

**MINUTES
REGULAR 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.

ROLL CALL

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

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

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Resolution 22-48: A Resolution Approving the 2022 Budget of the Special Improvement District of the Borough of Red Bank.

Mayor Menna asked for a motion to introduce the resolution, Councilman Zipprich offered a motion, seconded by Councilwoman Sturdivant. A voice vote confirmed all in favor and the public hearing was set for April 13, 2022.

Councilwoman Triggiano read a proclamation proclaiming March 2022 as Women’s Health Month in the Borough of Red Bank.

Councilwoman Mirandi read a proclamation proclaiming March 22 as Colorectal Cancer Awareness Month in the Borough of Red Bank.

Public Comment (Agenda Items Only)

Mayor Menna opened public comment.

Alan Hill, 64 McLaren Street, stated that he noticed in the minutes members of the public’s are actually recorded in the minutes and he wondered why that was because to attend the meeting by Zoom you have to register your address anyways and at a regular in-person meeting you have to state your address. He stated that some people are sensitive to having their addresses publicized especially when documents are available on the internet. He stated that his second item most committees or commissions do not allow for public comment on draft minutes which causes corrections having to be made months after the meeting, if at all. He stated that he was glad to see that this evening minutes are available before public comment because he does have an item of accuracy in the minutes of March 2, 2022 where it states his address is 74 McLaren and it should be 64. He stated congratulations for all of the new appointments on the agenda tonight, but he asked how the recruitment of the CEO going and he would like to know what progress has been made.

Mayor Menna stated that the Council is deliberating on it.

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

Minutes

Councilwoman Triggiano offered a motion to approve the minutes of February 9, 2022, seconded by Councilman Ballard. Councilwoman Mirandi abstained from voting and a voice vote confirmed all others were in favor.

Councilwoman Triggiano offered a motion to approve the minutes of February 16, 2022, seconded by Councilwoman Horgan. A voice vote confirmed all in favor.

Councilman Zipprich offered a motion to approve the minutes of February 23, 2022, seconded by Councilwoman Horgan. A voice vote confirmed all in favor.

Councilman Ballard offered a motion to approve the minutes of February 24, 2022, seconded by Councilwoman Mirandi. A voice vote confirmed all in favor.

Councilman Zipprich offered a motion to approve the minutes of February 27, 2022, seconded by Councilwoman Horgan. A voice vote confirmed all in favor.

Ordinances – Public Hearing/Final Adoption

2022-04: 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 open the public hearing, seconded by Councilwoman Sturdivant. A voice vote confirmed all in favor.

There were no comments from the public.

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

Councilman Ballard offered a motion to adopt the ordinance, seconded by Councilman Zipprich. A voice vote confirmed all in favor.

2022-05: 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 Horgan offered a motion to open the public hearing, seconded by Councilman Zipprich. A voice vote confirmed all in favor.

Mr. Cannon stated that for members of the public the comments and corrections that were discussed in Workshop would be incorporated into the ordinance.

There were no comments from the public.

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

Councilman Zipprich offered a motion to adopt the ordinance.

Councilwoman Triggiano asked if they were saying to adopt with amendments regarding micro licensing with the adjusted rate.

Mayor Menna stated that the only thing that we are adopting is what was already prepared and advertised. He stated that amending that ordinance now would be a substantial change and we would have to readvertise it.

Councilwoman Triggiano stated that she was just asking because the attorney mentioned adopting with changes with the comments that were taken in during the Workshop meeting.

Mr. Cannon stated that he meant that if we wanted to amend the ordinance with those comments that we would reintroduce the ordinance. He stated that the state is accepting applications on March 15th, so we certainly have time to reintroduce the ordinance if we choose to amend it.

Councilwoman Triggiano stated that she just wanted to make it clear that if that were an amendment that the majority of the people wanted to make and that they felt that there is a social justice issue in the pricing and offering a micro business level that change would have to be voiced now.

Mayor Menna stated that we can't do it now because we have to reintroduce it.

Mr. Cannon asked if they could start with the preliminary question as to whether they are in favor of the change or not.

Mr. Zipprich asked if once it is adopted tonight if it can be amended at a later date and readvertised.

Mr. Cannon stated that there are two options, and they functionally take the same amount of time. He stated that they could pass the ordinance now and make another amendment which will have to be reintroduced and readvertised and reheard at a public hearing or they can table the ordinance and just do it all comprehensively at the same time at two more meetings.

Councilwoman Horgan asked what the benefit is of passing it now if in the future we will make an amendment. She stated that her opinion is that they should just table it and make adjustments and the reintroduce it.

Mr. Cannon stated that he wanted to make it clear that the specific adjustment that is being recommended is that the fee schedule match the CRC fee schedule at the state level. He stated that right now we have one fee for everyone, whereas the state has them tiered.

Mr. Ballard asked if we would have to reject the ordinance as it is now and reintroduce.

