

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 14, 2016
6:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Borough Administrator Sickels, Borough Clerk Borghi, Attorney LaBue and Engineer White.

ABSENT: Chief Financial Officer Poulos and Attorney Cipriani.

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 September 28, 2016.

Mayor Menna announced that a resolution regarding the rehabilitation area on Monmouth and Front streets would not be discussed at this meeting. He said the matter would be carried to a regular scheduled Council meeting because there was concern about the issue being discussed at a meeting that had been moved to a Friday evening. He also noted that the reason the meeting had been moved was in observance of Yom Kippur.

He also said they would be suspending reports of Council members.

WORKSHOP

Hiring of Secretary, Department of Public Works—Administrator Sickels said DPW Director Keen has advised that he had completed interview for the position of Senior Secretary in his Department. Mr. Sickels said the recommended candidate had been serving as a temporary secretary in the office for most of the year. He reviewed her qualifications and said the matter had been discussed by the Public Works Committee. He said a draft resolution had been prepared and asked that it be added to the agenda.

Mayor Menna noted that the draft resolution had been distributed to Council members and asked what the pleasure of the Council was.

Councilman Zipprich said the candidate had been a tremendous asset to the Department.

Councilman Whelan said he was in support of it but noted that there had been comment at previous meetings that information should be provided ahead of time so there would be time to review.

The Council was in favor of adding the resolution.

Abandoned Property Registration

Mayor Menna said years ago the Council had considered an abandoned property ordinance. He said it would call for unused, unoccupied properties to be registered with an annual registration fee that would substantially increase each year it remained listed. He asked the Administrator to get copies of the ordinances from Asbury Park, Long Branch and Matawan. He cited areas in the Borough that had abandoned properties and the problems it caused.

Councilwoman Schwabenbauer said she felt abandoned properties were a finance matter and said she would be happy to work with him on it.

He again suggested they should review ordinances that had been enacted in other towns. He said it should be looked at by the Code and Finance committees.

Proclamation LGBT

Councilman Zipprich read a proclamation proclaiming October 2016 at LGBT History Month.

APPROVAL OF MINUTES – September 28, 2016

Councilman Zipprich offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

Mayor Menna appointed Grace Sapphire to the Library Board of Trustees as a full member for an unexpired 5-year term ending 12/31/2020.

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

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Suspended.

COMMUNICATIONS AND PETITIONS

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.

Stephen Hecht—135 Branch Avenue—asked about Resolution 16-267 regarding a requirement for the Tax Assessor to perform yearly notification of tax appeals filed.

Mayor Menna said he thought the reason for it was due to the change in Administrative Code regarding the PILOT program. He said, in the past, there had been notifications.

Councilwoman Schwabenbauer said the Chief Financial Officer would be notified so the Council would be appropriately informed and could budget appropriately.

Administrator Sickels added that it had been recommended as part of the Best Practices issued by the State.

William Meyer—12 Monmouth Street—said, regarding the same resolution, he felt the PILOT program was quite controversial and he thought the town was looking into backing out of it.

Mayor Menna said the Council had discussed it months ago and decided not to back out.

Mr. Meyer requested that the Council visit the issue again. He said he felt it was a big waste of money and an annoyance to the tax payer. He asked that they review the Asbury Park Press articles citing possible conflicts of interest. He said the company had done a horrible job in the past.

Mayor Menna noted that no contractor had been chosen.

Mr. Meyer said he thought they had brought in Realty Appraisal Service.

Mayor Menna said they had not.

Mr. Meyer criticized the expense of a revaluation and the work done by Realty Appraisal.

Mayor Menna said the matter was not on the agenda.

ORDINANCES – First Reading

2016-24 Mayor Menna read, “An Ordinance Amending and Supplementing the Ordinances of the Borough of Red Bank, Chapter 105, Personnel Policies, Section 105-3, "Authority.”

Councilwoman Schwabenbauer 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

RESOLUTIONS

By Consent Agenda:

- 16-262 A Resolution Authorizing Lease Agreements with Fire and First Aid Companies for Storage of Vehicles and Equipment.
- 16-263 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by Doctor Louis Conte.
- 16-264 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by 48 Reckless, LLC for 48, 52 Reckless Place, Block 60, Lots 26, 27.
- 16-265 A Resolution Authorizing the Release of a Maintenance Guarantee Posted by James Parker One, LLC for 103, 109 Drs. James Parker Boulevard Block 96, Lots 3, 4, 5 & 5.01. (Phase I)
- 16-266 A Resolution Authorizing Tax Credits/Refunds Totaling \$14,148.79 due to Judgments of the Tax Court of New Jersey.

- 16-267 A Resolution Adopting a Policy to Require Tax Assessor to Perform Yearly Notification of all Tax Appeals Filed.
- 16-268 A Resolution Authorizing Sale of Personal Property.

Councilman Zipprich offered a motion to approve resolutions, 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.

16-270 Mayor Menna read, "A Resolution appointing Special Counsel Regarding Red Bank vs. Riverview Medical Center."

Mayor Menna said he thought a resume had been circulated but found that it had not. He said he had also called for additional names. He said he understood that, if the Council did not have the resume or any alternates, that they may want to table it.

Councilwoman Horgan offered a motion to table 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.

16-271 Mayor Menna read, "A Resolution Authorizing the Mayor to Execute a Cooperative Agreement with Respect to Joining in a Proportionate Share of the Litigation Costs in Regard to the JCP&L Monmouth County Reliability Project."

Mayor Menna noted there was no dollar amount listed so wasn't sure how the Council would want to proceed.

Councilwoman Schwabenbauer suggested the Finance Committee could discuss the matter at their meeting the following week.

Councilwoman Schwabenbauer offered a motion to table 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.

16-272 Mayor Menna read, "A Resolution to Approve the Hiring of Devin Smith as Senior Secretary in the Department of Public Works."

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.

PROCLAMATIONS

Councilman Whelan read a proclamation proclaiming October 9 through 15, 2016 as Fire Prevention Week in the Borough of Red Bank.

Councilman Zipprich read a proclamation proclaiming October 2016 as LGBT History Month in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming October 23, 2016 as a day of celebration for the Kimisis Tis Theotokou Greek Orthodox Church in honor of their 40th Anniversary.

PAYMENT OF VOUCHERS

16-273 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,401,142.02."

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman Taylor said the Halloween Parade would be held on Sunday, October 23. He said the lineup would be at 1pm and the parade would start at 2pm.

Councilman Whelan said RiverCenter would be hosting “Girls Night Out” on Thursday, October 20.

AUDIENCE

Freddie Boynton—365 Shrewsbury Avenue—expressed concern about truck maintenance in Public Works. He cited a specific issue with a front end loader. He claimed many of the vehicles were dangerous. He criticized the work distribution between workers and foremen. He also cited issues in the Police Department. He criticized the Administrator for failure to oversee the Public Works Department and said he had too many hats. He also criticized the Director of Public Works for not following up with a resident. He again expressed concern for the safety of Public Works employees. He again criticized the Administrator and the Chief of Police.

Damon Mertha—39 West Street—said he was opposed to the JCP&L Reliability project and thanked the Council for sending a statement to the NJTransit meeting the previous day.

Mayor Menna thanked him for his interest and asked that he thank the reader of the statement. He said he had also send a statement to each of the trustees. He noted the challenges facing Red Bank in an effort to make the community better and how the JCP&L project would adversely affect that. He reviewed a previous attempt to run a solid waste rail line through town and how they had successfully opposed it. He said he felt this would go the same way.

Mr. Mertha said he hoped NJ Transit would opposed the project which would put an end to the issue.

Richard Ashton—15 Clifford Place—said he had read that the Council was considering a Zoning Ordinance change to circumvent the Zoning Board and allow for development on the west side of town.

Mayor Menna clarified that it was not regarding the west side of town but would be in the area near the train station.

Mr. Ashton said the Ordinance stated that the State would give the Borough the right to do certain things including using eminent domain. He noted that the Mayor had previously said they would not do that but asked if future administrations would be able to use that if the ordinance was adopted.

Mayor Menna said the Borough had adopted an ordinance that specifically prohibited the use of eminent domain or condemnation for acquisition or redevelopment areas. He also noted that the Ordinance being discussed was not for an area in need of redevelopment but rather an area in need of rehabilitation. He said the powers of eminent domain were not contained in that classification.

Freddie Boynton—365 Shrewsbury Avenue—said there was a need for a crossing guard at the intersection of West Bergen Place and Bridge Avenue.

Mayor Menna said he would discuss the matter with the Superintendent of Schools and the Chief of Police.

EXECUTIVE SESSION

ADJOURNMENT

Councilman Zipprich offered a motion to adjourn the meeting, 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.

Respectfully submitted,
Pamela Borghi