1) The purpose of this section is to encourage desirable development in those areas of the Borough which possess unique historical character and to further enhance, promote and expand the cultural and historical identity, character and environment of such areas through the review and approval of exterior architectural design and other significant features of buildings and other structures to be modified or erected and/or sites to be improved.
- (2) It is intended that demolition of historic structures shall be discouraged as their loss will be a common loss to the Borough and the neighborhood.
- (3) It is also intended that the Historic Preservation Commission shall review plans for new construction so that such construction is compatible with existing and nearby structures.

B. Applicability. This section shall apply to the following:

- (1) All properties in the Design District Overlay (DDO) Zone as depicted on the Borough's Official Zoning Map. If a property is partly within the DDO zone this section shall apply to the entire property.
- (2) The Washington Street Historic District as depicted on the Borough's Official Zoning Map.
- (3) Any individual properties outside of (1) and (2) above that are included on the most recent version of the Borough's Historic Preservation Element of the Master Plan.

C. Application Procedures to the Historic Preservation Commission.

An application for a Development (zoning) Permit shall be required precedent to the issuance of a building permit to construct, alter, repair, move or demolish any building, structure or sign on the applicable historic properties. The Development Permit application shall be made to the Administrative Officer, pursuant to Borough codes. No Development Permit shall be issued until a Certificate of Appropriateness has been approved by the Planning Board, Board of Adjustment, or Historic Preservation Commission, as the case may be. An application for approval of a Certificate of Appropriateness shall be completed and filed with the Administrative Officer not less than 10 days before a Historic Preservation Commission meeting.

- (1) Minor and Major Applications. The Administrative Officer shall review the application form and classify the application in accordance with the following guidelines:
 - (a) If a Certificate of Appropriateness is requested for an action which will substantially affect the characteristics of the district or historic site, the Administrative Officer shall classify the application as a major application and notify the applicant to submit a full application which shall include architectural drawings and plans prepared by a New Jersey licensed architect; photographs, sign designs, and other information described in the Historic Preservation Commission's regulations. The Administrative Officer shall be entitled to request and receive assistance in the classification from the HPC.
 - (b) If a Certificate of Appropriateness is required for an action which will not substantially affect the historic site or district, the Administrative Officer shall classify the application as a minor application.
 - (c) Completed minor application will be heard and acted upon at the next regularly scheduled meeting of the Historic Preservation Commission.
 - (d) Major applications shall be acted on within 30 days after the application is declared complete by the Administrative Officer. If the HPC does not act on a major application within 45 days, the application shall be deemed to have been approved as submitted, and the Administrative Officer shall so certify. By mutual written agreement of the applicant and the HPC, there may be an extension of time. The HPC may advise the applicant and make recommendations in regard to tile appropriateness of the proposed

action, and may grant approval upon such conditions as it deems appropriate within the intent and purposes of this Ordinance. The HPC shall decide on each application and shall reduce their findings and conclusions in the form of a resolution to be adopted by the Commission.

- (e) Sign Application. Any person seeking a construction permit to construct, alter, repair, move, install or demolish a sign in the historic district or historic site outside of a district shall be required to receive a Certificate of Appropriateness from the HPC. All applications for a Certificate of Appropriateness for a sign shall be classified as minor applications.

(2) Decisions by the Historic Preservation Commission.

- (a) If an application is approved, the HPC shall issue a Certificate of Appropriateness and provide the applicant with a certified copy of the resolution. If disapproved, the Commission shall notify the applicant in writing of the resolution and provide to the applicant a certified copy.
- (b) In the event that an applicant alleges that compliance with the requirements of this Ordinance would be an unreasonable hardship and that the nature of his application is such that the change sought does not justify the time and expense of a plenary proceeding, will not impact negatively on the public good, nor specifically on the historic qualities sought to be preserved, the Commission, by a majority vote of its full authorized membership, may grant such relief from the requirements of this Ordinance as it deems consistent with the public good and the purposes of this Ordinance.
- (c) An applicant may request that a Certificate of Appropriateness be granted without fulfilling all the application requirements set forth because the change contemplated shall not be visible from any place to which the public normally has access and, therefore, cannot adversely affect the public interest. In that event, the Historic Preservation Commission, by a majority vote of its full authorized membership, may determine that the criterion for such an exemption has been met and may grant a Certificate of Appropriateness.

(3) Effect of a Certificate of Appropriateness Approval; Denial; Appeal.

- (a) Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this Ordinance. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other Borough ordinance to be made prior to undertaking the action requested concerning the historic site or structure in the historic district. A Certificate of Appropriateness shall be valid for 2 years within such time the applicant shall have procured a construction permit, or in the event that subdivision or site plan approval is required, filed a complete application with the Planning Board or Board of Adjustment, as the case may be, or within such time as the HPC may deem it in the public interest to grant, but in no circumstance shall such extension be for a period greater than 2 years from the date of the expiration of the original approval.
- (b) Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for concerning a historic site or structure in a historic district.
- (c) Appeal from a denial of the Certificate of Appropriateness shall be to the Board of Adjustment under N.J.S.A. 40:55D-70a where no application for development is required and to Superior Court

where the Certificate of Appropriateness is issued by the Planning Board or Board of Adjustment.

- (4) Emergency Repairs. When emergency repairs are required, the Administrative Officer shall notify the Chairman of the Historic Preservation Commission or his designee and a recommendation concerning the emergency repairs shall be made within 48 hours. The Administrative Officer may allow temporary repairs to a structure prior to the Historic Preservation Commission's review when these repairs are necessary for the buildings occupancy or to ensure public safety contingent upon the application for a Certificate of Appropriateness within 10 days of the onset of such emergency repairs. Such emergency repairs shall have concluded within 90 days unless written extensions are granted.

D. Design Guidelines

- (1) Design objectives. All proposed development within any Historic District in the Borough of Red Bank should be designed to accomplish the following objectives:

- (a) Recognize the distinctive historic and architectural characteristics of the district. The characteristics are important reminders of the Borough's cultural, social, economic, political and architectural history.
- (b) Foster civic pride in the noble accomplishments of the Borough's past.
- (c) Protect and enhance the attractiveness of the Borough for tourists, visitors and shoppers and thereby support and promote business, commerce, industry and overall economic benefit to the Borough.

- (2) General design standards. Every development shall comply with these general standards:

- (a) Site and building design shall be compatible with surrounding sites and buildings and with the character of this Historic District as a whole.
- (b) The preferred architectural styles shall be those which predominated during the Victorian era, the primary period of Historic District building activity. The urban vernacular architecture generated during this period in Red Bank was "Italianate Commercial," "Eclectic Commercial" and "Victorian Functional." See "Nineteenth Century Red Bank" by Kathleen J. Murray, 1981, on file in the office of the administrative officer, for more details on architectural styles.
- (c) Contemporary design is not encouraged but shall be permitted when such design is compatible in character, size, scale, setback, style, color and materials with adjacent properties, the remainder of the neighborhood and the Historic District as a whole. See Figures I and II.
- (d) Colors utilized should be appropriate to the concept of the Historic District. Subdued colors, earth tones and colors appropriate to the architectural period of the structure are encouraged.
- (e) Landscaping should be compatible with the architectural character and appearance of the site and structure and with the Historic District as a whole.
- (f) Reasonable efforts shall be made to discover, protect and/or preserve desirable archaeological resources which are likely to be affected by any proposed development or to incorporate an original architectural design, material composition, and/or maintain and not destroy any surrounding historical structures.

- (g) Designs which seem to produce a distinctive or dramatic result and purposely include features which set them apart from the balance of the Historic District are discouraged.
 - (h) Signs shall be appropriate to the concept of the Historic District and shall be selected with a view to both historical appropriateness and conformance with Borough's sign regulations.
 - (i) Exterior building materials shall be appropriate to the architectural style selected. Use of masonry and, where appropriate, wood is encouraged, and the use of brick with appropriate attention given to color, texture, details, and bond pattern is usually appropriate. Other exterior materials, including marble, granite and limestone, are permitted, provided that they are appropriate to the style of the structure. Use of diagonal and vertical wood patterns, wood paneling, particularly upon upper-level, metal storefront and panels, glazed tile and similar materials and techniques incompatible with the significant structures in the district is discouraged.
- (3) Guidelines for existing structures. Every development involving an existing structure shall comply with these guidelines:
- (a) Sensitive treatment of distinctive stylistic features or examples of skilled craftsmanship that characterize a building or site.
 - (b) Maintenance of proportions and relationship between doors and windows in a manner compatible with the original structure architecture and with substantial adjacent buildings and other structures within the district. Minimum alteration of dimensions and locations of upper-story windows.
 - (c) When appropriate, restoration and/or repair rather than replacement of deteriorated architectural features.
 - (d) Removal of discordant building elements, especially if such removal will expose attractive details of the original building.
- (4) These actions/activities are prohibited:
- (a) Alterations or renovations which are arbitrary and seem to create the appearance of an architectural period not appropriate to the district.
 - (b) The renovation of street-level storefronts in a manner inconsistent and incompatible with the upper stories of a structure.
 - (c) Conversely, the renovation of the upper stories of a structure in a manner inconsistent and incompatible with the other portions of the structure or adjacent structures.
 - (d) The use of surface cleaning techniques or other construction methods which are likely to damage finishes, details, or other desirable architectural elements.
 - (e) The alteration, destruction or removal of existing historic structures which are ancillary to existing or formerly existing historic structures, including but not limited to barns, walls, clocks, pillars, and signs.
- (5) Guidelines for new structures. Every development involving a new structure shall comply with these guidelines:
- (a) Height and setback distance from the street should be compatible with substantial adjacent buildings and other structures in the district.

- (b) Designs in the Historic District need not be replicas of old buildings, but identified architectural styles should be similar and compatible.
- (c) Roofs should be compatible with the architectural styles and surrounding structures in the Historic District.
- (d) Size and mass of structures should reflect the neighborhood scale and the form of buildings and spaces in the district. Regardless of traditional or contemporary design, a new building should relate to the old in terms of the mass of the walls versus openings in the walls and in the differentiation between first-floor uses and upper-floor uses.
- (e) Facades of new structures should blend with other structures with regard to directional expression. New structures should be compatible with dominant horizontal and vertical expression of surrounding buildings.
- (f) Building scale, setback, mass, and landscaping should be representative of early 20th century, pedestrian-safe and friendly walkable business and residential neighborhoods.

SECTION 4. Chapter 490, Article X, Section 145F(1) (§490-145F(1)) relating to special requirements in the CCD-2 District, to be deleted in its entirety.

SECTION 5: A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 6: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION 7: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Whalen	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilman Ballard	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman Yngstrom	(x)	()	()	()

Dated: May 9, 2018

ORDINANCE NO. 2018-17

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL CODE OF THE BOROUGH OF RED BANK, IN MONMOUTH COUNTY CHAPTER 85, "MAYOR AND COUNCIL," ARTICLE II, "OFFICE OF THE MAYOR" AND CHAPTER 90, "OFFICERS AND EMPLOYEES," ARTICLE VI "BOROUGH ADMINISTRATOR"

Councilman Yngstrom offered the following ordinance and moved its adoption:

WHEREAS, after careful study and consideration, including retaining advice and assistance from expert consultants in municipal government, the Mayor and Council of the Borough of Red Bank have found and determined that it is in the best interests of good government and effective management of the Borough to delegate executive responsibilities to a professional manager in the position of Business Administrator for the Borough, as provided for in the Borough's charter pursuant to NJSA 40A:60-7.a; and

WHEREAS, it is additionally found and determined that the amendments set forth herein will enable the Borough to more effectively serve its residents and stakeholders and deal with modern issues confronting the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, in the County of Monmouth and State of New Jersey, as follows:

1. Article II, Section 85-3: Powers of Mayor, paragraph "G" is hereby amended to read as follows:

The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure. "Subordinate officers" are those persons holding titles specifically established by or in New Jersey State statutes. The Mayor shall make such nomination of any such officer within 30 days of that office becoming vacant. All other positions and employments shall be filled and hired by the Business Administrator pursuant to Article VI, Section 90-28D, unless the specific terms of a State statute provide otherwise, and subject to available appropriations

2. Article VI, Sections 90-25 through 90-29, Business Administrator, is hereby repealed in its entirety and replaced as follows:

90-25. Preamble.

