

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 27, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, CFO Poulos, Attorney Sobel and Engineer Berdahl.

ABSENT: Councilman Whelan.

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.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Presentation to Celestial Lodge

Mayor Menna presented a proclamation to members of Celestial Lodge in recognition of their 135th Anniversary.

Presentation to Red Bank Middle School Students

Councilwoman Horgan reviewed the AVID Program and the students that were being recognized.

Mayor Menna and Councilwoman Horgan presented a certificate to each student.

Superintendent Ramage added that the students were being honored because of the donation of their time at Lunch Break. He said a service award was given to one school per County and Red Bank was chosen as the Monmouth County School.

Presentation to Red Bank Recreation Iron Birds Little League Team

Recreation Director Hoffmann reviewed the accomplishments of the Little League that had won their Division.

Mayor Menna read a proclamation honoring the team and he and Councilman Yngstrom handed our certificates to each member of the team and each coach.

RESUME REGULAR ORDER OF BUSINESS

Councilman Ballard offered a motion to resume the regular order of business, seconded by Councilman Taylor.

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

WORKSHOP

Handicapped Parking in Front of Tilton Avenue Residence

Mayor Menna reviewed the request for a handicapped parking space in front of a Tilton Avenue residence and noted the Ordinance was on the agenda for introduction.

APPROVAL OF MINUTES – June 13, 2018

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

ROLL CALL:

AYES: Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

ABSTAIN: Taylor

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

MAYORAL APPOINTMENTS

Mayor Menna appointed the following to the Historic Preservation Committee:

- Mark Fitzsimmons as Class A Member to 12/31/2018
- Michaela Ferrigine as Class B Member to 12/31/2019
- Barbara Boas as Class C Member/Planning Board representative to 12/31/2021
- Kalman Pipo as Class C Member to 12/31/2019
- Christopher Fabricant to Class C Member to 12/31/2020
- Roseanne Dal Pra to Alternate No. 1 to 12/31/2019
- Gary Sapphire to Alternate No. 2 to 12/31/2020

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Ballard reported that the Finance Committee had met with the Auditor to do the exit review. He said the certification of the audit will be on a future Council agenda and, once certified, it will be placed on the Borough's website. He also reported that there was a resolution on this agenda to join the Somerset County Co-op. He reviewed the benefits of joining and thanks Administrator Shehady and CFO Poulos for finding the opportunity. He said the Finance Committee was continuing to work on priorities including a 2018 Monthly Finance Report. He said he believed the monthly report would be crucial to the five year plan. He said the Committee would begin working on the 2019 budget projection.

Councilman Zipprich reported that he had met with representatives of JCP&L and RiverCenter to do a walk through English Plaza and review the improvement project concept plan. He reviewed details of the plan. He said the Department of Public Utilities Committee had met and reviewed ongoing activities. He said the Committee would be reducing the number of meetings as the Administrator had been empowered to manage more of the municipal operations. He reported that he and Mayor Menna had attended a Pride on the Plaza event at the Two River Theatre the previous week. He said they had also attended the grand reopening of the Melting Pot. He also announced the second annual NJ Symphony concert sponsored by RiverCenter to be held in Marine Park on July 1.

Councilwoman Horgan reported that Library Director Elizabeth McDermott would be retiring at the end of the week and said Barbara Pickerell would be the interim Director. She said a search committee was looking into a permanent replacement. She said the Library's Let's Talk about Race program was taking place at the same time as this meeting and said the first Storywalk book was in place at Riverside Gardens Park. She also reported that Residents Against Giant Electric (RAGE) had won a stunning victory over JCP&L regarding high voltage powerlines. She said it was the second time the JCP&L request had been denied.

Mayor Menna thanked Councilwoman Horgan for her report and called for continued vigilance. He thanked the Council for supporting the effort.

Councilman Taylor had no report.

Councilman Yngstrom reported that the first annual Red Bank Classic 5K had been held on June 16. He thanked the Red Bank Business Alliance and RiverCenter for their support. He also thanked the Parks & Recreation Department, Police Department, Fire Department, the Department of Public Works and the Clerk's Office among others. He said the Race Committee would be presenting approximately \$10,000 each to the Red Bank Parks & Recreation Department and the Red Bank YMCA. He said July Parks & Recreation events included dodgeball, Movies in the Park, Fitness in the Park and Jazz in the Park. He said there would be two additional concerts, one in July and one in August, co-sponsored by Jamian's. He also reported that the Parking Committee would be having a kick off meeting with the Parking Consultants shortly and said the Parking Study would begin in July. He also reported that an ordinance on the agenda regarding commercial parking had come about by a group of business coming together to seek a resolution to a problem that had come up as the Two River Theatre was going under construction. He reviewed details of the proposed ordinance.

Mayor Menna thanked Recreation Director Hoffmann and the members of the Animal Welfare Advisory Committee for the recent successful Dog Days event. He said the Marine Park venue had worked well and said future events should remain there.

