

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
March 23, 2022
6:32 P.M.**

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on December 15, 2021.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Mirandi and Zipprich.

Council Members Mirandi and Zipprich arrived at 6:35 pm.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Proclamations

Child Abuse Prevention Month – April 2022

Mayor Menna read a proclamation proclaiming April 2022 as Child Abuse Prevention Month in the Borough of Red Bank.

UDRIVE, UTEXT, UPAY – Distracted Driving Crackdown – April 1-30, 2022

Councilwoman Triggiano read a proclamation proclaiming April 2022 as UDRIVE, UTEXT, UPAY – Distracted Driving Crackdown Monmouth in the Borough of Red Bank.

Appointments

Mayor Menna appointed TJ Moss to the Animal Welfare Advisory Committee as Alternate #1.

Councilman Ballard offered a motion to approve the appointment, seconded by Councilwoman Sturdivant. A voice vote confirmed all in favor.

Mayor Menna stated that the next appointment was Adrienne Bilaal to the Red Bank Housing Authority as the Governor's Appointee. He stated he was confused by the appointment because it was the Governor's Appointee, and that the Governor didn't contact him regarding the appointment.

Councilman Zipprich stated that the Office of Appointments needs supporting documentation in order for that person to be appointed to the authority.

Mayor Menna stated that he would be happy to do that but nobody from the Governor's appointment office contacted the Chief Executive of Red Bank.

Councilman Ballard stated that they are looking for Mayor Menna to contact them.

Mayor Menna stated that that's never happened like that and that it would be presumptuous of him to tell Governor Murphy who to appoint. He stated that if the Governor already has an appointment, he would be happy to do that, but the second reason he can't do it is that somebody's asking him to do a letter supporting Adrienne Bilaal and she has never talked to him about it, and he doesn't even know if she would take it.

Councilman Ballard asked about when Michael Clancy was appointed at the Governor's Appointee on the Housing Authority and how that was done.

Mayor Menna stated that he got a letter from the Governor saying that they intended on appointing him and that was it and that's how we moved on it. He stated that that's how it's done, and he didn't get that letter. He stated that he'd be happy to do it, but nothing came from the Governor's office to him.

Councilman Zipprich stated that apparently the current Governor's office doesn't work the way the past Governor's office did, and that they asked for a resolution to make this appointment and then an accompanying letter from the Mayor requesting that this person be appointed.

Mayor Menna asked if his letter should say that he has been requested to send a letter requesting that this person be appointed. He stated that he has never spoken with this person about it, and he doesn't even know whether or not she's the best candidate for it. or she might be. He stated that it is really a backwards way of doing it.

Councilman Ballard stated that they were just following the directive from the Governor's Appointment Office and that this is how they wanted it done. He stated that he doesn't know how it was done in the past, and he doesn't know what the correct way to do it, but this is what Governor Murphy's office is asking us to do.

Councilwoman Horgan asked if the Mayor ever got a letter.

Mayor Menna stated that he had not.

Councilman Ballard asked if they were going to hold this up.

Mayor Menna stated that he had never gotten communication from the Governor's office and that maybe other people did, but that that's not the way it's done. He stated that If they want to letter from him, they should send him a request to send them a letter and he'd be happy to do so.

Councilman Ballard stated the suggest that he will make the motion, and hopefully it's seconded and we approve it, and then we can send the minutes to the Governor's Appointment Office, and if that is improper, if they will let us know.

Councilwoman Horgan stated that she doesn't think that that's the way to do it at all and asked who got the letter from the Governor's Appointment Office.

Councilman Ballard stated that he spoke to the Governor's Appointment Office.

Mayor Menna stated that it is a new era, and some people want to do things the way they want to do it, and if that's the case, that's the Council's choice.

Councilman Ballard stated that he is not going to tell the Governor how to run his office. He stated that they asked us to do it this way and that this is the way he wants to do it.

Councilwoman Horgan asked what supporting document he has.

Councilman Zipprich stated that position has been vacant on the Housing Authority and that Councilman Ballard reached out to the Governor's Appointments Office to find out how this was going to be handled in to have the Governor make the appointment, and the Governor's Appointments Office gave Councilman Ballard direction on how the borough should approach this, which is how it ended up on tonight's agenda.

Councilman Ballard stated that he wanted to step back for a minute because people are questioning him, and he asked if they were suggesting that he's not telling the truth.

Councilwoman Horgan stated that she was suggesting that it would have been appropriate to send background material to all of us, because we have no supporting documents. She stated that she wanted to know what the process is because she thinks that they were not informed.

Councilman Ballard stated that they have made many appointments to the Housing Authority, and they have never bought it up and that he doesn't know what they have against Ms. Bilaal to all of a sudden wanting to stop and check her credentials and that he doesn't know why they want to interrupt Ms. Bilaal's appointment. He stated that this is what the Governor's office has told him to do.

Councilwoman Horgan stated that it's not a question about right or wrong, but it's about transparency, and asked what Councilman Ballard received from the Governor's Office.

Councilman Ballard stated that he received oral direction and asked why they are questioning this. He asked what it is against Ms. Bilaal that was different from every other appointment.

Councilwoman Horgan stated that she knows Adrienne very well and that she's certainly not against her and that she's sure that she is very qualified for this. She asked how many Governor's appointees have they had.

Councilman Zipprich stated that they had Michael Clancy in the last one that the mayor wrote a letter to have him appointed.

Mayor Menna stated that that was after he was asked to write a letter, and after he interviewed Mr. Clancy and after he assured him that he would take the necessary courses, which he did and after he gave me a resume. He stated that the Governor's Office asked him to write a letter, not a third-party.

Councilman Zipprich stated that this Governor's office has apparently asked them to do a resolution and provide them with the appointment.

Mayor Menna stated that the Council can do what it wants.

Councilman Ballard asked if Mayor Menna was suggesting that he won't write the letter.

Mayor Menna stated that he didn't say that at all and that he said he was not asked to write a letter, and now they're telling him they don't even need a letter and that we need a resolution.

Councilman Ballard stated that they will send the Appointment Office the resolution and that he was sure they will reach out to the Mayor requesting that because this is what was requested when they wanted the appoint JP Nicolaides way back when, but that never got off the ground.

Mayor Menna stated that he was in favor of moving that appointment early on, but, unfortunately, the council didn't have sufficient votes at the time that it was asked, and he wanted to move it, but instead of moving it at that time, because it would not have been favorable, he held off until a time when it was favorable to move it, and he acted upon it immediately upon that.

Councilman Zipprich asked if he made the mayoral appointment.

Mayor Menna stated that that was correct and that he believed that he was the right appointee at that time, he had the credentials, he had spoken to him about it, he reviewed his resume.

Councilman Zipprich asked if he reviewed his resume.

Mayor Menna stated that he's known him as long as Councilman Zipprich has and that he knows what he's done, and he knows what he's capable of.

Councilman Zipprich stated that then the Mayor hadn't reviewed his resume.

Councilwoman Triggiano asked if they could please move along.

Councilman Ballard stated that he makes a motion to appoint Adrienne Bilaal to the Red Bank Housing Authority as Governor's appointment, which is requiring a letter from our Mayor to their Appointment Office supporting this nomination. Councilman Zipprich seconded the motion. A voice vote confirmed all in favor with Councilwoman Horgan abstaining.

PUBLIC COMMENT (Agenda Items Only)

Attorney Cannon stated that if members of the public would like to be heard at this time, they should raise their electronic hands now and he would recognize them and give them the floor.

Stephen Hecht stated that he had a question and possibly a comment about Resolution 22-80 with respect to the cannabis business license. He stated that he recalls that at the last meeting there was some discussion about the \$10,000 license fee for cannabis enterprises and a discussion about what he believes was referred to as a mini-license, which would be about one-tenth the cost of the \$10,000 license. He asked if this resolution was connected to that discussion.

Interim Administrator McConnell stated that this is not directly related to that and that it is simply a resolution of acknowledgement that we essentially as a Borough have approved cannabis businesses and that we have not exceeded the limits of licenses that we're willing to provide because we didn't set up a number limit on our licenses.

Mr. Hecht asked if he understands this correctly, it is not related to the discussion that he witnessed about a \$10,000 or a \$1,000 license.

Interim Administrator McConnell stated that that was correct.

Mr. Hecht stated that although he certainly understands why a licensee would prefer to pay \$1,000, as opposed to \$10,000, he's not quite sure he understands why the license grantor would be willing to grant the license for \$1,000 when the cost of a license is advertised as \$10,000. He stated that the question that he has, and it may or may not be pertinent at the moment, is what is the difference between a \$10,000 license and a \$1,000 license, and why would the Borough give up 90% of the \$10,000 to grant a \$1,000 license.

Interim Administrator McConnell asked Attorney Cannon if the Borough had taken action at all to set a number of \$10,000 or simply a discussion that that was a potential licensing fee. He stated that the gentleman that called in two weeks ago, discussed that the borough should consider making a \$1,000 fee for a mini license, but again, no action was taken by the borough on either one of those dollar amounts.

Attorney Cannon stated that the borough has taken action and adopted a flat \$10,000 license fee with the ordinance that was adopted at the last meeting. He stated that the Cannabis Act envisions different tiers of licenses for different types of entities. He stated that obviously there's markets that are already for cannabis elsewhere in the country, so one of the concerns with the underlying legislation was that who win New Jersey was going to be able to compete against the equivalent of Kraft foods that comes here from California and that it was equivalent to opening a hot dog stand or a cheese factory and trying to compete with Kraft. He stated that they wrote into the law social justice parameters that if you meet certain criteria as a resident of the State of New Jersey who makes a certain income and capital level and are basically small operators or a previously disadvantaged community, through opportunity portions of the Act. He stated that people at the last meeting were making the argument that at the State they're making a distinction between large corporations and local operators and that they are local operators here in Red Bank and you have a flat fee that's the maximum under the State statute. He stated that they were looking to do a tiered system that mirrors the State's system and that if you have the type of license that the State considers to be a social justice license then the borough should also be matching that as matter of policy because of policies are mismatched. He stated that the small operators pay \$1,000 to the State and then have come to Red Bank and pay \$10,000 when the State recognizes that there is a class of operators that deserves help in getting opened and to keep it a local market within the State, helping economically people in the State versus other money interests that come from the outside the State from other markets that are already existing. He stated that that's the overall rubric, the borough passed the \$10,000 fee and there was some discussion, and that he will have an ordinance for the next meeting to either workshop or introduce to show them what that looks like and then have further discussion on that.

