

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
September 22, 2021
6:30 P.M.**

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 December 16, 2020.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Borghi and Attorney Cannon.

ABSENT: Councilman Yassin

*Meeting held via video/telephone conference due to Governor's Executive Order.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Board Committee Appointments

Mayor Menna made the following appointments:

Appointment of Stormwater Trust Exploratory Committee members - Mayor Menna proposed appointing the members of the Environmental Commission Green Team as the members of the Stormwater Exploratory Committee to provide continuity.

Councilman Zipprich offered a motion to confirm the appointments, Councilwoman Triggiano seconded.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Red Bank Housing Authority Appointment

John Paul Nicolaides as a member for a five year term to expire 12/31/2025.

Councilman Ballard offered a motion to confirm the appointments, Councilman Yngstrom seconded.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom and Horgan.

NAYS: None

ABSTAIN: Zipprich

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

Proclamations

Mayor Menna read a proclamation to proclaim Hispanic Heritage Month – September 15 through October 15, 2021.

Councilwoman Triggiano read a proclamation to proclaim Fire Prevention Week - October 3 through 9, 2021

Meeting Date

Mayor Menna asked the Council to consider moving the meeting scheduled for 10/13/2021 to 10/20/2021 due to a conflict that most Council members had on the original date.

The Council consensus was to move the meeting to 10/20/2021 with a resolution to approve being added to the end of the meeting agenda.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Mayor Menna open Public Comment for agenda items only.

Glenn Carter—Executive Director, Red Bank RiverCenter—said he was appearing in his role as Executive Director of RiverCenter. He said he wanted to thank the Council and their staffs for putting various things in place to help with the pandemic. He said he believed those actions had been a success

and had helped through the pandemic. He thanked the Council for considering RiverCenter's request to extend the outside options from September 30 to October 31.

William Poku—90 Bank Street—said he had forwarded an email that he had received from the White House to the Borough Clerk and wanted to confirm that it had been shared with the Council.

Clerk Borghi said she had just forwarded it.

Mr. Poku acknowledge that it had been received late and said he would address it in the second comment portion.

Clerk Borghi said she had received it shortly after 6pm.

Michele Ellis—95 Broad Street/Great Harvest Bakery Cafe—said she respected Red Bank RiverCenter and appreciate the work that they did but said she strongly disagreed with the request to extend the Broadwalk. She said it had hurt those that were not within that area and created an unfair disadvantage. She also noted that construction in the area was slated to begin in November/December.

Nicole Caivano—Property Owner of 11 & 13 Broad Street—said she was not opposed to the concept, however, as a landlord and business owner, she said she had questions and concerns about the timing. She said expressed concern about the amount of time for the Broadwalk closure to be followed by more closures due to construction. She said the closure 24/7 had a negative effect on her day time business. She said it affected foot traffic and also noted the eastside parking lots were in terrible condition. She criticized the aesthetics of the barriers and police cars. She said there were difficulties with deliveries, traffic, loud music and garbage.

John Arcara—77 Monmouth Street and 250 Harding Road—said he lived and owned multiple business and buildings in Red Bank. He spoke in favor of Broadwalk. He thanked the Borough for the concert of a streeterly which he said was amazing and had done wonderful things for his business and others. He said he was in favor of the extension.

Cindy Burnham—71 Wallace Street—said she felt the Broadwalk created problems for residents with traffic, trash and noise. She said she felt back for the businesses at the other end of the street. She suggested the Broadwalk should be for the summer only.

Dominic (no last name given)—Catch 19—thanked RiverCenter and the Mayor and Council for helping to get them through the pandemic. He said he sympathized for those not in the Broadwalk area but said he felt it was special. He said he was in support of the extension. He said he understood the opposition and said he would be willing to see it tweaked.

Craig Dolan—34 John Street—said he loved the Broadwalk but said the rest of the town looked like a dump. He called for better traffic enforcement in residential areas.

Julia Van Noscrand—Manager of Dor l' Dor—spoke in favor of Broadwalk and extending the closure.

No one else appearing, Councilman Yngstrom offered a motion to close the Public Comment period, Councilwoman Horgan seconded.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

MINUTES & REPORTS

Special Meeting Minutes of 6/29/2021

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan

NAYS: None.

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

Workshop Meeting Minutes of 7/7/2021

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Executive Session Minutes January through June 2021

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

ORDINANCES - Public Hearing/Adoption:

2021-20: Mayor Menna read, "Ordinance Amending Section 300-3: "Fees" of Chapter 300: "Construction Codes, Uniform" of the Borough's Revised General Ordinances to Increase Certain Construction Fees and Implement New Fees upon Certain Construction"

Councilman Ballard offered a motion to open the public hearing, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Suzanne Viscomi—25 Cedar Street—asked if the fees would be going in to the operating account or would they be going to the Redevelopment Agency.

Mayor Menna said the ordinance was regarding Construction Department fees so would be going toward Construction Department operations.

Councilman Ballard said he wanted to speak before the Public Hearing was closed but said he would defer to Councilwoman Horgan who had also wanted to speak.

Councilwoman Horgan said the original ordinance had had some issues and she asked if they had been dealt with.

Councilman Ballard said he believed she was referring to the ordinance for Developer's Fees which had recently been adopted. He said this ordinance was regarding existing Construction Department fees which he said had not been updated since 2013. He reviewed the standard process for increasing these types of fees.

Attorney Cannon reviewed some additional changes that modernized the ordinance to include things that were not around 20 years ago.

Councilman Zipprich reviewed Code Committee discussions.

Councilman Ballard said the fees would fund the Construction office.

No one else appearing, Councilman Ballard offered a motion to close the Public Comment period, Councilman Zipprich seconded.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

ORDINANCES – First Reading:

2021-21: Mayor Menna read, "Ordinance Providing for a Special Emergency Appropriation in an Amount not to exceed \$160,000 to Fund the Engagement of Special Consultants for the Preparation of a Master Plan for the Borough."

Mayor Menna announced the Public Hearing was currently scheduled to be held on 10/13/2021 at 6:30 pm but noted that the Council had been asked to consider a change to the date of the next meeting.

Clerk Borghi said there was a pending resolution that, if adopted, would move the meeting to 10/20/2021. She said if the resolution was adopted, the Public Hearing would be held on 10/20/2021 at 6:30pm and would be advertised as such.

Councilman Yngstrom offered a motion to introduce the ordinance, seconded by Councilwoman Triggiano.

Councilman Ballard asked if anyone had spoken to the CFO about this ordinance.

Interim Administrator McConnell said he had.

Councilman Ballard said he had spoken with him and had been told that there was money in the Capital Improvement Fund. He said in 2019 he had put money in the budget to fund a new Master Plan which was approved. He asked why they were doing an Emergency Appropriation if there were funds available.

Councilman Zipprich said there was also money in the MCIA Fund.

IA McConnell said the purchase would not be authorized under MCIA because it had to be equipment or some type of tangible property. He acknowledged that there was money in the Capital Improvement Fund. He said he had spoken to the current CFO as well as the Interim CFO and said they had had differing opinions on where the money could come from. He said there were three options which were 1) the Capital Improvement fund, 2) issuing notes as they were now proposing to do (which he said was the most common way it was done) or 3) roll it into another bond being issued for something else. He said the problem with #3 was that they were not ready to issue another bond at this time so that would delay the Master Plan. He said he and the Interim CFO thought they shouldn't touch the Capital Improvement Fund so it would be available in case of emergency. He also said he believed the 2019 funds had rolled into the surplus at this point. He also noted that interest rates were extremely low right now and said it would be paid back over five years. He said the Borough's Bond Counsel had also recommended this option.

Councilman Yassin joined the meeting at 7:22pm.

Councilman Ballard said the Capital Improvement Fund increases each year if they don't spend the funds and rolls into the General Cash Fund. He said money left over in the Operating Budget at the end of the year rolled into surplus. He said the Capital Improvement Fund was specific for Capital Improvements which was typically between \$100,000 and \$150,000. He noted that it was funded much lower for 2021 but said the fund was set aside for emergencies such as a sewer collapse or water main issue.

IA McConnell said those were two different things. He said the Capital Improvement Fund was not part of the Operating Budget.

A discussion continued on funding sources and how they could be used.

Mayor Menna said the ordinance was on for introduction and asked that the CFO, Bond Counsel, Borough Attorney and the Administrator to try to provide the answers to the questions posed by Councilman Ballard prior to the Public Hearing.

Councilwoman Horgan said she believe the questions had been answered and said she was in favor of moving forward.

Councilman Ballard said there had been money in 2019 but there had been no urgency then. He questioned why the need to move on it now if they had sat on it for two years.

Councilwoman Triggiano said they had not sat on it. She reviewed the steps that had been taken during that time to move the process forward.

A discussion followed on what had transpired in the past two years.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Zipprich and Horgan.

NAYS: Ballard

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

RESOLUTIONS

Resolutions by Consent Agenda:

- 21-257: Resolution for Payment of Bills Amounting to \$3,545,589.39
- 21-258: Resolution Authorizing Resolution of the Borough of Red Bank to Refund Developer's Escrow Account Balances
- 21-259: Resolution Authorizing Tax Credits/Refunds Totaling \$396.54 due to Over Payment by Property Owner
- 21-260: Resolution Increasing the Bid Threshold and Appointing a Qualified Purchasing Agent
- 21-261: Resolution Accepting the Resignation of Planning & Zoning Administrative Assistant Maria Graziano
- 21-262: Resolution Fixing the Salaries of Certain Officers and the Pay or Compensation of Certain Positions and Employees within the Borough of Red Bank for the Year 2021

- 21-263: Resolution Awarding Contract for Rehabilitation Housing Services for 161 River Street to E.R. Remodeling in order to Advance the Borough's Affordable Housing Rehabilitation Plan
- 21-264: Resolution Awarding Contract for Rehabilitation Housing Services for 50 Bank Street to Mike's Home Repair in order to Advance the Borough's Affordable Housing Rehabilitation Plan
- 21-265: Resolution Authorizing the Appointment of Regular Crossing Guards for the 2021-2022 School Year

Councilman Zipprich offered a motion to move the resolutions en masse, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Resolutions by Voice Vote:

21-266: Resolution Authorizing Disposal of Surplus Property

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

21-267: Resolution to Amend the Time and Place of Borough Council Meetings for 2021.

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

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Zipprich and Horgan.

NAYS: None.

ABSTAIN: Ballard

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

MAYOR AND COUNCIL COMMENTS

Councilwoman Triggiano said she wanted to recognize the two new members that the Council would be taking action on which were Scott Worthington, a Borough employee, and Alan Soden III, a fourth generation member. She also reported that there would be a Touch-a-Truck type of event along with a safety day at the Library on Saturday, October 9. She also reported that the Senior Center would be having a cookout on October 8 at Westside Hose Company.

Councilman Ballard said the Animal Welfare Advisory Committee had had a successful Dog Days event on September 11. He thanked the volunteers that helped with the event. He said the Police Department Dog, Hunter, had given two different demonstrations. He reviewed other activities from the event. He thanked the Committee members and volunteers.

Mayor Menna said he had met many people at the event who had commented that they enjoyed the event and said he encouraged other towns to hold similar events.

Councilman Ballard said he also wanted to thank the Department of Public Works, the Parks & Recreation staff and the Police Department for assisting with the event. He said the Council really needed to consider a small dog park in Red Bank.

Mayor Menna reviewed the challenges and also expressed concerns for displaced wildlife due to development.

Councilman Yngstrom reviewed the NJ American Water project on River Road. He stressed the it was not a Borough project but wanted to advise because it was causing traffic rerouting and delays.

Councilman Yassin had no report.

Councilwoman Horgan said the Library Director wanted to thank those who had participated in the townwide yard sale. She said it had been very successful. She said their Red Bank Always Beautiful Photo Contest had been extended until October 1. On behalf of the Parks & Recreation Department, she reported that the Department had helped set up for the Dog Days Event and also led the 9/11 Memorial Ceremony. She said the Halloween Parade would take place on October 24 and said there would be a showing of Ghostbusters in Riverside Gardens Park on October 28. She reviewed current sports programs and said Director Dal Pra would be making a presentation to high school students to encourage

community involvement and volunteering.

Councilman Zipprich reported that the Historic Preservation Commission would be reviewing the Mayor's suggestion for a Rector Place Historic District. He said an Education/Technology meeting would be set up in the next week or so. He congratulated the Animal Welfare Advisory Committee for their successful Dog Days event. He also thanked the Parks & Recreation, Police, Fire and Public Works departments for a wonderful 9-11 commemoration. He also reported that the Streetfair had been a success. He also asked if there had been any movement on the Plastic Film Recycling program.

Councilwoman Triggiano said residents were being encouraged to sign up for the Plastic Film Recycling Program through the Borough website. She said it would be a one year pilot program in partnership with SC Johnson. She said there would be a bucket distribution day on Saturday, October 16 with pick up days on the first Wednesday of each month. She reviewed the material that would be included in the program.

Mayor Menna said he had recently spent time with the DEP Commissioner highlighting Red Bank's progress regarding electric vehicle charging stations. He noted that earlier in the day Red Bank had joined Princeton and Jersey City in committing to the incorporation of greater electric vehicle stations throughout the municipality. He said he would also be reaching out to NJ Transit to encourage charging stations in their parking lots.

DISCUSSION & ACTION

Mayor Menna read a request from Scott Worthington for membership to the Liberty Hose Company of the Red Bank Volunteer Fire Department and a request from Alan Soden III for membership to the Union Hose Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Mayor Menna read a request from RiverCenter to extend the Broadwalk Extension approval through October 31, 2021.

Mayor Menna reviewed the request for an additional days and concerns that had been raised about the program. The Council discussed the request. The consensus was to approve the extension but that stakeholder meetings should be held regarding future plans for the program.

Councilman Yassin offered a motion to approve the extension to 10/31/2021, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Zipprich and Horgan.

NAYS: Ballard

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

IA McConnell noted that each business that was interested in participating for the additional month would be invoiced for an additional month for the spaces being used.

A discussion followed and it was determined that the approval for an extension was for all street spaces in and out of the Broadwalk zone.

Attorney Cannon said he would draft a resolution to formalize the vote which would be Resolution 21-268.

Mayor Menna read a request for the placement of a plaque to recognize Freddie Boynton in the Ralph "Johnny Jazz" Gatta Park in accordance with the Borough's Memorial Policy, pending review and approval of final design by the Parks & Recreation Committee and confirmation of private funding source.

Councilman Yassin offered a motion to approve the request, seconded by Councilwoman Horgan.

Councilman Ballard expressed concern about the request.

Councilman Zipprich said he thought the Mayor had stated that this type of request would be limited to someone who had passed away.

Clerk Borghi said the Council had recently adopted a Memorial Policy and said this request was submitted subject to that policy.

Councilman Yngstrom said he thought the requirement that the person be deceased had been removed from the policy.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard

ABSTAIN: Zipprich

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

Mayor Menna read Special Event Requests recommended for approval (subject to Final Plan Review by Special Events Committee):

- Request from Jersey Shore Ghost Tours to conduct public tours on Fridays beginning September 24th through November 5, 2021 and on Saturday, November 13, 2021 at 8pm & 8:30pm each day.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Mayor Menna read a request from Navesink Hook & Ladder to host a fundraiser at Red Rock Tap & Grill on Thursday, September 30, 2021 from 7pm-11pm.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Mayor Menna read a request from Highland Avenue to hold a Block Party on Saturday, October 2, 2021 from 3pm-10pm.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

Mayor Menna read a request from the Annual Red Bank Community Block Party to hold their event on Drs. Parker Blvd. between Bridge & Shrewsbury from noon to 7pm; on Saturday, August 13, 2022 with a rain date of Saturday, August 20, 2022.

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None.

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

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

William Poku—90 Bank Street—congratulated the Council for voting to move forward with the request for Freddie Boynton. He said he was in support of people being recognized while they were still alive. He also said he wanted to speak to the needs for an affirmative effort toward the needs of black people in the country. He said he had recently signed a petition calling for the President to address the situation of Haitians at the border. He said he had heard complaints in the past about a hostile environment for black workers in Red Bank. He called for recognizing the needs for black people. He reviewed the Borough's Zoning Map and the Affordable Housing District. He said there were "little Haitis" in the community and said something should be done to enhance the workers in Red Bank.

Craig Dolan—34 John Street—said he wanted to make another comment about the Broadwalk. He discussed the garbage in the area and called for better cleaning.

Suzanne Viscomi—25 Cedar Street—said she felt 9/11 was a great day to reflect and said there had been some negative comments about holding the Dog Days event on 9/11. She said she thought it was amazing that the town was able to take the moment to pause and then have dog lovers walk over to the other event. She reviewed the benefits of the event. She said she agreed that there should be a dog park.

Dan Riordan—no address given—said he had questions about the increased construction fees. He said, when the Redevelopment Agency was formed, it had been stated that the agency would be funded from construction fees after an initial payment by the Council. He said if any of the construction fees would be dedicated toward the Redevelopment Agency.

Mayor Menna said they would not because they were statutory fees that were only applicable to existing types of construction, not those going through the Redevelopment Agency.

Mr. Riordan asked if there were any other fees that would be supporting the Redevelopment Agency.

Mayor Menna said he was not aware of any at this point because there were no redevelopment projects that had gone through the agency.

Mr. Riordan also asked about plans to replace the Borough Administrator and CFO. He said he believed the Borough Code said the Mayor should make a nomination within 30 days of a vacancy. He said it had been much more than 30 days since the Business Administrator left and would soon be 30 days since the CFO left.

Mayor Menna said the interpretation of that was that the Acting Administrator and Acting CFO appointments were sufficient.

Mr. Riordan asked if there were any plans to replace them now.

Mayor Menna said there were currently an Acting Administrator and Acting CFO in place which met the criteria.

No one else appearing, Councilman Yassin offered a motion to close the Public Comment period, Councilwoman Triggiano seconded.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

EXECUTIVE SESSION

21-269 The Borough Attorney read a resolution to adjourn to executive session to discuss Contract Negotiation – River Street Urban Renewal Associates, L.P. No action to be taken.

Councilman Yassin offered a motion to adjourn to Executive Session, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

RESUME REGULAR BUSINESS

Councilman Yassin offered a motion to resume regular business, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

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

Respectfully submitted,

Pamela Borghi