COMMUNICATIONS AND PETITIONS

Recommended for approval by the Special Events Committee. (All approvals subject to final plan review by Special Events Committee.)

- Block Party request from residents of Bank Street for Saturday, September 8, 2018 from 3pm to 9pm and request to close Bank Street from Tilton Avenue to western end of street.
- Request from Navesink Maritime Heritage Association to hold Paddle the Navesink event at Maple Cover on Sunday, September 16, 2018 from 10am to 3pm.

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Mayor Menna read a request from Christine McSorley to transfer membership to the Westside Hose Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

Mayor Menna announced that Ordinance 2018-16 to amend the “Animal” section of the code was listed for Public Hearing but would be carried and discussed in an Executive Session at the end of the meeting in regard to potential litigation. He said the Public Hearing would still be held but said no action would be taken at this meeting and said the vote would be carried to July 18 following a continued Public Hearing.

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

No one appeared.

ORDINANCES – First Reading

2018-19 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Commercial Parking Facilities.”

Mayor Menna asked that the Ordinance include clauses to state that Fire Lane parking would be enforced and that handicapped parking spaces may only be used by those with handicapped parking placards.

Councilman Yngstrom offered a motion to approve the introduction of the ordinance as amended, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for July 18, 2018 at 6:30 pm.

2018-20 Mayor Menna read, “An Ordinance Amending Chapter 680, "Vehicle and Traffic", Subsection 680-60, "Schedule XXVI: Restricted Parking for Handicapped Persons" of the Revised General Ordinances of the Borough of Red Bank.”

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for July 18, 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.”

Mayor Menna noted that the adoption of the ordinance had been carried from the meeting of May 9th. He added that it would set forth a range but would not establish individual salaries.

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

Suzanne Viscomi—25 Cedar Place—Thanked Councilman Ballard for taking the extra time to look at the ordinance and for reducing the proposed salary for an Assistant Administrator.

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

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

It was noted that there had been substantial changes for Mayor Menna called for a motion to re-introduce the amended ordinance.

Councilman Zipprich offered a motion to re-introduce of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

New Public Hearing and final adoption scheduled for July 18, 2018 at 6:30 pm.

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, while the ordinance was listed for a public hearing, the Council would not be taking action at this meeting and said the matter would be carried to July 18. He added that the matter had been advertised for a public hearing on this date so the Council would consider comments at this time.

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

Councilman Zipprich asked for clarification on the procedure say he understood they would be adjourning to Executive Session to discuss the matter.

Mayor Menna explained that, since it had been advertised for a public hearing, they would be taking comment but would not be taking action at this meeting. He also noted the ordinance could be changed before the continued public hearing on July 18.

Janice Fisher—Manasquan, NJ—stated she was an animal rights activist who had worked on. She accused pet shops of selling overpriced pets and criticized the practice of leasing pets. She criticized the lack of transparency and deceptive business practices. She cited violations by breeders that she said supply the local pet store, Bark Avenue and noted violations the store had been charged with. She asked the Council to “do the right thing.”

Nancy Jenkins—Marlboro, NJ—reviewed her experience with dogs that had come from “puppy mills.” She discussed what she said were horrific conditions.

Karen Fasano Thomsen—40 Alston Court—provided additional documentation to the Council. She also noted the number of signature received through an online petition. She claimed there was no broad support in the business community for the Bark Avenue store. She claimed the store owner had asked that the Borough monitor his business and criticized that request. She offered her services pro-bono in regard to defending any lawsuit filed by the store owner. She offered online reviews of the store. She urged the Council to “do the right thing.”

David Fisher—Manasquan—said he felt the pet store was a “scar” on the town. He said he and others would not shop in town because of that store. He noted the number of other town that had adopted a similar ordinance and said the Borough had offered more time than any other had to convert the store. He criticized breeders and urged the Council to adopt the ordinance.

Leslie Moran—Randolf, NJ—reviewed the history of stores no longer in business. She said public sentiment supported the ordinance and urged the Council to adopt.

Alberto Larontonda—254 Spring Street—said he had personally witnessed dogs being transported from “puppy mills” in horrible conditions. He said he had also served as a State Inspector for the Department of Environmental Protection and criticized laws that have no teeth. He asked if the ordinance considered a special tax so the Animal Control Department could have funding to monitor.

Mayor Menna said it did not.

Mr. Larontonda asked what the use of the ordinance was if there was no inspection required to verify.

Sean DiSomma—no address given—claimed the speakers were paid activists and were advocating for the closure of one business. He questioned the legal liability and called for a compromise. He criticized the claims of violations with no documentation provided. He said this was nonsense and asked the Council to focus on the recent Management Report.

Mayor Menna this portion of the meeting was focused on the ordinance.

Mr. DiSomma again criticized the targeting of one man and one business and said he felt it would lead to a lawsuit. He asked if the Council was aware of what had happened in the city of Las Vegas when they had passed a similar law.

Mayor Menna said the Council's reference was New Jersey law, not a Nevada law.

Mr. DiSomma again called for a compromise.

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

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Councilwoman Horgan offered a motion to table the ordinance to the meeting of July 18, 2018, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

RESOLUTIONS

By Consent Agenda:

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

- 18-163 A Resolution Authorizing Approval of Sidewalk Cafés.
- 18-167 A Resolution Authorizing Tax Collector to Complete Application to Participate in Electronic Tax Sale Process.
- 18-168 A Resolution Authorizing the Tax Collector to Charge a Fee Relating to Tax Sale Notice Mailings.
- 18-169 A Resolution Authorizing the Borough of Red Bank to Enter into a Cooperative Pricing Agreement (Somerset County Cooperative Pricing System, #2-SOCCP)
- 18-170 A Resolution Authorizing the Release of a Performance Bond to Charles Marandino, LLC for the River Street Retaining Wall Project and Accepting a Two-Year Maintenance Bond and Authorizing Final Payment Releasing all Remaining Retainage to Charles Marandino, LLC.
- 18-171 A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund, in the Amount of \$2,013.89
- 18-172 A Resolution Authorizing Place to Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-33-015. (Gotham Lounge LLC t/a Catch 19)

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-164 Mayor Menna read, "A Resolution Authorizing Renewal of Club Licenses for 2018-2019."

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

ROLL CALL:

AYES: Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

ABSTAIN: Taylor

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

18-165 Mayor Menna read, "A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2018-2019."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

18-166 Mayor Menna read, "A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2018-2019."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Horgan

NAYS: None

ABSTAIN: Zipprich

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

18-173 Mayor Menna read, "A Resolution Appointing Frederick Corcione as Construction Official and Setting Salary."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-174 Mayor Menna read, "A Resolution to Appointing Thomas J. Welsh as Fire Marshal and Setting Salary."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-175 Mayor Menna read, "A Resolution to Approve the Hiring of Parks and Recreation Summer Staff."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

18-176 Mayor Menna read, "A Resolution Award a Professional Services Contract to Willam McGuinn as Municipal Prosecutor Pursuant to Non-fair and Open Process Established by N.J.S.A. 19:44A:20.4."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-177 Mayor Menna read, "A Resolution Authorizing Tax Appeal Settlement Regarding Verizon New Jersey, Inc., 183 Broad Street, Block 105, Lot 19 and 100 Hudson Avenue, Block 105, Lot 32, Red Bank, New Jersey."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-178 Mayor Menna read, "A Resolution Authorizing CFO to Conduct Financial Matters between Meetings during July and August of 2018."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-179 Mayor Menna read, "A Resolution Authorizing Place to Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-33-002 (9 Lives t/a Jamians)."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

PROCLAMATIONS

None

PAYMENT OF VOUCHERS

18-180 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$3,712,129.41."

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Jeff Welker—24 Worthley Street—said he was attending to address a health concern. He said the neighborhood was infested with rats due to a neighbor on McLaren Street that had been feeding them. He said he had called the Monmouth County Regional Health Commission. He said an inspector responded and reviewed the efforts that had been made in the area. He described the abundance of rats on the property. He said representatives of several Borough Departments had responded. He said the neighbor had been cited for harboring rats and had been ordered to exterminate. He said rats had not been taking bait from bait boxes which it was assumed was due to the fact that the neighbor continued to feed them. He said it was a quality of life issue and expressed concern for his family and pets. He reviewed the difficulty of exterminating and disposal. He asked for the Borough to assist with the issue. He asked for assistance for the neighbor. He said the response so far had been positive and proactive but added that he would take legal action if necessary.

Mayor Menna said he appreciated Mr. Welker's sentiments and his report. He asked the Mr. Welker and his neighbors meet with him, the Administrator and Police Chief immediately following the meeting to review the matter.

Cindy Burnham—71 Wallace Street—said she had heard about the matter a few days ago and said the town really needed to take action.

Freddie Boynton—PO Box 2074—asked if something was going on with the Borough's health insurance.

Mayor Menna asked what he was referring to.

Mr. Boynton asked if they would be getting different or cheaper health insurance.

Mayor Menna said whether or not the insurance changed, by state law, it could not change to something less than what they had before.

Mr. Boynton said he heard at the last Council meeting that they were changing insurance.

Mayor Menna said that was just regarding the Administrator. He said the insurance would remain the same.

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

EXECUTIVE SESSION

18-181 Mayor Menna read a resolution to adjourn to executive session to discuss Potential Litigation; no action will be taken.

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

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Councilman Zipprich offered a motion to adjourn from executive session and to adjourn the meeting, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Taylor, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Respectfully submitted,

Pamela Borghi