

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JULY 27, 2016  
5:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Councilman Zipprich.

**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.

**WORKSHOP**

**Salary Ordinance** – Mayor Menna said the salary ordinance would be tabled.

**Noise Ordinance** – Mayor Menna asked the Borough Attorney to review the changes.

Borough Attorney Cipriani said the Municipal Court judge had found an internal conflict within the ordinance and, in accordance, Section F would be stricken. She said was also a proposed change to subsection B which had to do with external transmission of music which would extend the hour that they must close doors and windows from 11pm to midnight on Fridays, Saturdays and days preceding Federal Holidays.

Councilwoman Burnham said the Code Committee had met and discussed the ordinance amendment. She said she was in favor of extending the hours on Fridays and Saturdays to midnight.

Councilman Whelan confirmed that the Code Committee had reviewed the ordinance as well as the Public Safety Committee. He explained that he thought it would be a way to help business community and noted that many people go out at later hours.

**APPROVAL OF MINUTES** – July 27, 2016

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

**ROLL CALL:**

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

**NAYS:** None.

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Schwabenbauer had no report.

Councilman Taylor reported on the 2016 Summer Series and offered information on upcoming events. He said the Riverside Gardens Park Concession stand vendor had had a ribbon cutting the previous week and said there had been positive feedback so far. He said all events were free and thanked the sponsors. He said summer camp was off to a good start and reviewed recent trips. He thanked the staff and the Red Bank Public Schools for offering an indoor location that had been used in extreme heat. He also thanked those who presented programs for the camp and also Terrence Walton for efforts to make sure the camp ran smoothly. He said fall soccer registration would end the following Friday. He also reminded everyone that the Department had discount coupons for local attractions.

Councilman Whelan reported RiverCenter would be holding the 62<sup>nd</sup> Annual Sidewalk Sale with free parking throughout the weekend. He also reported that the Police Department had implemented a new program where officers that were usually in the office during the day would do a two week shift of night patrols to get them out of the office. He also thanked Officers Hicks and Sardo for traveling to Kansas City to pay respects to fallen officers there. He said the 15 minutes spaces had been stenciled and said soon every spot in Red Bank would be available on the parking payment app. He said he would have an update on the parking issue at Colony House at the future meeting.

Mayor Menna said, regarding the Colony House, said he had had discussions with the VNA but did not think that idea would work. He also said he felt the VNA property should be reviewed because when it had been built, they did not put in a sidewalk. He suggested they should come back before a board to put in a sidewalk because he said he felt the situation was dangerous for their employees especially at night.

Councilwoman Horgan reported on several programs at the Library including a program called Story Walk at Riverside Gardens Park where children could walk through the park to read pages of a book that had been attached to posts. She reviewed different materials available for lending or downloading. On behalf of Councilman Zipprich, she reported on the recently approved project to restore the T. Thomas Fortune House. She also reported that the Red Bank Borough Education Foundation would be hosting their Second Annual Casino Night at the Red Bank Elks Lodge on September 30<sup>th</sup> and offered ticket and beneficiary information.

Councilman Taylor said information about the fundraiser was also available on line.

Mayor Menna complimented the Borough staff for their cooperation in regard to the T. Thomas Fortune project. He said it was a great positive step and thanked the Council for their support.

Councilman Burnham reported the Navesink River Municipalities Commission had met on July 20. She describe the makeup of the committee and said the next meeting would be August 17. She updated on the research being done regarding the pollution in the Navesink River. She said there would be a Mayor's meeting in Shrewsbury on August 4<sup>th</sup> and said she and the Mayor were attending. She said the previous Thursday, the 3-5 year old kids from the Summer Recreation Program had visited the Community Garden. She said the Environmental Commission had met the previous night and had had representatives from RAGE (Residents Against Giant Electric) who had updated the Commission on the issues with the transmission lines. She said the Code Committee had met on July 20<sup>th</sup> and had discussed the noise ordinance and sandwich board signs.

Councilman Taylor said he and Councilwoman Schwabenbauer had attended the Clean Ocean Action meeting on June 28 regarding pollution in the Navesink. He reviewed a program to install filters in storm drains which he said would target Red Bank specifically. He said funding was in place and they were ready to install. He said he would be setting up a meeting with the Administrator and Public Works Director to try to move it forward.

Councilwoman Burnham said she thought it was a great idea too but said the Chair of the Navesink River Municipalities Commission and others had said it was a great effort but said it would not do the trick.

Councilman Taylor said it was one step in the process.

Councilwoman Burnham invited Councilman Taylor to the Navesink River Municipalities Commission meeting to find out more.

Mayor Menna reported that he had met with the Mayors of Middletown, Holmdel, Aberdeen and Hazlet regarding the power lines issue. He said it was a very constructive dialog and added that the affected municipalities were in constant communication with each other. He also reported that the Planner and Redevelopment Counsel were moving aggressively with respect to the authorization granted on the areas in need of redevelopment. He said it was a positive, modern step for the Borough to take. He noted several other municipalities that had been moving aggressively on the same issues.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read requests from Karly Covelli, Luciano Marotta, Tyler Poyner and Kevin Toomey for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Mayor Menna read a request from Jersey Fusion to hold the 4<sup>th</sup> Annual Battle of the Blacktop 3 on 3 Tournament and for the use of Count Basie Field, Saturday, August 13, 2016 from 8am to 4pm, with a rain date of Sunday, August 14. Event co-sponsored by Red Bank Parks and Recreation and approved by the Special Events Committee.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **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.

Kate Triggiano—Environmental Commission—read a resolution from the Environmental Commission stating their concern about and opposition to the Jersey Central Power and Light Monmouth County Reliability Project.

Christine Maiorana—1 Johnny Court, Middletown—said she was a representative of RAGE and urged the Council to pass a resolution in opposition. She expressed her personal concerns about visual and health effects of the project.

Susan Karbowski—3 Johnny Court, Middletown—expressed her opposition to the plan and urged the Council to adopt a resolution to oppose the project.

Ben Forrest—16 Locust Avenue—said he and his wife supported the adoption of a resolution in opposition to the project.

Mayor Menna agreed that Red Bank residents would be affected by the project.

No one else appearing, Councilwoman Schwabenbauer offered a motion to close the public comment portion, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

#### **ORDINANCES – First Reading**

2016-12 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter III, Police Regulations, Section 3-9.12 ‘Noise Disturbances.’”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Final reading and public hearing to be held August 10, 2016.

2016-13 Mayor Menna read, “An Ordinance Authorizing Sandwich Board Signs.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Final reading and public hearing to be held August 24, 2016.

2016-14 Mayor Menna read, “An Ordinance Fixing Salary Ranges of Certain Offices, Positions and Employees of the Borough of Red Bank.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

2016-15 Mayor Menna read, “Bonds Ordinance Amending Bond Ordinance Number 2013-15 finally adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on July 11, 2013, as amended by Bond Ordinance Number 2015-14 finally adopted on April 22, 2015.”

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

Councilwoman Burnham said she was opposed to the ordinance and asked for more information.

CFO Poulos explained that an earlier bond was being amended to cover costs for repairs at Marine Park.

Administrator Sickels offered specifics on the project.

Councilwoman Burnham asked about the fact that they had already approved a bond for the work.

CFO Poulos explained that additional work was being required by FEMA.

Administrator Sickels said they were making everything flood resistant. He also noted that the original bond also included other work around the Borough. He said some of those projects had also exceeded estimates. He noted

that the Borough had been approved for some grant money but it was reimbursement money so the Borough had to pay it up front.

Councilwoman Burnham asked why the bonds couldn't be separated.

CFO Poulos said that would double the expense in attorney fees.

Councilman Taylor said the project had been languishing since 2013. He said the work had been reviewed by both the Finance Committee and Parks and Recreation Committee. He said it was a safety and security issue.

Councilwoman Burnham asked if it would include the playground.

Administrator Sickels said there had been no damage to the playground.

Councilwoman Burnham reviewed issues she felt needed to be addressed at the playground.

Mr. Sickels said they would look into it.

Mayor Menna summarized that it was not additional money but was reallocating bond money that had already been approved.

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Final reading and public hearing to be held August 10, 2016.

**ORDINANCES – Public Hearing and Final Adoption**

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

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

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

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

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

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

**RESOLUTIONS**

**By Consent Agenda:**

- 16-199 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by 199 Broad Street, LLC for 199 Broad Street (County Route 11), Block 105, Lot 16
- 16-200 A Resolution Authorizing the Release of Performance Guarantees for Home and Land Development, Block 82, Lot 17, Block 83, Lots 5, 6.01 and 6.02.
- 16-201 A Resolution Authorizing the Extension of the Graced Period on Taxes
- 16-202 A Resolution Authorizing the Release of a Performance Guarantee and Release of a Maintenance Bond Posted by Riverview Medical Center for Block 11, Lots 1 and 2.
- 16-203 A Resolution Authorizing the Release of a Site Improvement performance Guarantee to Lucas Construction Group, Inc., for 2015 Road Improvement Program (Bridge Avenue), upon the Acceptance of a Two-Year Maintenance Guarantee by the Borough, and Payment of the Total Amount Due on Payment Certificate No. 11 & Final.

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

**ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

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

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-204 Mayor Menna read “A Resolution Authorizing Tax Credits/Refunds Totaling \$19,217.82 due to Judgments of the Tax Courts of New Jersey.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-205 Mayor Menna read “A Resolution Authorizing T & M Associates to Provide Bidding Services and Construction Phase Services for the Emergency Back up Well Project at Chestnut Street.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-206 Mayor Menna read “A Resolution for Renewal of Membership in the Monmouth Municipal Joint Insurance Fund.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

16-207 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,549,005.12.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

### **OLD BUSINESS**

Councilman Taylor said he had previously discussed the issue of time limits on Public Comment and noted the Clerk had done a survey which found that the majority of towns had a five minute limit. He said he was not suggesting taking action at this time but asked the Council members to review the information.

Mayor Menna also asked the Council to review and said, if there was a consensus, the matter would be listed for action.