Mr. Hecht asked if the State would qualify those people who will qualify for a special mini license at \$1,000 or will the borough.

Attorney Cannon stated that by the time they come back to us, they'll have the kind of license that denotes what kind of operator they are. He stated that they have to get a license from the State before they ever come here and do anything in Red Bank or in any municipality.

Mr. Hecht asked that if the State gives them a \$1000 license, does that mean that we need to give them a \$1,000 license.

Attorney Cannon stated that that is a legal question that has yet to be answered in this brand-new area of law, so he could not cite any precedents one way or another.

Mr. Hecht stated that he just wants to know who's going to be responsible for deciding whether a person who wants to do any cannabis business, is going to pay \$10,000 or \$1,000 for their license.

Attorney Cannon stated that at this moment they're going to pay \$10,000 and if the council sees fit to adopt a matching fee schedule for the municipality that matches the State then the people that are in each class of license at the State we would just have that transfer over to the borough, but that we would rely on the State to do the vetting. He stated that it is much like the liquor licenses where the Alcoholic Beverage Control is really in charge and we have some level of local control, that's the way he set up the rubric to mirror that. He stated that we do not have the resources to vet that with this scenario of law, nor have other options been flushed out, so his notion would be that we would rely on the experts in the State, who were pulled from around the state to serve on the commission, as to what we should be doing and following.

Mr. Hecht stated that he just feels that, once again, the council, perhaps inadvertently, the Council abdicates its responsibility for the local control that it should have on these issues. He thanked Mr. Cannon for his explanation.

Mr. Hecht stated that he had one more comment that he wanted to make based on the introductory portion of tonight's meeting and that is that he has known and supported each Councilperson individually and collectively, except for Councilwoman Mirandi in the same way that he knows the rest of them and so he would not address these remarks to her, but they really need to get together, they need to stop the bickering, they need to stop the infighting, they need to do something to help the public be able to trust them and support them.

Councilman Zipprich stated that he opened up Resolution 22-80 that Mr. Hecht just referred to, and he asked who Pink Balloon that is referred to in the resolution.

Interim Administrator McConnell stated that they are the perspective licensee.

Councilman Zipprich asked if that was different than the business that was referenced in the resolution named Canopy Crossroad.

Interim stated that it sounds like there might have been a copy and paste error, but that he'd have to look at it to see for sure.

Councilman Zipprich stated that in the beginning of the resolution it states Canopy Crossroad and at the end of the resolution it states Pink Balloon.

Interim Administrator stated that that appears to just be a typo and that an old resolution was probably used as a template and one of the names wasn't switched.

Mayor Menna stated that the resolution is approved subject to review and correction of the type of graphical issues, raised by Councilman Zipprich, by the Borough Attorney and the clerk prior to its being released.

Councilwoman Triggiano stated that based on the last discussion, she knows that they had all discussed as a Council that we were looking for there to be a possible amendment in that direction and asked the Borough Attorney if that will be prepared.

Attorney Cannon stated that the next meeting will be for the workshop discussion and then it can be moved on to introduction.

Mayor Menna asked if there was any other public comment.

Sue Viscomi – 25 Cedar Street – stated that she was calling regarding the first reading regarding the dissolving of the Red Bank Redevelopment Agency. She stated that she is just curious if there's any additional outstanding costs or liability that still needs to be processed or paid.

Mayor Menna stated that there have been no additional costs.

Ms. Viscomi asked if there would be a summary of expenses and how will the expenses flow through the budget, because in theory the original intent was it to be self-funding, and now that it's going to be dissolved, did the expenses and costs hit last year's budget, or is any of it going to flow into this year's budget.

Mayor Menna stated that that would be an accounting question that either the auditor or the CFO would address and that they would be happy to go through the records and provide a report.

Mayor Menna asked if there were any other public comments. There were no further comments.

Mayor Menna asked for a motion to close the Public Comment portion of the meeting. Councilwoman Triggiano offered a motion, seconded by Councilman Zipprich. A voice vote confirmed all in favor.

Councilman Ballard asked Attorney Cannon if he could address some of Ms. Viscomi's financial questions, because as part of the ordinance there had to be some kind of financial due diligence. He stated that it's actually part of the ordinance about financial disclosure of the RDA.

Mayor Menna stated that that would be an appropriate discussion item and we can all discuss it at a public hearing. He stated that he didn't get that ordinance until that afternoon, and he didn't have a chance to review it.

ORDINANCES – First Reading

- 2022-07: Ordinance Dissolving the Red Bank Redevelopment Agency Pursuant to N.J.S.A. 40A:12A-24 and Repealing Article XIII: “Redevelopment Agency” of Chapter 9: “Boards, Committees, and Commissions” of the Revised General Ordinance of the Borough of Red Bank.

Mayor Menna stated that Ordinance No. 2022-07 is regarding the Council's request to adopt an ordinance dissolving the Redevelopment Agency, which is a legislative function of the Council, and asked for a motion and second.

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

ROLL CALL:

AYES: Mirandi, Sturdivant, Ballard, Horgan

NAYS: Triggiano, Zipprich

There being four ayes and two nays, the ordinance was approved, and the public hearing will be held on April 13, 2023 at 6:30 p.m.

RESOLUTIONS – By Consent Agenda

- Resolution 22-69: A Resolution to Confirm the Appointment of a Part-Time Property Inspector.
- Resolution 22-79: A Resolution for Payment of Bills Amounting to \$1,521,751.56.
- Resolution 22-80: 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.
- Resolution 22-81: Resolution Authorizing the Borough of Red Bank to Refund Developer’s Escrow Account Balances.
- Resolution 22-82: A Resolution Accepting Bids and Awarding a Resolution Accepting Bids and Awarding Contract to Z Brothers Concrete Contractors, Inc. for Improvements to the Borough’s Eastside Public Parking Lots.
- Resolution 22-83: A Resolution Authorizing Temporary Emergency Appropriation.

Mayor Menna stated that there are a number of resolutions that are listed under consent, and that if the council wishes to withdraw any of those resolutions from en masse that can state that at this time.

Councilwoman Mirandi stated that Resolution No. 22-69 hadn’t been resolved as of yet that cheap and that she had a question on 22-83.

Mayor Menna explained that the adoption of a temporary emergency appropriation is not an emergency, but it is merely a term of art that is part of local government enshrined by the Division of Local Government Service in order for a municipality to pay its ongoing operational bills that have to be paid for a period of time. He stated that it is an authorization to spend sums the deal with the payment of bills. He stated that the reason why it's called a temporary emergency appropriation is because until a budget is formally and legally adopted by council, we have to provide for the orderly payment of the bills which are pension benefits, health insurance, police officers, the public works employees, and other borough employees. He stated that it is the regular funding of the day-to-day operations that are not in the budget, so it is in anticipation of these expenditures being paid that we have to have what is known as a temporary appropriation of these funds in reserve to pay the bills.

Councilwoman Mirandi stated that she understood that and that this is for 6.3 million and previously it was passed for 5.9 or 6 million and that her question was how far those funds go out, because one was passed at the beginning of the year, and she wanted to know what this was for now.

Mr. McConnell stated that these funds, if the budget isn’t adopted, would be to reach the end of May. He stated that the first one was essentially for the first quarter of the year which expires in a week or thereabouts.

Councilman Ballard stated that it looks like the temporary budget is going up approximately \$400,000 to \$600,000.

Mr. McConnell stated that the emergency appropriation is much more than that at 4 or 5 million dollars.

Councilwoman Mirandi stated that this was on top of the first one to get to the end of May for a total of 11 million.

Councilman Ballard asked if the residents could make the assumption that we're a little less than half the year, and we're at 11 million.

Mr. McConnell stated that they can't really extrapolate it exactly because some of the payments be coming to due at certain times of year and some are not exactly quarterly or monthly, so they're making some payments that come up heavy during the beginning of the year that they have no control over when they come due, so you can't necessarily say 11 million got us through 5 months, and hopefully they have a budget before the end of May this year.

Councilman Ballard stated that he wanted to be sure that people aren't making the assumption that this can be used as a trend to project what our full year budget is going to be and that they set it higher than it needs to be to make sure that they don't run out of money.

Mr. McConnell stated that that was correct.

Mayor Menna asked for a motion to approve Resolutions 22-79 through 22-83. Councilwoman Triggiano offered a motion, seconded by Councilwoman Horgan. A voice vote confirmed all were in favor.

Mayor Menna asked Councilwoman Mirandi if she was asking for Resolution 22-69 to be tabled or if she wanted to have further discussion on it.

Councilwoman Mirandi offered a motion to table Resolution 22-69, seconded by Councilman Zipprich.

Councilwoman Triggiano asked what the issue was with the resolution.

Mayor Menna stated that Councilwoman Mirandi would like more of an opportunity to discuss it with the Assessor and the Administrator.

Councilwoman Triggiano asked what committee that would be discussed under.

Mayor Menna stated that the committee would be finance because it is the Assessor's Office which interacts with our taxable collection and it's inherently part of finance.

Councilwoman Triggiano stated that they just had a finance committee meeting last week and that this was not brought up for discussion, so she was a little confused and that they will discuss it this week in a finance committee meeting.

Councilwoman Mirandi stated that this was brought up at the last meeting and that she had questioned the fact that in the past they had been paying this position a salary and she didn't understand why a very, very part-time position was being paid salary, and then she was asking questions about what this person did, how many hours they spent and what they actually did and that she was told that they don't know. She stated that it doesn't make sense to her to pay somebody a salary when they don't even know how much work they're doing, and that's why she has been asking questions and why they need follow-up to make sure that they don't continue to pay a salary when they don't know how much work is being produced.

Mayor Menna stated that in deliberations outside of this particular hearing with the committee, it would not be unusual to bring in the Assessor, and maybe even to call in the County Assessor, who is the preeminent expert on these things, and bring them into that discussion outside of this particular meeting.

Councilwoman Mirandi stated that Mr. McConnell had been having discussions.

Mr. McConnell stated that it has been actively going back and forth for about 10 days at least and that they are still trying to collect accurate information and that he wanted to bring it before the whole Council, so it wasn't off the radar to keep it open to everybody.

Mayor Menna stated that there was a motion and a second to table the resolution. A voice vote confirmed all were in favor.

MAYOR AND COUNCIL COMMENTS

Councilman Horgan stated that the library has a new locker system, and that the installation has upgraded the popular curbside service with a new colorful self-service locker system which contains 34 compartments and is located on the porch to the left of the entrance. She stated that this new system will provide patrons with access to their material 24/7 and that patrons will be allowed to check out materials from books to cake pans and soon even Chromebooks. She stated that the contactless system makes the Eisner Memorial Library more accessible and convenient for everyone. She stated that instructional videos on how to use the locker system in both English and Spanish are available on the library's YouTube channel and website. She stated that funds for this project in excess of \$67,000 was provided by The Institute of Museum and Library Service which is an independent agency of the US Government and that Red Bank was one of 22 libraries across the nation selected for this funding, and that the grant also included upgrades already made the library's internet service ensuring the patrons can connect to the library network without experiencing a drop in internet connection. She stated that other grant initiatives coming soon include the acquisition of 20 new Chromebooks and upgraded hardware and software that will enable the library to provide hybrid programming. She stated that now that spring is upon us, thoughts are naturally drifting towards planting and that the library has a seed library which community members donate seeds, the library catalogs them, and then offers them free to the community and that people do not need a library card to take seeds out and that the resource is available to everyone. She stated that the library is most interested in native, edible, and pollinating plants. She stated that tax forms and instruction books are available free of charge during the hours library is open, wearing masks in the library is optional and to please log onto their website, redbanklibrary.org, because there are so many new programs and activities for the whole family and that they are doing a great job there.

Councilwoman Horgan stated that for Parks and Rec there are several events coming up to include the Spring Egg Hunt on scheduled for Saturday, April 2nd at 11 a.m., with a rain date of April 10th, it will be at The Count Basie Field and that families are asked to arrive at 10:30 a.m. and line up and please bring a basket. She stated that Juneteenth will take place on Saturday, June 18th from noon to 5 p.m. at Johnny Jazz Park and that there will be keynote speakers, live music, vendors, and food trucks. She stated that summer camp registration opens April

4th for Red Bank residents and May 2nd for out-of-towners. She stated that the Little Rascals Camp for ages 3 to 5 will run for 5 weeks from 9 a.m. to 1 p.m. and Rascals Camp for ages 6 to 12 will run for 6 weeks from 8:30 a.m. to 3:30 p.m. She stated that the summer series of concerts in the park, movies and fitness will begin July 19th and run through August 18th. She stated that Parks and Rec are looking for sponsors for the summer series, and that if anyone knew of an organization that would like to donate it would be very appreciated. She stated that Pride in the Park will take place on June 11th from noon to 4 p.m. at Riverside Gardens Park, and there will be live music, giveaways, and vendors.

Councilman Ballard stated that he wanted to thank TJ Moss for stepping up. He stated that TJ is the owner of Fins and Feathers, and he has spoken with our chairwoman Debbie Marks and expressed his willingness to serve on our Animal Welfare Committee, and he just wanted to thank him and welcome him to the committee. He stated that he also wanted to thank Adrienne Bilaal for stepping up and wanting to be part of the community to help residents. He stated that he wanted to apologize to Adrienne for having to go through that and that it was never his intention to put her through such a rigorous examination, but again, he wanted to welcome her to the Housing Authority. He stated that the Governor's position has been open on the Housing Authority for over six months now, and that it's not like there's a line of people waiting to volunteer their nights to step up and be volunteers on the Housing Authority and help those residents in Montgomery and Evergreen Terrace. He thanked Ms. Bilaal for finally stepping up and offering to fill this position. He stated that there are no "requirements" to sit on the Housing Authority by statute, except a desire and a willingness to learn and serve. He stated that he wanted to again welcome Adrienne to the Housing Authority and that he is sure that we followed the governor's appointment office's direction properly and the appointment will be summarily supported.