Mr. Cannon stated that either way they'll need another ordinance. He stated that they could adopt the ordinance now and then we could to an ordinance to amend it. He stated that procedurally it's the same thing.

Ms. Triggiano stated that it is their responsibility to either way, whether it's to table it now and introduce a new ordinance or adopted it now and do an amendment.

Mr. Cannon stated that it might be better to adopt the ordinance and then do an amendment to the ordinance because he doesn't know what the turnaround time will be for the state, as long as applicants know that there is an amendment going to be done.

Councilwoman Triggiano asked if she could get a consensus on whether they feel that they want to amend the ordinance to include the fee tiers based on what we heard earlier and equity for micro-businesses and local people investing in it.

Councilwoman Sturdivant stated that she would be in favor of the equity that was discussed earlier today.

Councilman Zipprich stated he would be in favor of that as well and that it is important that we pass this and then make those appropriate amendments.

Mayor Menna stated that his suggestion is that we should adopt the ordinance and then introduce an amendment which would be regarding the issue of micro businesses.

Councilwoman Mirandi asked if they could get more information on the licenses.

Councilwoman Horgan stated that she feels that a good idea as well, but that could be done when we make the adjustments.

Mayor Menna stated that we all have information on the ordinance that is before you. He stated that the suggestion that was made in the hearing is a critical change, so we should adopt what we have now and then introduce an amendment to the ordinance.

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was adopted.

Resolutions

By Consent Agenda:

Resolution 22-59: A Resolution for Payment of Bills Amounting to \$4,057,602.69.

Resolution 22-60: A Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations within the Borough of Red Bank.

Resolution 22-61: A Resolution Calling for Monmouth County to Implement Safe Pedestrian Crosswalks at the Intersection of Broad Street and Pinckney Road.

Resolution 22-62: A 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.

Resolution 22-63: A 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.

Resolution 22-64: A Resolution to Appoint Acting Director of P&R.

Resolution 22-65 A Resolution to Appoint DPW Skilled Worker.

Resolution 22-66 A Resolution to Appoint DPW Worker.

Resolution 22-67: A Resolution to Appoint DPW Worker.

Resolution 22-68: A Resolution to Confirm the Appointment of Water/Wastewater Operator.

Resolution 22-70: A Resolution Authorizing Appointment of Municipal Registrar.

Resolution 22-72: A Resolution Commending Pamela Borghi.

Resolution 22-73: A Resolution Amending the Borough's Professional Services Contract with Suplee, Clooney & Company for Financial Accounting Services for the Period January 1, 2022 through March 31, 2022.

Resolution 22-74: A Resolution Appointing Fallon and Company to Provide Financial Services for the Preparation of the Annual Financial Statement and the Performance of the Annual Audit for the Year 2021 ended December 31, 2021.

Resolution 22-75: A 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 by consent, seconded by Councilwoman Triggiano. A voice vote confirmed all in favor.

Tabled Resolutions

Resolution 22-69: A Resolution to Confirm the Appointment of a Part-Time Property Inspector.

Resolution 22-71: A Resolution Authorizing Appointment of Borough Clerk.

Both resolutions were tabled to the next meeting.

Mayor and Council Comments

Councilman Zipprich wanted to make sure that Glenn Carter is leaving RiverCenter and that we wish him well in his second retirement. He also stated that the RiverCenter invites all teens ages 13-19 to experience professional critiques in their artistic discipline and to attend workshops and exhibitions at the Teen Arts Festival on March 17 & 18, 2022.

Councilwoman Horgan just wanted to remind everyone that the egg hunt is on April 2, 2022 at 11am at Count Basie Fields.

Councilwoman Mirandi stated that the Shade Tree has been working hard with DPW to see if we can utilize the \$30,000 grant that we got a few years ago and they're in the RFP process to see if we can get some trees planted. She also stated that she would like to include personnel matters in the executive session for tonight.

Councilwoman Sturdivant stated that the students of Red Bank celebrated the 100th day of school and the schools also hosted the monthly Covid vaccine clinic on March 7, 2022 and that they enacted the optional masks for students. She stated that students from the Monmouth Conservatory for the February 4th Board of Education meeting and another concert was provided as the winter concert. She also stated that the Red Bank Charter School was renewed by the New Jersey Board of Education for the next five years and that they were also recognized by the state the charterschool.org organization.

Councilwoman Triggiano stated that the Red Bank Fire Department is conducting a fundraiser for a new marine unit through the fire department website and Facebook page and that they have raised around \$3000. She stated that we had Read Across America and several of them had had the opportunity to go into the schools and read to the students.

Public Comment

There were no public comments.

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

Executive Session & Adjournment

Councilwoman Horgan offered a motion to adjourn to executive session to discuss pending litigation and personnel with no action to be taken, seconded by Councilwoman Triggiano. A voice vote confirmed all in favor.

Respectfully submitted,
Bonnie K. Thomas, Deputy Municipal Clerk