### **NEW BUSINESS**

Councilman Taylor said he had noticed that the bike lanes in Newark were marked with paint in a different color. He said he thought the different color made them more noticeable to drivers and suggested Red Bank should look into something similar.

Councilwoman Horgan suggested they could also be reflective.

### **AUDIENCE**

Jimmy Dark—48 West Sunset—asked who would be paying for the expansion project at the Count Basie Theatre and asked if the taxpayers would be paying for it.

Mayor Menna said it would be paid for with private funds. He did note that the theater had received state funding when they had redone the interior but again noted that the current project would be paid for by private funds. He said the theater was actually giving the Borough money as part of a parking agreement.

Mr. Dark asked if there would be a surcharge on the theater tickets.

Mayor Menna said he did not know. He and Councilwoman Horgan said there were surcharges imposed by ticket agencies.

Mr. Dark asked if taxpayers would be paying for the Parking Garage that had been discussed.

Councilman Taylor clarified that the Mayor had been referring to an agreement that would allow the theater to use the lot at the municipal building.

Mr. Dark asked if they were going to build a parking garage.

Mayor Menna said he would love to see a garage but said they were not building one.

Mr. Dark asked why Council members did not go door to door other than at election time. He also thanked people who had recently helped him. He also complained about pot holes. He also asked for better traffic signage in neighborhoods.

Mayor Menna said it was a good question and noted that he had called for more four way stops. He asked the Borough Engineer to look into the matter.

Councilwoman Burnham said she would like to see a four way stop on East Bergen Place and South Street.

Mayor Menna said that was one of the streets the Borough had requested.

Administrator Sickels said the Borough had looked into adding the four way stops on both Leighton Avenue and Bergen Place but said the intersections didn't have the necessary traffic counts.

Walter Perry—98 Leighton Avenue—said he was the owner of the Town & Country Laundromat and Deli. He asked for information on the water meter project.

Administrator Sickels reviewed the project and the installation process.

Mr. Perry asked if they would no longer have to pay for sewer.

Mr. Sickels said the meter project would not affect rates. He noted the benefits of the project including the ability to detect leaks early.

Mr. Perry questioned why residents were paying for sewage.

Mr. Sickels said the sewerage fee was applied to the payment due the company that provides treatment.

Mayor Menna suggested there may be a better way to calculate the sewerage fee.

Councilwoman Burnham said she felt the fee of 125 percent of the water bill was too high.

Mr. Sickels said it costs more to treat the water than to produce it.

Mr. Perry asked the Council to find a way to help the people of Red Bank who he said were drowning from taxes and water bills.

Councilwoman Schwabenbauer said they needed to do a comprehensive study of the water utility and said the meters were the first step.

Councilwoman Burnham said she had also called for that. She also noted that homeowners would have the option to have a second meter installed so outdoor water usage would not affect the sewer portion of the bill.

A discussion following on the billing process.

Freddie Boynton—365 Shrewsbury Avenue—said he had met with County Officials regarding Shrewsbury Avenue crosswalks. He said he believed they had finished work on Front Street and asked if there were plans to put crosswalks at River Street and Shrewsbury Avenue.

Administrator Sickels said he has seen preliminary plans for Shrewsbury Avenue but said he believed they were waiting for funding. He said the work done at the intersection of Front Street and Rector Place had been part of the fifteen year bridge project.

Mr. Boynton said he had met with them and they had said they were going to start work. He asked about the start date.

Mr. Sickels said he was not sure of the timing but would check with the County Engineer.

Mr. Boynton said he had gone to NJTransit about West Bergen. He said he had been told they had no problem fixing the railroad tracks but had said it was up to the town to put pressure on NJTransit.

Mayor Menna asked who Mr. Boynton had spoken with so they could follow up.

Mr. Boynton said he had spoken to someone in a vehicle and they had sent him to the office. He spoke of issues with the Conrail track and with NJTransit.

Mayor Menna asked Engineer White to contact each organization to follow up.

Administrator Sickels confirmed that the track in question was a Conrail track.

Mayor Menna asked Engineer White to contact them and asked them to address it because it was a safety issue.

Mr. Boynton said he also had an issue with lawn service companies that parked their trailers on the street. He said some were very close to the intersection.

Mayor Menna referred the matter to the Police Chief. He also expressed concern about the trucks that exceed the height limit that continue to get stuck under the railroad bridge. He called for a restriction that would detour trucks over a certain size.

Chief McConnell said the matter had been discussed with the County. He said they had suggested they hang something like chains so the trucks would hit them before they got to the bridge which would warn them that they exceeded the height. He said the County had said that was old fashioned and they didn't do that anymore.

Mayor Menna asked the Chief to put that recommendation in writing and he would arrange a meeting with the Freeholder Director.

Chief McConnell agreed that it was a problem and it was getting worse.

### **EXECUTIVE SESSION**

16-208 Mayor Menna read a resolution to adjourn to executive session to discuss personnel and contract negotiations; no formal action to be taken.

Councilman Whelan offered a motion to adjourn to executive session, seconded by Councilwoman Schwabenbauer.

#### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

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

#### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

### **ADJOURNMENT**

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

#### **ROLL CALL:**

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Respectfully submitted,  
Pamela Borghi