

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
February 9, 2022
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 15, 2021.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

a. Proclamations

- a. Councilwoman Ballard read a proclamation proclaiming February 2022 as Black History Month in the Borough of Red Bank.

b. Appointments

Mayor Menna made the following appointments.

i. Board of Health appointments

Three years to 12/31/2024	Michael Natelli
Three years to 12/31/2024	Kristina Jack
Member to unexpired three year term ending 12/31/2022	Patricia Montegros
Member to unexpired three year term ending 12/31/2023	Ronald Costa
Alternate #1 for unexpired two year term ending 12/31/2022	Joel Jannone
Alternate #2 for two year term ending 12/31/2023	Magdalena Karafotakis

Councilman Ballard made a motion to confirm the appointments, Councilman Zipprich seconded.

ii. Parks & Recreation Committee

Mayor Menna said members of the Committee had asked that action be deferred to the next meeting and called for a motion to table.

Councilman Ballard offered a motion to table the appointment, Councilman Zipprich seconded.

ROLL CALL:

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

NAYS: None

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

iii. Historic Preservation Commission Class 2 and Alternate #2

Mayor Menna said he had been asked by a liaison to the Committee to table this appointment. He called for a motion to table.

Councilwoman Triggiano offered a motion to table the appointment, Councilman Zipprich seconded.

ROLL CALL:

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

NAYS: None

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

iv. Councilmembers Appointment

Mayor Menna said the Borough had received the resignation of Councilman Yngstrom who he said had been a valuable member of the Council that had served with distinction for many years.

He said, as a result of that vacancy, under State Law the party to whom that seat belonged would make a statutory recommendation within 30 days to the Mayor of the municipality. He said he had received a letter of recommendation from the Chairman, Councilman Zipprich, which had the names of three individuals.

Councilman Ballard said he would like to nominate Angela Mirandi for the Council seat.

Mayor Menna said a Councilmember could not nominate and said the nomination was from the party Chair. He said the Chairman had provided the Mayor with a list of three people. He said the Mayor would then nominate and the Council could reject. He said he was offering the name of Stephen Hecht to fill the unexpired term of Councilman Yngstrom. He said the Council could deliberate on the nomination.

Councilwoman Horgan said she thought it was an excellent choice and reviewed his involvement with the community and his experience. She made a motion to approve the nomination.

Councilman Ballard asked if he could also offer a nomination.

Clerk Borghi clarified that the Democratic Committee had offered three nominees and the Mayor had made a recommendation for appointment. She said the Council was now voting on his recommendation. She said there was currently a motion to approve on the floor. She said the next step would be for a Council member to second.

Councilwoman Triggiano and Councilwoman Horgan questioned why Councilman Zipprich would not support his nominee.

Councilman Zipprich said he had proffered three candidates based on the assessment of the Search and Vetting Committee. He said he would not weigh in on anyone in particular. He said it was up to the Council to decide.

There was no second and the motion failed.

A discussion followed on the process.

Councilman Ballard nominated Angela Mirandi to fill the unexpired term of Councilman Yngstrom, Councilwoman Sturdivant seconded.

ROLL CALL:

AYES: Sturdivant, Ballard and Zipprich.

NAYS: Horgan

ABSTAIN: Triggiano

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

Mayor Menna congratulated Ms. Mirandi and said she would be officially appointed as soon as she took the oath of office.

Councilman Ballard said he would like to explain that he reviewed the resumes and he thought Ms. Mirandi's very strong financial background was what the Council needed. He said he had great admiration and respect for Mr. Hecht but he felt Ms. Mirandi had a stronger background and thought that was what the Governing Body needed.

Councilwoman Horgan said she had not seen any resumes for the nominees. She questioned why Councilman Ballard had seen them. She also asked Councilwoman Triggiano if she had seen them.

Councilwoman Triggiano said she had not seen anything on the nominees. She said she had abstained because she felt she had no say in the nominees.

Councilwoman Horgan said she knew nothing about Ms. Mirandi or the third nominee Mr. Jackson. She said she did know the information on Mr. Hecht and reviewed his experience. She said she and Councilwoman Triggiano had not received the full information and said she was surprised it had not been shared with them. She asked if there was a reason that the information had not been shared.

Councilman Zipprich said, as Chairman of the Party which was separate and apart from the government, he had, under the by-laws of the Municipal Committee, appointed an ad hoc committee which had been chaired by former Mayor McKenna. He said it included members of the Governing Body and members of the Municipal Committee along with the Chair and Vice Chair. He said they had collected information on the candidates, reviewed their professional backgrounds and put them through a vetting process. He said Ms. Mirandi had been put forward by the Committee because of her extensive experience.

Councilwoman Horgan asked for information on Ms. Mirandi's experience

Councilman Zipprich offered extensive information on Ms. Mirandi's background and experience.

Councilwoman Horgan expressed concern that no information had been given to either her or Councilwoman Triggiano as members of the Democratic Committee. She said she felt they have been excluded.

A discussion continued on the process.

Councilwoman Horgan again stated that she felt that both she and Councilwoman Triggiano were excluded from the process and said she would like that to be put in the record. She welcomed Ms. Mirandi and said it would be interesting to have four women on the Council again.

Councilman Ballard said he felt that he and Councilman Zipprich had been excluded from the decision to terminate the search for an Administrator.

Councilman Zipprich said, as Chair of the Party and in accordance with State Statute, he had fulfilled his fiduciary responsibility.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Mayor Menna called for a motion to open Public Comment.

Councilwoman Triggiano offered the motion, Councilwoman Horgan seconded.

ROLL CALL:

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

NAYS: None

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

Cindy Burnham—71 Wallace Street—congratulated Councilwoman Mirandi. She also asked if the Council would be discussion the Senior Center or if that was only discussed during the Workshop meeting.

Councilman Ballard said it was only at the Workshop meeting.

Alan Hill—74 McLaren Street—asked about the discussion of agenda protocols that had been discussed during the Workshop Meeting. He asked if the Council would be taking questions during discussion of each agenda item.

Clerk Borghi explained that the recommended protocol was regarding agenda preparation rather than the public protocol at the meeting. She said the public protocols were approved at the Reorganization meeting and remain the same.

Mr. Hill said there were many meetings happening where agendas were not published ahead of time. He said the public did not know ahead of time what would be discussed at a meeting. He said he thought that might have been part of the discussion.

Suzanne Viscomi—25 Cedar Street—asked about Ordinance 2022-02 and questioned if the change was needed since the Borough was under a Charter Study.

Councilman Ballard said he thought it was past time to return to the Borough format. He said if the Charter Study Commission suggested a change then they would change. He said he felt the Charter Study Commission should have the pre 2018 template to review.

Councilman Zipprich added that the Charter Study Commission would be looking at all twelve forms of government available in the State of New Jersey.

Clerk Borghi reminded everyone that this ordinance would be open for a public hearing further down the agenda.

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

ROLL CALL:

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

NAYS: None

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

MINUTES & REPORTS

Reorganization Meeting Minutes of 1/1/2022

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

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

Workshop Meeting Minutes of 1/12/2022

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

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

Regular Meeting Minutes of 1/12/2022

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

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

ORDINANCES - Public Hearing/Adoption:

2022-01: Mayor Menna read, “Capital Ordinance Appropriating \$1,288,446.65 to Pay for the Replacement of the Water Main and Water Laterals on Broad Street, in and by the Borough of Red Bank, in the County of Monmouth, State of New Jersey.”

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

Councilwoman Triggiano offered a motion to open the Public Hearing, seconded by Councilman Ballard.

Mayor Menna asked if anyone would like to speak.

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

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

Councilman Zipprich offered a motion to approve the adoption of the ordinance, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

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

2022-02: Mayor Menna read, “Ordinance Amending Article II: “Office of the Mayor” of Chapter 85: “Mayor and Council” and Article VI: “Borough Administrator” of Chapter 90: “Officers and Employees” of the Revised General Ordinances of the Borough of Red Bank.”

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

Councilwoman Sturdivant offered a motion to open the Public Hearing, seconded by Councilman Zipprich.

Mayor Menna asked if anyone would like to speak.

Phil Blackwood—34 Chestnut Street—said he wanted to reiterate that he would prefer the Council to focus on long term planning and policy rather than take on responsibilities that are current handled by the Administrator. He questioned a press release that he said had stated the Borough Council had voted to return legislative authority to the Council. He said he did not believe they had ever lost legislative authority. He said he felt the action was being taken because people were upset with the previous administrator. He also said he felt they were rushing and that they should wait until the Charter Study was complete. He said he felt it was a step backwards.

Suzanne Viscomi—25 Cedar Street—said she did not think the form of government would resolve the issues. She said the real issue was integrity. She said the Council should put the town first rather than the party and stop one-upping each other.

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

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

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

Councilwoman Horgan said she felt the Council members who wanted to make the change did not understand their role. She said the Council was there to make policy and not to run the day to day business. She said she did not understand why anyone on the Council would want to take on that responsibility when they had appointed professional who were capable of doing that. She said she did not see the relevance of it or what it would accomplish other than to make some people feel more powerful. She said she felt it was a really bad move.

Councilman Ballard said he wanted to note that they were only putting back the Borough Administrator structure that had been in place for the majority of Councilwoman Horgan's Council life.

Councilwoman Horgan said that had not worked every well. She also expressed concern about the stipulation that the Borough Administrator had to live in Red Bank within six months and asked what the reason for that was.

A discussion followed on the residency requirement.

Mayor Menna said he understood why it was beneficial but said he felt, if the Council were really concerned, they should include it for all employees.

Councilwoman Horgan again said she disagreed with the requirement. She said she felt government should not be interfering in people's lives.

Councilman Zipprich said he felt the Mayor made a good point. He reviewed his experience in New York City government.

Councilwoman Triggiano said she was not in favor of the residency requirement. She noted the difficulty they had had in their search for Business Administrator. She said she felt other markers should take precedent. She said she felt the Council should hire the Department Head but should trust the Administrator to hire other employees. She also said she agreed with the speakers who had pointed out that there was a Charter Study in process and said the residents had overwhelmingly elected that Commission. She said this was the exact thing they were studying. She also said Red Bank was still a Borough form of government and said that had not changed.

A discussion followed on the hiring process and the level of Council involvement.

ROLL CALL:

AYES: Sturdivant, Ballard and Zipprich

NAYS: Triggiano and Horgan

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

ORDINANCES – First Reading:

2022-03: Mayor Menna read, "Bond Ordinance Providing for the Reconstruction and Rehabilitation of the Senior Center, in and by the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,940,000 Therefor and Authorizing the Issuance of \$870,000 Bonds or Notes to Finance Part of the Cost Thereof."

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

ROLL CALL:

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

NAYS: None

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

Clerk Borghi announced the Public Hearing would be held on 2/23/2022 at 6:30 pm.

Council President Triggiano said there had been a motion and a second. She called for a vote.

ROLL CALL:

AYES: Sturdivant, Ballard and Zipprich.

NAYS: Triggiano and Horgan.

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

Clerk Borghi announced the Public Hearing would be held on 2/9/2022 at 6:30 pm.

RESOLUTIONS

By Consent Agenda:

- Resolution 22-41: Resolution for Payment of Bills Amounting to \$9,340,137.49
- Resolution 22-42: Resolution Authorizing Resolution of the Borough of Red Bank to Refund Developer's Escrow Account Balances
- Resolution 22-43: Resolution Authorizing Refunds of Water Project Escrow Account Balances
- Resolution 22-44: A Resolution for Emergency Temporary Appropriations Amending the 2022 Temporary Appropriation
- Resolution 22-45: Cancellation of Old Capital Ordinances and Various Reserves in the General Capital Fund
- Resolution 22-46: A Resolution for Renewal of Membership in the Central Jersey Health Insurance Fund
- Resolution 22-47: Resolution Accepting The Resignation Of Water/Waste Water Operator Scott Worthington

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

ROLL CALL:

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

NAYS: None

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

MAYOR AND COUNCIL COMMENTS

Councilwoman Sturdivant said she had no report.

Councilwoman Horgan said she had no report.

Councilman Ballard said, on behalf of the Animal Welfare Advisory Committee, he wanted to share a couple of points about keeping animals safe in the winter weather. He said ice melting products can be harmful to pets especially if they ingest it. He said he also wanted to remind everyone to clean up after the dogs. He said it had been ongoing issue. He also reported that animal licenses were due by March 1 and there were be a late penalty after that date. He said the Code Committee had met on February 3rd. He said highlights included the fact that Director Ebanks had posted a timeline for the Master Plan and reviewed the process. He said the Code Department was currently undergoing an audit with the NJ State Fire Office. He said Fire Marshal Welsh had indicated, through that audit, that there was almost \$15,000 of uncharged accounts that they will be able to collect. He said they would revisit that issue after the audit was complete to find out where the disconnects were. He said they had also briefly talked about a program for a list of volunteers who would be willing to help the elderly or shut-ins who could not get out during snowstorms to shovel. He said they had also talked about registering and/or taxing AirB&B types of rentals.

Councilwoman Triggiano said she had no report for Police or the Environmental Commission. She reported that the Fire Department had recently taken possession of a "new to them" fire boat from the New Jersey State Forestry Department. She said the vessel needed work but, when it was complete, it would make a huge investment on the Department's ability to serve those who enjoyed the local waterways. She reviewed the steps the Department had taken to secure the boat. She said the volunteers were looking for donations to renovate the boat to make it seaworthy.

Councilman Zipprich thanked his colleagues for passing the ordinance that would fund repairs to the Senior Center. He said it had been three years and felt the disruption of the ability to use the center should not have occurred. He and said he felt it could have been repaired for less in 2019. He thanked the CFO, the Interim Administrator and the Finance Committee for their assistance. He said the Historic Preservation Commission was seeking volunteers to help inventory buildings in the Rector Place Historic Area. He said RiverCenter had had their first meeting of the new year and reviewed business discussed at that meeting. He said the Public Works Committee would meet the following week. He said he wanted to thank their staff for their efforts during the recent snowstorm. He congratulated Councilwoman Mirandi and said they all looked forward to serving with her.

DISCUSSION & ACTION

Mayor Menna read the following requests:

- a. Request from Special Events (all approvals subject to final plan review by the Special Events Committee).
- ii. Request from RiverCenter to amend date for International Food and Wine Festival in White Street lot to Sunday, May 15, 2022 from noon to 6pm, rain date May 22, 2022. Committee

recommends the Council rescind date approval previously given for a skateboarding event on May 15, 2022. The organizers have not followed up to provide details for their proposed event.

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

ROLL CALL:

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

NAYS: None

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

- iii. Request from Monmouth Day Care to hold a Spring Fundraiser in Riverside Gardens Park on Saturday, June 4, 2022 from 10am to 1pm.

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

ROLL CALL:

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

NAYS: None

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

- iv. Request from RiverCenter to hold Sunday in the Park with the NJ Symphony in Marine Park on Sunday, July 3, 2022

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

ROLL CALL:

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

NAYS: None

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

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Rose Sestito—222 East Bergen Place—asked about job opportunities section of the Borough website. She said she saw that all positions were posted until filled except for the Clerk position. She said she understood the Clerk was retiring as of March 1 and job had been posted with a close date of February 28. She said she also wanted to make a comment. She noted she was the Chair of the Parks & Recreation Committee and said there were several members who were concerned about the status of the Committee. She said the liaison did not attend meetings. She said the report that was given was not always accurate and it did not consist of what had been discussed at meetings. She reviewed various items that had been discussed by the Committee but not reported including concerns about park security. She continued to criticize the liaison. She said the information provided by the Department Director was not complete. She said Committee members had concerns about the Department's ability to keep a director and said Committee members felt they should be part of the interviewing process. She said she had emailed the liaison regarding that request but had not received a response. She said was now asking for guidance from the Council.

Councilwoman Horgan said she would like to respond because she said the comments were directed at her. She said she was the liaison to the Parks & Recreation Advisory Committee. She attended whatever meetings she could and had informed the Director and Chair when she could not due to work commitments. She said she had not seen an email about interviewing candidates for the Director's job but said that was not the role of the advisory committee. She said the reports she made had come from the Parks & Recreation Director and included information on upcoming events and sports programs which she said was important information for Red Bank residents. She said it was unfortunate that the Director had resigned but she said he had been very good about keeping her informed. She said she had discussed park security with the Interim Administrator and had been told there would be seasonal help for that. She said she was asking Ms. Sestito and other Committee members to understand because there were times when they were not available for meetings because they also had other obligations. She said she did review the minutes of the meetings and followed up on items as needed. She also said she felt they could have had the discussion privately but, since she had brought it up, she hoped she had answered some of the questions.

Ms. Sestito continued to criticize Councilwoman Horgan's attendance record. She said the Committee would like support from the Council no matter who the liaison was.

Alan Hill—64 McLaren Street—said he noticed during the Workshop meeting that many of the reports just "got a nod" or did not appear. He said he found it hard to believe the various Departments did not have something happening within the month that was worth reporting. He asked, if the reports existed, where they were so the public could view them. He called for transparency.

Councilwoman Triggiano said she wanted to clarify that the reports from the Workshop meetings were available. She said, regarding the Police Department, most of the information was published through local news media and was also accessible through the Borough website.

IA McConnell said that was correct and said the reports from each department were submitted to the Council every month even if the department was not represented at the meeting. He said those reports were public documents.

Councilwoman Triggiano also reviewed how reports of Councilmembers were provided in response to input from Department Heads.

Mr. Hill said he had not been able to find the reports on the Borough website.

IA McConnell said the Department Head reports were filed with the Clerk for distribution to the Council. He said they were not posted. He said when Councilwoman Triggiano referred to reports put on the website, he said she was referring to reports such as the statistical reports from the Police Department.

Mayor Menna said he felt the reports should be posted.

Attorney Cannon explained that there may be issues of confidentiality such as personnel issues.

A discussion followed regarding transparency and confidentiality issues.

Councilwoman Triggiano noted there was more transparency now that there had been in the past because they didn't use to have Workshop meetings and the Council did not receive Department reports.

Clerk Borghi noted the reports were received within 24 hours prior to the meeting. She said she did not have time to review every report for content and did not have the expertise to do so. She said the reports were generated for the Mayor and Council's information and, if someone requested a copy after the fact, they could review to make sure that it was okay to release.

Councilman Zipprich agreed that there were a limited number of hours that the Clerk had to review the reports.

Clerk Borghi added that she did think it was her job to review the reports for content.

IA McConnell said they would have to have the Attorney review them ahead of time to ensure they were okay to be released which he said was a lot to do in a very short period of time.

Attorney Cannon said the process was a balancing of the employee's rights versus the public's right to know. He said the liability was far greater to the Borough in publishing them than it would be if the public submitted an OPRA request. He said that was why the policy was in place.

Councilman Zipprich said in earlier years there had been a workshop portion on the regular agenda.

Clerk Borghi said it had been very brief and Council members had often expressed concern about not having information ahead of time.

Councilwoman Horgan agreed that there had been a workshop section on the agendas but also agreed that it had been very brief. She noted the full Workshop meetings had been instituted by former Administrator Shehady and said she felt they thought it was a good thing. She said they also provided more information to the public.

Mayor Menna clarified the format of the earlier workshop discussions from prior meetings.

Suzanne Viscomi—25 Cedar Street—asked about Chain of Command issues and said she had previously brought up a concern regarding an estimate for sidewalk repairs at a West Sunset residence. She said she wanted to know who had authorized the quote and wanted to know where the breakdown had happened.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

No Executive Session needed.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi