

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 8, 2022 ♦ Upon adjournment of Workshop Meeting**

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, Council Members: Mirandi, Sturdivant, Triggiano, Horgan (virtual), Ballard, and Zipprich

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

ABSENT:

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS - None presented

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Councilman Zipprich motioned to open the floor to the public; Councilwoman Triggiano seconded the motion.

John Acara 250 Harding Rd. (Red Tank Brewing Owner) – Thanked Council for renewing Broad Walk. Inquired how the fee was determined for \$20 per day. Noted that he and his staff cleaned the Broad Walk area adjacent to his business. Last year it cost \$894 for three parking stalls for 5 months, the new fees will cost \$5,400 for 90 days for the same three spots. He further noted his retailer fees are less than what the restaurants are paying. Does not know if it is worth it to open at that price.

Councilman Ballard noted that it was the approximate cost for the parking as well as administrative costs. Councilwoman Triggiano divulged that if a car occupied a spot during all chargeable hours it would be \$18. \$18 is not an average across the borough, it is relevant to the premium parking locations in the downtown business district.

Mayor Menna noted that based on Mr. Acara's example the cost will be onerous.

Mr. Acara said it is a lot of money and he would not be able to do it. He does want the vote to go through and maybe the fees can be corrected later but the businesses need this. Time is running out.

Councilman Ballard inquired about the methodology to determine the fees for establishments with liquor licenses. The Mayor noted the Clerk and BA were not part of the process, it would have to be looked into.

Councilwoman Triggiano understands the desire to increase the fee but not to the point where it is inaccessible to the businesses. There should be an amenable solution that does not end the program.

Mayor Menna agreed that this has to be acted upon and is amenable to revisiting the fees.

Ben Forrest 16 Locust Ave. – Opined that the Broad Walk and the street eateries are part of the experience that his family and friends enjoy. It makes Red Bank a destination and helps the local economy.

Barbara Boas 135 Branch Ave. – Appalled that the fees are raised to the extent that the businesses detriment. We shouldn't be balancing the budget on the backs of the businesses that are keeping our town so vibrant.

Stephen Hecht 135 Branch Ave. – The Borough is not a profit-making organization or fortune 500 company; it is our home. It should not be run like a corporation but like human beings doing their best to make life better. Witnessed discussion on this issue at a previous meeting pleading to get this going and others expressing the need to speak to other stake holders and yet there is no report. Witnessing a government by expediency rather than policy making. Saddened that it has come to this.

There being no further comment, Councilman Zipprich motioned to close the floor to the public; Councilwoman Triggiano seconded the motion.

MINUTES & REPORTS - The following minutes were provided for Council approval:

- 03/09/2022 Workshop - Councilwoman Triggiano motioned to approve; Councilman Ballard seconded the motion. Roll call, unanimous, affirmative.
- 03/09/2022 Regular - Councilwoman Triggiano motioned to approve; Councilman Zipprich seconded the motion. Roll call, unanimous, affirmative.

ORDINANCES –

Public Hearing and Adoption

Councilman Zipprich motioned to open the floor to discussion on ordinance 2022-10 only; Councilwoman Triggiano seconded the motion. There being no comment; Councilman Zipprich motioned close the public portion; Councilwoman Triggiano seconded the motion. Councilwoman Triggiano motioned to adopt ordinance 2022-10; Councilwoman Mirandi seconded the motion. Roll call vote, unanimous, affirmative; Councilwoman Horgan is excused.

ORDINANCE NO. 2022-10

ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS OF THE BOROUGH OF RED BANK

AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF RED BANK CODE OF ORDINANCES TO REPEAL CHAPTER 364 (FLOOD HAZARD PREVENTION) IN ITS ENTIRETY AND TO ADOPT A NEW CHAPTER 364 (FLOOD DAMAGE PREVENTION); TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Zipprich motioned to open the floor to discussion on ordinance 2022-11 only; Councilman Ballard seconded the motion. There being no comment; Councilman Zipprich motioned close the public portion; Councilman Ballard seconded the motion. Councilman Zipprich motioned to adopt ordinance 2022-11; Councilman Ballard seconded the motion. Roll call vote, unanimous, affirmative; Councilwoman Horgan is excused.

ORDINANCE NO. 2022-11

CAPITAL ORDINANCE AMENDING CAPITAL ORDINANCE NUMBER 2022-01 FINALLY ADOPTED ON FEBRUARY 9, 2022, IN AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO APPROPRIATE AN ADDITIONAL \$77,017.27 RECEIVED FROM A GRANT PROVIDED BY THE FEDERAL AMERICAN RESCUE PLAN ACT OF 2021 TO PAY FOR THE REPLACEMENT OF THE WATER MAIN AND WATER LATERALS ON BROAD STREET

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The Borough Council of the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough") finally adopted Capital Ordinance Number 2022-01 on February 9, 2022 (the "Original Ordinance") to appropriate the amount of \$1,175,446.65 received from a grant provided by the Federal American Rescue Plan Act of 2021 (the "Grant") to pay for the replacement of the water main and water laterals on Broad Street (the "Project").

SECTION 2. The Borough now seeks to appropriate an additional amount of \$77,017.27 received from the Grant, so that the appropriation shall be increased from \$1,175,446.65 to \$1,252,463.92 to provide for the Project. Said improvements and purposes set forth in this Section 2 shall also include, but are not limited to, as applicable, demolition and excavation, paving, resurfacing and reconstruction of the roadways, roadway painting and striping, replacing the castings on catch basins and manholes, the repairing and/or removal and installation of sidewalks, driveway aprons, curbing, retaining walls and curb ramps, guardrails, and concrete improvements, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 3. The expenditure of the additional \$77,017.27 Grant for the purposes set forth in Section 2 hereof are hereby authorized and approved. The total amount of the Grant provided in the Original Ordinance, as amended and supplemented, including by this ordinance, shall be increased from \$1,175,446.65 to \$1,252,463.92.

SECTION 4. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Borough. The capital or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Borough, a revised capital or temporary capital budget for the Borough has been filed with the Division of Local Government Services.

SECTION 5. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 6. This ordinance shall take effect immediately after final adoption as described in N.J.S.A. 40:49-2.

Councilman Zipprich motioned to table ordinance 2022-12; Councilwoman Triggiano seconded the motion. Roll call vote, unanimous, affirmative; Councilwoman Horgan is excused. Ordinance 2022-12 has been tabled.

ORDINANCE NO. 2022-12

CAPITAL ORDINANCE APPROPRIATING \$356,810 TO PROVIDE FOR VARIOUS WATER AND SEWER REPAIRS AND IMPROVEMENTS, IN AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Introduction

Mayor Menna introduced the following ordinance #2022-13 for consideration. Councilwoman Triggiano motioned the approval of the ordinance on introduction; Councilman Zipprich seconded the introduction. Roll call vote, unanimous, affirmative; Councilwoman Horgan is excused.

ORDINANCE NO. 2022-13

ORDINANCE AMENDING CHAPTER 680, "VEHICLES AND TRAFFIC", SUBSECTION 680-60, "SCHEDULE XXVI: RESTRICTED PARKING FOR HANDICAPPED PERSONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK

Mayor Menna introduced the following ordinance #2022-14 for consideration. Councilwoman Triggiano motioned the approval of the ordinance on introduction; Councilwoman Mirandi seconded the introduction. Roll call vote, unanimous, affirmative; Councilwoman Horgan is excused.

ORDINANCE NUMBER 2022-14

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS BY THE WATER AND SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

RESOLUTIONS

By Consent Agenda:

- Resolution 22-139: A Resolution for Payment of Bills Amounting to \$5,313,629.95.
- Resolution 22-140: Authorizing Change Order No. 1 Related To The Contract With Montana Construction Corp., Inc. For The 2019/2020 NJDOT Projects (Broad Street Improvements)
- Resolution 22-141: A Resolution Honoring Highest Ranking Senior RBR – Molly Jain
- Resolution 22-142: ABC Consumption Liquor License Renewals
- Resolution 22-143: ABC Distribution Liquor License Renewals
- Resolution 22-144: ABC Club Liquor License Renewals
- Resolution 22-145: Appointing Part Time Property Inspector for Tax Assessor Office
- Resolution 22-146: Appointing Shade Tree Commission Alternates

Councilwoman Triggiano motioned the approval of resolutions 22-139 through 22-146; Councilman Zipprich seconded the motion. Roll call vote, unanimous, affirmative. Councilwoman Horgan is excused.

RESOLUTION NO. 22-139

A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$5,313,629.95

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers totaling \$5,313,629.95

June 08, 2022 Bill List - Borough of Red Bank

| Check Type | Count | Total |
|---------------|-----------|-----------------------|
| Manual Check | 86 | \$5,313,629.95 |
| Meeting Check | 0 | |
| Total | 86 | \$5,313,629.95 |

| Checking Account | Count | Total |
|------------------|-----------|-----------------------|
| CAPITAL ACCOUNT | 2 | \$409,155.29 |
| COAH DEV FEES | 1 | \$5,000.00 |
| CURRENT -VALLEY | 42 | \$809,199.67 |
| DEVESCROW2RIVER | 1 | \$742.50 |
| GRANT FUND-VNB | 5 | \$25,556.74 |
| PAYROLL | 1 | \$3,479.92 |
| PKING CAP 2RIVE | 1 | \$1,089.50 |
| PKINGOP2RIVER | 6 | \$38,412.57 |
| RECREATION-VNB | 5 | \$3,468.00 |
| TRUST ACCOUNT | 3 | \$92,275.00 |
| TTL REDEMPTION | 1 | \$9,674.34 |
| TWO RIVERS | 1 | \$305.90 |
| WATER CAPITAL | 1 | \$1,185,700.03 |
| WATER OPERATING | 11 | \$130,953.82 |
| WIRE | 5 | \$2,598,616.67 |
| Total | 86 | \$5,313,629.95 |

| Checking Account | Check Type | Count | Total |
|------------------|---------------------|-----------|-----------------------|
| CAPITAL ACCOUNT | Manual Check | 2 | \$409,155.29 |
| COAH DEV FEES | Manual Check | 1 | \$5,000.00 |
| CURRENT -VALLEY | Manual Check | 42 | \$809,199.67 |
| DEVESCROW2RIVER | Manual Check | 1 | \$742.50 |
| GRANT FUND-VNB | Manual Check | 5 | \$25,556.74 |
| PAYROLL | Manual Check | 1 | \$3,479.92 |
| PKING CAP 2RIVE | Manual Check | 1 | \$1,089.50 |
| PKINGOP2RIVER | Manual Check | 6 | \$38,412.57 |
| RECREATION-VNB | Manual Check | 5 | \$3,468.00 |
| TRUST ACCOUNT | Manual Check | 3 | \$92,275.00 |
| TTL REDEMPTION | Manual Check | 1 | \$9,674.34 |
| TWO RIVERS | Manual Check | 1 | \$305.90 |
| WATER CAPITAL | Manual Check | 1 | \$1,185,700.03 |
| WATER OPERATING | Manual Check | 11 | \$130,953.82 |
| WIRE | Manual Check | 5 | \$2,598,616.67 |
| Total | All Checking | 86 | \$5,313,629.95 |

RESOLUTION #22-140

**AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH MONTANA
CONSTRUCTION CORP., INC. FOR THE 2019/2020 NJDOT PROJECTS (BROAD STREET
IMPROVEMENTS)**

WHEREAS, the Borough previously entered into a contract with Montana Construction Corp. Inc. for the 2019/2020 NJDOT Projects (Broad Street Improvements): and

WHEREAS, the Borough Engineer has recommended approval of Change Order No. 1, dated May 25, 2022 to the aforementioned Project, in order to address actual field quantities needed for completion of the project; and

WHEREAS, these contract changes yield a total net cost not to exceed \$112,131.40;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 2 to the Improvements to East Bergen Place Project, dated May 25, 2022 is hereby approved with a supplementary price increase not to exceed \$112,131.40: and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are current available in account No. C-04-21-001-102 and W-06-022-014-398; and

BE IT FURTHER RESOLVED, to the extent applicable, this resolution is further contingent upon the expiration of the twenty-day estoppel period for any and all bonded funds for this project.

RESOLUTION NO. 22-141

HONORING MOLLY JAIN AS THE HIGHEST RANKING RED BANK SENIOR

WHEREAS, Molly Jain has achieved the position of the highest-ranking Red Bank Senior at Red Bank Regional High School (RBRHS) for the 2021-2022 school; and

WHEREAS, her diverse set of interests, skills in creative writing and computer science has established her as a leader amongst her peers; and

WHEREAS, her passion for Computer Science has encouraged other female identifying students to participate in the historically male driven culture of the Red Bank Regional Cyberpatriot Competition creating a more diverse ethos; and

WHEREAS, she has taken on the role of assisting the Academy of Information and Technology to disseminate information and recruit a more diverse group of students; and

WHEREAS, Molly's drive for excellence has led to her speaking on behalf the Young Feminists Club, Creative Writing Class and providing Cybertech demonstrations, all to promote participation and diversity; and

WHEREAS, she is a member of numerous honor societies, the recipient of several scholarly distinctions, has led extracurricular activities and has shown great involvement in the community; and

WHEREAS, she has instilled a sense of pride in all of the citizens of the Borough of Red Bank as a result of her numerous and varied outstanding achievements.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank offer their sincere congratulations to Molly Jain and offer her sincere congratulations and best wishes for a bright and successful future.

RESOLUTION NO. 22-142

**A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES
FOR 2022-2023**

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Consumption Licenses issued for the period July 1, 2022 through June 30, 2023 are hereby renewed:

| | | |
|---------------------------|---|-----------------------------|
| 1340-33-002 | 9 LIVES INC (t/a Jamian's) | 79 Monmouth Street |
| 1340-33-011 | BHE CORP (t/a Red Rock) | 14 Wharf Avenue |
| 1340-33-014 | TRIUMPH BREWING COMPANY OF RED BANK LLC | 1 Bridge Avenue |
| 1340-33-016 (inactive) | RBL HOLDINGS | 8-10 W Front Street |
| 1340-33-024 | GOOD FORK RESTAURANT GROUP LLC (t/a Char) | 27-33 Broad Street |
| 1340-33-027 | RAL HOSPITALITY GROUP INC (t/a Birravino) | 183 Riverside Avenue |
| 1340-33-031 | TKV HOLDINGS LLC (t/a Brothers) | 2 Morford Place |
| 1340-33-033 | ABRACADABRA LLC | 3-5 Broad Street (Inactive) |
| 1340-33-035 | MAJH LLC (t/a B2 Bistro) | 141 Shrewsbury Avenue |
| 1340-33-039 | TAINA CORP (t/a Buona Sera) | 50 Maple Avenue |
| 1340-33-041 | COAL HOLDINGS LLC (t/a Urban Coalhouse) | 2 Bridge Avenue |
| 1340-37-048 | TWO RIVER THEATER COMPANY, INC | 21 Bridge Avenue |

RESOLUTION NO. 22-143
A RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL DISTRIBUTION LICENSES FOR 2022-2023

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Distribution Licenses issued for the period July 1, 2022 through June 30, 2023 are hereby renewed:

| | | |
|-------------|---|---------------------------|
| 1340-44-006 | DENRUS INC (t/a Crates) | 14 North Bridge |
| 1340-44-013 | CONNOISSEUR ENCOUNTERS COMPANY INC (t/a Wine Cellar) | 23 Monmouth Street |
| 1340-44-017 | SVGI INC (t/a Vingo/Buy-Rite) | 172 E Newman Springs Road |
| 1340-44-021 | ERIC CHO INC (t/a Red Bank Liquors) | 11 West Street |
| 1340-44-028 | TST BEVERAGES LLC (t/a Bottles by Sickles) | 200 Monmouth Street |

RESOLUTION NO. 22-144
A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES FOR 2022-2023

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Club Licenses issued for the period July 1, 2022 through June 30, 2023 are hereby renewed:

| | | |
|-------------|---------------------------------|-----------------------|
| 1340-31-042 | BATES LODGE #220 INC IBPOE OF W | 306 Shrewsbury Avenue |
|-------------|---------------------------------|-----------------------|

RESOLUTION NO. 22-145
A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF A PART-TIME
PROPERTY INSPECTOR FOR THE TAX ASSESSOR OFFICE

WHEREAS, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a part-time Property Inspector for the Tax Assessor's Office; and

WHEREAS, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Borough Administrator appoints William Laird as a part-time Property Inspector.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Borough Administrator's appointment of William Laird as part-time Property Inspector effective immediately at the hourly rate of \$25.00.

RESOLUTION NO. 22-146
A RESOLUTION CONFIRMING SHADE TREE COMMITTEE APPOINTMENTS

BE IT RESOLVED that the following appointments made by the Mayor are hereby confirmed in accordance with §9-36

| | | |
|--------------|--------------------------|-------------------------|
| Alternate #1 | Samantha Flores-Castillo | Two Years to 12/31/2023 |
| Alternate #2 | Brigid McCarthy | One Year to 12/31/2022 |

Mayor Menna noted the removal of resolution 2-147 by Council for further discussion.

After considerable discussion Councilman Ballard motioned to approve resolution 22-147; Councilwoman Sturdivant seconded the motion. Roll call: Council members Mirandi, aye; Sturdivant, aye; Triggiano, nay; Ballard, aye; Zipprich, aye; Horgan, excused.

RESOLUTION NO. 22-147
RESOLUTION AUTHORIZING STREET EATERIES WITHIN THE BOROUGH OF RED BANK

WHEREAS, on February 5, 2022 New Jersey Bill S3340 was adopted in order to extend the NJ Department of Law and Public Safety Division of Alcoholic Beverage Control's Special Ruling 2020-010 which created a COVID-19 Expansion Permit that allows licensees to expand their premises onto areas adjacent to or contiguous with the licensed premises, where they may provide for the sale and service of alcoholic beverages as on the primary licensed premises to November 30, 2022; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to continue to temporarily relax its Ordinances as they pertain to outdoor dining and outdoor retail display procedures and restrictions on local business establishments; and to extend outdoor dining and outdoor retail displays into public rights-of-way (including sidewalks and street); and to provide for additional space for outdoor dining and outdoor retail displays into designated public parking lot areas; and to allow for outdoor dining areas and outdoor retail displays to be

established on private property and private parking lots under specific terms and conditions consistent with guidelines provided by the State of New Jersey and upon application and approval by the Borough Administrator and/or his designee;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. For the purposes of providing restaurants, food establishments and retail businesses the ability to set-up outdoor dining and outdoor retail display areas subject to the requirements, application and approval provided for below and for use by members of the community for recreational purposes, during the effective dates of this Resolution, the Borough Administrator, in consultation with the Office of Emergency Management Coordinator, Chief of Police, and the Fire Marshall, shall have the ability to wholly or partially open and close various streets to vehicular traffic and/or parking areas within the Borough of Red Bank, during any days or hours deemed necessary.
2. The Borough Administrator and/or his designee are hereby granted the authority and discretion to approve 2022 Temporary Outdoor Dining and Outdoor Retail Sales Permit applications, in order to permit establishments outdoor dining or outdoor retail display activities.
3. Any and all business establishments in the Borough of Red Bank with a current Mercantile License on file with the Borough Clerk's Office who wishes to utilize, for outdoor dining or outdoor retail display, public rights-of-way (including sidewalks and streets) and/or private property, including private parking lots, prior to its use, shall be permitted to do so upon completion, submission, and approval of:
 - a. A 2022 Temporary Outdoor Dining and Outdoor Retail Sales Permit application to the Borough Clerk's Office for review and approval.
 - b. A COVID-19 Expansion of Premises Permit for alcoholic beverages, subject to the review and approval of the Borough Clerk and Chief of Police.
 - c. A drawing depicting the proposed layout and location of seating or retail displays outside of said establishment; a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the outside seating area and the curb-line (as applicable). Drawings MUST provide exact dimensions of proposed layout.
 - d. A Security Plan detailing how alcoholic beverage service will be regulated. The Borough Administrator reserves the right to require businesses to provide additional security and/or Red Bank Police Department resources should any issues occur.
 - e. A Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining/sales area, when trash and the frequency with which the outdoor dining/sales area will be policed for litter in order to control the accumulation of trash/recycling. All businesses are responsible for disposing of their own waste and for maintaining the cleanliness of any Borough rights-of-way (sidewalks and streets) approved for use.
 - f. A Hold Harmless Agreement that indemnifies, defends and hold harmless the Borough of Red Bank, its employees, elected officials, volunteers, and its insurance fund (the NJIIF) from and against any and all liability or claims, including but not limited to death, bodily injury, and property damage, arising from the Applicant's implementation, operation and utilization of the 2022 Temporary Outdoor Dining and Outdoor Retail Sales Permit.
 - g. Evidence of general liability insurance coverage on an occurrence-based form that is applicable to the operations contemplated under this permit application. Applicants shall provide with this application a certificate of insurance (COI) demonstrating coverage for bodily injury and property damage with minimum limits of one million (\$1,000,000) dollars per claim and one million (\$1,000,000) dollars in the aggregate. The Borough of Red Bank shall be named on the COI as an additional insured on a non-contributory basis and the subject policy shall be endorsed to reflect that coverage has been so amended.
 - h. A non-refundable fee of \$20.00 per day per parking space (or equivalent area utilized by the Applicant) for the duration of said Applicant's use of said space(s).
4. Approved applicants will be permitted until November 29, 2022 to utilize public right of way, sidewalk, and private property to:
 - a. Make use of approved seating and retail displays from 7:00am until 10:00pm on Mondays, Tuesdays, Wednesdays, Thursdays, and on Sundays not preceding a legal holiday, as well as from 7:00am until 12:00am on Fridays, Saturdays, and on Sundays preceding a legal holiday.
 - b. Relocate existing, or newly acquired, tables/chairs (seating) or retail displays to other locations onsite, including the Borough rights-of-way (including sidewalks and streets) and/or private property, including private parking lots, subject to the review and approval of the Borough Administrator and/or his designee.
 - c. Utilize the public rights-of-way (including sidewalks and streets) in front of adjacent properties for outdoor dining and/or outdoor retail sales activities with the express written consent and approval by the adjacent property owner/business, which must be submitted with the Application.

- d. Utilize umbrellas for shade. Pop-up canopies are permitted provided they are removed each day outside of the approved hours set forth in Section 4(a) hereinabove, do not exceed 10' x 10' in size, are properly secured using weights or other such devices, and are removed immediately following notice by the Borough of Red Bank due to impending weather condition or any other reason. Failure to adhere to these rules will result in a fine.
5. Notwithstanding the provision of the Resolution, no seating, outdoor retail displays or signage (including sandwich boards) shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of their approaches.
6. Applicants requesting use of both sidewalk and street space must provide an ADA ramp from raised curb to street level as well as a minimum 5 feet pedestrian walkway that will be maintained and provided for the general public along the sidewalk.
7. Seating and outdoor retail sales displays must not obstruct access to Fire Department Connections (FDCs).
8. Food and beverage preparation outdoors is prohibited.
9. Businesses establishments located on the Red Bank Broadwalk may not expand outdoor dining or outdoor retail sales beyond areas previously approved in prior years.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that Section 4-9 of the Code of the Borough of Red Bank, entitled, "Display of Merchandise in Public Areas; Outdoor/Sidewalk Cafes" shall not apply to the specific outdoor tables, chairs and retail sales displays approved by the Borough Administrator and/or his designee consistent with, and for the life of the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the City, and accordingly no property rights are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that with the exception of the temporary relief and application process set forth herein relating to outdoor dining and outdoor retail displays, existing and proposed retail businesses must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants and retail businesses; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that in the event the Borough Administrator, Zoning Officer, Code Enforcement Office and/or Police Department determines that a business establishment or person is in violation of any conditions of its 2022 Temporary Outdoor Dining and Outdoor Retail Sales Permit approved in relation to this Resolution, is in violation of any applicable Ordinances of the Borough of Red Bank, or for any other reason deemed to be in the best interest of the Borough of Red Bank, the Borough Administrator is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that the Borough Administrator, Zoning Officer Code Enforcement Office and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining and outdoor retail sales displays; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that the Borough Administrator is hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the Borough and its businesses, including but not limited to the separation of the commencement of the application and approval process for outdoor dining and outdoor retail sales displays; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that this Resolution shall take effect immediately and the provisions herein shall expire on November 29, 2022; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that, upon the effective date of this Resolution, all requirements of prior ordinances inconsistent with this temporary Resolution are hereby temporarily suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Red Bank, that the within Resolution and all authorizations contained herein, and the delegation of authority and any and all approvals to allow for outdoor dining and outdoor retail displays permitted herein on public and private property shall remain in effect until further Resolution of the Mayor and Council of the Borough of Red Bank; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Red Bank that, except as provided for above pertaining to the promulgations of rules and regulations and the acceptance and approval of application, all Borough officials, employees and agents shall take all necessary actions in order to effectuate the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that should any section, paragraph, sentence, clause or phrase of this Resolution or the accompanying ordinance be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank, upon adoption of this Resolution the Borough Clerk shall forward copies, electronically or otherwise, to the New Jersey Director of the Division of Alcoholic Beverage Control.

MAYOR AND COUNCIL COMMENTS

Councilwoman Mirandi reported on the following:

- Confirmed with the CFO that the budget presentation would be available tomorrow

Councilwoman Sturdivant reported on:

- No report

Councilwoman Triggiano reported on:

- Reiterated it was the wish of the Council majority to change the fee structure for the street eateries and she was confident in her no vote to illustrate opposition of fee increase.

Councilwoman Horgan lost connectivity and was unable to reconnect to the Council meeting.

Councilman Ballard reported on the following:

- No report.

Councilman Zipprich reported on the following:

- Noted a few events and activities throughout the Borough

DISCUSSION & ACTION

Mayor Menna read the noted the following discussion items:

- a. Request from O'Leary Family in Memory of their son Angus to be installed in front of the Dublin House, 30, Monmouth Street. All expenses will be covered by the requestors

Councilman Zipprich moved to approve the request; Councilwoman Triggiano seconded the motion. Roll call, unanimous, affirmative.

- b. Special Event Requests

1. Bond Street Mortgage Ribbon Cutting Event: 139 Broad St 6/22/22 Noon – 2pm
2. Mori Place Block Party: Sunday July, 3rd, 3pm – 11pm
3. Cirque de Peace: Riverside Gardens: 7/29, 8/26, 9/30 5pm – 10pm
4. Red Bank Tango: Riverside Gardens: 8/29, 9/12, 9/26, 10/10, 10/24 6pm – 9:30pm
5. Crop Walk; Sunday, October 16th 2pm – 4pm
6. River Center, Sidewalk Sale: August 19 - 21

Councilman Zipprich moved to approve the Special Events requests; Councilwoman Triggiano seconded the motion. Roll call, unanimous, affirmative.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Mayor Menna opened the meeting for public comment:

Danny Murphy “Danny’s Steakhouse” – Discussed the impact of the increase of fees on his business, particularly on Bridge Street. Summarized the numerous working parts involved with street eateries, decorations, set up, etc. and the subsequent costs for same. This makes it too cost prohibitive. Would appreciate anything the Council can do to make it more affordable. The economy has changed, just not as busy as in the past. Restaurant is empty after 9pm and very slow during the week.

Cindy Burnham 71 Wallace Street – Opined that when the pandemic hit the borough did a great thing to keep the businesses going. Feels \$20 dollars isn’t too much to ask. Whatever is not made up for the parking revenue the taxpayer has to make up for.

Richard Rotter – Red Bank Yellow Car – Asked if the Borough would consider increasing the local fares. It hasn’t changed in about 10 years. Mayor Menna noted there is a State mandated procedure to be followed for the Council to consider.(\$3.75 to \$5 plus \$1 per additional rider)

Jennifer Garcia 30 Drummond Place – Thanked the Council members that ran at yesterday’s primary. Spoke about the importance of a unified school district. A unified foundation the community will flourish.

Suzanne Viscomi 75 Cedar Street – Happy to have access to the Council meeting from home. Will the planning, zoning boards and other committees can offer hybrid meetings? Mayor Menna noted that it is available but the boards are autonomous and it is their decision the Council cannot force them to do it.

William Poku 90 Bank Street – Is there a policy separating executive and judiciary in the borough? Subpoenas were issued to the Clerk, Attorney and Councilwoman Horgan and they did not appear.

Atty. Cannon stated that the judge and the prosecutor invalidated the subpoenas issued to the multiple borough employees for Mr. Poku's parking ticket. The judge ruled the subpoenas invalid and discussed same with the Prosecutor and Mr. Poku in court where he was given an opportunity to state his case.

Jessica Ramirez 38 Layton Avenue – Thanked the Council for the hybrid option. Inquired if other boards will use this option. Mayor Menna noted that the other boards are autonomous, and it is their decision.

There being no further discussion, Councilwoman Triggiano offered a motion to close the Public Comment period, Councilman Zipprich seconded. Roll call, unanimous, affirmative.

Councilman Ballard wanted to clarify the fees: \$20 a day/\$600 a month x 3 months is \$1,800 per parking stall.

ADJOURNMENT

There being no further business Councilman Zipprich offered a motion adjourn, seconded by Councilwoman Triggiano. Roll call, unanimous, affirmative. 8:22 PM

Respectfully submitted,

Laura Reinertsen

DRAFT