Councilman Ballard stated that he just wanted to throw a question out to the Mayor and Mr. McConnell about Mr. Barry Cook who still owes us a report that's coming up on a year. He asked if anybody had heard from Mr. Cook and if they had anything from him.

Mayor Menna stated that he has communicated with him in the past on a professional level on this issue to the extent of inquiry that he doesn't care what his investigation shows or doesn't show or whether it is started or stuck in neutral or completed and that it is not of import to him personally, but it is a public matter and he asked him to prepare a report for the council. He stated that regretfully he has not received a reply except for communication over four months ago when he was pushing it that evidently Mr. Cook had been unsuccessful in speaking with certain people regarding the investigation and other people may have had counsel, and he told Mr. Cook to figure it out and give them a report. He stated that he is dissatisfied at the no response, even if the response is that they don't have anything or there is nothing. He stated that it would be his recommendation to terminate, since they have not been billed, a relationship on this matter and the council can appoint an attorney of its choice with a specific deadline to submit a report, even a preliminary report. He stated that it sadness him that they've taken that action, and that he can't seem to get a reply, but it certainly has not been out of lack of effort and trying in a professional deliberative matter to not tell Mr. Cook what to do or what to say, but for him to tell us something or nothing, but they need a reply. He apologized and stated that that is the only thing that he can add to that discussion, but my recommendation would be that the council should terminate and cut its ties and start with somebody else if that is their desire.

Councilman Ballard stated that he was disappointed as well that this has gone on for almost a year and that the report that they were given was the best that they could get. He stated that he received an email from Mr. Cook on January 21, 2021, which he responded to and provided him with documentation that he requested, so he has some information and whether he wants to move on it is a different story. He stated that the Mayor recommended him specifically to undertake the investigation, but he's not sure if he even reached out to people, and it is very, very disappointing that an attorney of such prestige would just not do the job that was requested of him. He stated that there is evidence that he made attempts and then just dropped, but that he thinks they need to take the Mayor's advice and find an attorney who's willing to provide them the report that is needed for them to move on because it's never going to go away until we get closure.

Mayor Menna stated that he agreed and that he had to add to what Councilman Ballard said that he offered anything that they needed over a year-and-a-half ago.

Councilman Zipprich stated that he could say the same thing as the Mayor, and that he sent all of his supporting documentation to Mr. Cook when he asked for it, and that it is just disappointing that he has not come to any conclusion at this point.

Mayor Menna asked if it would be the Council's desire to move in the fashion that he had indicated because it is not an argument among us and that he didn't want it to be a fulcrum of disagreement with the Council when the Council is in agreement that they wanted a deliberative report and opinion.

Councilwoman Triggiano stated that she was in agreement and that she emailed back in February about this issue as well as other issues that she believes are of deep concern in protecting the borough and not only the borough's reputation, but the borough's integrity, and at that time it was stated by the Mayor to immediately recommend alternate counsel and to advise Mr. Cook of the termination of his retainer due to no response. She stated that she is on board and that they are all united and understand that things like this can't keep floating around and action has to be taken.

Councilman Zipprich stated that it may be time to turn it over to the cybercrime unit at the Monmouth County Prosecutor's Office.

Mayor Menna stated that he wasn't sure that they would take it because there has to be a crime and in order for that there has to be an investigation, and that they can't just wash their hands and say turn it over to them because they may never hear from them, but there has to be a determination that an offense in the nature of a cybercrime has been committed before they can even look at it.

Councilwoman Triggiano stated that once again, it also feels like Groundhog's Day in Red Bank, where they have had this conversation numerous times and that her main concern is not the person who leaked that email with the will documents, although it would be lovely to find out who it was, the main concern is the contents of those documents and whether or not a bid was messed with or not messed with, and that she's sure anybody involved would like their names cleared as soon as possible in the appropriate manner, but that this constant diversion to a cybercrime or who leaked it is really a distraction from what would be the main ethics violation, according to the Department of Community Affairs. She stated that she believes all of them would like to see both of those things, but the main priority being let's make sure that they have it clear and that they have an ethical Council.

Councilman Ballard stated that he doesn't agree that leaking attorney privileged emails is not a big deal, and they don't acquiesce to OPRA requests all the time because of attorney-client privilege, so to say is OPRAable is just not true.

Councilman Zipprich stated that Borough Attorney, during the course of the ensuing weeks that followed that leak of confidential information that Councilman Ballard and himself were left off of, he had reminded all of the members of the governing body at that point in time to preserve all of their documents electronic and otherwise.

Mayor Menna stated that there's been a lot of talk and it's going to be kicked at least to the next council meeting, so why don't they take a straw vote right now, and that is, as part of an administrative matter can they direct the Borough Attorney to inform Wilentz Goldman and Mr. Cook that their work on this matter has ended because of non-reply, and then at the same time the Administrator provide a list of three other attorneys for the Council to consider.

Mr. Cannon stated that he had a list of attorneys from last week that he could send along.

Mr. McConnell stated that he had already sent that letter to Mr. Cook, and he acknowledged receipt. He stated that Mr. Cook was obviously not responding to anything else and that he had sent numerous emails over a four-month period that weren't responded to and after we discussed it, he sent the letter because it was clear Mr. Cook was going to continue to be unresponsive for whatever reason.

Mayor Menna stated that the second step is to discuss alternative names at the next Council meeting, and they'll move forward.

Councilwoman Sturdivant stated that she wanted to extend her congratulations to Adrienne Bilaal for being appointed to the Housing Authority. She stated that she knows Ms. Bilaal will do a phenomenal job and make Red Bank proud. She stated that she had two updates and that the first one deals with education. She stated that Councilmen Ballard and Zipprich and herself met with the Superintendent of Red Bank Public Schools, Dr. Ramage, to get an update, and the schools are doing a very good job of a smooth transition back to face-to-face learning at the Red Bank schools. She stated that in addition, Nicholas Creamery, which the closest location to Red Bank is in Fair Haven, is supporting a fundraiser for a number of the public schools here in the county, and Red Bank Public School is participating in it. She stated that if they go to Nicholas Creamery, if they order the Sweet Dream ice cream flavor, which is basically a strawberry and cream type of ice cream, a donation will be made. She stated that moving forward she will be going to schedule a meeting to meet with the Red Bank Charter School next month to get some information on what they're up to and what type of support they need. She stated that her second update is in regard to IT and the Red Bank hybrid opportunities. She stated that they have a solution and plan to implement a hybrid for in person and virtual meetings moving forward. She stated that they met with the IT partner, along with the Chief and members of the Education of Technology Group, Councilmen Ballard and Zipprich, and we have a plan that includes leveraging the current TV monitor in the Borough Hall and adding multiple cameras and microphones for all of the council members, speakers so that live participants can continue to participate and speak. She stated that they will be using Zoom WebEx for the virtual components and that they will also have an option to move to another platform like Cisco or Slack if they decide that Zoom isn't the right solution for them. She stated that a dedicated administrator will be at each meeting to monitor the Zoom and the cost is approximately \$7,440 from start to finish. She stated that in terms of implementation, they're looking at anywhere from four to six weeks and that the requisitions were actually supposed to be submitted this week, so they should be moving forward on this fairly quickly and there's no resolution required for this funding.

Councilman Zipprich stated that he would like to offer his condolences to the Frazee family on the loss of Marion Frazee earlier this month. He stated that she was a wonderful neighbor and a terrific person. and that he is sure her family is grieving her loss. He stated that the DPU committee met today for the first quarter with Director Keen, Chief McConnell and Engineer Hermann walked them through an extensive agenda. He stated that the agenda had been shared with all the members of the committee via email. He stated that Director Keen gave them updates on the 2022 Road Program, which included the Broad Street project, the Spring Street project and informed them that CAFRA still has not returned information and approvals pertaining to the Marine Park project. He stated that funding is in place for that project in Marine Park through a bond ordinance that was a blanket ordinance for the White Street parking lot, Eastside parking lots and the Marine Park lot. He stated that Director Keen also informed them that the basketball and tennis courts in Eastside Park have funding available for rehabilitation through an open space grade through Monmouth County. He stated that the director also walked them through the Neptune 360 program for water metering and shared with them the information that the application can provide

for usage and which organizations are the largest users. He stated that the director also took them through the cost of labor associated with the plastic bag and film recycling program where he announced that about 300 people borough-wide were utilizing the curbside program. He stated that DPU has roughly 1,200 recycling buckets available for any neighbors who want to pick up and join the pilot program for plastic film and plastic bag recycling. He stated that four new employees have finally joined the department to replace some of our retirees, which is a good move for Director Keen and the entire team at Public Works. He stated that RiverCenter is currently searching for an executive director to replace Glenn Carter. He stated that they also have the street fair, which is a day filled with crafters and food vendors and lots of shopping, plus it's a great day to explore downtown and check out some of the new shops that have opened along with some of your old favorites. He stated that this event operates rain or shine and takes place on Monmouth Street on Sunday, April 10th, for more information about the event or how to become a vendor, you can go to www.streetfairs.org. He stated that the bunny is back for the 4th annual free egg hunt, which is different from what Councilwoman Horgan had mentioned earlier. He stated that the free egg hunt is downtown on Saturday, April 16th with over 9,000 eggs and that the starting line begins at 1 p.m. next to Teak Restaurant. He stated that they should get in line early and grab a map and a special gift when you bring it back to the starting point before 3 p.m. He stated that the bunny will have dropped all the eggs before the egg hunt begins, so he'll be at the starting point to meet, mingle, and selfie with everyone. He stated that kids 12 and under must be accompanied by an adult and that the event is being made possible through collaboration with the Red Bank Business Alliance. He stated that the bid packet for the Senior Center is out on the Borough's website, and the notice to bidders is to submit sealed proposals to the Borough of Red Bank by April 15th at 10 a.m. to the Borough Administrator's Office at 90 Monmouth Street. He stated that the seniors are very excited that this is finally coming to fruition and also Jackie and her team have been keeping our seniors occupied with shopping trips, but that they are also looking for artists to do demonstration and perhaps volunteer to teach a class or two on art and painting and to please reach out to Jackie Reynolds at jreynolds@redbanknj.org if you know anyone who might be interested in this art program that will give our seniors an additional activity to participate in.

