

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2018.

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

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

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

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

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

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

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

Proclamation—June 1, 2018 Gun Violence Awareness Day

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

Proclamation—June 2018 Pride Month/Presentation of 077Q1

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

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

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

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

No Workshop Items.

APPROVAL OF MINUTES – May 9, 2018

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

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

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

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

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

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

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

Councilwoman Horgan had no report.

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

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

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

COMMUNICATIONS AND PETITIONS

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

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

ROLL CALL:

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

NAYS: None

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

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

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

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

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

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

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

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

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

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

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

ORDINANCES – Public Hearing and Final Adoption

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

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

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

Councilman Zipprich said he agreed.

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

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

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna asked for Council comments on the ordinance.

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

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

Councilman Taylor asked what type of changes he was considering.

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

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

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

Councilman Taylor agreed.

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

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

ROLL CALL:

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

NAYS: None

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

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

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

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

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

ROLL CALL:

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

NAYS: None

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

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

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

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

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

ROLL CALL:

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

NAYS: None

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

The Ordinance was tabled to June 27, 2018.

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

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

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

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

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

ROLL CALL:

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

NAYS: None

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

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

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

Councilman Ballard asked if these were Green Acres funds.

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

ROLL CALL:

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

NAYS: None

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

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

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

ROLL CALL:

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

NAYS: None

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

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

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

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

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

ROLL CALL:

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

NAYS: None

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

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

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

ROLL CALL:

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

NAYS: None

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

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

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

ROLL CALL:

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

NAYS: None

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

By Consent Agenda:

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

18-142 A Resolution Authorizing the Release of a Performance Guarantee Posted by William Duckworth for 15 Leonard Street, Block 75.04, Lots 31.01, 32 & 33.

18-143 A Resolution Authorizing the Borough of Red Bank to Conduct the 2018 Annual Budget Examination.

18-144 A Resolution Authorizing Approval of Sidewalk Cafés.

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

18-146 A Resolution Authorizing Renewal of Club Licenses for 2018-2019

18-147 A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2018-2019

18-148 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2018-2019

18-149 A Resolution Amending the 2018 Temporary Appropriations (Eugenia will provide day of meeting.)

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

None

PAYMENT OF VOUCHERS

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

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

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

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

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

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

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

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

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

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

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

AUDIENCE

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

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

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

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

ROLL CALL:

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

NAYS: None

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi