

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
February 23, 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

Mayor Menna called for a moment of silence for the eminent conflict in Ukraine.

ROLL CALL

PRESENT: Mayor Menna and Council Members Mirandi, 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. Appointments

Mayor Menna made the following appointments.

i. Councilwoman Mirandi to:

1. Council Committees

- a. Finance (Chair)
- b. Public Safety, Police & Fire
- c. Public Utilities
- d. Parking (Chair)

2. Navesink River Municipalities Commissioner Liaison

3. Shade Tree Committee Liaison

ii. Historic Preservation Commission

Class B Member to unexpired 4 year term to 12/31/2023

Matt Berdahl

Alternate #2 to unexpired 2 year term to 12/31/2023

Angela Courtney

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Mayor Menna opened Public Comment and asked if anyone would like to speak.

Allyson Zenkert—2 Summerfield Avenue, Oceanport—said she was speaking on behalf of a request to place a memorial bench, tree and plaque in Count Basie Park in memory of a mother of a Red Bank Catholic athlete’s mother who had passed away.

Mayor Menna confirmed that the request was on the agenda for this meeting. He reviewed the request and said he recommended that it be approved noting that it conformed with the Borough’s memorial policy and was fully funded.

William Poku—90 Bank Street—noted there were resolutions on the agenda awarding contracts for repairs to homes in the Affordable Housing Program. He asked for information on how someone could apply to the program. He also asked why there had not been more developments like Cedar Crossing and why no Cedar Crossing residents service on the Red Bank Housing Authority Board.

Mayor Menna said residents could apply for the home repair program through Director Ebanks in Planning & Zoning. He also said the Borough’s Affordable Housing obligation had been court mandated and said the Borough was in compliance.

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

ROLL CALL:

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

NAYS: None

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

MINUTES & REPORTS

Regular Meeting Minutes of 1/26/2022

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

ABSTAIN: Mirandi

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

Workshop Meeting Minutes of 2/9/2022

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

ABSTAIN: Mirandi

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

Executive Session Meeting minutes July through December 2021

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

ROLL CALL:

AYES: Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

ABSTAIN: Sturdivant and Mirandi

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

ORDINANCES - Public Hearing/Adoption:

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 of the Revised General Ordinances of the Borough of Red Bank.”

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

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

ROLL CALL:

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

NAYS: None.

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

Mayor Menna asked if anyone would like to speak.

Cindy Burnham—71 Wallace Street—asked why the Borough was not using all \$210,000 that had been set aside for a boat ramp.

Interim Administrator said the balance was \$192,000

Ms. Burnham asked where the money had gone and asked if someone had “syphoned off” money.

IA McConnell said he did not know the history of the account and could only state the current balance.

Attorney Cannon said an accounting would be available in public documents.

Suzanne Viscomi—25 Cedar Street—said she was glad they had gotten to this point in the process. She asked if there was a list where there were extra funds. She called for accountability. She questioned why the boat ramp funds had not grown through interest.

Mayor Menna said a report could be provided by the CFO and Auditor.

Councilman Zipprich said he and Councilman Ballard had worked with the CFO to find unexpended funds. He said while the Mayor have vocalize his support for the Senior Center, he said the Mayor had not authorized the Administrator to release the boat ramp funds. He reviewed the history of the Boat

ramp funds noting that he had not been on Council when the funds were received but believed the Mayor had been. He said the funds have been available for the Council to use.

Mayor Menna said he wanted to correct some of Councilman Zipprich's misunderstandings noting that he had not been on the Council when the funds had been received and reviewed how the transaction had come back. He said also remembers that a succession of Borough Attorneys had repeatedly told the members of Council that that money was supposed to be held in reserve and to be used exclusively for a boat ramp. He said they had wanted to use the funds for prior projects but attorneys, auditors, CFOs and Borough Administrators had repeatedly stressed that that money could only be used for another boat ramp. He said he was happy to see that someone had had a change of heart and that they were able to use the money.

Attorney Cannon said he wanted to address Ms. Viscomi's question about the budget. He explained the difference between the General Budget and the Capital Budget. He said funds in the Capital Budget would remain dedicated until the Council took action to change them. He said if someone filed an OPRA request for the line items in the Capital Budget, they would get a listing including the unexpended balances. He also said, in regard to her question about interest, the Borough was really not allowed to invest tax dollars due to the risk associated.

Councilman Ballard said there was a document that CFO Swisher had shared which was a financial sheet of the costs to repair and the funding sources.

IA McConnell said there was an internal document but said he did not have it in front on him. He said he did not know if it would be clear to members of the public and might need to be expanded upon.

Councilman Ballard said he would like to see a line by line breakdown of the actual costs.

IA McConnell said he did not think such a document existed. He said the architects did not typically break down in detail. He said detailed breakdown would be provided in response to a bid.

A discussion followed on the probably costs and the amount bonded.

Sue Viscomi thanked the Council for the discussion and said she agreed that they could not predict costs. She said, when a project was complete, the Council should be more proactive to monitor reserves. She suggested they should provide a closing documents that included balances.

Councilman Zipprich said they were trying to be fiscally responsible. He again reviewed where the funds had come from. He said he wanted to compliment the CFO and Administrator for the assistance.

Stephen Hecht—135 Branch Avenue—said he did not think anyone was complaining that the Council was able to find the money. He said the concern was that they did not know about the money. He urged the Council to pay attention to the process. He said there should be quarterly or yearly reports about money that had not been spent. He said the issue was not the good work that they had done but it was the fact that money had been laying around for 20 years.

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

ROLL CALL:

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

NAYS: None.

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

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

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Zipprich and Horgan

NAYS: None.

ABSTAIN: Mirandi

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

Both Councilman Ballard and Councilman Zipprich expressed concerns about the process before voting in favor.

Councilwoman Triggiano responded to their comments implying the repairs could have been done for under \$200,000. She reviewed the history of the project and clarified the timeline. She noted the full Council had voted to reject all bids for the fire suppression system twice. She said those numbers had included the replacement of the fire suppression system only with no improvements to the building. She also noted the Council majority had voted to move the project to the Redevelopment Agency and said Councilman Zipprich had been serving on the Redevelopment Agency at the time. She also pointed out that, at the time, the Borough had been reviewing what had been covered by insurance. She there had also been delays due to lack of meetings because of the pandemic. She said there were a lot of people that

had gotten them to this point and a lot of votes that the Council had been part of. She said there had also been public hearings. She said they were all happy to see progress for the seniors and noted the improvements included so much more that the fire suppression system. She said to state that something could have been done back then. when the full Council had rejected the bids, was false.

Councilman Zipprich said he appreciated Councilwoman Triggiano recanting the process. He said a comment had been made about estimates received from Architects and Engineers and said the Engineering firm had expected the bids to come in significantly lower. He also said the Borough Administrator had directed the Public Works Department to go in and gut the buildings in an attempt to bring costs down but said they were now finding that those efforts had been in vain.

Councilman Ballard said he had voted to reject the bids on the advice of the Engineer and Borough Administrator. He questioned why they had not gone out to bid on the higher estimate.

ORDINANCES – First Reading:

2022-04: Mayor Menna read, “Ordinance Amending and Supplementing Chapter 9 “Board, Committees and Commissions;” Article XII “Animal Welfare Advisory Committee;” Section 9-48 “Creation; Membership” of the Revised General Ordinances of the Borough of Red Bank.”

Councilman Ballard offered a motion to introduce the ordinance, Councilwoman Sturdivant seconded.

ROLL CALL:

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

NAYS: None

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

Mayor Menna announced the Public Hearing would be held on 3/9/2022 at 6:30 pm.

2022-05: Mayor Menna read, “Ordinance Amending Chapter 270: “Cannabis” of the Borough’s Revised General Ordinances to Implement a Municipal Licensing and Registration System for Potential Cannabis Businesses Seeking to Operate within the Borough after Obtaining Applicable State Licenses.”

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna announced the Public Hearing would be held on 3/9/2022 at 6:30 pm.

RESOLUTIONS

By Consent Agenda:

- Resolution 22-49: Resolution for Payment of Bills Amounting to \$2,761,858.31.
- Resolution 22-50: Resolution Awarding Contract for Rehabilitation Housing Services for 25 Bank Street to E&R Remodeling, LLC in order to Advance the Borough’s Affordable Housing Rehabilitation Plan
- Resolution 22-51: Resolution Awarding Contract for Rehabilitation Housing Services for 11 West Sunset Street to Moore Core Construction, Inc. in order to Advance the Borough’s Affordable Housing Rehabilitation Plan
- Resolution 22-52: Resolution Authorizing an Award of Contract to State Contract Vendor, J. Swanton Fuel Oil Co Inc., 37 Center Avenue Atlantic Highlands, NJ 07716 for Unleaded Automotive Gasoline & Biodiesel B2 Blend Fuel.
- Resolution 22-54: Resolution Acknowledging that Cannabis Business License Applicant Has Proposed a Type of Cannabis Business that is Permitted within the Borough and Would Not Exceed Any Municipal License Limit

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

ROLL CALL:

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

NAYS: None

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

By Voice Vote:

Resolution 22-53: Resolution Directing the Borough's Chief Financial Officer to Prepare a Financial Plan for the Dissolution of the Red Bank Redevelopment Agency

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

ROLL CALL:

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

NAYS: Horgan

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

MAYOR AND COUNCIL COMMENTS

Councilwoman Mirandi said she looked forward to meeting everyone on the new committees she had been assigned to. She reported that she had met with the CFO earlier in the day to get up to speed on the financial operation in the Borough and where they stood in the budget process. She said they hoped to be able to introduce the budget in April.

Councilman Ballard said he had no report.

Councilman Zipprich said he was happy to report that the Reussille's clock had been picked up from the P

Councilwoman Horgan reported that the Parks & Recreation Advisory Committee had met the previous Tuesday and said the Public Works Director and reviewed projects/improvements that were being made in various locations. She said the Committee had also decided on dates for the Juneteenth and Pride events. She reviewed the schedule for the 365 Concerts in Johnny Jazz Park and for the Spring Egg Hunt. Regarding the Library, she reported that the Eisner Room was being transformed into a new Labor & Literacy lab where they will offer computer tutoring services and internet certification courses. She said the lab was being funded courtesy of a grant from the IMLS and the NJ State Library. She said a new locker system would be available for the public starting February 28 where patrons would be able to receive their "holds" 24/7. She also reminded everyone of that the seed library was available to the public. She also reported that the Library was now open to the public and would resume in person programming in March.

Councilwoman Triggiano said she did not have a report but wanted to recognize the Red Bank Primary School which was holding a virtual bedtime story on Wednesdays at 7pm. She said it had been very successful and said she loved the extra outreach.

Councilwoman Sturdivant said the Borough had successfully transferred from Google to Microsoft Office. She said she would be having the first Education/Technology Committee meeting with the IT Department the following day. She said one of the key initiatives for this year was to develop a plan to execute a hybrid solution for the Council meetings. She said she had also reached out to leaders in education. She said she had not heard back from all of them so would prefer to wait until she had a full report.

Mayor Menna thanked the Council for supporting the three resolutions that had been done last month to address traffic calming issues. He said he would like to have an additional resolution prepared for the next meeting to address traffic and pedestrian issues at the intersection of Broad Street and Pinckney Road. He said a comprehensive review by the County had stalled about 25 years ago. He said given the traffic data and accident statistics, it was high time for the County to take a look at that intersection. He said he was sure that Shrewsbury Borough would join in the request.

Councilman Zipprich said he agreed that the pedestrian crossing needed to be address. He suggested they refer back to testimony given at the Planning Board on similar issues when a drug store was approved for that area.

Mayor Menna said he appreciated that but said any traffic analysis from that time would be stale at this point. He also said navigation at the part of the intersection by that store was much easier than it was at Pinckney Road and Broad Street. He said there was a traffic light at the intersection by the drug store with designated crosswalks.

Councilman Zipprich said he still felt it was a difficult intersection due to the railroad crossing and the timing of the lights.

Councilwoman Mirandi said she agreed that it was a dangerous crosswalk. She said people could walk down to the crosswalk but also said some areas were too dangerous to have a crosswalk.

Mayor Menna said a lot of people who lived in that area were at an age where it would be difficult to walk that extra block due to mobility issues.

Councilwoman Horgan said there were several other areas that should be addressed including Maple Avenue and Reckless Place.

Councilman Zipprich said he also had concerns about a crossing on Riverside Avenue.

DISCUSSION & ACTION

Mayor Menna read the following requests:

- a) Request from family of Michelle Brown to have a memorial bench/tree installed at Count Basie field. All expenses will be covered by the requestors.

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

ROLL CALL:

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

NAYS: None

ABSTAIN: Ballard

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

Councilman Ballard said he was abstaining because he had concerns about the Memorial Policy in General. He said his heart went out to the family but he felt he had to abstain.

Councilwoman Mirandi asked for details about the placement of the plaque.

IA McConnell said he believed there would be a small plaque at the base of the tree.

Ms. Mirandi said, the way the policy read, a stand-alone plaque would be a “large” monument which had different criteria. She said her heart went out to the family but she agreed with Councilman Ballard that it was a slippery slope and said the policy should be tightened up.

Councilwoman Horgan said she disagreed and noted the circumstances behind the request.

Councilwoman Mirandi said it was not about the individual situation but about the resolution creating the policy.

Borough Clerk Borghi asked Councilwoman Mirandi if she was voting in support of the request.

Councilwoman Mirandi said she was.

Councilwoman Triggiano said she wanted to echo previous comments by Councilmembers saying her heart went out to the family and reviewed the family’s story.

Councilwoman Sturdivant said she wanted to echo Councilwoman Mirandi’s concerns and said she felt they should spend some time to make sure it wasn’t subjective. She also said her thoughts were with the family.

Councilman Zipprich thanked Councilwoman Mirandi for bringing the matter to light. He said he had understood that the memorial would be a bench with a name plate.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Phil Blackwood—34 Chestnut Street—expressed concerns about climate change and said he felt residents would support any steps the Council took to address the issue. He urged the Council to look for zero emission alternatives whenever they had to replace a piece of equipment that used fossil fuel. He also called on the Council to allocate one percent of the municipal budget to eliminating carbon emissions. He said it would happen over time but said they needed to start now. He called for the Council to have long term vision.

William Poku—90 Bank Street—said at a previous Candidates Night he had accused the Governing Body of rubber stamping everything put before them. He said now they had Democrats that did not all agree. He said he did not believe a new form of government was needed. He called on the Council members to work together to make Red Bank welcoming for all. He asked them to repeal the ordinance that banned parking on streets during snow storms.

Suzanne Viscomi—25 Cedar Street—asked if the Council would be discussing in-person/hybrid meetings. She reviewed what she thought the benefits of in-person meetings would be.

Mayor Menna said his preference would be to have the next meeting in person and thought they should move forward.

Councilman Ballard said he support that but said he thought Councilwoman Sturdivant mentioned that they would be discussing the matter at the next day’s Education/Technology meeting.

Councilwoman Sturdivant again said her key initiative was to work with the IT Department to develop a hybrid model.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

22-55 The Borough Attorney read a resolution to adjourn to executive session to discuss Contract Negotiations—CWA, Personnel—Parks & Recreation and Personnel—Clerk/Registrar. No action to be taken.

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

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi