

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
September 12, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Mayor Menna called for a moment of silence in memoriam of the September 11, 2001 attack victims and first responders.

ROLL CALL

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

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi and Attorney Evans.

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

Councilman Whelan offered a motion to suspend the regular order of business, 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.

Police Department Presentation to Elks Lodge 233

Mayor Menna, Councilman Whelan and Officer Tanner Shea presented representatives from the Elks Lodge #233 with a plaque in recognition of their support and to thank them for their donation of a vest for Police Dog Echo. Officer Stanley Balmer and Police Dog Hunter were also present. The Lodge representatives said they were continuing with fundraising in a effort to purchase a second vest.

Mayor's Charity Ball Beneficiary Presentation

Mayor Menna reviewed the event and said proceeds were passed on to worthy organizations in the community. He called up Debbie Marks and Barbara Boas, co-chairs of the Mayor's Charity Ball, to present checks from the 2018 event to Holiday Express and to the Red Bank Animal Welfare Advisory Committee. Each group was presented with a check for \$9,000.

Red Bank Pins

Administrator Shehady said he had been in Red Bank for four months and had felt the pride in the community. He said he was not aware of any symbol for that so had ordered pins that people could wear as evidence of that pride. He presented pins to the honorees of the evening and to the members of the Council.

Public Hearing regarding Comcast Cable Franchise Renewal

Robert Clifton from Comcast explained that the company's franchise was due to expire in March of 2019 and explained the franchise renewal process and the criteria to be used by the Municipality when considering renewal. He explained this was the Public Hearing portion of that process and asked if there were any questions from the Council or from the Public. There were no questions.

Mayor Menna said he was grateful that Mr. Clifton had attended to explain the process. He asked the Administrator to follow up with Comcast through the renewal process.

Monmouth County Open Space Grant Public Hearing

Borough Engineer Laura Neumann reviewed the application for a grant that would provide for enhancements at Eastside Park, Count Basie Park/Mohawk Pond and Riverside Gardens Park. She said reviewed specifics of the application for each location. She said they were seeking to enhance the multipurpose field at Eastside Park including a new backstop, bases and fencing as well as engineered mulch in the play area. At Count Basie Field, she continued, they were seeking to add solar lighting on the walking path and at Mohawk Pond they were seeking funding for a pavilion structure and some barbecues to enhance passive recreation.

Administrator Shehady reviewed other benefits including as a possible revenue generator as the area could be rented out.

Engineer Neumann said the final property included in the application was Riverside Gardens Park where they were looking to do some landscaping, install a flag pole, replace a bench and redo the decking along the

Riverwalk. She said the estimate for the improvements was \$500,000. She said it was a matching grant so the most they could seek from the County was \$250,000. She open the floor for questions from the Council or the public.

Councilman Ballard asked about the policy for renting the area at Mohawk Pond such as when it was open to general use and when it would have to be rented.

Administrator Shehady said that was a policy change that would be worked out with the Recreation Department.

Councilman Ballard confirmed that it would be available for residents to use.

Mr. Shehady said it would.

Councilman Zipprich asked about specifics of the materials to be used on the Riverwalk.

Engineer Neumann reviewed the details.

Councilman Zipprich confirmed that it would be virtually maintenance free.

Mayor Menna asked if there were any questions from the Public.

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

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

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

Councilwoman Horgan 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.

WORKSHOP

Cancellation of December 26 Council meeting

Mayor Menna noted the Council had discussed the cancellation of the December 26th meeting previously and asked if any Council members had issues with it.

Councilman Zipprich asked what would happen if there was a need for a second meeting such as if an ordinance was introduced at the first meeting in December.

Mayor Menna said they could schedule a special meeting or they could adjourn Sine Die to January 1.

Mayor Menna called for a motion to cancel the December 26, 2018 Council Meeting.

Councilwoman Horgan offered a motion to cancel 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.

East Bergen Project Change Order Resolution

Administrator Shehady explained that there was a construction project underway on East Bergen Place as part of the 2017 Road Improvement Project and said they had discovered some water main issues. He reviewed details of the problems and said there was change order before the Council because this additional work had not been envisioned as part of the project. He said the project would be broken into three parts. He said the part before them was for area between Broad and Spring streets. He said there were two additional parts which would also require water main replacements. He said there would be additional change order for those at a future meeting. He said the change order funds, in the amount of \$160,000, was being taken from old bond ordinances for water projects.

Mayor Menna clarified that it would be paid for out of unexpended bonds that had already been taken out.

Administrator Shehady confirmed that that was correct. He asked Engineer Neumann if she wanted to had anything.

Engineer Neumann said she wanted to echo the statement that there were two additional areas that would need similar work.

Burke Settlement Agreement

Mayor Menna noted the Council had already approved this settlement and said the documents had just been received so a resolution would be added to the agenda.

APPROVAL OF MINUTES – August 15, 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.

APPROVAL OF MINUTES – August 29, 2018

Councilman Ballard offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

None.

PUBLIC COMMENT – Ordinances on First Reading and Resolutions Only

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Ballard reported that the Finance Committee had met on August 28 to talk about ongoing negotiations regarding the PBA contract. He said they also discussed the Banking Services RFP and reviewed that process. He said they also reviewed the monthly budget report and actual expenditures to help stay on target. He said they were also review projections for the 2019 budget. He said Red Bank officials and those from the adjacent affected towns had met with representatives of Red Bank Regional High School to discuss the upcoming referendum election scheduled for December. He said, prior to that meeting, he had sat down with the District Superintendent and other Board Officials and some of the concerns he has heard from residents. He said he had asked for information and said the Superintendent was currently gathering it. He said, as soon as he received it, he would share what he could share with the public. He said he also wanted to make a clarification about the event scheduled for September 15. He said he had referred to it as a Shared Service Summit but said he had misspoke. He said the proper branding was for a Best Practices and Innovation Summit. He also noted it was invitation only and said he apologized if he had given the impression that it was open to the public.

Councilman Zipprich thanked those who had commented on the major infrastructure improvement on East Bergen Place. He said they appreciated everyone's patience as the project continued. He noted the crosswalks around town had been painted and said the work was almost complete but had been delayed due to weather. He reported that the Department of Public Utilities (DPU) staff and Administrator had selected a contractor for the work at Borough Hall. He also reported that the RiverCenter Offices had officially relocated to street level location at 140 Broad Street.

Councilwoman Horgan had no report.

Councilman Yngstrom thanked the Parks and Recreation staff for all of their hard work with the Summer Series and Summer Camp. He said they had done a great job offering great services to the residents. He reviewed upcoming programs including a Halloween Movie on October 12, an egg hunt on October 18 and the Halloween Parade on October 21. He said the Parking Committee would be hosting a meeting with Consultants Walker Associates on October 24 at the Middle School.

Councilman Zipprich asked if the meeting would be open to the public.

Councilman Yngstrom said that it would be.

Councilman Whelan thanked Patrolmen Shea and Balmer for attending the meeting and bringing the K9 units.

Councilman Taylor said he also wanted to stress the importance of having K9 units in town. He reviewed the personal experience of someone he knew whose life was saved by a K9. He said it was an incredible asset to Red

Bank especially having two units. He thanked the Elks for the excellent charity work they do. He also reported that the Environmental Commission submitted their second round of submissions for Sustainable Jersey. He said last year the Borough had attained Bronze Status and said this year they had submitted more than enough points to qualify for Silver Status. He said they were waiting for their submission to be vetted and hopefully would be able to announce that they had achieved Silver Status. He also commented on the Monmouth County Open Space Grant Application noting that Environmental Commission member Travers Martin has donated his time to develop a landscaping plan with low maintenance, sustainable plantings. He also reported that the Commission had received a Complete Streets Technical Assistance Grant for up to \$10,000 in technical assistance which would help with the Complete Streets Initiative. He said a draft resolution would be presented at a future Council meeting. He said he would like to see pieces of the initiative incorporated into the East Bergen project.

COMMUNICATIONS AND PETITIONS

Communications/Correspondence:

Mayor Menna announced that there would be a Trap/Neuter/Release public information session on September 13, 2018 at 7pm in the Council Chambers at 90 Monmouth Street.

Mayor Menna announced that there would be a public meeting of the Parking Committee, as mentioned by Councilman Yngstrom, on October 24, 2018 at 7pm to be held at the Middle School.

Petitions:

Mayor Menna read the following requests that had been recommended for approval by the Special Events Committee. (All approvals subject to final plan review by Special Events Committee.)

- Request from Garmany and Boomer Esiason Foundation to hold a fundraiser with valet parking at Garmany store on Friday, September 14, 2018 at 6:30pm.
- Request from Garmany to hold "Driving Awareness" exotic car event to benefit Susan G. Koman Foundation on Sunday, October 14, 2018 from 10am to 12noon and to close Canal Street from Broad Street to Clay Street and to close Clay Street from Canal Street to the end of the Garmany Parking lot.
- Request from Ariana Tharrington to hold a town wide clean up event on Saturday, October 13, 2018 from 11am to 2pm.
- Request from Two River Theater to hold their Annual Halloween Ball on Saturday, October 20, 2018 from 7pm to 12midnight.
- Request from The House on Steven Avenue Fund, Inc. to reserve the date of August 3, 2019 (with rain date of August 10, 2019) to hold a Back to School Bash & Backpack Giveaway at Count Basie Field from 12noon to 4pm.
- Request to hold 10th Annual Red Bank Community Block Party on Saturday, August 10, 2019 (with a rain date of Saturday August 17, 2019) and to close Drs. James Parker Boulevard between Bridge Avenue and Shrewsbury Avenue.

Councilman Whelan offered a motion to approve the requests, 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

2018-23 Mayor Menna read "An Ordinance Amending and Supplementing Chapter 9, Article VII: Human Relations Advisory Committee Amending Section 9-24 and -25 to Provide for the Appointment of Two Alternate Committee Members."

Councilwoman Horgan offered a motion to approve the introduction of 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 approved.

Public Hearing to be held September 26, 2018 at 6:30 pm

2018-24 Mayor Menna read "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations Relating to Tattoo Establishments."

Councilman Ballard offered a motion to approve the introduction of 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 approved.

Referred to Planning Board. Public Hearing to be held October 10, 2018 at 6:30 pm

2018-25 Mayor Menna read "An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Relating to Alternative Treatment Centers."

Councilman Ballard offered a motion to approve the introduction of 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 approved.

Referred to Planning Board. Public Hearing to be held October 10, 2018 at 6:30 pm

2018-26 Mayor Menna read "An Ordinance Authorizing the Acquisition of Two (2) Easements Affecting Block 71, Lot 5 from the Board of Education of the Borough of Red Bank for the Purpose of Constructing an Emergency Access Driveway and Water Main."

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

ROLL CALL:

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

NAYS: None

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

Public Hearing to be held September 26, 2018 at 6:30 pm

ORDINANCES – Public Hearing and Final Adoption

2018-22 Mayor Menna read, "An Ordinance Amending Borough Code Chapter 118: "Police Department" to Include New Article V: "Police Chaplain" and Setting the Qualifications, Duties, Rank and Salary, Term of Office, and Appointment Requirements Therefor."

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

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

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 as amended, 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.

RESOLUTIONS

Consent Agenda:

Mayor Menna read the following resolutions and called for a motion to adopt by consent agenda:

18-219 A Resolution Authorizing Lease Agreements with Fire and First Aid Companies for Storage of Vehicles and Equipment.

18-220 A Resolution Authorizing the Red Bank Department of Recreation to Apply for Funds from the New Jersey Department of Community Affairs under the FY2019 Recreational Opportunities for Individuals with Disabilities (ROID) Grant Program for the Junior Adventurers: Inclusive Field Trips Project.

18-221 A Resolution Accepting Performance Guarantee Posted by Metrovation Anderson, LLC for Block 38, Lots 1, 2, 2.02, 7, 8, 9, & 10

18-222 A Resolution Authorizing the Submission of a Monmouth County Board of Chosen Freeholders – Home Housing Production Program Grant Application.

Councilman Yngstrom offered a motion to approve the resolutions, 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.

18-223 Mayor Menna read, “A Resolution Authorizing the Mayor and the Borough Clerk to Execute a Municipal Assistance/Shared Services Agreement with the County of Monmouth.to Execute a Shared Services Agreement with the County of Monmouth.”

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

ROLL CALL:

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

NAYS: None

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

18-224 Mayor Menna read, “A Resolution Authorizing the Execution of a Commodity Resale Agreement with the County of Monmouth.”

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

ROLL CALL:

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

NAYS: None

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

18-225 Mayor Menna read, “A Resolution Vacating and Eliminating the Position of Assistant Construction Official.”

Councilman Taylor 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.

18-226 Mayor Menna read, “A Resolution Awarding a Professional Services Contract to T&M Associates for Engineering Services for the Bellhaven Park Project.”

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.

18-227 Mayor Menna read, “A Resolution Authorizing Change Order No. 1 Related to the Contract with Lucas Construction Group, Inc. for the Improvements to East Bergen Place Project.

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

ROLL CALL:

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

NAYS: None

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

18-228 Mayor Menna read, “A Resolution Authorizing a Settlement Agreement with Jason Burke.

Councilman Zipprich 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.

PROCLAMATIONS

None

PAYMENT OF VOUCHERS

18-229 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$3,623,406.14."

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

Councilman Zipprich reminded everyone that the Red Bank Borough Education Foundation would be holding their annual Casino Night fundraiser on October 5, 2018 and offered ticket and sponsorship information. He also noted that he had previously discussed a bike share program with the Administrator. He said the Administrator had suggest they evaluate some cautionary procedures but noted it was an ongoing project.

Mayor Menna said the Council and Administration were in favor of the project but they needed to coordinate with other agencies for safety purposes.

Administrator Shehady noted that the Complete Streets Technical grant that had been reported on earlier would be going toward this purpose. He said they were working on additional grants as well.

NEW BUSINESS

None.

AUDIENCE

Jimmy Dark—48 West Sunset Avenue—said he had an ongoing issue with an overgrown tree that was blocking a street light. He said the utility company had given him information to pass on to the Borough regarding a permanent correction to the problem

Mayor Menna asked him to give the Administrator and said he would follow up on it.

Barbara Boas—135 Branch Avenue—asked where the Halloween Parade participants would be lining up since East Bergen Place was under construction. She said her second question was regarding the fact that the Administrator had mentioned Spring Street during the discussion of the project and questioned if he meant South Street.

Councilman Yngstrom said the Parade line up would be at Irving Place and Arthur Place.

Administrator Shehady clarified that it was between South Street and Broad Street.

Allison Gregory—109 Bank Street—thanked the Borough for the 9-11 Remembrance that had been held in Riverside Gardens Park. She also thanked Parks & Recreation Director Hoffmann for the successful summer programs. She said she wanted to let the Council know that the crosswalk at Shrewsbury Avenue and Locust Avenue was a problem. She said no one stops and suggested they add a second crossing guard. She also said there was a problem with a property located at 105 West Sunset Avenue regarding abandoned cars parked in their driveway and garbage in the back yard. She said the property also still had an open permit. She said she knew they were working on closing out open permits and thanked them for that. She said she had gotten reports that the Code Enforcement Office had called some residents in the afternoon and given them only a few hours warning to cut their grass before a summons would be issued. She felt there were more important issues that needed to be addressed such as an ongoing issue at 90 Bank Street. She said there were safety issues at that property and called for action.

Mayor Menna said the Borough was in both State and Federal litigation with that property owner and that they could not discuss it publicly.

Ms. Gregory said that was the answer given every time.

Mayor Menna again stated they could not discuss the matter publicly or it would result in further litigation.

Ms. Gregory said something needed to be done.

Mayor Menna said they were taking action.

Ms. Gregory criticize actions that she said were being taken against property owners who she said were doing everything properly but said the Borough was not taking care of the problem at 90 Bank Street. She said she knew they were in litigation but said it was a major problem. She expressed concern about a fire at the property.

Mayor Menna said her comment about Code Enforcement giving a few hours' notice was completely inaccurate.

Ms. Gregory disagreed.

Freddie Boynton—PO Box 2074—asked about an ongoing water leak at Leighton Avenue and Newman Springs Road and also asked about a certain property that had very high grass that he said needed to be taken care of.

Mayor Menna said that house was slated for demolition and asked Administrator Shehady to address the question about the water.

Mr. Shehady said the water leak was not a Red Bank line but was a New Jersey American Water line. He said they had fixed it once and the problem had recurred. He said he had been working with them to try to get it resolved.

Mr. Boynton asked if the hydrant belonged to New Jersey American Water.

Administrator Shehady said it was a Red Bank hydrant but added there was a New Jersey American Water pipe underneath that was causing the leak.

Mr. Boynton expressed concerned about underground damage.

Frank Woods—92 Harding Road—said he wanted to praise the Parks & Recreation Summer Camp program and said they had done a fantastic job.

Administrator Shehady said he wanted to address the Code Enforcement comments from earlier. He said Code Enforcement was being very diligent and were doing a fantastic job to address quality of life and health concerns. He said they had met with RiverCenter to make sure commercial property owners in the business district also took responsibility. He said they had added weekend, evening and walking patrols and had been doing a fantastic job. He said some people may be taken aback by the enforcement but clarified that the steps were 1) either call or speak to property owner to offer a verbal warning, 2) if not abated in a certain number of days, not hours, he clarified, a certified letter would be sent and 3) if still not abated, the matter would lead into a summons. He said they were working to get everyone into compliance as a matter of pride in the community.

No one else appearing, Councilman Zipprich offered a motion to close the audience portion and 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.

EXECUTIVE SESSION

None.

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