

**MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
March 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 Mirandi, Sturdivant, Triggiano, Ballard, Zipprich, and Horgan.

ALSO PRESENT: Interim Administrator McConnell, Deputy Borough Clerk Thomas, Attorney Cannon, Engineer Herrman, and Department Heads.

PARKS & RECREATION

Mayor Menna stated that under Administration there is a resolution appointing an acting director of Parks & Recreation. He asked if there was any discussion on that before it is formally introduced.

Councilwoman Horgan commended Oscar Salinas on the job he has been doing and that she was in favor of the stipend being introduced.

Mayor Menna commended Oscar Salinas on the job he has been doing and agreed that the stipend is well deserved. He stated that they would proceed with the resolution at the regular meeting. He asked if there were any questions on the Parks & Recreation report.

Mayor Menna acknowledged receipt of the Parks & Recreation's report for February 2022.

Mr. Salinas thanked the Mayor & Council for letting him lead the department and stated that he loves the community and always tries to help everyone. He went over the report and Mayor Menna asked if there were any questions. There were none.

ENGINEERING

Ordinance to Amend Flood Ordinance

Mayor Menna stated that Mr. Hermann wanted to discuss an amendment to the flood control ordinance.

Mr. Hermann explained that the State is going around to all the various communities to update the flood prevention ordinances in a program called a Code Coordinated Effort. He explained the program and what the process would be for it.

Mayor Menna asked if there were any questions.

Councilwoman Triggiano asked about the flood area surrounding the Primary School and the Locust Landing Affordable Housing and to make sure they are not overlooked during the process.

Councilman Zipprich asked about the timing of the coordinated effort and if it has any overlap of our Stormwater Management Plan for outfall and potential flooding.

Mr. Hermann stated that the purpose of the coordinated effort was to establish the areas of hazard for insurance purposes and to identify steps that need to be taken to comply with the regulations, but that he would check on any stormwater impacts.

Engineer's February 2022 Report

Mayor Menna acknowledged receipt of the Engineer's report for February 2022 and asked if there were any questions.

Councilman Zipprich asked Mr. Hermann if he was handling the Broad Street project or if was being handled by the previous engineer.

Mayor Menna stated that that topic is a discussion item and asked if Mr. Hermann had any comments on his view on Broadwalk and the streeteries.

Mr. Zipprich explained that he was referring to the infrastructure project going on and not necessarily Broadwalk. He stated that the business community is having a hard time with the amount of digging, dust, paving and noise that is going on.

Mayor Menna stated that he believed it was beyond the scope of Mr. Hermann's review and that those are questions that should be directed to the project monitoring engineer whom he believed to be CME Associates. He suggested that we bring them in for discussion as soon as possible because there is an urgency for people to see where the project is headed and when completion would be.

Administrator McConnell stated that he could address any questions there might be and that he had recently spoken to Laura Newman in the past week.

Mr. Hermann explained that it was agreed that CME would finish out their projects and he would not be able to answer as to the status of the Broad Street project.

Mayor Menna thanked Mr. Hermann for attending.

Councilwoman Triggiano asked if there could be a discussion regarding the Broad Street project while we were on the subject.

Mayor Menna stated that it was a discussion point for later in the meeting.

Councilwoman Mirandi asked about the gas leak that had happened on Broad Street and if it was known how it occurred.

Administrator McConnell explained that the mark out for the project had been done several months prior to the incident and the issue was that some of the construction had worn off the mark out and was difficult to see because of the amount of equipment being moved and the amount of dirt and stone being moved. He stated that to prevent it from happening again, we now have the construction company calling for mark outs more frequently to come out and refresh the mark outs.

ADMINISTRATION

Resolution Urging County to Address Intersection of Broad Street and Pinckney Road

Mayor Menna stated that the next item on the agenda was the resolution urging the County to address the intersection of Broad Street and Pinckney Road. He stated that he doesn't believe there is any disagreement on that and that it could be placed on the regular agenda.

Councilwoman Miranda asked if the traffic study included cars and pedestrians.

Mayor Menna stated that it did.

Councilwoman Miranda stated that she agreed that that is a dangerous intersection and that what she would like to push the State and the County to start thinking about a long-term plan for that intersection because it is a nightmare and putting a traffic light there just would make it worse.

Mayor Menna stated that a traffic light could very well mean advisory lights or hawk lights, which are helpful in slowing traffic down and has been beneficial on Front Street in front of the hospital, or other types of advisory warnings that are autoactivated. He stated that the last time that there was a comprehensive review by DOT, by the County, by the Borough, by the Borough of Shrewsbury and Monmouth County Planning Board, was at least 18-20 years ago and the State came up with an extraordinary comprehensive plan, regrettably it was not implemented.

Councilman Zipprich stated that he agreed that the advisory lights would be preferable and that he wanted to remind the mayor that back when the Walgreens was being built about 10-12 years ago, there was a traffic study done and there was a retiming of the lights. He stated that the report that was submitted to the planning board would be advantageous to look at.

Mayor Menna stated that that was a limited study for purposes of application and what he was referring to was that the last full blown study of the entire intersection was done at the urging of the DOT on its' initiative because they recognized that there were inherent conflicts with NJ Transit, with DOT, Monmouth County, Monmouth County Planning Board, Borough of Red Bank and the Borough of Shrewsbury and that that was the only time that all the parties were in agreement that we should move on it. Locally we took care of the egress and ingress from Wikoff Place because that was within our control, but the problem with the earlier study is that there were interested parties that did not want to see any change in the navigational patterns of traffic at that time.

Sewer Line – Front Street & Carriage Lane

Mayor Menna stated that the next item was the sewer line on Front Street and Carriage Lane.

Administrator McConnell stated that that discussion would be carried to the next workshop meeting. He stated the CME started the project and he needs to confer with Mr. Hermann to see where we are going to go with that.

Fire Marshal/Code Enforcement February 2022 Report

Mr. Welsh asked if anyone had any questions on the Fire Marshal/Code Enforcement end. There were no questions. He stated that they were seeing a bit more storage issues with our commercial customers, and we understand about supply chain and all that, but there will be more enforcement in the coming months regarding storage and places that are not storage facilities. He stated that the second thing he wanted to mention was, regarding OEM regarding the Primary School and Councilwoman Triggiano's comments, this came up during Sandy and there were many meetings that were attended when the last mitigation process occurred and if needed, he can gather the information for their reference regarding that. He stated that we may possibly be getting some FEMA money back for generators and equipment that was needed because of Sandy and he and the Administrator are working on that right now.

Councilman Zipprich asked if he meant that some of the Sandy money is still out there to recoup.

Mr. Welsh stated that what he meant was that we might have money coming to us, but we have to go back and review everything again and that they are working with T&M Associates and together they are doing whatever needs to be done for the best of the town.

Mr. McConnel stated that it is some reimbursement money that we are entitled to, and it is a sizable amount, and they are working to finish it up because they just became aware of it.

Councilwoman Triggiano stated that whenever flooding comes up that it is good to mention that we have a chunk of affordable housing and an entire school in a very vulnerable zone.

Councilman Ballard thanked Mr. Welsh for keeping himself and the Code Committee up to date with what is going on.

Broadwalk/Streeteries

Mr. McConnell stated that he wanted to get input from the Mayor & Council as to what they wanted to do in regard to Broadwalk, keeping in mind the construction that is going on. He stated that he wanted to keep them informed as to the progress of the construction and then explained the timing of particular phases of the construction in relation to opening up Broad Street for Broadwalk and the streeteries.

Councilman Zipprich stated that he would like to have some off-line discussions about this because it impacts our business district and that we need to be extremely sensitive to the business district's needs and to come out with a good solution that will benefit everyone.

Mayor Menna stated that he agreed with Councilman Zipprich, but that we needed to include not only the businesses, but RiverCenter and the Business Alliance as well.

Councilwoman Triggiano asked when the contractor would need to know what the decision was about proceeding with the phases of the project?

Mr. McConnell stated that we would need to what we're doing, ideally when the water mains are done so that they could potentially skim coat the road with asphalt to make it flat, but that that would not be a final paving and the construction company is working on a price for that.

Mr. Keen stated that he believes asphalt is about \$100 per ton and that the final price would be a considerable amount.

Mr. McConnell stated that as soon as they measure it out, they can give an exact figure.

Councilwoman Triggiano stated that she just wanted to make sure that we have all our information together before a meeting and that she believed a meeting like that should be held at the next workshop meeting so that all of the council is together.

Councilman Zipprich stated that he would like to discuss it at the next DPW committee meeting as well.

Councilwoman Mirandi asked if the retractable bollards would be done in the same timeframe.

Mr. McConnell stated that he believes so and that a subcontractor was going to be installing those.

Reports

Mayor Menna stated that the reports for Grants, Animal Control, Tax Assessor, Tax Collector, Fire Department, Senior Center, and Building/Construction were included in the meeting packets. He stated that if there were no objections to accepting the reports, we should accept the reports and make them available to members of the public.

Clerk

i. Ordinances & Resolutions

a. Resolution to appoint a Registrar.

Mayor Menna stated there was no issue with that and that it should be placed on the regular agenda.

b. Resolution to appoint a Borough Clerk

Mayor Menna explained that we do have a Deputy Clerk who can statutorily perform the duties of the clerk in the interim and that the Council has been interviewing potential candidates for the position. He stated that the potential candidate's salary would be substantially out of the range of the salary ordinance and asked the Borough Attorney if an amendment to the salary ordinance would have to be done before they could make an offer of employment.

Mr. Cannon stated that they would have to amend the salary ordinance.

Mr. Swisher stated that before you make an appointment, you have to make sure that it is within the salary range.

Mayor Menna stated that Middletown's Clerk's salary is \$107,000 and that their population is about 68,000 people and why we aren't sticking to the range in the salary ordinance.

Councilwoman Mirandi asked how much experience the clerk in Middletown has.

Mayor Menna stated that she has been there for a long time.

Councilwoman Triggiano stated that Pamela Borghi was a phenomenal clerk and that she wasn't making more than the ordinance.

Councilman Ballard stated that they were put in a precarious situation to quickly to find a clerk to replace Ms. Borghi who was literally retiring within a couple of weeks of their first interview. He stated that they wanted to do our due diligence, but unfortunately the council was pressed into hiring someone quickly. He stated that of the two candidates that they were left to choose from, we just felt this was the best one and this was the salary range she requested. He stated that she is a very experienced clerk.

Mr. Cannon stated that no one has been appointed yet, so we cannot get into the qualitative analysis of who you all picked. He stated that if they want to talk about money that's fine, but we cannot discuss anything other than that because there is no successful applicant.

Councilman Ballard stated that he was trying to explain why they were at this point and to be aware that the council was very concerned about the salaries that were requested, but again we had to hire a clerk and we had no other choice and that they were put in a very bad situation, and they tried to make the best of that bad situation.

Councilman Zipprich explained that what the attorney was trying to say is that normally this change in the salary ordinance at this juncture so he thinks they should follow the advice of counsel.

Mayor Menna asked if a member of public could file an action against the salary increase.

Mr. Cannon stated that they can challenge any ordinance and that he also has the power to veto it as Mayor.

Mayor Menna stated that he is not saying it's not a bad thing to do, but he just wants the public to know that we're doing something that is rather extraordinary.

Mr. Cannon stated that functionally from a legal perspective you are authorized to award salaries for positions according to the ordinance and you can't award a salary that is higher than the ordinance without amending the ordinance.

Councilwoman Mirandi asked if the ordinances have been amended in the past.

Mr. Cannon stated that the ordinance has been amended several times to keep up with contractual raises.

Councilwoman Triggiano asked how much higher than the salary ordinance were they talking about.

Mr. McConnell stated \$10,000, the range is \$55,000 to \$65,000 in the current ordinance.

Councilman Zipprich asked why this concern wasn't brought up in previous meetings.

Mayor Menna stated he raised his concerns with respect to the level of the remuneration that was being demanded by one person versus the other, because he said he was concerned about the salary range.

Councilman Zipprich stated that it should have been brought up for discussion in Executive Session so that everyone a complete understanding of it, instead of bringing it up in a workshop meeting when we have already been through deliberations on this potential hire.

Councilwoman Triggiano asked if this is something that we should be discussing in Executive Session instead of here at the workshop meeting.

Councilwoman asked if the issue was that before we make the appointment, we need to amend the salary ordinance.

Mr. Cannon stated that that was correct and that he would defer to Mr. McConnell to say if there were any other stipends that went into the salary ordinance for this position.

Mr. McConnell stated that Ms. Borghi was not receiving any stipends on top of her clerk salary.

Councilwoman Mirandi asked if we could have a special meeting to approve an ordinance to amend the salary ordinance.

Mr. Cannon explained the process for amending an ordinance.

Councilman Ballard stated that he does not want the public to misunderstand what happened. He stated that the Council was presented with two viable candidates and all this background was known when the two candidates were presented to us. He stated that they were presented with these two candidates, and they picked one.

Mr. Cannon stated that the choice of the candidate isn't the issue and that it is the money.

Councilman Zipprich stated that the money is an issue and that they needed to turn to their Borough Attorney to determine what the recourse is in order to move forward.

Mr. Cannon stated it would be introducing and adopting an amended salary that is in the range of the salary that was offered. He stated that he would work with the Administrator and the Deputy Clerk to get it done within the required advertisement time.

- c. Resolution to introduce the Special Improvement District Budget.

Mayor Menna stated there was no issue with that and that it should be placed on the regular agenda.

- d. Resolution Acknowledging that Cannabis Business License Application has Proposed a Type of Cannabis Business that is Permitted within the Borough and Would Not Exceed Any Municipal License Limit.
- e. Resolution Acknowledging that Cannabis Business License Application has Proposed a Type of Cannabis Business that is Permitted within the Borough and Would Not Exceed Any Municipal License Limit.
- f. Resolution Acknowledging that Cannabis Business License Application has Proposed a Type of Cannabis Business that is Permitted within the Borough and Would Not Exceed Any Municipal License Limit.

Councilwoman Triggiano asked if the numbers we received were in line with other municipalities and asked for a little bit more background on that.

Mr. Cannon stated that those that have opted in about 40% of them have limits on the number of licenses and types of licenses.

Councilwoman Triggiano stated that her concern was regarding the municipal licensing fees.

Mr. Cannon stated that that is different than what they are talking about right now and that that ordinance is on for public hearing in the regular meeting, and he believes that there is at least one person who has contacted us to object to the licensing fee and that they should make it smaller for microbusiness and make it match the State.

Mr. Zipprich asked if we do not have a limit on license and if our licensing was more geographical.

Mr. Cannon explained about the regulations regarding cannabis licensing, what the resolutions authorize and the municipal licensing procedures.

Councilwoman Triggiano stated that the borough was unique in that they did the geographical map and that the areas that were chose were pretty constrictive as it was and that there were very specific places that shops would be able to open as is.

Councilman Zipprich agreed with Councilwoman Triggiano assessment regarding the geographical maps limiting the space for licensing. He asked if each one of the resolutions was just an acknowledgement so that the regulatory committee can keep track of what we're allowing in town, and it enables us to keep track of who's coming to town and what type of cannabis business they are.

Mr. Cannon stated that the applicants have to submit a very comprehensive package to the State in order to become a licensee and that part of that package is an acknowledgement from us that they wouldn't be in violation of the type of license we allow and that we're withing the amount we are allowed to have.

Councilwoman Mirandi asked if the applicants could sell the license to someone else.

Mr. Cannon stated that he does not know the answer to that. He stated that this process is similar to how they issue liquor licenses. He stated that something that may come into play is whether applicants can get a variance to put the license somewhere we don't necessarily allow, but that the key is to just take it one step at a time.

ii. Proclamations

- a. Women's History Month
- b. Colorectal Cancer Awareness Month

Mayor Menna stated there was no issue with the proclamations and that they should be placed on the regular agenda.

Finance

i. Ordinances/Resolutions

a. Resolution to hire part-time inspector

Mr. McConnell explained that this is for the tax assessor's office because the current inspector resigned.

Councilwoman Mirandi stated that it is a part-time position with no set hours, but has a salary attached to it. She asked if there was any idea how many hours will be worked because to her it seems it would be a per hour wage.

Mayor Menna stated that his long-term understanding is that the inspectors in the tax assessors' office go out and do all the measuring and then report back to the assessor what is needed in terms of hours of work and that would be normally dictated by the assessor. He stated that his recommendation is for Councilwoman Mirandi to have a discussion with the tax assessor, as the head of the Finance Committee, to firm up what the duties are and how many hours are anticipated and if it would make more sense to do an hourly payment, per diem payment or a yearly salary.

Councilman Zipprich asked if there was a salary ordinance range that we should be working within.

Mr. McConnell stated that the range is \$6500 to \$7500 in the salary ordinance, but for the sake of the conversation the salary for the new inspector is the same as the departing inspector.

Councilman Ballard stated that looking at the assessor's report it states that there are 41 property owner filed appeals. He asked if there was a list of those appeals.

Mayor Menna stated that the assessor does and explained that they are filed electronically at the County.

Councilman Ballard asked if the assessor could send a copy of the list to the members of the Council.

Councilman Zipprich stated that tax appeals impact the budget preparedness. He stated that in years past when Councilwoman Lewis was on the finance committee, she looked at the number of tax appeals that had been filed that year and completely understood what the onslaught was going to be as it affected the borough's annual budget.

ii. Discussion/Action

a. Report – CFO Budget Status

Mr. Swisher explained where they were in the budget planning and that they will have something out to Council at the end of the week. He stated that the hope would be that they would be able to have a finance committee meeting sometime next week to go over the budget and then they would set up a time to go over it with Council.

Councilwoman Mirandi stated that it is very concerning to her that for two weeks she has been asking for the working budget and she has been denied access. She stated that she doesn't know why, as the finance chair, it is so difficult to see this document and that she does understand that it is not complete.

Mr. Swisher stated that he's not sure about the borough's policy, but in other case that he's been involved with the budget is put together, then it is given to the Council, and he believes that's how it's been in the past because it is a work in progress.

Councilwoman Horgan stated that in reading emails that it appears that there isn't a document that can be provided at this point. She asked what the benefit would be to seeing an incomplete budget.

Councilwoman Mirandi stated that her point was that even if it was incomplete, she asked for it and she should be able to see it.

Councilman Ballard stated that past budgets have been in an Excel spreadsheet format on Google Docs and that they all had access to it to see it evolving. He stated that he would look at it often to see any changes and to find out why it was changing. He stated that he thinks it is fair that Councilwoman Mirandi wants to see it so she can know what she's voting on.

Councilwoman Horgan stated that she believes that they were waiting to be able to give her the entire document and not just parts of it.

b. Audit

Mr. Swisher stated that he wanted to let Council know that they did receive the 2022 Audit Report and that the members would be getting an electronic copy and asked if anyone wanted a hard copy of it. It was the consensus of the council that an electronic version was preferable. He stated that he wanted to meet with the finance committee to go over the findings in the report and that they would have to develop a corrective action plan. He stated that they should be able to accept the audit report and approve the correction action plan at the next meeting.

c. Auditor Appointments

Mr. Swisher stated that the previous auditors, Fallon Co., were appointed in January of 2021, and they received a contract for the year 2020 to do the audit in 2021. He stated that in January of 2022, the Otteau firm was appointed to do the 2022 audit in 2023. He stated that there was a mix up somewhere down the line and no one was appointed to do the 2021 audit. He stated that as part of doing the audit they also do the Annual Financial Statement which is done towards the beginning of the year and that is the document that is used to do the budget, so we need an auditor to do that. He suggested that the auditor that was in there already would be more familiar with the town, but that it is up to the Council.

Councilman Zipprich stated that he makes a valid point regarding the Fallon firm. He stated that at the end of last year there was a glitch in the system regarding the bid packages.

Councilwoman Mirandi asked when the audit is typically done.

Mr. Swisher stated that the audit is supposed to be completed by June 30th per statute, but that it was extended last year until September 30th due to Covid.

Councilwoman Mirandi asked if Fallon would be able to have the 2021 audit done by June.

Mr. Swisher stated that we would have to ask the firm that because he doesn't know what their schedule is.

Councilman Zipprich asked who prepared our Annual Financial Statement for 2021.

Mr. Swisher stated that if the resolution is approved to appoint Fallon that they would be the ones to do it. He stated they would be doing both the financial statement and the audit for 2021.

d. Dissolution of the RDA

Commissioner Ballard stated that at the last meeting the Council passed a resolution for the CFO to do dissolution plan for the RDA and asked what the progress was on that.

Mr. McConnell stated that the process is a bit time consuming, and it is on the agenda to be worked on.

Mr. Cannon stated that the legal standard for that is that we would have to show where the money would go to that is in the RDA accounts and any liabilities that might be outstanding.

Councilman Ballard asked if they had begun drafting the resolution or ordinance that would be the first read to get rid of the RDA or are they waiting for something back from the DCA.

Mr. Cannon stated that he is waiting for the Annual Financial Statement so he can include whatever the plan is within resolution.

e. Bond Counsel

Mayor Menna asked who our bond counsel is.

Mr. McConnell stated that it is Wilentz.

Mayor Menna stated that in the past we had appointed other bond counsels as well and asked if we did the same this year.

Mr. McConnell stated that it was the Wilentz.

Mayor Menna stated that there may be an issue that they will need to speak about in Executive Session.

Police

i. Discussion/Action

a. Report: February 2022

Mr. McConnell stated that he had nothing to add to the report and that they will be gearing up for the hiring of their summer employees/staff, but other than that he had nothing to report.

Councilwoman Mirandi asked for clarification on some arrest amounts that were in the report. She stated that in one spot it says there were 33 arrests, but that on another sheet it says 22 and asked if they should be the same.

Mr. McConnell stated that the UCR is by national standards, so not all arrests count towards our federal reporting because it ultimately goes to the FBI. He explained which offenses would be reported and which wouldn't.

Councilwoman Mirandi asked if moving violations were included in the total traffic stops.

Mr. McConnell stated that they are two separate things and that traffic stops are how many vehicles they actually pull over and the summonses track the number of moving violations.

b. Meetings

Councilman Ballard stated that at the last meeting Mayor Menna had stated that this meeting would be held at Borough Hall, and he was curious as to why that didn't happen.

Mr. McConnell stated that it was asked that there be some kind of hybrid meeting and do not have the ability to do that right now. He stated that the IT company came out and took some measurements, so it is in progress, but we're not capable of it right now and the meeting would have had to have been a full in-person meeting, and we wouldn't be able to have any type of electronic version of the meeting.

Councilwoman Sturdivant stated that they met with the IT company on February 24th, and Intron can give us an overview of what's been going on since November 2021 in terms of all of the IT infrastructure that's been going on and the change in email that's been taking up a significant amount of time. She stated that it was discussed that Greg would give us a solution as to what is a good hybrid solution for us because we briefly discussed a few options, but we wanted to get some more estimates and proposals in terms of how we can actually implement it and she does not see an opportunity or a solution for them to present hybrid at this point.

Councilman Ballard asked if we were waiting to go hybrid before we go back into the Council Chambers and how long would that take.

Mayor Menna stated that he goes to a lot of meetings throughout the state and that we are in the dinosaur age, they have already returned to in-person meetings and they're doing it successfully and he thinks we should aim for the next meeting for an in-person meeting.

Councilwoman Triggiano asked if the hybrid option could be set for the next meeting.

Mayor Menna stated that the discussion he heard was that it would not be ready for the next meeting and what he is saying is ready or not ready he thinks we should go in-person.

Mr. McConnell stated that they will advertise for the next meeting to be in-person and that there won't be any hybrid or electronic version yet.

Councilman Zipprich asked if they would be able to still use Zoom for anybody that is uncomfortable company to the meeting if we went in-person.

Mr. McConnell stated not at this point.

Councilwoman Sturdivant stated the coming in-person was a big concern to residents.

Councilman Ballard stated that we should poll the Council.

Councilman Zipprich stated that other municipalities are using Zoom and in-person and asked what the obstacle is here.

Mr. Cannon stated that the only place he's seen it 100% successfully is Fair Haven. He explained how other towns are handling it right now and what system Fair Haven is using and how it works. He stated that the device that Fair Haven uses costs about \$1000 and that they have an employee there who handles the device the entire time.

Councilwoman stated that until we get a consensus on whether or not we want to make the financial investment into upgrading our system, we are going to stay in a stalemate indefinitely. She stated that she is for that investment and that she believes that is the way to move forward.

Councilman Zipprich stated that he agrees that it is an investment worth making and considering the amount of money we have spent on technology over the past three years, \$1000 is not a lot of money.

Councilwoman Triggiano stated that we need to pick a path and find away around this and that seems to be what Councilwoman Sturdivant is trying to do in making sure that there is a smooth transition. She stated that we need a consensus to move forward with the device and the employee to handle it.

Councilman Zipprich suggested maybe doing a shared service agreement with Fair Haven.

Councilwoman Mirandi stated that if there is a solution that works just as well and you don't have to have an extra person, we should look into it.

Councilwoman Triggiano stated that she hasn't heard of any municipality that runs hybrid meetings that didn't have to hire an extra employee and if that is something that we have to do then we just need to deal with it and move forward.

Councilwoman Sturdivant stated that she would like to get our IT company's opinion on the subject in terms of what type of technology that we move forward with.

Mr. McConnell stated that they had mentioned the device to the IT company, and they were going to look into it, and they were also going to look at other similar solutions. He stated that in the meantime, he did need direction on how they would handle the next meeting so we can schedule it properly.

Councilwoman Sturdivant stated that she would like to have as much engagement with the residents as possible and given the fact that we do not have a hybrid solution in place at this time I would like to continue with the Zoom meetings.

Councilwoman Triggiano stated that Zoom has made meetings more accessible for her and that access transcends to other people as well and that awaits a more concrete answer from the IT department and looks forward to moving forward.

Mayor Menna stated that pending further discussions with the IT company we would be delaying in-person meetings.

Councilwoman Triggiano stated that she would like to have at least a goal set of having a hybrid meeting by June.

Councilman Ballard stated that the only reason he wants to move to the in-person meetings is because we have been talking about hybrid meetings for two years and he worries that if we continue to use Zoom as a crutch there's no urgency to get the hybrid up and running.

Councilwoman Mirandi asked if we could have a compromise of one meeting a month on Zoom and one in-person.

Councilwoman Triggiano stated that might get a little confusing. She stated that she understands both points, but that she feels Councilman Ballard's point was that going back in-person would be the catalyst for moving forward.

Councilman Zipprich stated that the committee would be having a meeting with Intron next week to go over our options and he thinks that the sooner we can get this done the better.

Councilwoman Mirandi stated that we should continue with the hybrid because the residents really appreciated that there was more engagement, but she agreed with Councilwoman Triggiano that we need a deadline.

Councilwoman Sturdivant stated that she has been on the Council for a little bit over two months and this is something she's passionate about, ensuring that our residents are involved either virtually or in-person. She stated that they would be meeting with the IT group to review some solutions and at that time we can make a hard date as to when we expect to be back in Borough Hall.

Councilwoman Horgan stated that she would like to stay hybrid, but that she is looking forward to getting back in-person.

Mayor Menna stated that there was a determination that the next meeting would continue as we have been doing as a result of the Council's discussion.

Public Works

i. Ordinances/Resolutions

- a. Resolution to hire Public Works Skilled Workers

- b. Resolution to hire Public Works Worker
- c. Resolution to hire Public Works Worker
- d. Resolution to hire Water/Wastewater Operator

Mayor Menna stated that he believes that there is no issue with the hirings that were recommended by the committee.

ii. Discussion/Action

- a. Report: February 2022

Mayor Menna asked if there were any questions on the report.

Councilwoman Sturdivant asked if the Parking Utility revenue included parking ticket revenue.

Mr. Keen stated no, and that parking ticket revenue is through a different process.

Councilwoman Sturdivant asked if that goes into the parking utility revenue.

Mr. McConnell stated that it goes through the court revenue.

Councilwoman Sturdivant asked if a column could be added to show the previous month's revenue compared to the current month.

Mr. Keen stated that he could do that and that he had used 2019 because there was nothing to compare it to from 2020-2021.

- b. Plastic Film Recycling

Councilwoman Triggiano stated that she had had a resident ask her if they had missed the plastic film recycling pickup and they had asked if there was a place that they could bring it.

Mr. Keen stated that residents have called his office about the same thing, and they were told to bring it to Public Works.

Councilwoman Triggiano asked about the drop off bin at Borough Hall and if that could be another location.

Mr. Keen stated that that shouldn't be a problem.

Councilman Zipprich asked about the other bins that were located around town when we started the plastic bag collection years ago and if there were other locations that we could possibly put other bins.

Mr. Keen stated that he wasn't in Red Bank at the time that began, but he believes that was part of the laws regarding supermarkets having a drop off location. He stated that we had the one at 90 Monmouth Street and they collect at 75 Chestnut Street anytime and the recycling center when it is open.

Councilman Zipprich asked if we get any revenue from the program.

Mr. Keen stated that we do not and most of recycling doesn't have revenue anymore either.

Land Use

i. Discussion/Action

- a. Report: February 2022

Mayor Menna asked if anyone had any questions. There were no questions, and the report was accepted.

Correspondence

There was no correspondence.

Public Comments

Councilwoman Sturdivant offered a motion to open the meeting up to the public, seconded by Councilwoman Triggiano. A voice vote confirmed all in favor.

Ben Forrest, 16 Locust Avenue – stated that he wanted to comment on the discussion regarding the meeting format. He stated that he applauds their decision and that he feels this is the best compromise in staying with the current format and then going to hybrid when it's ready. He stated that he likes live meetings, and he misses them very much because there's a difference when you're in the room with someone and that the tones tend to be more respectful, and they can get pretty raw sometimes. He stated that he also agrees that more people have access to the meetings when they are virtual because they are not able to get to the meetings in-person for any number of reasons.

Cindy Burnham, 71 Wallace Street – stated that she wanted to address Broadwalk and the committee they were speaking of and that there was a committee before for this which included residents. She stated that the problem with that committee was that residents and businesses that aren't in the area of Broadwalk, and that she thinks it is really important to get resident representation from people who are affected by the area. She stated in regard to the hybrid meetings, it is unacceptable that it has taken so long, and they are really in the dark ages compared to other towns. She stated in regard to the Redevelopment Agency and that when it was created it was said that they could end it any time and now they're having to go through a lot of protocol to disband it and asked why that is.

Mayor Menna stated as members of the Council, they all take an oath to follow the law and the law says there's a certain process to disband it and they are legally to follow the law.

Ms. Burnham stated in regard to the Senior Center, and if they have put that out to bid yet.

Mr. McConnell stated that it is ready to go to bid and that he is waiting on the actual bid documents and setting the return date from the architect, and we should have it any day now. He stated that we couldn't do it until we had the funding approved.

Councilman Zipprich stated that there were just a few minor corrections to be made and that it should be good to go.

Mr. McConnell stated that he would follow-up on the status.

Stephen Hecht, 135 Branch Avenue – stated that the Mayor had indicated that not having oversight over the number of hours that the part-time tax assessor inspector is a practice of the assessor's office. He asked if he meant it literally and it's not statutory and if it would be possible for the Council to require that the part-time inspector list hours.

Mayor Menna stated that he was sorry if that was the way Mr. Hecht interpreted what he said. He stated that what he tried to say is the function of the assessor's office generally are setup and regulated by the assessor who has statutory responsibility over that office. He stated that in smaller town the assessor is also the inspector, but he doesn't think that that is something we can do here. He stated that what he meant to say is the thresholds of that office are really to be administered by the assessor.

Mr. Hecht stated that when you hire an attorney you have a maximum number of hours that the attorney submits based on how he spent the money that was allocated. He stated that it seems to him that somehow due diligence is not being respected if indeed a part-time employee does not have to account for their time. He asked if there was any other part-time employee in the borough who does not have to account for their time.

Mayor Menna: There are a number of them, and he's not suggesting that they don't do their work, but there are employees who are given a stipend that are part-time. He stated that they perform their duties, and they perform them admirably and we generally do not ascertain how much time they spent performing their duties because they may perform more hours or less hours, but they get the job done.

Mr. Hecht stated that they are talking about \$7500 a year.

Mayor Menna stated that the municipal prosecutor gets a stipend and how many hours he spends in court we don't know, but he does his job, and he gets paid for it.

Mr. Hecht stated that it seems to him that fiduciary responsibility of this Council is somehow being overlooked with respect to this issue.

Andrew Zeitlin, 820 Orchard Road – stated that he is a partner in Canopy Crossroad which leases space at 9 West Street. He stated that they are a group of Red Bank citizens that are pursuing a cannabis license at the State level. He stated that it is a very involved process and so we would love to educate the Council on some of the nuances of this law. He made the following statement, "We are a group of Red Bank entrepreneurs applying to the State for a CREAMM Act license, that is the Cannabis Regulatory Enforcement Assistance, and Marketplace Modernization Act. The acronym for this I think is very important, the front part of CREAMM is regulatory enforcement, which I'm sure we all agree is the responsibility of all community members and particularly our company. This means that you need to keep pot away from kids, it's only for adults. So, we are very, very sensitive to that issue, it's fundamental to the operation of the business. The backend of the acronym is assistance marketplace and modernization, and what that really is speaking to is if you read through the ordinance, which I've had to do in order to apply, is to making cannabis legal, to repair some of the damage that was done when it was illegal and to allow New Jersey residents to build the industry for themselves, not allow out-of-state cannabis operators and multi-state operators to take over and dictate how this business is going to develop. The act actually specifies a category license called a micro-license, this allows local entrepreneurs to build where all owners must be New Jersey residents, we must be either a Red Bank resident or adjacent to the town to be an owner, all the money has to be from New Jersey residents, the business must occupy less than 2500 square feet so it's a limited operation, we're only allowed ten employees, but the point of the whole thing is to allow residents or local entrepreneurs to get into the industry because it's already very, very mature from other states and what happens is that multi-state operators put a lot of money in, your going to end up with a representative from that company and you'll never have access to making decisions about the business is operated. I believe that Red Bank residents want to encourage local business and what better way than to respect the CREAMM Act and create a micro-license application fee of 10% of a whole business fee as the state does and in my statement that I submitted, I attached the table of fees that the state uses for the various different types of cannabis licenses and so at that level it's \$10,000 for a normal retail operation, but for a micro-license it's only \$1000. What we're asking is, could you

create a category in the fee section to say that a micro-business license would be charged \$1000 and then \$250 annually. That's my statement and I appreciate your attention and if you have any questions for me or you would like to meet another time, like I said I'm a resident and I studied this industry, my background is actually as a chemist, so I take this very, very seriously and I thank you and I appreciate your time."

Mayor Menna thanked Mr. Zeitlin and stated that he appreciates his informative statement, I just wanted to correct one thing, Orchard Street is not Red Bank, it's located in Middletown Township.

Mr. Zeitlin stated that he is a representative, there are several Red Bank residents that are investors and are owners, so I just want to correct that I'm adjacent to Red Bank as a representative to the company.

Dominic Rizzo, Catch 19 – stated that he wanted to thank everyone for letting Broadwalk happen the past two years. He stated that last year they invested a lot of money in their outside seating and outside décor, and he took pride in the way it looked compared to other towns. He stated that he was under the impression that we would be going forward with Broadwalk this year and that he does understand that we're under the mercy of the construction, but he wants to get a consensus going forward that we're all on the same page of Broadwalk being open, especially this year and years moving forward and what the timeframe is on it.

Sue Viscomi, 25 Cedar Street – stated that she's glad that the crosswalks are being discussed but that she wanted to bring up the crosswalk at Drs. James Parker Boulevard and Bridge Avenue. She stated that when the artwork was initially put down, she was concerned about maintaining it and it isn't being maintained and she asked what was going to be done about it. Her second concern was regarding the dissolution of the RDA and if we were incurring any costs because there haven't been any meetings so there shouldn't be any costs. Lastly, she stated that she wanted to thank Councilwoman Mirandi for being on top of the budget.

Councilman Zipprich stated that he wanted to address Ms. Viscomi's crosswalk issue and he that he had addressed the issue with Mr. Keen and the intersection is to be cleaned up and the image will be painted over.

William Poku stated that he wanted to address the comment that Councilman Ballard had made about the appeals. He stated that he happens to be one of the 45 and that earlier this year he had spoken to the Mayor and Council and urged that people take advantage of the right to appeal. He stated that the situation with Red Bank is that if you buy a \$100,000 house, you would expect that the value of the house would increase, and the revenue generated would lower the tax, but that's not what's happening in Red Bank. He stated that each year the assessments keep going up and in past appeals he had mentioned the Freeze Act to the Monmouth County Board of Taxation, and they claimed that the act did not apply, but since then there has been a ruling that residents should not be deprived of the Freeze Act. He stated that soon an ordinary person will not be able to buy in Red Bank due to the increasing assessments and taxes and the law recognizes that the assessment is arbitrary. He stated that they should look into just settling the 45 rather than ending up like Mount Laurel where people are being driven out. His second issue was the hybrid situation and he stated that he didn't understand why we haven't asked Ms. Viscomi about her expertise in that area.

Mark Halloran, 25 Morie Place – stated that he wanted to circle back to Mr. Zeitlin's comments about Cannabis Crossroads and that he may not live in Red Bank, but there are several others in that business that have been in Red Bank for over 30 years. He stated that the point that Mr. Zeitlin was trying to make is that it is really a microbusiness, and it is limited in where it can be placed, the square footage of the property and the number of people it can employ. He stated that they would also like the fee for the business to reflect that of the State.

Kevin Kelleher, 66 John Street – stated that he would like to echo what Mr. Halloran was stating about Mr. Zeitlin's discussion and that it is important to have homegrown Red Bank residents here in town rather than looking at out-of-state businesses. He stated that the micro license is important in that it spurs local growth. He stated that it is important that the town take into account the residents' perspective on this because it is a new business.

Sue Viscomi – stated that she wanted to follow-up and get an answer as to whether the executive director or any other professionals of the RDA still getting paid.

Mr. McConnell stated that he cannot remember any expenditures this year.

Ms. Mirani stated that on the bills getting paid today there is a payout for legal services.

Mr. McConnell stated that he would look into it.

Councilwoman Triggiano offered a motion to close public comment the meeting, seconded by Councilman Zipprich. A voice vote confirmed all in favor.

Councilman Zipprich stated that he was in receipt of Mr. McConnell's memo in regard to the Marion Street Community Garden and the meeting with the DEP and asked for a quick synopsis as to what's transpired with remediation and whether we will be able to use that property again.

Mr. McConnell explained what the next steps would be doing next and what properties would have investigative testing done. He stated then there will be remediation and any financial obligations would fall onto the DEP.

Councilman Zipprich asked when the DEP would be there to do the remediation.

Mr. McConnell stated that it would be the end of the year into next year.

Councilman Zipprich asked if there would be any restrictions if they were to bring in raised beds and soil.

Mr. McConnell stated that that would not be recommended because they will be excavating the property to remediate it.

Councilman Zipprich asked if there were any legal ramifications that could come from that.

Mr. Cannon stated that he doesn't think there's a legal prohibition from it, but he doesn't know how many people they would get to sign up to plant on that property in the condition that it is in.

Mayor Menna stated that we can just roll into the regular meeting.

Councilman Zipprich offered a motion to adjourn the meeting, seconded by Ms. Horgan. A voice vote confirmed all in favor.

Respectfully submitted,
Bonnie K. Thomas, Deputy Municipal Clerk