

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
July 21, 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 Yassin, Ballard, Zipprich and Horgan.

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

ABSENT: Councilwoman Triggiano (arrived at 6:35pm) and Councilman Yngstrom.

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

**PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS**

Zoning Board Appointment

Mayor Menna nominated Joan Rothwell to serve as Alternate #2 for an unexpired two year term to 12/21/2022.

Councilman Ballard offered a motion to confirm the appointment, seconded by Councilman Zipprich

**ROLL CALL:**

AYES: Yassin, Ballard, Zipprich and Horgan.

NAYS: None

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

Animal Welfare Advisory Committee Appointments

Mayor Menna nominated Christopher Pollito for an unexpired three year term to 12/31/2022.

Mayor Menna nominated Angelica Aguirre for an unexpired three year term to 12/31/2023.

Councilman Ballard offered a motion to confirm the appointments, seconded by Councilman Zipprich

**ROLL CALL:**

AYES: Yassin, Ballard, Zipprich and Horgan.

NAYS: None

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

Budget Adoption

Public Hearing

2021-12: Calendar Year 2021 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

Mayor Menna called for a motion to open the Public Hearing.

Councilman Yassin offered a motion to open the Public Hearing, seconded by Councilwoman Horgan.

**ROLL CALL:**

AYES: Yassin, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna asked if anyone would like to speak on the ordinance.

No one appearing, Councilman Yassin offered a motion to close the Public Hearing, seconded by Councilwoman Horgan.

**ROLL CALL:**

AYES: Yassin, Ballard, Zipprich and Horgan.

NAYS: None

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

Councilwoman joined the meeting at 6:35 pm.

Councilman Yassin offered a motion to adopt the Ordinance, seconded by Councilwoman Triggiano.

ROLL CALL:

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

NAYS: None

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

21-194 Resolution to Amend 2021 Budget

Councilman Yassin offered a motion to adopt the resolution, seconded by Councilwoman Triggiano.

Councilman Ballard asked for a clarification on what the amendment was doing. He said he thought the amendment was to provide funds for a resolution passed at the last meeting regarding work to be done by an architectural firm with the Redevelopment Agency.

CFO O'Reilly said that was correct.

Councilman Ballard said the Council had previously bonded \$300,000 to the Redevelopment Agency and asked why that money could not be used.

CFO O'Reilly said the money had been bonded in 2019 and said he estimated there was remaining balance of about \$22,000. He said the contract that was awarded at the last meeting was for \$96,000.

Councilman Ballard asked what the additional \$96,000 was supposed to provide to the residents.

Interim Administrator McConnell said it was for construction plans so the Borough could go out to bid. He said the original plans were conceptual and were not bid ready.

Councilman Ballard asked if they were talking about the HVAC and the suppression system.

IA McConnell said it would include those things but would also include any modifications to the building that had been recommended and ultimately approved.

Councilman Ballard asked who would have made the recommendations.

IA McConnell said they would have been made by the architectural firm and the Redevelopment Agency.

Councilman Ballard asked if there had been no public input on that the firm would be drafting. He asked if the plan was already set.

IA McConnell said public input had been made and a vote had been taken on which proposal the Council wanted to pursue. He said, once the plans were presented, they would again be voted on by the Governing Body.

Councilman Ballard asked when the public would have input.

Mayor Menna said when the plans were ready for the Council to review, that was when there would be public comment for additions or deletions.

Councilman Ballard said he felt they were doing it backwards and that they should ask what the public wanted before the plans were drafted.

Councilman Zipprich asked about CFO O'Reilly's statement that \$300,000 had been bonded for the Redevelopment Agency and that there was only \$22,000 left. He asked why they hadn't bonded or added to the existing bond.

CFO O'Reilly said he had not been included on those discussions.

Attorney Cannon said he did not believe they could use the funds from that bond for that purpose without passing a bond amendment.

Councilman Zipprich said he felt the ball had been dropped to provide funding for the architectural work that had been previously approved.

IA McConnell said that had looked at various existing bonds to cover soft costs and one was the Redevelopment Agency bond which Attorney Cannon had just explained was not available for this purpose. He said, had it been available, there would have been enough money.

Councilman Zipprich questioned the lack of funds and said he felt they had lost seven months.

IA McConnell said this would actually prevent them from losing time by not going through the bond process.

Attorney Cannon said this was the best way to proceed at this point.

Councilman Ballard asked for a full accounting of the Redevelopment Agency's spending.

Mayor Menna called for a summary in advance of the next meeting.

IA McConnell said it could be provided quickly.

Councilman Ballard asked if there was an audit due for the Agency. He said the Agency had been running for two years and he had not seen an audit.

Clerk Borghi confirmed that an audit had been done last year.

Councilman Ballard asked that it be shared with him.

ROLL CALL:

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

ABSTAIN: Ballard

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

Mayor Menna said a Public Hearing on the resolution would be held on 7/29/2021 at 6:30 pm.

#### Budget Public Hearing

Mayor Menna called for a motion to carry the following resolutions to a Special Meeting to be held on 7/29/2021.

21-195: Resolution to Read Budget by Title

21-196: Red Bank Municipal Budget Adoption

Councilman Yassin offered a motion to carry the resolutions to 7/29/2021, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

#### **PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Stephen Hecht—135 Branch Avenue—asked about a budget presentation meeting for public input prior to the Council voting.

Councilman Yassin said the meeting would be held on Tuesday, July 27, 2021 at 6:30pm. He said it would be held electronically.

Mr. Hecht also asked about the \$300,000 bond for the Redevelopment Agency and the fact that there was \$22,000 remaining. He asked there the \$278,000 had been spent.

Mayor Menna said the Council would be receiving an accounting prior to the next meeting.

Mr. Hecht said he felt the information should be immediately available.

Councilwoman Triggiano said Financial Information regarding the Redevelopment Agency was available the Borough website including audits and budgets.

Mr. Hecht said that was helpful but said he maintained that the question should be able to be responded to immediately.

Tiffany Harris – 1 Cedar Crossing – said she was confused and that she thought they were moving forward with getting the Senior Center fixed. She said it sounded like they were being delayed once more. She said she also wanted to know where the \$278,000 was if it wasn't used for the Senior Center. She said when would they actually get it fixed.

IA McConnell said it wasn't actually stalled. He said they were reworking the funding. He said the plans had been started and he said he had been meeting with the architects as had the Senior Center Director. He reviewed details of those meetings. He said it was all preliminary until it was presented to the public and the Council. He said, behind the scenes, the plans were moving forward and they were still on the same timeline that had been laid out earlier in the year.

Ms. Harris said she had not seen any work being done. She said she felt it was being stalled.

IA McConnell said they couldn't start construction until they had construction plans which is what the architects were working on.

Attorney Cannon explained that the Borough could not just call a contractor to come work on a building. He said the work had to go out for bid and that bid had to be based on design plans by an architect. He said there was a process that the government was required to follow.

Ms. Harris said she understood they were meeting with the architect next week and asked if they would be moving forward after that.

Attorney Cannon said the steps of the process were that the architects would meet with Borough officials to take orders to develop plans for the site and they would then develop plans for bid specs. He said it would then be advertised for a bid for a certain amount of time. He said the bidders would then respond with prices and the Borough was required to take the lowest responsible bid. He said that contractor

would then be awarded a contract as voted on by the Governing Body. He reviewed the number of time that various steps would be voted on. He said once that was complete, the architect would give notice to proceed and work would begin on the building. He said there were Public Contracts Law steps that had be taken before work could begin on the building.

Ms. Harris asked why they couldn't use the existing bids for the project.

Mayor Menna said they could not.

Attorney Cannon also noted that the CFO would have to certify that the funds were available. He also said there would be various funding mechanisms, including a bond ordinance, on upcoming agendas in order to move the project forward.

Sue Viscomi—25 Cedar Street—asked about Resolution 21-208. She said she thought the process was to get a recommendation from the Redevelopment Agency and then the Council would hire the Executive Director. She said she thought it had been tabled at the last meeting. She asked how they had been notified if it had not been discussed at the other meeting.

Mayor Menna said the Redevelopment Agency had been in the affirmative with respect to the recommendation. He said the Council was ready to move.

Ms. Viscomi said she thought it had been tabled.

Councilman Ballard said he did not see a recommendation and asked that it be forwarded to him. He said he did not remember a meeting after the tabling where the Redevelopment Agency had publicly stated their recommendation.

Attorney Cannon said the matter had been discussed in Executive Session and noted Councilman Ballard had chosen to leave the session before the matter was discussed.

Councilman Ballard asked if there had been a public meeting regarding the recommendation.

Clerk Borghi clarified that the Redevelopment Agency had made the recommendation and forwarded it to the Council for action. She said it had been placed on a Council agenda and the Council had then tabled the matter and gone into Executive Session to discuss. She said the Council majority had been in favor of putting it back on the agenda for a vote.

Councilman Ballard asked if the Redevelopment Agency had taken a public vote to move forward with the recommendation.

Councilwoman Horgan pointed out that Councilman Ballard had not stayed on the for the Executive Session discussion on the matter.

Councilman Ballard said that was correct but he was talking about a public meeting where the appointment was discussed.

Cindy Burnham—71 Wallace Street—expressed concern about the approval of the Executive Director candidate. She reviewed reports of accusations against the candidate. She asked why they were hiring someone with that record.

Mayor Menna said it was not a record but was recommendation. He reviewed the details of the accusation. He said the information had been reviewed and it was determined that it was a personnel action. He said Council members could vote yes or no on the recommendation.

Ms. Burnham said she felt it was a political appointment and said she did not see the need for the position. She said she felt they should get rid of the Redevelopment Agency.

Sue Viscomi—25 Cedar Street—said she felt a person was innocent until proven guilty. She asked if there would be recourse if the town determined they did not want the person in the position should the accusations be found true through the courts.

Attorney Cannon reviewed his research on the matter and said he felt the accusations were deemed not credible. He noted that Borough Officials were often named in lawsuits.

Cindy Burnham—71 Wallace Street—asked about Resolution 21-213 regarding the creation of a Stormwater Trust Exploratory Committee. She asked what it was about.

Mayor Menna said it had been discussed at the Workshop meeting but suggested it could be tabled for more information.

Ms. Burnham expressed concerns about stormwater issues. She said she felt the Borough should require developers to use porous pavement.

Councilman Zipprich reviewed the Stormwater Flood Reduction Act and the proposed creation of a Stormwater Utility.

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

ROLL CALL:

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

NAYS: None

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

Attorney Cannon said he wanted to follow up on the question that had been asked about the Redevelopment Agency's recommendation regarding the Executive Director. He said the Clerk had provided the answer. He said the Agency had had a subcommittee conduct the search. He said they had received three resumes and conducted interviews. He said they had held an Executive Session and forwarded a unanimous recommendation to the Council. He said the answer to the question was that there was not a public vote held.

Clerk Borghi clarified that it was determined to be a personnel matter so they had not discussed it publicly.

Councilman Ballard asked if that meant the Council couldn't discuss it because it was a personnel matter.

Mayor Menna said it had been discussed in Executive Session.

Clerk Borghi said she thought it would be handled the same as any other employee.

Councilman Ballard said they had to vote on it in public.

Attorney Cannon said that was the vote that would be taken on Resolution 21-208.

Councilman Ballard again questioned if the Redevelopment Agency had voted on it publicly.

Attorney Cannon said that was correct. He said the panel had discussed it in Executive Session and emailed the recommendation to the Clerk.

Mayor Menna asked Attorney Cannon if he thought it was an effective recommendation.

Attorney Cannon said the Council would pass the resolution to do the hiring or could delegate the authority to the Redevelopment Agency. He said the Redevelopment Agency did not believe they had the authority so they sent the recommendation to the Council to hire the employee.

Councilman Zipprich asked if they had the authority to hire.

Attorney Cannon said it could be argued under the ordinance but that was not how they had been run. He said he believed the hiring was done by the Borough and noted they did not have a separate payroll so the funds would go through the Borough.

Councilman Zipprich asked if they had a budget.

IA McConnell said they did.

Councilman Zipprich asked if they paid their professionals out of their own budget.

Attorney Cannon noted that they could not hire an employee. He said the previous Executive Director was the Administrator so he was already on the payroll.

Councilman Zipprich asked if their Engineer and Attorney had been employees hired by the Governing Body.

Clerk Borghi said those were professional services contracts.

Attorney Cannon confirmed that they were contractors, not employees. He said the Council was being asked to hire an employee that would be on the payroll.

## **MINUTES & REPORTS**

### Special Meeting Minutes of 4/22/2021

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

ROLL CALL:

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

NAYS: None

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

### Regular Meeting Minutes of 4/28/2021

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

ROLL CALL:

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

NAYS: None

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

### Workshop Meeting Minutes of 5/5/2021

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

ROLL CALL:

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

NAYS: None

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

Regular Meeting Minutes of 5/12/2021

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

ROLL CALL:

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

ABSTAIN: Ballard

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

**ORDINANCES - Public Hearing/Adoption:**

2021-13: Mayor Menna read, "Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Red Bank, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto"

Mayor Menna called for a motion to open the Public Hearing.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

Councilman Yassin offered a motion to adopt the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

2021-14: Mayor Menna read, "Ordinance Amending the Revised General Ordinances of the Borough at Schedule A: "Towing & Storage Fee Schedule" Attendant to Section 652-9(J)(2): "Maximum Rates" under Chapter 652: "Towing" to Increase Said Maximum Towing Rates within the Borough"

Mayor Menna called for a motion to open the Public Hearing.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

Councilman Yassin offered a motion to adopt the ordinance, seconded by Councilwoman Triggiano.

ROLL CALL:

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

NAYS: None

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

**ORDINANCES – First Reading:**

2021-15: Mayor Menna read, “Ordinance Supplementing Section 490-10: “Fees and Escrows” of Article III: “Administration and Enforcement” of Chapter 490: “Planning and Development Regulations” of the Borough’s Revised General Ordinances to Adopt and Implement New Development Impact Fees upon Certain Development”

Councilman Yassin offered a motion to approve the introduction of the ordinance, seconded by Councilman Ballard.

ROLL CALL:

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

NAYS: None

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

Mayor Menna announced that the ordinance would be referred to the Planning Board for review and the Public Hearing would be held on 8/18/2021 at 6:30 pm.

2021-16: Ordinance Supplementing the Revised General Ordinances of the Borough to Insert New Chapter 362: “Fireworks” to Prohibit the Use of Fireworks, Except as Permitted By State Law

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna announced the Public Hearing would be held on 8/18/2021 at 6:30 pm.

2021-17: Ordinance Amending the Revised General Ordinances of the Borough to Amend Chapter 490: “Planning and Development Regulations” to Permit and Regulate Cannabis Businesses, and to Amend Chapter 478: “Parks And Recreation” and Chapter 574: “Smoking” to Prohibit Possession of Cannabis in Borough Parks and Consumption of Cannabis on Borough Property, and to Create New Chapter 270: “Cannabis” to Prohibit Consumption of Cannabis in Public Places and Prohibit All Underage Possession of Cannabis and Impose a Local Cannabis Transfer Tax and Local Cannabis User Tax within the Borough

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna announced that the ordinance would be referred to the Planning Board for review and the Public Hearing would be held on 8/18/2021 at 6:30 pm.

**RESOLUTIONS**

By Consent Agenda

Mayor Menna called for a motion for the following resolutions to be moved by Consent Agenda:

- 21-197: Resolution for Payment of Bills Amounting to \$5,735,637.66.
- 21-198: Resolution Authorizing Resolution of the Borough of Red Bank to Refund Developer’s Escrow Account Balances
- 21-199: Resolution Authorizing Tax Refund of 1st and 2nd Quarter 2021 Taxes Totaling \$8,893.75 due to Disabled Veteran Status
- 21-200: Resolution Authorizing Tax Credit/Refund Totaling \$1,089.99 due to Over Payment by Mortgage Company

- 21-201: Resolution to Award Payment of 2020 LOSAP Benefits to Eligible Members of the Red Bank Volunteer Fire Department and First Aid Squad
- 21-202: Resolution to Authorize Joining with County of Monmouth in Applying for a LEAP Implementation Grant
- 21-203: Resolution Accepting the NJ Department of Law and Public Safety Office of the Attorney General Grant for Body-Worn Cameras
- 21-204: Resolution Approving the Form and Authorizing the Execution and Delivery of a Letter of Representation and a Continuing Disclosure Agreement in Connection with the Issuance and Delivery of the Monmouth County Improvement Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2021 and Authorizing an Authorized Municipal Representative to do all Other Things Deemed Necessary or Advisable in Connection with the Issuance, Sale and Delivery of Such Bonds
- 21-205: Resolution Accepting the Performance Guarantees Posted by Boat Club Court, LLC for the Development of Block 9.01, Lots 6.01 & 7
- 21-206: Resolution Authorizing the Release of Maintenance Guarantee Posted by Sound Storage, LLC for Block 75, Lot 114.01
- 21-207: Resolution Approving the Borough's Amended Affordable Housing Trust Fund Spending Plan and Authorizing the Borough Redevelopment Attorney to Seek Approval of Same from the Monmouth County Superior Court

Councilman Yassin offered a motion to approve the resolutions, seconded by Councilwoman Triggiano.

ROLL CALL:

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

NAYS: None

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

By Voice Vote:

21-208 Mayor Menna read, "Resolution Appointing an Executive Director for the Red Bank Redevelopment Agency"

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

ROLL CALL:

AYES: Yassin, Triggiano and Horgan.

NAYS: Ballard and Zipprich

There being three ayes and two nays, the motion was declared approved.

By Consent Agenda

Mayor Menna called for a motion for the following resolutions to be moved by Consent Agenda:

- 21-209: Resolution Authorizing the Issuance and Advertisement of a Request for Proposals from Qualified Contractors to Prepare a Comprehensive Master Plan for the Borough of Red Bank.
- 21-210: Resolution Approving a Shared Services Agreement with the County of Monmouth for the Borough's Use of the County's MODIV Property Assessment Computer System
- 21-211: Resolution Authorizing the Release of Maintenance Guarantee Posted by MW Red Bank, LLC for Block 37, Lot 6.01

Council Ballard objected to the resolutions being moved en masse. He said he had questions about 21-210 and he had to abstain on 21-219.

Mayor Menna said 21-219 was not being included in this motion.

By Voice Vote:

21-209 Mayor Menna read, "Resolution Authorizing the Issuance and Advertisement of a Request for Proposals from Qualified Contractors to Prepare a Comprehensive Master Plan for the Borough of Red Bank."

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

ROLL CALL:

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

NAYS: None

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

21-210 Mayor Menna read, “Resolution Approving a Shared Services Agreement with the County of Monmouth for the Borough’s Use of the County’s MODIV Property Assessment Computer System.”

Councilman Zipprich asked the Mayor or Interim Administrator to explain was the MODIV was.

Attorney Cannon said it was a computer system that the Tax Assessor used to track properties. He said the County makes the system available to Municipal Tax Assessors so they enter into a shared services agreement. He asked IA McConnell if there was a fee.

IA McConnell said there was and noted it was a \$600 fee up front and then a nominal per line fee.

Attorney said the State Division of Taxation required the Borough to have the system whether they received it from the County or bought in on their own.

IA McConnell confirmed that this was the most economical way to do it.

Clerk Borghi also clarified that the agreement had been in place for 10 years and that this was just a renewal.

Councilman Ballard said that had not been clear.

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

ROLL CALL:

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

NAYS: None

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

21-211 Mayor Menna read, “Resolution Authorizing the Release of Maintenance Guarantee Posted by MW Red Bank, LLC for Block 37, Lot 6.01.”

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

ROLL CALL:

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

NAYS: None

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

21-212 Mayor Menna read, “Resolution Authorizing the Execution of a Parking License Agreement with Count Basie Theatre.”

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

ROLL CALL:

AYES: Yassin, Triggiano, Ballard and Horgan.

NAYS: None

ABSTAIN: Zipprich

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

21-213 Mayor Menna read, “Resolution Authorizing the Creation of a Stormwater Trust Exploratory Committee to Identify and Address the Borough’s Existing and Future Stormwater Management Challenges.”

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

ROLL CALL:

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

NAYS: None

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

21-214 Mayor Menna read, “Resolution in Support of Revised Speed Limits on County Route 10 (West Front Street, East Front Street and River Road).”

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

ROLL CALL:

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

NAYS: None

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

21-215 Mayor Menna read, “Resolution Ratifying and Confirming the Appointment of a Full-Time Administrative Assistant (Police Department).”

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

ROLL CALL:

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

NAYS: None

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

21-216 Mayor Menna read, “Resolution Ratifying and Confirming the Appointment of a Full-Time Senior Secretary (Municipal Clerk’s Office).”

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

ROLL CALL:

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

NAYS: None

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

21-217 Mayor Menna read, “Resolution Ratifying and Confirming the Appointment of a Full-Time Senior Technical Assistant (Building Department).”

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

ROLL CALL:

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

NAYS: None

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

21-218 Mayor Menna read, “Resolution Ratifying and Confirming the Appointment of a Full-Time Water/Waste Water Operator.”

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

ROLL CALL:

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

NAYS: None

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

21-219 Mayor Menna read, “Resolution to Approve the Hiring of Parks and Recreation Summer Staff.”

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

ROLL CALL:

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

ABSTAIN: Ballard

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

21-220 Mayor Menna read, “Resolution Authorizing the Settlement of Pending Litigation Before the Superior Court of New Jersey, Monmouth County Entitled Tower Hill Condominium Association v. Red Bank – Docket No. Mon-L-845-21.”

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

ROLL CALL:

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

NAYS: None

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

21-221 Mayor Menna read, “Resolution Amending the 2021 Temporary Appropriations.”

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

ROLL CALL:

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

NAYS: None

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

### **MAYOR AND COUNCIL COMMENTS**

Councilwoman Horgan said the Parks & Recreation Summer Series was booked and ready to go. She reviewed the schedules for Jazz in the Park and Movies in the Park. She also reported on a concern co-sponsored by HabCore on 8/25/2021 that would honor the Red Bank Police Department. She also offered an updates on various programs including the Department's Summer Camp program, the Red Bank Bucs Summer Soccer Camp and a High School Senior League for 16 & Up called the Red Bank Raiders. She said the Count Basie Re-Turfing Project Phase I had begun, Phase II was about to start and Phase III would follow. She reviewed details for each phase. She also reported on the backstop and fencing project at Eastside Park. She said the scheduling of fields through the Parks & Recreation Office had gone extremely well. She said the Library was hosting the 2<sup>nd</sup> Annual "Always Beautiful Photo Contest" which was now open and accepting photos through September 1<sup>st</sup> and reviewed the terms of the contest. She reviewed upcoming events to be held at the Library including the Summer Reading Program. She offered Library statistics for the month of June and thanked the staff of the Library, the Board of Trustees and the Friends of the Library Foundation. She also congratulated Councilwoman Triggiano on her graduation from the Fire Academy.

Councilman Yassin left the meeting at 7:41 pm.

Mayor Menna also commended Councilwoman Triggiano and thanked her for her service.

Councilwoman Triggiano said the Senior Center was up and running in its temporary location. She said National Night Out would be held on Tuesday, August 3<sup>rd</sup> from 6 to 9 pm at Count Basie Field.

Councilman Zipprich said the IT Committee had met on June 30<sup>th</sup> to discuss server issues including the cost and advantages of replacing servers. He said they also discussed power related issues to be addressed in Borough Hall. He reported on a "snag" in the procurement of Surface Tablets which were incompatible with the Borough's system.

IA McConnell reported that they had made progress on the tablet issue and expected that would be replaced at no cost.

Councilman Zipprich said they also discussed disaster recovery, cloud storage and virus issues. He also reported that the Historic Preservation Commission was meeting that night and said he would have an update at the next meeting.

Councilman Ballard said he was glad to see items on the agenda for this meeting to add much needed positions. He said one area that was really lacking was in the Finance Office where the CFO had been working without an Assistant CFO since day one. He gave his reasons why he felt the position should be considered.

### **DISCUSSION & ACTION**

Mayor Menna read a request from Benjamin "Jake" Riegelman and Andrew Irving for membership to the Fire Police Unit of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Triggiano, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna read a request from Kevin Welsh for membership to Navesink Hook & Ladder Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Triggiano, Ballard, Zipprich and Horgan.

NAYS: None

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

Special Events Requests (subject to Final Plan Review by Special Events Committee):

Mayor Menna read a request from Red Bank Business Alliance to hold a Corn Hole Tournament on Broad Street on Sunday, 8/1/2021, from 1pm to 5pm.

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

ROLL CALL:

AYES: Triggiano, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna read a request from HabCore to hold Concert for the Community on Wednesday, 8/25/2021, at Riverside Gardens Park from 6pm to 10pm.

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

ROLL CALL:

AYES: Triggiano, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold Oysterfest on Sunday, 9/26/2021, in the White Street Parking Lot from noon to 6pm.

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

ROLL CALL:

AYES: Triggiano, Ballard, Zipprich and Horgan.

NAYS: None

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

**PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Suzanne Viscomi—25 Cedar Street—said she wanted to follow up on her question regarding who had requested quotes for a sidewalk repairs on certain residential properties outside of the Road Program. She also asked about streaming all Borough meeting. She said she also wanted to follow up on the investigation into leaked emails.

Mayor Menna said, as soon as he had heard about the sidewalk issue which had been after the fact, he had asked the Administrator for a report on what had transpired. He said he had also contacted the Borough Engineer's Office and was still waiting for an answer for them. He said regarding the last question, that matter was still under review by Special Counsel.

Anne Kelterborn—108 Herbert Street—expressed concern about pedestrian safety in regard to crossing on Shrewsbury Avenue. She reviewed issues with the street.

Mayor Menna assured her that the matter was a priority. He said the Borough had a grant but said it hadn't been tapped into yet because of Federal regulations. He said he would contact the County Engineer to hold a meeting with people in the affected area.

Councilman Zipprich asked if this was part of the Shrewsbury Avenue Redevelopment Committee.

Mayor Menna said that was correct and was what he was referring to. He said the plans were in the making. He said the County was doing a Herculean job in 53 municipalities. He said they had been very helpful but said it was time for them to stop strategizing and start planning what can be done on their roadway in Red Bank. He noted there had been an issue with speeding on River Road for year and said it was finally being addressed.

Councilman Zipprich said the Shrewsbury Avenue corridor had been under review for a long time. He said he agreed that it was time for the Borough to put pressure on the County to get the pedestrian improvements made.

Nancy Blackwood—34 Chestnut Street—said she was happy to see the Borough approving a resolution to reduce the West Front Street speed limit. She suggested the Council consider lowering the limit all through town. She reviewed the issues with cars that have auto pilot that would read the posted speed limit. She reviewed the benefits of lower speed limits.

Jacqueline Sturdivant—55 Prospect Avenue—expressed her disappointment in hiring the candidate for Executive Director of the Red Bank Redevelopment Agency. She said she supported the Me Too movement and women who come forward to share their experiences. She said she had hoped the Council would have taken the pending trial into account. She said she felt they should know the outcome of that trial before making a decision.

Councilwoman Triggiano said she did not believe they should be silent anymore as the Me Too movement was being used in this way. She said she wasn't sure how much they could talk about but said it was public knowledge that three of the four accusations had been dropped against her and that she was ancillary to the incident. She said the candidate was not the one that had perpetrated any sexual harassment. She cautioned people to be careful when they were throwing around these comments and said it made her uncomfortable. She said the rhetoric needed to stop.

Mary Beth Maida—84 Branch Avenue—said she thought it was important to give people the benefit of the doubt and that it was important to protect the Borough's reputation. She said it was not up to the

public to decide if the charges against someone were to be believed or disbelieved. She said she believed it was the responsibility of the Council to protect the reputation of the town. She questioned why they needed to take action on this right now. She spoke of her personal experience with harassment.

Councilwoman Horgan said the person they had agreed to hire was a person of integrity and was a professional. She noted both the Attorney and Mayor had pointed out that people get swept into these types of lawsuits. She felt that these comments were not so much directed at her but were attacks directed against the Redevelopment Agency. She said if that was the case, she found it unfair that this woman should be publically

1:34:34

flagilated. Knows she's right. Those that wanted voted, those that didn't, didn't,

siorowski—said New Jersey State requires that the Borough's Health Officer be involved in the preparation of the contract. She said she did not see a recommendation letter on that. She said she had asked earlier how many Council members had reviewed the State Statute on Animal Control best practices but had not received an answer.

Council President Yassin said he had not reviewed the statute and said he relied on the advice of Counsel. He said he had reviewed it with the Attorney.

Sue Viscomi—25 Cedar Street—asked who would be monitoring dog and cat licenses. She asked Board meeting other than Council meeting were not posted on the Borough website. She also asked about a quote for sidewalk repair on Sunset Avenue which she had obtained a copy of through the OPRA process. She thank the Clerk for her on the minutes and said having meeting posted on line would help people to have their questions answered.

Councilman Yassin said he knew the meetings were retained on Facebook.

Borough Clerk Borghi clarified that only Council meetings were posted on Facebook.

Councilman Yassin said they would look into it. In response to the question about the sidewalk repair, he said that was only done when the road program was done. He said he was not aware of the document she had referred to and asked her to email it to him. He asked what Ms. Viscomi's first question had been.

Clerk Borghi said it had been regarding who would be handling Animal Licensing. She said that had been handled in her office and was not part of the duties of the Animal Control Officer.

Hugh Giordano—57 Argyle, Glen Rock, NJ—said he represented the United Food Commercial Workers Union. He said they were proud to be the official labor union that represented cannabis workers. He thanked the Council for being open to the industry. He recommended the Council review the Bayonne ordinance on the subject.

Dan Riordan—thanked the Council for passing the Charter Study ordinance and asked about information on how people could become Commissioners.

Cindy Burnham—71 Wallace Street—discussed the recent fishkill issue. She said other towns had come up with a plan on dealing with the problem. She asked what Red Bank's plan was.

Councilwoman Triggiano asked Interim Administrator McConnell if it was still a big issue.

IA McConnell said it appeared to him that the issue had diminished significantly. He said nature had taken its course and it was largely cleared.

Councilwoman Triggiano said there were varying degrees of impact. She acknowledged that Red Bank had been impacted but said some municipalities had been affected much worse.

Sue Viscomi—she said she noticed Councilman Zipprich had joined the meeting. She reviewed the OPRA request she had submitted for a quote for a specific sidewalk repair. She asked why a quote had been obtained outside of the road program and if the policy had changed.

IA McConnell said the process appeared to have started in April before he was the Interim Administrator. He said he did not know how or why the quote had been obtained. He said it had been brought to his attention after he had been appointed and said he had denied the request because it was not within the Borough's policy.

Councilman Yassin said the policy had not changed and said those repairs were only included when they were doing street repairs in the area.

Councilman Zipprich reiterated the Borough policy.

Tiffaney Harris—1 Cedar Crossing—asked how the quote had been obtained for the sidewalk for one house.

IA McConnell said he had just answered that he did not know. He again said it was obtained before he was appointed and, when it had been brought to his attention, he had denied it.

Ms. Harris also asked when the Council would return to live meetings.

Councilman Yassin noted they had previous discussed trying to return to live along with a hybrid of electronic.

IA McConnell said he was working with the IT Consultant to get quotes for equipment upgrades that would be needed.

Councilman Zipprich said the IT Committee would be meeting the following week to discuss the matter.

Borough Clerk Borghi also reminded everyone that, when the Council moved their July and August meetings to the third Wednesday, there would be a conflict with the Historic Preservation Commission as they were going back to live meetings. She said the Council Chamber would not be available for Council until at least September.

Phil Blackwood—34 Chestnut Street—said he wanted to compliment the Council President on doing a fine job of running the meeting. He said he felt the Council had made good decisions at this meeting. He said he wanted to offer a general comment on the dire effects of climate change and encouraged the Council to cut the carbon footprint of the Borough.

Cindy Burnham—71 Wallace Street—claimed she had been cut off earlier. She said a Navesink River Rowing teacher had said the beach was been strewed with dead fish. She said it looked like there would be round 2 and called for a plan.

Councilman Yassin disagree and said she had not been cut off. He said he had asked if she was done and she had said “yes” and he had thanked her.

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

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

### **EXECUTIVE SESSION**

21-157 The Borough Attorney read a resolution to adjourn to executive session to discuss Litigation and Property Acquisition. No action to be taken.

Councilman Zipprich offered a motion to adjourn to Executive Session, seconded by Councilwoman Horgan.

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

### **RESUME REGULAR BUSINESS**

Councilwoman Triggiano a motion to resume regular business, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

### **ADJOURNMENT**

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

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

Respectfully submitted,

Pamela Borghi