

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 28, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 2, 2016.

**WORKSHOP**

**Request from Property Owner for Planning Board Referral**

Mayor Menna said there had been no formal request and the informal request that had been received did not go through the appropriate procedure such as the establishment of an escrow account so the Council could not consider the request at this time. He said he had advised the applicant's attorney of the procedure.

**Policies and Procedures**

Attorney Cipriani explained that this was something being done throughout the State and said it had been generated by the Municipal Excess Liability Fund and the Employment Practices Liability. She said, in order to retain deductions, towns were required to be compliant with their best practices which had to be recertified on an annual basis.

Mayor Menna confirmed that it was being placed on the agenda because action had to be taken by the Governing Body by October 1<sup>st</sup>.

Councilwoman Horgan asked for a summary of what was being authorized.

Administrator Sickels stated there was an attachment with the resolution that outlined changes to the Personnel Policies and Procedures.

Attorney Cipriani said they were generally modifications that were suggested by the Joint Insurance Fund and reviewed some of the items being updated.

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

**Parking Moratorium**

Councilman Whelan noted the Council had extended the Parking Moratorium about six months ago and said it was about to expire. He said, over the last six months, the Borough had made a lot of progress and had had a lot of success so far. He said he felt it would be appropriate to extend it.

Councilwoman Burnham asked what would be wrong with rescinding the moratorium.

Councilman Whelan said they had gone back and forth on the issue multiple times. He said he strongly felt that having no moratorium would kill business. He said he was aware that Councilwoman Burnham had previously stated that, if there had been no moratorium, the Borough would have collected a lot of money from businesses that had come into town. He pointed out that there is no guarantee that those businesses would have come to Red Bank if they had to contribute a significant amount of money to the Parking Fund. He said he did not think it was appropriate to have people come to town, pay all that money and then have no parking. He said Monmouth County was a competitive market and said he felt it would be devastating to the downtown.

Councilwoman Burnham suggested they lift the moratorium and apply it to change of use applications that were short five or more parking spaces.

Councilman Whelan asked if she had an amount in mind.

Councilwoman Burnham said she was aware that there were different amounts and said she felt it should be one amount such as \$500. She said the money should go to the Parking Utility and, possibly, toward a garage.

Mayor Menna questioned her suggestion of applying to change of use and noted there had recently been a situation such as that of the Count Basie Theatre. He said it was not a bad thing but noted that it was an application for an extraordinary expansion. He said he thought the project would benefit the entire municipality but noted was not a change of use and said it could increase parking demand by as much as 20 percent.

Councilwoman Burnham said she agreed that the expansion of the theater was a wonderful thing but said she felt they should have incorporated some parking. She noted there had been issues recently with an agreement the Borough had with the theater to use the municipal lot.

A discussion followed regarding the revenue generated by the agreement.

Mayor Menna said he brought up the example of the theater only because of Councilwoman Burnham's recommendation that the fee be applied to change of use applications.

Councilwoman Burnham said the moratorium had allowed retail establishments to be replaced with restaurants that had a much higher parking use.

Mayor Menna said he had been in a downtown restaurant recently and had been told by many that they had no problem parking. He said they also noted that they would have liked to shop but most of the retail was closed by 8pm. He said Red Bank had to be competitive and said he felt eliminating the moratorium would send the wrong message. He said the ultimate problem had to be solved and said it wouldn't be solved by the moratorium.

Councilman Whelan said Councilwoman Burnham had been combining two issues with the parking agreement with the Count Basie Theatre and the moratorium. He said he wanted to focus on the moratorium and said he felt that it was appropriate for the Council to extend it. He said he felt they were on a viable path to solve the parking problem. He said they could have a Committee meeting on it but some action had to be taken at this meeting even if it was to extend it only three months rather than six months.

Councilwoman Horgan asked when it was scheduled to expire.

Councilman Whelan said it would expire on Friday.

A discussion followed on the plan to extend the moratorium.

Councilwoman Burnham suggested they extend it for three months.

Councilman Zipprich asked if it would be added to the agenda.

Councilman Whelan confirmed that it would.

Councilman Zipprich questioned why it had not been brought to the Council prior to the expiration.

Councilman Whelan said it had been brought to his attention that it was due to expire and that action needed to be taken. He again reviewed the reasoning behind the extension.

Councilman Zipprich again said, if something was expiring, the entire Council should be notified ahead of time so they could get their heads around it.

Councilman Taylor said, in all fairness, a comment had just been made that they had been talking about it for years.

Councilman Zipprich said his point was that it should have been on the agenda.

Councilman Taylor agreed.

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

### **Meeting Change**

Mayor Menna noted that the next Council meeting, scheduled for October 12, be adjourned to another date. He noted the meeting date would fall on Yom Kippur and said he felt it should be adjourned to another date that week. The Council discussed various dates and decided to adjourn the meeting to Friday, October 14 at 6pm.

Mayor Menna said a resolution to change the meeting would be added to the end of the agenda.

### **APPROVAL OF MINUTES – September 14, 2016**

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

#### **ROLL CALL:**

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

NAYS: None

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

### **MAYORAL APPOINTMENTS**

No appointments were made.

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

Councilwoman Schwabenbauer had no report.

Councilman Taylor reported that the Parks and Recreation had held an Art in the Park from the Heart program the previous Saturday. He thanked all of the Borough schools for participating. He also thanked businesses that had donated gift cards. He said they Department will hold a second event in May. He said the following Saturday would be the Elks' Soccer Shootout with registration at 1pm and goal kicking beginning at 2pm. He said it was a free event. He said the winners would advance to the regional competition with the potential to go even further.