- A. The business transacted by the Borough Council of the Borough of Red Bank, County of Monmouth and State of New Jersey, has increased greatly in recent years, in both volume and complexity; and the Borough of Red Bank, because of its continued and expected future growth, should coordinate the activities of the various departments for their more efficient and economical operation.
- B. The residents and taxpayers of the Borough of Red Bank can better be served by the creation of the position of Business Administrator; and the Borough Council deems it desirable and necessary to create the position of Borough Administrator in order to assist the Borough Council and its members in the continued efficient operation of the Borough.

§ 90-26. Created.

- A. The position of Business Administrator is hereby created and established pursuant to the provisions of this section and the provisions of N.J.S.A. 40A:9-136 et seq. The Business Administrator is also referred to herein as the "Administrator."
- B. **Gender Neutral.** Wherever used herein, a pronoun in the masculine gender shall be considered as including the feminine gender unless the context clearly indicates otherwise.

§ 90-27. Appointment.

- A. The Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council. The term of office of the Administrator shall be at the pleasure of the Borough Council.

- B. The Administrator shall receive such compensation as shall be fixed by the general salary ordinance of the Borough of Red Bank. He shall be reimbursed for all reasonable expenses.
- C. The Administrator may be removed by a 2/3 vote of the full membership of the Borough Council. The resolution of removal shall become effective 90 days after its adoption by the Borough Council and the Borough Council shall cause to be paid to the Administrator any unpaid balance of his salary.
- D. The Administrator shall be appointed on the basis of his executive, administrative and technical qualifications with special reference to education and experience in local government. He shall have a college degree. No elective member of the Borough Council may receive such appointment, either during his term of office or within one year after the expiration of his term.
- E. At the time of his appointment and during the term thereof, the Administrator need not be a resident of the Borough.
- F. The Administrator shall devote full time to his position.

§ 90-28. Powers and duties.

- A. The executive responsibilities of the Borough are hereby delegated to the Business Administrator pursuant to NJSA 40A: 60-7(a).
- B. The Administrator shall be responsible for the proper and efficient management of business affairs of the Borough and shall have all such management powers and perform all such management duties other than those specifically required by statute to be exercised only by the Borough Council or only by another officer or body or department of the Borough.
- C. The Administrator shall supervise and direct the management of all departments, officers, employees and agents of the Borough and shall issue any regulations or directives necessary to that end unless otherwise provided by law or by this section.
- D. The Administrator shall have executive responsibility for the appointment, hiring, promotion, and discipline of all employees, except as follows: i, the appointment of a "subordinate officer" of the Borough, defined as a person holding a title established by or in New Jersey State statutes, in which case said appointments shall be made by the Mayor with the advice and consent of Council; ii, the appointment of a department head of the Borough, whether full-time or part-time, when such department has been specifically established as a department by ordinance and the title of Director of the department has been established by ordinance, in which case, said appointments shall be made by the Business Administrator with the advice and consent of Council; and, iii, the appointment, hiring, promotion, and/or discipline of employees when such authority has been specifically reserved by statute to another official of the municipality, such as the authority of the Chief of Police over members of the Police Department. Any employee whose position is not in a labor bargaining unit and who is aggrieved by a decision of the Administrator that adversely effects their employment shall have the right of appeal to the Borough Council, provided they have given ten days written notice of same to the Council, except that disciplinary actions that do not involve a loss in pay or termination of employment are not subject to such appeal.
- E. The Administrator shall have the authority to establish lines of communication to and from Borough staff based on sound management principles and objectives. Statutory officers who have lines of reporting for statutorily specified duties, shall, for all other duties and responsibilities, such as administrative, personnel, financial, and budgetary, report to the Business Administrator and take direction from the Business Administrator. All other employees shall take direction through the Business Administrator and their department heads and supervisors and shall not take direction from any other persons acting as individuals, including elected officials of the Borough, except when the Mayor and Council have acted as a body by formal resolution or ordinance.
- F. The Administrator shall have the authority for all purchasing by the Borough and shall purchase or approve the purchase of all goods and services for the Borough, subject to available appropriations and to the provisions of the Local Public Contracts Law of New Jersey.
- G. The Administrator shall have the authority to negotiate all contracts on behalf of the Borough, subject to available appropriations and to approval by the governing body when so required by the Local Public Contracts Law of New Jersey. He shall be responsible to negotiate all labor contracts for the Borough, subject to approval by the governing body, and shall be responsible for administering same.

- H. The Administrator shall be responsible for the upkeep and maintenance of all Borough facilities, buildings, and properties, within available appropriations, and for the scheduling of the use of same, which responsibility he may delegate to other Borough officials or staff. He shall assign office space, furniture, telephone, computer and similar facilities, and other Borough resources among and within departments and offices.
- I. The Administrator shall annually submit to the Mayor and Council a budget recommended for Introduction by the governing body and shall thereafter provide all requested assistance to the governing body for its official Introduction and final Adoption of the annual budget. After the adoption of the budget, the Administrator shall be responsible for the administration and implementation of the work programs contained in the budget.
- J. The Administrator shall attend workshop, special and regular meetings of the Borough Council. He shall regularly keep the Mayor and Council informed, either orally or in writing, on the finances and business affairs of the Borough. As soon as possible after the end of each fiscal year, he shall prepare an Annual Report in writing to the Mayor and Council of the progress of each department of the Borough and including a review: of the goals and objectives of the municipal government; of all capital projects; and of overall management of the Borough. The Administrator shall receive notice of and may attend and participate in all regular and special meetings of the governing body and all advisory committees, boards, commissions, and other agencies of the Borough.
- K. The Administrator shall prepare agenda for and arrange meetings of the Borough Council, implement actions of the Mayor and Borough Council by correspondence, review of minutes, personal conferences and administrative directions.
- L. The Administrator shall study the governmental and administrative operations and the needs of the Borough government as he may deem appropriate and prepare and recommend to the Borough Council the necessary and desirable plans and programs with respect to the Borough's operations and needs. He shall be responsible for the development of rules and regulations for administrative procedures governing purchasing practices, operation of all departments, personnel management and general coordination of departments, offices, boards and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of the municipal government and promoting its economic operation. All rules and regulations promulgated and implemented by the Administrator shall be filed with the Mayor and Borough Council and shall become Borough organizational policy unless specifically amended or rescinded by the governing body.
- M. The Administrator shall have the right and the authority to investigate the conduct and/or performance of any employee, officer, department, agency or authority of the Borough when necessary or when directed by the governing body and submit a report relating thereto.
- N. The Administrator, together with the Mayor and the President of Borough Council, shall be a committee serving as the "appropriate authority" over the Police Department pursuant to 40A:14-118 and shall annually approve the rules and regulations of the Police Department and perform such other civilian oversight as required and permitted by statute. The Administrator shall arrange such meetings of the committee as necessary and all decisions of the committee shall be by approval of the majority.
- O. The Administrator shall advise the Borough with respect to the availability of grants, funds and/or services available from the federal, state and county governments. He shall explore, implement, and oversee, where appropriate and beneficial to the Borough, shared services agreements with other governmental units or entities.
- P. The Administrator shall perform such other duties as may be specifically assigned by resolution or ordinance adopted by the governing body.

§ 90-29. Limitation on duties and responsibilities.

- A. The duties and responsibilities of the Administrator shall be such that they shall not infringe upon, in a way that violates statutes or legal rights, such duties and responsibilities as are assigned by statute to other Borough officials.

SHORT TITLE

This ordinance shall be known and may be cited as "the Business Administrator Ordinance."

SEVERABILITY CLAUSE

- A. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

REPEAL OF INCONSISTENCIES

- A. All ordinances or parts of ordinances or resolutions inconsistent with the provisions of this ordinance, are hereby repealed to the extent of their inconsistencies.

EFFECTIVE DATE

- A. This ordinance shall take effect immediately upon publication and final passage pursuant to law.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	()	()	(X)	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: May 30, 2018

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-153**

**A RESOLUTION TO AMEND THE TIME AND PLACE OF
BOROUGH COUNCIL MEETINGS FOR 2018**

offered the following resolution and moved its adoption:

BE IT RESOLVED by the Governing Body of the Borough of Red Bank that the 2018 meetings of the Mayor and Council of the Borough of Red Bank held at 90 Monmouth Street, 1st Floor, Red Bank, New Jersey are hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

January 10, 2018	6:30 p.m.
January 24, 2018	6:30 p.m.
February 14, 2018	6:30 p.m.
February 28, 2018	6:30 p.m.
March 14, 2018	6:30 p.m.
March 28, 2018	6:30 p.m.
April 11, 2018	6:30 p.m.
April 25, 2018	6:30 p.m.
May 9, 2018	6:30 p.m.
May 30, 2018 (fifth Wednesday)	6:30 p.m.
June 13, 2018	6:30 p.m.
June 27, 2018	6:30 p.m.
July 11, 2018	6:30 p.m.
<u>July 18, 2018</u>	<u>6:30 p.m.</u>
July 25, 2018	6:30 p.m.
August 8, 2018	6:30 p.m.
<u>August 15, 2018</u>	<u>6:30 p.m.</u>
August 22, 2018	6:30 p.m.
September 12, 2018	6:30 p.m.
September 26, 2018	6:30 p.m.
October 10, 2018	6:30 p.m.
October 24, 2018	6:30 p.m.
November 7, 2018 (first Wednesday)	6:30 p.m.
November 28, 2018	6:30 p.m.
December 12, 2018	6:30 p.m.
December 26, 2018	6:30 p.m.

BE IT FURTHER RESOLVED that the meetings will open with workshop sessions and be followed immediately by regular meetings at which time formal actions may be taken;

BE IT FURTHER RESOLVED that the Clerk post a certified copy of this resolution on the bulletin board in Borough Hall, 90 Monmouth Street, Red Bank, New Jersey and a copy be sent to the Asbury Park Press, Star Ledger and Two River Times.

Seconded by _____ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilman Horgan	()	()	()	()

Dated: January 1, 2018

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-154**

**A RESOLUTION HONORING HARRY JAIN
AS THE HIGHEST RANKING RED BANK SENIOR**

offered the following resolution and moved its adoption:

WHEREAS, Harry Jain is the highest ranking Red Bank senior at Red Bank Regional High School (RBRHS) and will be honored at an Academic Awards Ceremony on June 7, 2018; and

WHEREAS, he will graduate from the Pre-Engineering Academy and has a natural ability and drive to master many different areas of study and has excelled in all areas of the curriculum; and

WHEREAS, Harry is ranked number one in the graduating class of 2018 and is a member of the National Honor Society, Math National Honor Society and the French National Honor Society; and

WHEREAS, Mr. Jain's determination to his well-rounded growth is exemplified through is participation in sports, student activities and an array of volunteer services; and

WHEREAS, Harry has also taken on numerous leadership role with the school community and in the community as a whole; and

WHEREAS, his contributions include acting as a staff writer for the Buccaneer student run newspaper, President of the Math League, Vice President of the Computer Science Club, Athlete in Track & Field and Baseball, Tutor at RBRHS and Lunch Break Community Center and many more.

WHEREAS Harry has handled his responsibilities and commitments with ease, all while balancing a tough academic course load and will surely be an asset to the community at Yale University where he will be studying Electrical Engineering and Computer Science; and

WHEREAS, he has instilled a sense of pride in all of the citizens of the Borough of Red Bank as a result of his outstanding achievements;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank offer their sincere congratulations to Harry Jain and offer him sincere congratulations and best wishes for a bright and successful future.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-155

A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉS

offered the following resolution and moved its adoption:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that they hereby authorize and approve the application for sidewalk cafés for the following:

1. Patrizia's, 28 Broad Street
2. Shapiro's, 51 Broad Street

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to issue licenses to the above named establishments for the 2018 season which runs from April 1, 2018 to March 31, 2019.

BE IT FURTHER RESOLVED that these permits are subject to change at the discretion of the Fire Marshal if conditions arise that affect outdoor café arrangements.

