

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
October 20, 2021  
6:30 P.M.**

**SUNSHINE STATEMENT**

Councilwoman Horgan 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 September 23, 2021.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Mayor Menna (joined at 6:57pm) and Councilman Yassin (joined at 6:47 pm)

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

**PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS**

**Proclamations**

Councilwoman Horgan read a proclamation honoring 2021 Monmouth County Teacher of the Year – Alyssa Geary.

Ms. Geary said the past year had had many highs and lows and thanked the Council for honoring her.

Superintendent Ramage thank the Council for honoring Ms. Geary and recognizing the school district.

Councilwoman Triggiano read a proclamation proclaiming October 2021 as Breast Cancer Awareness Month in the Borough of Red Bank.

Councilman Yngstrom read a proclamation proclaiming October 2021 as Italian Heritage Month in the Borough of Red Bank.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Councilwoman Horgan opened Public Comment for agenda items only.

Suzanne Viscomi—25 Cedar Street—asked about Ordinance 2021-21 and said the Attorney had previous said there was a time constraint regarding the \$160,000 bond and asked for specifics. She also asked what additional professional costs would occur and if they would be inclusive of the \$160,000.

Interim Administrator McConnell said the \$160,000 would include the professional services costs.

Councilman Yassin arrived at 6:47 pm.

Ms. Viscomi again asked about the time constraint.

IA McConnell said he believed it had to do with the time the Borough had to award an contract after the receipt of the Requests for Proposals.

Attorney Cannon explained the details of the award requirement.

Mary Beth Maida—84 Branch Avenue—asked about Resolution 21-280 regarding a settlement of a matter before the Government Records Council (GRC). She asked for details on the case and asked if the requestor had been improperly denied.

Attorney Cannon said according to the GRC, that was the finding. He reviewed the details of the case.

Ms. Maida asked about her pending case and asked what her options would be if they found in her favor. She also asked how much money had been spent on GRC complaints.

Attorney Cannon said, since he had been with the Borough, there had only been two. He noted the Borough received hundreds of requests each year.

Ms. Maida asked if Attorney Cannon had provided the GRC with the requested documents.

Attorney Cannon said he had not and reviewed the procedure.

A discussion followed on the process.

Ron Costa—138 Bodman Place—asked about the Bond Ordinance and asked why the Borough was going through the expense of a bond if there were funds available.

IA McConnell said he had spoken with the CFO, the Auditor and the Bond Attorney and this was the ultimate recommendation. He said the only option to do the funding this year would be through the bond

because it had not been factored into the budget. He said they had looked into using the Capital Improvement Fund but both the Auditor and Bond Counsel rejected that and stated it would not be a legal course of action. He said they had documentation from the Division of Local Government Services confirming that information. He said the other option was to use the Capital Bond Fund but said that was not an option they could use this year because they had not put it in the budget according to both the Auditor and the Bond Counsel.

Mayor Menna arrived at 6:57 pm.

Mr. Costa asked if the method was being used to get around the budget cap.

IA McConnell said it was not and added that they were simply issuing notes because the funds could be repaid over the next five years.

Mr. Costa again asked if it had to do with exceeding the budget cap.

IA McConnell said it did not.

Mr. Costa read from the 2020 Tax Assessor's Handbook Update noting that this would be an allowable exception. He said he felt this was a way to get this done if the budget cap was an issue.

IA McConnell said that was not the intention at all. He said they had only gone out to bid for the proposals in September. He said it had been well after the budget was adopted. He said the intent was not to go around the budget cap. He said it was simply a legal means and a common means of funding a Master Plan.

Mr. Costa asked why they were not using monies that were already available.

IA McConnell said he had just explained that when he reviewed the reasons they could not use the Capital Improvement funds.

Mr. Costa also noted that there was \$6 million on the bill list at this meeting. He asked who was vetting the invoices.

IA McConnell reviewed the approval process.

Mr. Costa asked if the Borough had met the 2.5% budget cap.

Attorney Cannon said they had been under the cap as they had a cap bank.

A discussion followed on the budget process.

Councilman Zipprich asked if they could use the Capital Funds by adopting an ordinance in a similar process.

IA McConnell asked if he was referring to the Capital Fund Balance and said the answer was yes and no.

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

Mayor Menna took over as presiding officer.

**ORDINANCES - Public Hearing/Adoption:**

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."

Councilman Yassin offered a motion to open the public hearing, 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.

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

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

Councilman Zipprich again asked if they could use Capital funds through an ordinance adoption in the similar process citing Special Emergency. He said, if so, would the Capital Fund Balance ordinance have been included in the budget earlier.

IA McConnell said the Capital Improvement Fund could not be used. He said he realized the terms were similar but, according to both the Auditor and Bond Counsel, they could not use the Capital Improvement Fund. However, he continued, the Capital Fund Balance could be used but not in this budget year because they would have had to factor that into the budget. He said they would have to wait for next year's budget to move the money from the Capital Fund into the actual budget.

Councilman Zipprich claimed information out in the public was misleading. He said there was information circulating that this has been in process since May of 2021. He also questioned if the Bond Counsel was in conflict because they would only make money for that service if the Bond Ordinance was issued.

Attorney Cannon said it was not a conflict.

A lengthy discussion followed on the process, the timing and the budgeting of funds.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard and Zipprich

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

#### **ORDINANCES – First Reading:**

No ordinances on First Reading.

#### **MINUTES & REPORTS**

##### Regular Meeting Minutes of 7/21/2021

Councilman Yngstrom offered a motion to approve the minutes, 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.

##### Special Meeting Minutes of 7/29/2021

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

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:

21-271: Mayor Menna read, "Resolution for Payment of Bills Amounting to \$6,521,712.09."

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.

##### By Consent Agenda:

21-272: Resolution Authorizing Tax Credits/Refunds Totaling \$3,499.85 due to Judgments of the Tax Court of New Jersey

21-273: Resolution Authorizing the Release of Maintenance Guarantee Posted by West Front Street Partners, LLC for Block 30, Lot 10.01

21-274: Resolution Authorizing Curfew for October 30 and 31, 2021.

21-275: Resolution Awarding Contract for Rehabilitation Housing Services for 50 Bank Street to ER Property Manager in order to Advance the Borough's Affordable Housing Rehabilitation Plan (Correction)

21-276: Resolution Awarding Contract for Rehabilitation Housing Services for 161 River Street to Mikes Home Repair in order to Advance the Borough's Affordable Housing Rehabilitation Plan. (Correction)

21-277: Resolution Awarding Contract for Rehabilitation Housing Services for 22 Clifford Place to Dylas Construction, LLC in order to Advance the Borough's Affordable Housing Rehabilitation Plan

21-278: Resolution Authorizing the Sale of the Borough's Surplus Animal Control Vehicle

Councilman Yassin offered a motion to approve the resolutions en masse, 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.

By Voice Vote:

21-279: Mayor Menna read, "Resolution Ratifying and Confirming the Appointment of a Full-Time Administrative Assistant (Planning & Zoning)"

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

ROLL CALL:

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

NAYS: None

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

21-280: Mayor Menna read, "Resolution Authorizing the Settlement of Matter Pending before the Government Records Council Entitled Owoh v. Borough of Red Bank, GRC No. 2018-175"

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

Councilman Ballard asked who the people were that were referenced in the resolution that were making decisions for the Red Bank taxpayers.

Attorney Cannon asked for clarification.

Councilman Ballard said the resolution referenced that the Monmouth County Police Chief's Association had been consulted and asked why that was.

Attorney Cannon explained that there had been an effort to provide a coordinated response when multiple municipalities received the same OPRA request. He reviewed various OPRA cases and disclosure decisions.

Clerk Borghi stress that the complaint had been sent to every municipality at the same time which was why the County Chief's Association had been consulted.

Councilman Ballard asked if the groups that offered an advisory opinion would be contributing to the settlement.

Attorney Cannon said the Borough would be responsible.

A discussion followed on the complaint process and the Government Records Council's (GRC) response.

Chief McConnell also stated that the matter had not just been reviewed by a group of Police Chief's. He said the association had an attorney that had provided the advice. He also noted that the request had not been denied but said the Borough had requested a special service charge because it was going to cost the Borough a lot of money to fill the request as it would involve a huge amount of man-hours.

Clerk Borghi agreed and said an estimate had been provided to the requestor for the special service charge and he had not responded. She said he just filed a complaint with the GRC and they had found in his favor.

Councilman Ballard asked if the person had gotten the information and was also getting paid by the Borough.

Clerk Borghi said that was correct.

Councilman Ballard expressed concern about the process.

A discussion followed on that process.

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.

21-281: Mayor Menna read, "Resolution Providing for the Issuance of Special Emergency Notes in an Amount not to exceed \$160,000 to Fund the Engagement of Special Consultants for the Preparation of a Master Plan."

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

Councilman Zipprich again spoke against the issuance of notes and said he felt there were alternative ways to finance the project.

Councilman Ballard asked if the resolution was to award a contract to a vendor or if it was just to set up a funding mechanism for a future contract award.

Mayor Menna said it was regarding funding only.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard and Zipprich

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

By Consent Agenda:

21-282: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – AARP Community Challenge Grant, in the amount of \$5,020.00

21-283: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – Amending the NJ Dept of Law and Public Safety grant program from \$58,500.00 to \$81,520.00, an increase in the amount of \$23,020.00

21-284: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – Federal Bulletproof Vest Partnership Grant FY 2021, in the amount of \$2,800.00

21-285: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – Federal Bulletproof Vest Partnership Grant FY 2020, in the amount of \$3,200.00

21-286: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – NJ Division of Highway Traffic Safety Pedestrian Safety Grant, in the amount of \$15,000.00

21-287: Resolution Requesting Approval of The Director of The Division of Local Government Services to Establish a Dedicated Trust by Rider for Uniform Construction Code Enforcement Fees Pursuant to N.J.S.A. 52:27D-124e, et seq.

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

ROLL CALL:

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

NAYS: None

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

By Voice Vote:

21-288: Resolution to Authorize the Purchase of a 1993 Freightliner F170 Rescue Truck (Fire Department)

A discussion followed on the fact that it was a refurbished vehicle and would have been much more expensive if purchased new.

Councilwoman Triggiano offered a motion to move the resolution, 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 AND COUNCIL COMMENTS**

Councilman Yngstrom reported on the Department of Public Works brush pickup and leaf pickup schedules. He also said buckets were available for pick up at the DPW facility for use in the new

curbside plastic recycling program. He reported that the Borough would be switching over to NJ American Water over the next few weeks and said, if anyone noticed any issues, they should contact DPW right away.

Councilman Zipprich reported that there would be a special emergency meeting of the Education/Technology Committee to review the contractual agreement with the Borough's IT provider. He also said he had picked up a copy of the Senior Center Renovation Plans and said he was pleased to see that there were plans. However, he said he was alarmed by the fact that they were final plans and there had not been a public hearing or any public input.

Councilwoman Horgan reported that the Red Bank Library was one of three New Jersey libraries to be designated a hub library in the NJ State Library and Literacy Partners Grant program. She reviewed the definition of a hub library and the services offered. She also reviewed upcoming programs at the Library. She also reported on several programs being offered through the Parks & Recreation Department including the annual Halloween Parade and a special showing of the film Ghostbusters. She also reported on the Department's team sports programs. She thanked both Departments for all of their work.

Councilman Ballard had no report.

Councilwoman Triggiano offered more information on the Plastic Film Recycling Program and reported on the success of the sign up event held the previous Saturday. She noted that two new members were on the agenda to have their memberships approved and she congratulated both. She also reported on the Broadwalk Kids Takeover event and other events that been held in the Broadwalk area. She also reported that, for the fifth year in a row, the Red Bank Police Department would be partnering with the Monmouth Reform Temple to distribute bike lights at an event to be held on November 7 at the Red Bank Train Station Parking Lot.

#### **DISCUSSION & ACTION**

Mayor Menna read a request from Christopher Terhune for membership to the Navesink Hook & Ladder Company of the Red Bank Volunteer Fire Department and a request from Salvador Tecalero-Arenas for membership to the Independent Engine 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.

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

Ben Forest—16 Locust Avenue—said he like the education program offered by the Planning Department at the Library. He said he appreciated the outreach and reviewed his thoughts on the presentation. He also congratulated the Mayor and Council for supporting the Planning Board by voting in favor of moving forward with the new Master Plan.

Mary Beth Maida—84 Branch Avenue—said she wanted to follow up on Councilman Zipprich's statement that the final plans for the Senior Center had been received before the public comment session scheduled for October 27.

Councilman Zipprich said the design work had been completed and that it was a comprehensive plan. He reviewed specifics of that plan.

Ms. Maida asked what the point of the October 27 public session was if the design was final. She criticized the process and also criticized comments she said were made by Councilwoman Horgan.

Councilwoman Horgan denied making the comments asserted by Ms. Maida. She also expressed concern of Councilman Zipprich's claim that he had received the "final plan." She said she had not seen it and didn't believe anyone else on the Council had seen it. She asked how he had received it.

Councilman Zipprich said he had met with the architect.

Councilwoman Horgan questioned if it was final. She again noted she had not seen it.

Mayor Menna said it was not the final plan until it was approved by the Council. He also said it would not be final without public input. He said what was being presented were the final work documents for discussion.

Councilwoman Horgan said it did not help to stir people up with rumors.

Councilman Yngstrom noted that there would be a meeting next week held both electronically and in person. He said the Borough would take the public input and forward it to the professionals. He also noted there would be no final plan until the Council voted on it.

Michael Humphreys—12 West Lake Road—said he was deeply dissatisfied with the way the town was being run and the way the elected officials were not working with each other. He said the town was

currently in a dysfunctional state having lost the CEO and the CFO. He said there was a ridiculous situation with the Senior Center. He said he was very concerned and said it was not running for the residents.

Angela Mirandi—8 West Lake Road—said she wanted to echo the comments of Mr. Humphreys. She said she hoped the Council would get together and work together to do the right things for the residents. She also said she wanted to know how much money was in the Capital Improvement Fund and the Capital Bond Fund.

IA McConnell said he would have to check with the CFO to verify the balances.

A discussion followed on the estimated amounts.

Ms. Mirandi asked if the money from those funds could be moved into the general fund in the following year to cover the Master Plan costs.

IA McConnell said there was a method to move money from the Capital Bond Fund to make payments or pay off the notes but said it would deplete the fund. He said both the Auditor and the Bond Attorney said you could not do that with the Capital Improvement Fund.

Ms. Mirandi asked if the money in the Capital Improvement Fund would just sit there.

IA McConnell said it could be used for certain expenses but not for a Master Plan.

Ms. Mirandi said the Redevelopment Agency had said they were looking for the Council to give them guidance on what they should be working on next. She said she believed they had previously recommended that the Borough purchase the property next door to the DPW facility and recommended that the Borough do it quickly. She asked where the Borough was in that process. She said if that wasn't going to happen, the agency should go back and finish that project. She said she also thought the Agency was supposed to form a subcommittee to review Borough Hall but said they had not heard back on that.

Mayor Menna said those items were still in open contract negotiations with respect to properties and could not be discussed in public.

Ms. Mirandi asked if the Council was working on additional projects for the Redevelopment Agency.

Mayor Menna said they were still working on those project.

Ms. Mirandi said the Agency Commissioners had said they were looking for their next project.

Mayor Menna said thought they were looking to integrate their thoughts on those projects with the Council.

Councilman Zipprich said, regarding Ms. Mirandi's question about funding, that the revenue could be sourced in next year's budget.

Suzanne Viscomi—25 Cedar Street—asked if Councilman Ballard had stated that when he had been Finance Committee Chair he had budget money for the Master Plan and, since the money had never been executed, that it had rolled into surplus.

Councilman Ballard said that was correct.

Mary Beth Maida—84 Branch Avenue—asked how much was in the budget for the architect to implement any public comment changes. She also asked about the rollout time following the 10/27 meeting and the incorporation of any possible changes. She also asked, if the Senior Center was going to be a hybrid, why that couldn't be done across the board. She also noted that there had been references to asking the CFO and asked who was.

IA McConnell said the Architect was being paid for the final product no matter how many changes were made. He said they would be paid when the work was final. He also said they had not provided final construction documents yet and what had been received were working documents. He said the timeline would depend on the number of changes and Council action. He said the work would then be bid and financed through bonds. He said he assumed it would take a couple of months. He said, regarding hybrid meetings, they knew there was significant public interest in the project and had done everything they could to make it accessible. He said they had obtained quotes to get equipment to do that more regularly but said they had come in high. He said for the 10/27 meeting, they were using additional staff and personal equipment to accomplish it for one meeting. He said they could not be sustained twice a month plus the additional land use boards. He said he had not stated that he had gone to the CFO for advised but rather had consulted the Auditor and Bond Counsel who were appointed annually by the Mayor and Council. He said they did, however, had a firm appointed as the interim CFO.

Ms. Maida asked IA McConnell how the Senior Center plans that were in front of him had been labeled.

IA McConnell said he had not received the plans and had never seen them.

Ms. Maida asked Councilman Zipprich to read it to her.

Councilman Zipprich read from the plans and said it stated "bidset."

Ms. Maida said she did not trust the process and found it suspect. She asked for more specifics on the labeling of the documents.

Mayor Menna said they could not answer regarding now something was labeled when they hadn't seen it. He said only one person had seen it. He stressed once again that it was not a final document.

Councilman Zipprich said it was clearly labeled "bidset."

Ms. Maida asked if "bidset" meant that was what was going out for bid. She asked if it was a done deal.

Councilwoman Triggiano read a definition of "bidset."

Attorney Cannon said it was not final until the Council voted on it.

Councilman Yngstrom agreed and said there was a meeting next week where they would consider public comment.

No one else appearing, Councilman Zipprich offered a motion to close the public comment, 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.

### **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 Zipprich 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.

Councilman Yassin did not participate in the Executive Session.

### **RESUME REGULAR BUSINESS**

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

**ROLL CALL:**

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

NAYS: None

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

### **ADJOURNMENT**

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

**ROLL CALL:**

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

NAYS: None

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

Respectfully submitted,  
Pamela Borghi