He said youth basketball signups were underway and noted adult basketball would begin the following Tuesday. He said the Department would reinstate late hours the next Wednesday. He also reminded users that payments for Recreation programs could now be made on line. He said the Halloween Parade would be Sunday, October 23 and a Halloween Egg Hunt would be held Friday, October 28. He reported that the Veteran's Day observance would be held on November 11<sup>th</sup> at the monument at 51 Monmouth Street. He said community groups that wanted to participate should contact the Parks and Recreation Department. He also the Department would be partnering with the Key Club for a clothing drive.

Councilman Whelan commended James Scavone and Amanda Lynn for the recent successful Oysterfest. He also reported that the parking agreement with the Count Basie Theater had been a great revenue source and said it was working well. He said he was looking forward to the Red Bank Borough Education Foundation Casino night event.

Councilwoman Horgan reported that the new website was live and she urged everyone to log on and sign up for notifications. She noted that agendas would be posted with embedded links to documents. She reviewed other highlights including an Alert Center, Request Tracker, multiple calendars and a form center. She said the site could be view on any device and was phone friendly. She said a mobile app would be released in the fall.

Councilman Zipprich reported that the Department of Public Works Committee had met the previous week and reviewed the operations of each division, reviewed the staging for the renovations to the Senior Center and discussed issues regarding Count Basie Field. He also reported that "Children at Play" signs had been installed throughout town. He thanked Director Keen and the DPW team for getting them installed. He said street signs were on order and would be forthcoming. He said the Shade Tree Committee had met the previous week and discussed the Forestry Management Plan and reviewed landscape plans received from the Planning and Zoning Office. He reported that the Historic Preservation Commission had met the previous weekend at their annual barbecue. They reviewed this year's inventory and discussed nominations. He said they also discussed the second annual HPC awards. He congratulated Councilwoman Horgan on the new website and on all of her hard work.

Councilwoman Horgan said she would also like to thank Councilman Zipprich, Councilwoman Schwabenbauer and Councilwoman Burnham for their efforts with the Committee. She also commended IT Director Joseph Fagliarone and noted the amount of money he had saved the Borough.

Councilman Zipprich agreed the he was doing a great job. He also commended Councilwoman Horgan and her efforts to bring a jazz radio station to Red Bank with a visit to the Count Basie Theater. He also reported that the Red Bank Borough Education Foundation would be hosting a Casino Night the following Friday and offered ticket information. He said he had spent the previous day with faculty from the Primary and Middle schools assembling prize baskets for the event. He said the previous Friday he had represented the Borough at HABcore's annual charitable event.

Councilwoman Burnham reported that the feces smelling dogs had been in town the previous Monday. She reviewed what she witnessed regarding their findings. She said the DEP had also taken water samples. She also said the dogs' reactions could have been affected by heavy rain that day. She called for beefing up the Storm Water Management Plan and signage on the storm water basins. She also reported that she had attended a debate viewing party at Pilgrim Baptist Church along with Councilmembers Zipprich and Horgan and Council Candidate Eric Yngstrom. She also reported on a barbecue and movie event at the Red Bank Middle School that had been held the previous week. She said it was a wonderful event and a lot of fun.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from St. Thomas Episcopal Church to host Festival Latino in conjunction with the Hispanic Commission of the Diocese of New Jersey on October 1, 2016 and to close Sunset Avenue for the duration of the event. Subject to approval by Traffic Division of Police Department.

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

### **ROLL CALL:**

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

NAYS: None

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

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

Tom Labetti—45 Elm Place—asked about Ordinance 2016-23 noting that a referenced attachment had not been available online. He asked the Council not to introduce the ordinance since the public had not been able to see the plan.

Borough Clerk Borghi said the attachment was a proposed agreement that had not yet been reviewed by the Council. She said the Redevelopment Attorney had agreed that it was deliberative and would not be available to the public until introduced by the Council. She said, upon Council approval, it would be available before the public hearing and would be on the website.

Mayor Menna clarified that, under Municipal Land Use Law, tonight's action was merely an introduction to let the public know that something would be discussed. He said the public hearing would be held at the second

reading which would give the public plenty of time to review. He agreed that it was a deliberative document and, if the Council did not introduce it, it was not something that would be public.

Mr. Labetti expressed concern that it was a timing issue or if the ordinance had been rushed.

Mayor Menna said that was not the case. He also noted that David Clark was in attendance representing the Redevelopment Counsel.

Mr. Clark noted that, upon introduction, the ordinance would then be referred to the Planning Board. He said that Board would consider it and offer comments and/or recommendations. He said that would also be done at a public meeting. He said it would then come back to the Council for a public hearing and consideration for adoption.

Mayor Menna explained the need for ten days between introduction and public hearing and also reviewed scheduled meeting dates for the Red Bank Planning Board where the matter could be discussed before it came back to the Council for further discussion.

Mr. Labetti expressed concern that the Council would not act within the ten day requirement.

Mr. Clark clarified that it was a minimum of ten days.

Councilman Zipprich asked Mr. Labetti to clarify that he was asking the Council to table the matter because the supporting documentation had not been available to the public.

Mr. Labetti said the ordinance had referred to an attachment and he had felt that the public should see that document before the first reading. He said he understood that there was a procedural reason for that.

Councilman Zipprich thanked him for bringing the matter forward.

William Meyer—12 Monmouth Street—said he had to taking issue with the same matter. He said he felt skipping an informed first reading would put the public at a disadvantage. He said he felt they should rescheduled the first reading.

Stephen Hecht—135 Branch Avenue—said the ordinance indicated that the plan was incorporated “herein” and questioned why it was not included. He said he also wanted to know if the Council had discussed the issue of tax abatements which could be a consequence of the ordinance.

Mayor Menna said he felt he was speaking for the majority of the Council by saying they had not addressed or considered any issue at tax abatements. He said they had never done so and did not see a situation where they would do so.

Mr. Hecht said the Council could not do so until they were requested by the Developer to do so. He said if Mayor Menna was saying that he would commit to the Council not issuing any tax abatements on the property.

Mayor Menna said they did not know what was going to be there. He said all he could say was that, historically, the Borough of Red Bank had not done a tax abatement of any type. He said they have entered into PILOTs for various reasons.

Mr. Hecht said he would like the Council to make that part of the deliberation.

Mayor Menna said that would be an appropriate matter for the public hearing.

Mike Morgan—40 White Street—said he was in support of the project proposed for 55 West Front Street and said he would like to see it come to fruition. He said it was a fitting project for the area and said it would beautify the area.

Mayor Menna thanked him for his comments and said he recognized that there had been concerns in the past.

Joe Romanowski—Gold Tinker, 24 Broad Street—said he had had issues getting approved which had delayed him by six months. He said he had had similar problems with this project and stressed the need for Red Bank to be competitive with surrounding areas. He said he was in favor of the project and would like to see it go through.

Lou Maschi—Patrizia’s, Broad Street—spoke in favor of the project. He expressed his love for the Borough and need for more activity in the area during the week.

Eric Yngstrom—97 West Westside Avenue—said he was a member of the Zoning Board that had originally turned down the project. He said there had been no public support when the application was before the board. He said it felt like spot zoning and a way around the Zoning Board. He said they had listened to weeks of testimony from experts and had made a decision. He suggested they may have had some inside information on how to get around the Zoning Board. He said it seemed “fishy” and hoped the Council would stick by the Board’s decision.

Bill Howard—Hudson Avenue—said he wholeheartedly supported the project. He said the lot had been vacant for ten years.

William Meyer—12 Monmouth Street—said he wanted to support what the Zoning Board member had said and said he agreed that it “smelled like spot zoning.” He said they would be taking power out of the Zoning Board and setting a bad precedent. He said it had the appearance of pushing something through without the people looking at it. He discussed density various issues and the potential risk. He criticized another project in town.

Mayor Menna noted that that project was fully occupied and the tenants were contributing residents.

Mr. Meyer again criticized overriding the Zoning Board.

Mayor Menna, in response to Mr. Meyer's density comments, noted the previous building on the West Front Street site had a much higher density rate and a much higher parking demand.

Boris Kofman—28 Riverside Avenue—said he felt it would be setting a bad precedent. He said they would be taking one lot and giving it special treatment.

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

ROLL CALL:

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

NAYS: None

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

### **ORDINANCES – First Reading**

2016-23 Mayor Menna read, "An Ordinance Adopting a Redevelopment Plan for the Property Commonly Known as 55 West Front Street and Identified on the Borough's Official Tax Map as Block 30, Lot 1.01."

Councilman Zipprich said there had initially been discussion about pairing this plan with the White Street Parking Garage. He asked if that was mentioned in the Redevelopment Plan.

Mr. Clark said he believed the Council had acted on the properties separately. He said the plan before them was solely for the West Front Street property. He said there would be a separate plan at a separate time for White Street.

Councilman Zipprich asked if Mr. Clark would say, in his professional opinion, that it had been bifurcated by the Council.

Mayor Menna said the two projects had never been joined. He said they were two separate resolutions.

Mr. Clark said that was correct.

Councilwoman Burnham asked if the Redevelopment Plan addressed ingress and egress onto Front Street.

Councilman Whelan said there was no site plan. He said it was only a Redevelopment Plan.

Councilwoman Burnham said her question had been directed to Mr. Clark.

Mr. Clark said he did not recall seeing particulars about ingress and egress. He said Councilman Whelan had been correct that it was a Zoning Document that would establish zoning for the area that had been designated as a redevelopment area. He said any development of the area would still need to come before the Planning Board including traffic studies, etc.

Mayor Menna clarified that Councilwoman Burnham was asking, if there were concerns about ingress and egress, could it be included in the plan and possibly amended at the time of public hearing.

Mr. Clark confirmed that that would be done. He reviewed the adoption process and comment periods.

Councilwoman Burnham asked about tax abatements.

Mr. Clark said he did not believe that was addressed in the plan.

Administrator Sickels confirmed there was nothing in the proposed plan regarding tax abatements and said there was nothing in the plan that discussed anything except 55 West Front Street. He said it was not connected to the White Street Parking Lot in any way.

Mr. Clark agreed and added that it did not talk about redevelopment powers. He said it only addressed zoning.

Attorney Cipriani added that the Redevelopment Plan is like a Zoning Ordinance and addresses use and structure rather than funding and PILOT agreements.

Councilman Whelan asked about the concern that had been expressed about the plan not being released and asked if it was because the item was only on for introduction. He said he understood that it would be set for a public hearing and everything would be released. He asked Attorney Cipriani to explain the procedure to everyone could understand the reasoning.

Attorney Cipriani she understood the desire to see the documentation and the fact that ordinance posted on the website may reference additional documents. She said there is case law that those additional documents were not public. She said the reason was that an ordinance was not officially proposed until it was adopted on first reading and items such as contracts or plans were not typically released until they were adopted on first reading because it wasn't actually a document of the Borough's until that time. She said that was the purpose of the second reading which was to provide an opportunity for the public to review, ask informed questions and offer comments.

Councilwoman Burnham made a motion to table the ordinance, seconded by Councilwoman Horgan.

Both cited the need to have more time to review the document.

Councilman Whelan noted there would be ample time for review before the public hearing/final adoption being that it would be at least two weeks.

Borough Clerk Borghi clarified that, if the ordinance was introduced at this meeting and referred to the Planning Board, it would not be heard by them until October 17. She said it would not be listed for the Council until at least October 26 which would give the Council approximately a month to review.

Councilman Whelan again noted the ordinance was regarding zoning only and said some Council members were thinking several steps ahead instead of focusing on what was before them at the moment. He said he would like to move it forward.

Mayor Menna noted there was a motion and a second on the table.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan

NAYS: Schwabenbauer, Taylor, Whelan

There being three ayes and three nays, Mayor Menna voted in the affirmative and the motion was declared approved. Mayor Menna said he felt thirty days was plenty of time for the Council to review the document.

Councilman Zipprich noted that the Mayor had talked about the need to follow procedure earlier in the meeting and again questioned the fact that documents had not been available for public review.

Councilman Taylor said Attorney Cipriani had addressed that.

Councilman Zipprich again noted the earlier discussion on procedure. He said members of the public had spoken about concerns they had about the ordinance on for introduction and said he felt a precedent that was being set. He said he wanted to put his comments on the record that they were not following procedure.

Councilman Whelan said the comments about precedent had been about the action that was being taken. He said Attorney Cipriani had explained that the document could be available to the public the next day.

Borough Clerk Borghi said she wanted to clarify that this ordinance may have brought the procedure to light but noted that it was standard procedure when ordinances or resolutions referenced contracts or agreements that those documents were not released with the ordinance or resolution before being considered by the Council. She said that would give the Council the opportunity to review and make changes.

Mayor Menna confirm that that was standard.

Councilwoman Horgan said her concern was that she wanted more time to read it.

Councilman Whelan noted there would be thirty days before the public hearing.

Councilwoman Schwabenbauer said there had been concern expressed about setting a precedent. She said this was a relatively new thing for Red Bank but said other towns do it frequently. She said it was referred to as form-based zoning. She said it came into towns like Red Bank where the zoning was older and almost every project would need variances. She said a project previously approved for the site had been condominiums and said it had been approved with nine variances. She said the project that was recently rejected had been rejected with five variances and was 35,000 square feet smaller. She said they might want to take a look at a different approach with a lot that had been vacant for a long time. She said they wanted to make it possible for developers to come in and propose something. She agreed that they needed time to read it and said she was grateful that they had a month to do so. She said the plan was a narrative document but was not a site plan. She said it set parameters for a proposal. She said, upon approval, a developer could come back with a plan and then they could talk about what it would look like. She said they felt it conformed to the Master Plan and said they would be forwarding it to the Planning Board to confirm that.

Councilwoman Horgan asked if the plan could be released to the public if the developer was in agreement.

Councilman Whelan said there was no site plan at this time.

Attorney Cipriani clarified the word "plan." She said the Council was considering the "Redevelopment Plan." She said that could be released to the public upon introduction.

Mayor Menna said any plan being reviewed was subject to comment before the public hearing.

Councilman Whelan said political campaigns often referenced "progress" and "change." He said this was those words being taken into action. He noted the business owners that had come out in favor.

Councilwoman Horgan said her concern was about going against the Zoning Board and said she felt it would open a Pandora's Box for other developers to come in. She said change and progress were good but noted there were residents who were concerned with overdevelopment, schools, taxes and traffic. She said she wanted to see businesses thrive but said she felt they had to look at everything.

Councilman Whelan said that was exactly what they were doing and cited specifics of recent projects. He also asked Attorney Cipriani to clarify the difference between the redevelopment process and the zoning process in like of comments that they would be circumventing the Zoning Board.

Attorney Cipriani agreed that it was not a circumventing of the Zoning Board to designate an area in need of redevelopment. She said the Council had the ability to re-zone an area and offered several examples of changes that could be made. She said she agreed with Councilwoman Schwabenbauer's comment that it was more "form based zoning" than "spot zoning." She said it was a legal sanctioned mechanism for looking at a much smaller area rather than looking at the totality of a zone. She said a redevelopment plan was a form of zoning ordinance and reviewed the options for enacting such an ordinance.

Councilwoman Burnham asked if it would supersede the existing Zoning laws.

Mr. Clark said that was correct. He confirmed that it would establish parameters and that developers would still have to file with the Planning Board to develop in accordance with those parameters.

Councilman Zipprich said he had listed to the business owners but was hung up on the dangerous precedent that he felt they were setting. He said they were changing the area to wholly residential which would carve business out. He said they wanted to keep Red Bank viable and a destination town but said he had a genuine concern about setting a precedent.

Mayor Menna said he understood his concern.

Councilwoman Schwabenbauer said she was in favor because, after spending a year and a half on Council and working on the budget, she felt she had a much clearer understanding of where Red Bank was and where it needed to go. She said the value of the town was not in the parking meters but in the real estate. She said they were not leveraging it. She said, last year, the value of the town had gone down six percent.

Mayor Menna noted only Sea Bright had dropped lower.

Councilwoman Schwabenbauer agreed and stressed the need to look at ways to leverage the value of the town's real estate. She said it was hard, with the existing zoning, for the Zoning Board to approve things. She reviewed other recent denials and called for an alternate approach. She said they needed to signal to developers that it was safe to come to Red Bank. Otherwise, she said, they will go to surrounding towns. She said she was also concerned about taxes and noted a recent approved project was bringing in \$539,000 in taxes each year. She said that was meaningful to the Borough's residents. She said she thought they wanted more of that kind of development. She said they needed to look at the redevelopment plan and make sure it fit with the master plan and that the Planning Board was on board with it. She also said, if they can move forward with this type of development, they can raise the value of the business district and help the residence tax base.

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

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Zipprich, Horgan

There being three ayes and three nays, Mayor Menna voted in the affirmative and the motion was declared approved.

Public hearing to be held October 26, 2016.

2016-22 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter VII, "Traffic," Section 7-3.4, "Parking Prohibited During Certain Hours on Certain Streets" Schedule II, "Parking Prohibited Certain Hours."

Mayor Menna noted the ordinance was proposed on the recommendation of the Public Works Director to facilitate trash collection.

Councilman Taylor said the private contractor had larger trucks than the Borough had previously used.

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilman Taylor.

ROLL CALL:

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

NAYS: None

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

Public hearing to be held October 26, 2016.

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

2016-18 Mayor Menna read, "An Ordinance Authorizing the Grant of a Reciprocal Easement Agreement with Riverwalk Commons Red Bank, LLC."

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

William Meyer—12 Monmouth Street—said he had expressed his opinion on this matter in the past and said his opinion had not changed. He said he felt it improper to give an easement away to a private developer. He said it would devalue the Municipal property with no consideration. He recommended again adoption until the effect of

the devaluation of the Municipality was computed and proper consideration was received. He asked for clarification on the claim of reciprocity.

Mayor Menna said one of the difficulties was that the matter went back many years and was a result of action by the Zoning Board.

Mr. Meyer said he did not think that changed the constitutionality. He said he felt it was wrong. He said it could set a precedent. He said he didn't think they should give things away to get people to build.

Administrator Sickels reviewed the decision by the Zoning Board that required the granting of the easement.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

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

2016-19 Mayor Menna read, "An Ordinance Adopting a Codification and Revision of the Ordinances of the Borough of Red Bank, County of Monmouth, State of New Jersey; Providing for the Maintenance of said Code; Repealing and Saving from Repeal Certain Ordinances not Included Therein; Establishing a Penalty for Altering or Tampering with the Code and Making Certain Changes in Previously Adopted Ordinances."

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

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2016-20 Mayor Menna read, "An Ordinance Amending the Code of the Borough of Red Bank by Adopting a New Article I, Municipal Clerk, to be Added to Chapter 90, Officers and Employees."

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

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2016-21 Mayor Menna read, "An Ordinance Amending the Code of the Borough of Red Bank by Adopting a New Article XVII, Municipal Attorney, to be Added to Chapter 90, Officers and Employees."

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

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

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilman Whelan.

ROLL CALL:

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

NAYS: None

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

### RESOLUTIONS

16-237 Mayor Menna read, "A Resolution Authorizing the Monmouth County SPCA to Conduct all Criminal Investigations Regarding Animal Cruelty which Occur in the Borough of Red Bank."

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

ROLL CALL:

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

NAYS: None

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

16-246 Mayor Menna read, "A Resolution to Cancel Outstanding Stale Checks."

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

ROLL CALL:

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

NAYS: None

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

16-247 Mayor Menna read, "A Resolution Authorizing Tax Credits/Refunds Totaling \$3,878.16 due to Judgments of the Tax Court of New Jersey."

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

ROLL CALL:

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

NAYS: None

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

16-248 Mayor Menna read, "A Resolution Authorizing Tax Refund Totaling \$1,978.62 due to Wrongly Applied Payment."

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

ROLL CALL:

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

NAYS: None

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

16-249 Mayor Menna read, "A Resolution to Authorize the Issuance of an Interest-Free Internal Note of the Borough of Red Bank, County of Monmouth."

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

ROLL CALL:

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

NAYS: None

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

16-250 Mayor Menna read, "A Resolution Authorizing Place-to-Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-32-003-009 (Teak Restaurant Group, LLC)."

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

ROLL CALL:

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

NAYS: None

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

16-251 Mayor Menna read, "A Resolution to Approve the Hiring of Temporary Part Time Interim Animal Control Officer."

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

ROLL CALL:

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

NAYS: None

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

16-252 Mayor Menna read, "A Resolution Awarding a Contract to USA General Contractors, Corp. for Municipal Complex Building Repairs."

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

ROLL CALL:

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

NAYS: None

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

16-253 Mayor Menna read, "A Resolution Authorizing Change Order No. 1 Related to the Contract with Precise Construction Inc. for the North Prospect Ave and Library Bulkheads Replacement Project."

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

Councilwoman Burnham questioned the reason for the increased cost.

Administrator Sickels said property owners adjacent to the site had sustained some damage during an earlier event. He said similar work was being done on the bulkhead project and the property owner had expressed concern. He said the additional cost was to cover the expense of vibration monitoring that had not been included in the original specifications.

Mayor Menna asked if anyone had checked out the proposal to see if a fair amount was being charged. He said he felt they had to move on the project but expressed concern about the lack of response regarding constant delays and increased costs.

Administrator Sickels said seeking out the expertise and the contractors was part of the delay. He said looking at it from a liability point of view, it could prevent further possible actions.

Mayor Menna again questioned if it was a fair price. He questioned the limited information provided to the Council and why the Borough should have to pay the addition price.

Mr. Sickels said the work had not been in the original specifications.

Mayor Menna said he felt the contractor should have been aware and built it into their proposal.

Mr. Sickels noted the concerns had been raised by the property owner after the contractor had been mobilized.

Mayor Menna again expressed concern about the quote.

Councilwoman Burnham asked if it had anything to do with the idea to put a six foot promenade along the library bulkhead.

He said there was second part to install a sidewalk along the edge of the bulkhead at the library. He said it was being done at the recommendation of the Department of Environmental Protection to prevent backwash against the bulkhead in the event of a hundred year flood.

Councilwoman Burnham asked if that was included in the change order.

Mr. Sickels said it was.

Councilwoman Burnham again expressed concern about the six foot promenade with fence.

Mr. Sickels said a railing was proposed to prevent people from going off the side of the bulkhead.

Councilwoman Burnham said kids had been messing around on the bulkhead for 35 years and asked why, all of the sudden, it was necessary. She said concrete was not appropriate for the site. She said the promenade would be for the purpose of having gatherings of people which was not allowed.

Mr. Sickels said it was not described as a promenade but was a hard surface recommended by the DEP in consultation with the engineer. He said a chain link fence had been proposed but the change order called for a railing instead.

Councilman Zipprich asked if the Borough had to do the concrete walk and, if so, why.

Mr. Sickels said it was recommended that a hard surface be installed on the other side of the bulkhead to prevent backwash in the event of a hundred year flood. He added that there had been talk of people being able to sit and enjoy the river, so the sidewalk seemed appropriate.

Councilwoman Burnham said there were many pervious materials that would be cheaper and able to absorb storm surges.

Administrator Sickels said this was the recommendation of the DEP in consultation with the Borough Engineer.

Councilwoman Burnham asked if T&M was the Engineer.

Mr. Sickels said they were.

Mayor Menna asked them to focus on the bulkhead. He said he would have been comfortable if the one page quote had included a breakdown of the expenses.

Mr. Sickels reviewed the expenses.

Councilwoman Horgan suggested alternative designs and asked if they had been looked into.

Mr. Sickels said he was going by the recommendation of the engineer. He noted the project was three quarters of the way done and this was what was needed to complete the job.

Councilwoman Burnham expressed concern about the concrete.

Councilwoman Horgan said she thought they were going to look into introducing natural elements.

Mr. Sickels noted that would have taken approximately 65 feet of the lawn area and it had been determined by the Committee that they would move forward with the bulkhead without the living shoreline.

Councilwoman Burnham asked what Committee that was.

Mr. Sickels said he believed it was the Public Works Committee.

Mayor Menna confirmed that it had been discussed approximately a year and a half before. He said he believed her question was not to reinvent the living shoreline but to replace the concrete sidewalk with something less costly and more environmentally friendly and said he agreed.

Councilman Zipprich suggested pavers with a checkerboard planting area for an environmentally friendly surface that would also support the bulkhead.

Mr. Sickels noted that would reduce in additional engineering costs. He said that would be change in design and materials that would delay the project further.

Councilwoman Burnham said it would be cheaper.

Mr. Sickels noted that it may not.

Mayor Menna clarified that they may save money on the sidewalk but may spend more money having the engineer redesign it. He said he felt the June 16 letter was a subcontractor's estimate provided to the contractor. He said he would like the Engineer to get quotes on the work.

Councilwoman Burnham said concrete bulkheads were outdated technology.

Mayor Menna asked if they could start the project and not worry about it right now.

Administrator Sickels said they would not start the project without the vibration monitoring.

Mayor Menna said they had been willing to start it before.

Mr. Sickels said they were under threat of litigation from the adjacent property owner and this was the compromise that was reached.

Councilwoman Burnham said she felt the concrete would attract people to the area and, according to the trust, they were not allowed to have gatherings there.

Mr. Sickels said the matter had been discussed with the Library Director and said she had been in favor.

Councilmembers asked Director McDermott if she was in favor of the project and she said she was.

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

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

16-254 Mayor Menna read, "A Resolution Authorizing the Mayor to Execute a Sidebar Agreement with PBA Local #39.."

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

ROLL CALL:

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

NAYS: None

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

16-255 Mayor Menna read, "A Resolution Authorizing the Sale of Municipally-Owned Property Located at 32 Mechanic Street, Block 29, Lot 8 to David Glassberg for \$392,587."

Mayor Menna explained that this resolution was being removed because it was listed by error and had been acted on at the last Council meeting.

16-256 Mayor Menna read, "A Resolution Authorizing the Execution of a Developer's Agreement with Yellowbrook Property Group, LLC."

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

ROLL CALL:

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

NAYS: None

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

16-257 Mayor Menna read, "A Resolution to Extend the Temporary Suspension of the Parking Deficiency Schedules in the Borough's Planning and Development Regulations During Economic Emergency."

Mayor Menna asked Councilman Whelan how long he was recommending for the extension.

Councilman Whelan said he had suggested six months but said some Councilmembers had said they would be more comfortable with 90 days. It was agreed that it would be extended to December 31, 2016.

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

ROLL CALL:

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

NAYS: None

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

16-258 Mayor Menna read, "A Resolution Adopting Personnel Policies and Procedures."

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

ROLL CALL:

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

NAYS: None

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

16-259 Mayor Menna read, "A Resolution Amending Time and Place of Borough Council Meetings for 2016."

Mayor Menna noted this resolution would amend the date of the next meeting to Friday, October 14, 2016 at 6pm.

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

ROLL CALL:

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

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

16-260 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$3,558,120.98."

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

ROLL CALL:

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

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

## **AUDIENCE**

Nicole Urbont—39 West Street—said there had been a lot of talk about development and noted that she lived on a street that was seeing positive development. She said she would like to see it continue.

Mayor Menna said he appreciated her comments and said the entire Council was sensitive to that and wanted to keep a momentum. He again noted he was an unabashed supporter of the residential building recently constructed on West Street. He said it was fully occupied and had increased as a tax rateable.

Ms. Urbont said it was a great neighborhood in which to work and live. She said she was appearing to ask what was going on regarding the JCP&L project. She said they appreciated that the Council had come out in opposition to it. She noted the four towns had voted to go in on an apportionment of legal funding.

Mayor Menna said the Council could not address the matter in open session but said they could discuss it in Executive Session because it involved litigation. He said he and the other mayors had been having lots of discussions but said he had particularly been talking with the Mayor of Aberdeen. He said Red Bank and Aberdeen were the bookends to the project and said they both had the same concerns. He said there had been discussion of development and said, if the Council moved forward with redevelopment of the Monmouth Street and Front Street corridor, the JCP&L project would negatively impact that because it would go against the very grain of the resurgence they were trying to do which was to reestablish residential corridors in Red Bank. He said the Aberdeen had the same concerns particularly in regard to redevelopment plans. He said they Governing Body would be discussing the matter later to see what Red Bank's participation would be.

Ms. Urbont asked when that would be.

Mayor Menna said he thought they would probably issue a resolution at the next Council meeting.

Ms. Urbont asked if there would be public discussion.

Mayor Menna said there would be and that it would be on the agenda. He said there was Council consensus that they were in favor of participation with their sister municipalities with common objectives and common goals. He said all the Mayors were working together and said most of the towns had a greater affected area but said Red Bank and Aberdeen were also involved.

Ms. Urbont said she appreciated the fact that they had voted against and said she believed there was strength in numbers. She said the project would definitely have a negative impact on Red Bank.

Terri Vilardi—895 Church Lane, Middletown—said she was the Vice President of RAGE and thanked the Council for passing the resolution against the project. She said she agreed that Red Bank had a similar situation to Aberdeen except that the project would begin in Red Bank. She said they had a very important role in the project and asked them to consider that when they were discussion whether or not to join other towns in the fight.

Stephen Hecht—135 Branch Avenue—asked if a vendor had been chosen in regard to the Tax Assessment Pilot Program. He also asked if there were any changes in the tax assessment procedures.

Administrator Sickels said they had looked into an interlocal agreement but had found that it was not doable for various reasons. He said an RFP would be going out to look for a vendor. He said he hoped it would be finished in the next day for two. He said they had been talking with Matt Clark in the County Tax Office and said they had to complete the assessments in the next four years so they would probably do a larger percentage in the first year.

Mr. Hecht asked if he meant instead of doing 20 percent for five years.

Mr. Sickels said they may do 25 percent each year instead. He said he hoped the RFP would be out within the week.

Mr. Hecht asked if he expected multiple responses.

Mr. Sickels said he hoped so.

Mr. Hecht said one company had 60 to 75 percent of the business in the County.

Mr. Sickels said the RFP would be open for competitive bidding and that they were taking advise from other municipalities that had been successful.

Walter Perry—98 Leighton—said there was a developer that wanted to build a house next to his property and noted the size the adjacent lot. He said he had made an offer for the sliver of property when he had been building his house. He said he felt they were going to infringe on his way of life by building a house there.

Attorney Cipriani noted that Mr. Perry had provided a copy of a notice regarding a public hearing before the Zoning Board which was scheduled for Thursday, October 6. She said he should go to that meeting to express his concerns. She said he had received the notice because his property was located within 200 feet of the property with an application before the Board. She said the Council could not speak on a pending Zoning Board application.

Tom Labetti—45 Elm Place—asked about items on the bill list. He said there were two entries for Civil Plus, one for about \$5,000 and another for about \$1,000 coming out of the parking fund. He asked if \$5,000 would be a monthly expense.

CFO Poulos said the expense was for the launch of the site and said the monthly fee would be less.

Mr. Labetti asked if the Clerk to post the redevelopment plan to the website as soon as possible.

Municipal Clerk Borghi said she would post it immediately following the meeting.

Mr. Labetti also asked about payments to Engineering firms T&M and also CME. He asked if those payments were for the redevelopment plan and asked who had actually paid for it.

Mayor Menna said an escrow had been set up and the plan was paid for out of the escrow by law.

Mr. Labetti noted that Councilwoman Schwabenbauer had said earlier that the value of Red Bank in in the Real Estate and he said he felt it was in the residents. He also said the reason he felt more residents did not attend Council meetings was because they were disillusioned and felt they weren't being listened to. He criticized one piece of property getting special treatment. He again said the reason residents were not attending municipal meetings was because they felt they weren't being listened to.

John Romano—14 Tilton Avenue—said he had brought up the question of water pressure at the last Council meeting. He said a replacement had been done between the curb and the main line. He said no one had gotten back to him. He said he remembered paying \$4,000 to have some work done which he thought involved replacing the line from the main to the curb and installing a shut off valve. He said he would like to get that affirmed and find out what he can do to remediate the water pressure issue. He said he knew that a lot of work had been done on Leighton but wanted to assert that there were other roadways on the west side that were experiencing low water pressure.

Administrator Sickels said he recalled that Mr. Romano had said at the last meeting that he had had the line replaced from the house to the curb. He told Mr. Romano that, if he had that information, it would be helpful to the Borough. He said he thought the previous statement had been that he had not had work done from the curb to the main which may have been the problem.

Mr. Romano said he was trying to determine where the issue may be. He said he remembered paying \$4,000.

Mr. Sickels asked if he remembered when that was.

Mr. Romano said it was done about seven years ago.

Mr. Sickels asked him to find the paperwork because it could explain what was paid for.

Mayor Menna apologized for the fact that he had not been at the previous Council meeting and asked who was supposed to get back to Mr. Romano.

Mr. Romano said it was a representative of the Utilities Department.

Mayor Menna asked if he had had that meeting yet.

Mr. Romano said he had not.

Mayor Menna said someone should have gotten back to him and he should have had a meeting.

Damon Mertha—39 West Street—said he was also speaking on the JCP&L project and thanked the Council for the resolution against it. He said he hoped it would develop into further action. He said he supported the idea of a public forum on the issue and said he felt a lot of people in Red Bank did not know what was going on in regard to the project. He asked if it was known if JCP&L had informed people within 200 feet of where the poles were being built.

Mayor Menna said he was not aware.

Mr. Mertha said he did not want people to be marginalized and said he was aware of the negative effect it would cause in his area and to the town in general. He said other people that may have a vested interest but might not know about it would be commuters and Galleria business owners and employees.

Mayor Menna said he understood that the application was before the State Board of Public Utilities rather than a local Planning or Zoning Board. He said any notification would have been in the back of a newspaper. He said they notified the municipalities, the County and State agencies but said he believed the BPU notifications requirements did not include individual property owners.

Mr. Mertha said it would be in the best interest of the town to get the word out about what was planned and the impact to the area. He asked if anyone knew if there had been any stories in local news sites.

Mayor Menna noted the shrinking number of newspapers covering meetings.

Christine Maiorana—1 Johnny Court, Middletown—said she was also appearing regarding the JCP&L project. She said in her town, Hazlet and Holmdel, every resident within 200 feet of the train line had received a letter from JCP&L. She said she assumed that happened in Red Bank. She said she agreed that there should be a town hall meeting. She said the members of RAGE were trying as hard as they could but needed support. She urged the Council to join the fight with the other towns. She said NJTransit would be having a board meeting on October 13 at 1pm. She said RAGE planned on getting as many people as possible to attend. She said they also had a pre-written letter that could be signed that they would bring with them to the meeting.

Nicole Urbont said it was not just residents of the affected towns that were going to the meeting but was also several State and Federal elected officials. She said more information was available on their website.

Freddie Boynton—365 Shrewsbury Avenue—said he attended the Black Lives Matter event in Middletown. He told Councilman Zipprich that he could not be heard in the back of the room.

Councilman Zipprich said his microphone wasn't working.

Mr. Boynton asked Mr. Sickels if he had followed up on the parking issue.

Mr. Sickels asked him to clarify.

Mr. Boynton said there had been a truck parked on Bank Street with a “For Sale” sign and no license plates. He said he had reported it to the Police Department but said no ticket had been issued.

Mayor Menna said the vehicle should be towed.

Mr. Boynton said he had reported it to Mr. Sickels.

Mr. Boynton also asked Administrator Sickels about money that had been received from Riverview to be put toward a boat ramp. He asked why the money was sitting in escrow and wasn’t being used.

Mr. Sickels said the money was dedicated for a boat ramp and said the problem was find a location. He said they may be able to use it when they redevelop the Sunset Avenue landfill area. He confirmed that the money was still in escrow.

Mr. Boynton commented on the amount of interest that it had earned. He also asked Mayor Menna about the status of the request for crosswalks.

Mayor Menna said he had directed the Public Works Director to meet with the Chief of Police to discuss the issue of painting crosswalks as well as pedestrian safety signage.

Mr. Boynton said he was specifically referring to Shrewsbury Avenue.

Mayor Menna said he had discussed the matter with the County Engineer when he had been in town to attend a Freeholder meeting. He said he had indicated that he was working on a traffic calming plan for Shrewsbury Avenue.

Mr. Boynton said he would like to meet with the Mayor, Administrator and Police Chief after the meeting.

Councilman Whelan said the Police Department would look into the vehicle issue tonight and would have an answer the next day.

James Scavone—Director, RiverCenter—reported on the recent Oysterfest event. He said he wanted to thank the Police Department and Chief McConnell as well as the Department of Public Works and Director Keen for the tremendous job they did in regard to the extra security following the unfortunate incidents in New Jersey and New York. He said they were top notch and professional and said they appreciated the support.

Councilman Whelan offered to close the audience portion of the meeting, seconded by Councilman Taylor.

**ROLL CALL:**

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

NAYS: None

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

**EXECUTIVE SESSION**

16-261 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiations and real property; no action to be taken.

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

**ROLL CALL:**

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

NAYS: None

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

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

**ROLL CALL:**

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

NAYS: None

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

**ADJOURNMENT**

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

**ROLL CALL:**

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

NAYS: None

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

Respectfully submitted,  
Pamela Borghi