BE IT FURTHER RESOLVED that the outdoor café arrangements may not be changed from the plan approved by the Fire Marshal and placed on file. **Changes made by the applicant without approval will result in immediate suspension of the permit.**

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 18-156

**A RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL DISTRIBUTION LICENSES FOR 2018-2019**

offered the following resolution and moved its adoption:

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Distribution Licenses issued for the period July 1, 2018 through June 30, 2019 are hereby renewed:

1340-44-006	DENRUS INC (t/a Crates)	14 North Bridge
1340-44-008	BHUPEN LLC (t/a Eiffel Liquors)	184 Monmouth Street

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 18-157

**A RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSES FOR 2018-2019**

offered the following resolution and moved its adoption:

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Consumption Licenses issued for the period July 1, 2018 through June 30, 2019 are hereby renewed:

1340-33-004	RB SPIRITS LLC (t/a Robinson Ale House)	26 Broad Street
1340-33-011	BHE CORP (t/a Red Rock)	14 Wharf Avenue
1340-33-015	GOTHAM LOUNGE LLC (t/a Catch 19)	19 Broad Street
1340-33-029	D&D BAR AND RESTAURANT INC (t/a Dublin House)	30 Monmouth Street
1340-33-035	MAJH LLC (t/a B2 Bistro)	141 Shrewsbury Avenue
1340-33-041	COAL HOLDINGS LLC (Urban Coal House)	2 Bridge Avenue

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-158**

**RESOLUTION TO AUTHORIZE THE ISSUANCE OF AN INTEREST-FREE INTERNAL
NOTE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH**

offered the following resolution and moved its adoption:

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank, in the County of Monmouth, State of New Jersey as follows:

Section 1. Pursuant to the following Bond Ordinance of the Borough of Red Bank entitled “Ordinance Authorizing a Special Emergency Appropriation pursuant to N.J.S.A. 40A:4-53(B) to Fund the costs associated with the Execution of a program of Revaluation of Real Property for the Borough of Red Bank, County of Monmouth, New Jersey”

<u>Ord. #</u>	<u>Date</u>	<u>Original Amount</u>	<u>Current Principal Balance- Bonding Authorization</u>
2014-1	1/22/14	\$ 500,000.00	\$ 60,000.00

A Bond Anticipation Note of the local unit in a principal amount not exceeding \$60,000.00 shall be issued for the purpose of temporarily financing the improvements or purposes described heretofore, including the renewal of any Bond Anticipation Note heretofore issued thereof.

Section 2. The following matters in connection with said Bond Anticipation Note are hereby determined:

- A) The Note issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough of Red Bank
- B) Said Note issued hereunder shall be an interest-free internal note of the Borough of Red Bank.
- C) Said Note shall be in the form prescribed by resolution heretofore adopted by the governing body of the Borough of Red Bank determining the form of the Bond Anticipation Note issued pursuant to the Local Bond Law, and such Note may be signed or sealed by officers of the Borough of Red Bank in any manner permitted by Section 40A:2-25 of said Law notwithstanding that said form or resolution may otherwise provide.

Section 3. The Chief Financial Officer of the Borough of Red Bank is hereby authorized and directed to determine all matters in connection with said Note not determined by this or a subsequent resolution and her signature upon said note shall be conclusive as to such determinations.

Red Bank’s faith and credit are hereby pledged to the punctual payment of the principal on said obligations and, unless otherwise paid or payment provided for, and an amount sufficient for such payment be inserted in the budget and a tax sufficient to provided for the payment thereof shall be levied and collected.

Seconded by _____ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 18-159

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 8 RELATED TO
THE MARINE PARK SITE & BODMAN PLACE PUMP STATION IMPROVEMENTS**

offered the following resolution and moved its adoption:

WHEREAS, the Borough previously entered into a contract with Precise Construction, Inc. for the Marine Park Site & Bodman Place Pump Station Improvements project; and

WHEREAS, the Borough Consulting Engineer has recommended approval of Change Order No. 8, dated May 4, 2018, to the aforementioned Project, in order to address as-built quantities; and

WHEREAS, these contract changes yield a total net cost decrease of \$69,062.69;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 8 to the contract for the Marine Park Site & Bodman Place Pump Station Improvements project, dated May 4, 2018, is hereby approved with a supplementary price decrease of \$69,062.69; and

BE IT FURTHER RESOLVED that, to the extent applicable, this resolution is further contingent upon the Chief Financial Officer's Certification of Sufficient Funds as well as expiration of the twenty day estoppel period for any and all bonded funds for this project.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: June 13, 2018