Councilwoman Triggiano stated that she wanted to congratulate Dawn Shields for serving in our Borough for 26 years, and now Rumson is lucky enough to have her there as a Class 3 Special and she'll be working in their schools, and that she wanted to congratulate her on that move and that she knows that it will suit her well and that Rumson will benefit. She stated that the fire department is still having their fundraiser for their marine unit and that it can be found on the fire department website or the fire department Facebook page.

Councilwoman Mirandi stated that the Shade Tree Committee met last week, and that they have been waiting on one more bid to come in and then they can pick a vendor and hopefully plant 75 to 100 trees this spring using a grant that they had pre-pandemic. She stated that they will also be giving away their seedlings again this year partnering with the library and that is going to be on Saturday, April 23rd. She stated that the library is going to advertise it and the Shade Tree Committee will do the same. She stated that the finance committee had a meeting this week and went through the audit findings from 2020. She stated that at the next meeting they will be putting through a resolution to accept the findings as well as a corrective action plan. She stated that they also received a partial budget and that if they got the rest of it, they will be having another meeting on Tuesday to go through it. She stated that she is going to schedule a parking meeting for the following week, and that she met with a bunch of residents over the weekend, and they have concerns about parking and the impacts to the neighborhood of their parking concern, so they'll discuss that at that meeting. She stated that in the DPU meeting she had brought up that she would like to see them address an old ordinance that we have on the books that is regarding dog waste disposal and that she would like to see that ordinance beefed up so it does include that because there are so many issues in town with disposal of dog waste, they need to get that into that ordinance and put in there the penalties and fines associated with it as a start and that maybe they can talk about that at their workshop meeting.

DISCUSSION & ACTION

- a. Request from the family of Dr. William Lieberman to have a memorial bench installed at 152 Broad Street. All expenses will be covered by the requestors.
- b. Freddie Boynton's Plaque Unveiling; Johnny Jazz Park; Saturday, April 2nd; noon
- c. RB PBA Local #39 Street Fair; Monmouth Street; Sunday, April 10th; 11am-5pm
- d. JBJ Soul Foundation Day of Hope Walk; Tuesday, May 3rd; 11am-1pm
- e. Annual Robert "Doc" Holiday Memorial Car Show; White St. Parking Lot; 7am-4pm; (Sunday July 10th) RD: Sunday July 17th (date only)
- f. 8th Annual Michael (POP) Conlin Irish Wake Fundraiser at Dublin House; 2-7pm; Saturday July 30th. Requesting closure of White Street by English Plaza to Broad Street, then onto Monmouth Street to Dublin House for approximately 20 minutes. (date only)
- g. Lunch Break Annual Community Picnic/Softball Event; Count Basie Field; Saturday, August 20th; 8am-4pm; RD Sunday, August 21st
- h. Pride in the Park; Riverside Gardens; Saturday, June 11th; noon-4pm

Mayor Menna asked for a motion to approve the requests. Councilwoman Triggiano offered a motion, seconded by Councilman Zipprich. A voice vote confirmed all in were in favor.

PUBLIC COMMENT

Mr. Cannon gave instructions to those that would like to make a comment and asked if there was anyone who would like to speak.

Suzanne Viscomi – 25 Cedar Street – asked if the union contract was still not resolved and that she was just looking at for budgeting purposes. She stated that she believed there was a 5% increase earlier this year, and she didn't recall seeing the Council approve anything, but that she really doesn't make every meeting. She asked if the contract isn't ratified yet where are they in the process? She stated that she thinks the employees are very hardworking, very dedicated, and we have great employees, and that she is not trying to say anything against getting a 5% raise and that she was just curious what we can sustain going forward in this town as far as a 5% raise.

Mr. McConnell stated that he's not sure where the 5% raise came in and that they didn't give out a 5% raise to any union members, but that the contract is still under negotiation.

Mayor Menna asked if anyone else would like to speak. No one appearing, he asked for a motion to close the public comment portion of the meeting. Councilwoman Triggiano offered a motion, seconded by Councilwoman Horgan. A voice vote confirmed all in favor.

EXECUTIVE SESSION

Mayor Menna asked Mr. Cannon if there was any need for an executive session. Mr. Cannon stated that there was nothing on the agenda for tonight.

ADJOURNMENT

Mayor Menna asked for a motion to adjourn. Councilman Zipprich offered a motion to adjourn the meeting, seconded by Councilwoman Triggiano. A voice vote confirmed all in favor.

Respectfully submitted,
Bonnie K. Thomas, Deputy Municipal Clerk