

MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 2, 2019
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 July 25, 2019.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

ABSENT: Councilwoman Horgan

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, Attorney Cannon, Engineer Neumann and Department Heads.

ADMINISTRATION

Mayor Menna reviewed agenda items beginning with a proposed resolution to accept the resignation of the IT Director. He said everyone had reviewed it and it should move forward.

He asked the Administrator to review the Best Practices Inventory resolution.

Administrator Shehady advised the Council that the Borough was required to adopt a resolution accepting the Best Practices Inventory at the next meeting in order to meet the State deadline. He said he was working with the CFO on the spreadsheet and said it would be shared with the Council when the draft was complete. He explained that it was a survey distributed by the Department of Community Affairs to assess “best practices” and added that it was a tool used to gauge state aid distribution.

Mayor Menna said the next item was resolution to authorize a Grant Agreement with the NJDEP regarding Electric Vehicle Charging Stations.

Administrator Shehady explained that the Borough had submitted a successful grant application for Electric Vehicle Charging Stations. He said this would authorize the grant agreement so the Borough could receive the money.

Mayor Menna said the next item, a resolution to support a Veterans Tax Deduction for those living in Continuing Care Retirement Communities, had been adopted by a number of municipalities and said he saw no reason not to move forward with it.

Under discussion items, Mayor Menna noted the Grants Report had been received.

Administrator Shehady noted the report had been distributed late in the day due to the timing of the Workshop meeting and when the report closed out. He said he could address questions about the grants listed.

Mayor Menna asked the Administrator to address further discussion on the IT Director position.

Mr. Shehady said he had met with the IT Council Subcommittee after the IT Director had tendered his resignation. He said he was exploring different options including a shared service agreement with the County or the Public School system. He said he was also looking at privatization or hiring a Part Time/Consultant hybrid or a Full Time employee with different job specifications. He said his first recommendation would be for a shared service and his second choice would be the Part Time/Consultant hybrid. He said his third choice/last resort would be outsourcing.

Councilman Zipprich the Committee has also discussed reaching out to Red Bank Regional High School.

Administrator Shehady said he had contacted them but they had said there were not capable of doing that right now.

Mayor Menna said he believe they should explore all options and due a financial analysis.

Councilwoman Triggiano asked what the salary was for the current employee.

Administrator Shehady said it had been \$88,000+ without the cost of benefits added in.

Councilwoman Triggiano said she felt that it would not be difficult to fill the position and noted there were several qualified people making less than that.

Councilman Zipprich again noted the committee had wanted to explore various options.

Councilman Yassin asked for a preliminary recommendation.

Administrator Shehady said he did not have one yet but would provide a menu once he completed the research. However, he did add that his preference would be for a shared service agreement.

Councilman Zipprich said he would like to thank the IT Director for his service and review some of his accomplishments.

Administrator Shehady noted an attachment had been provided to the Council regarding the Census 2020 and the outreach process. He said he was soliciting feedback/suggestions on the issue such as who would be included on a municipal Committee.

Councilman Zipprich noted the Human Relations Committee had taken the lead on the project for the previous census.

Councilman Triggiano said the committee had met with interested stakeholders and asked if the HRAC chair would be the appropriate head of the Complete Count Committee.

Administrator Shehady said the Borough could designate whomever they want as the Chair. He said he would reach out to the HRAC Committee to see if there was interest but noted the Governing Body should adopt the resolution to designate the members of the Complete Count Committee.

Councilman Yassin said the State Senate and Assembly had reached out and had said there may be funding available. He suggested forming a combined committee.

Mayor Menna asked Councilman Yassin to address the matter of Commercial Vehicle Parking Regulations.

Councilman Yassin said he would like to defer on the matter for now pending further discussion.

Mayor Menna asked who would be addressing the proposed Balloon Release Ordinance.

Attorney Cannon said Councilwoman Triggiano had requested the ordinance and he said he had drafted it and forwarded to the Council for review.

The Council reviewed the details of the draft ordinance and how it would be enforced.

Councilwoman Triggiano noted similar ordinances had been adopted in other towns and reviewed the reasoning behind the ordinance.

A discussion followed on how it would be applied.

Mayor Menna said the process should start with outreach to the business community.

Councilwoman Triggiano again reviewed the intent behind the ordinance.

The discussion continued on how it would be applied.

Attorney Cannon said the ordinance had been tailor to large scale releases at special events.

Administrator Shehady suggested Council members email their thoughts to Attorney Cannon to be incorporated into a revised ordinance.

Mayor Menna noted the next Council Meeting was scheduled to fall on Yom Kippur and asked for Council comments on how they should proceed.

Councilman Zipprich asked that the discussion be held until Councilwoman Horgan arrived.

Engineering

Engineer Neumann reviewed her report and offered updates on various project. She said the 2018-19 Road Program was substantially complete and outlined remaining details. She also noted the NJEIT had accepted the planning documents for the White Street project. She said they would also be submitted to the DOT for compliance as part of a grant received from that agency. She said the bids for the Senior Center had come in above the estimate so the project would be re-bid. She said they gotten new plans that would convert from a dry system to a wet system which they hoped would lower the cost. She said the new bid opening was scheduled for 10/16.

Administrator Shehady said they hopes to award the contract on 10/23.

Councilman Ballard asked if the Borough had underbonded for the project.

Engineer Neumann said that was not necessarily the case. She said the proposals were not in line with the estimated costs.

There was a discussion regarding the bidders, the estimated costs and the differences between a dry versus wet system. Engineer Neumann noted that the responders had not been local companies but rather larger commercial installers. She said she was hoping to get bids from more local businesses. She reviewed other ways they had tried to cut costs such as having our Public Works employees doing the removal of the old system.

Administrator Shehady thanked Fire Sub Code Official Drucker for his assistance and he offered details on the differences between the two systems.

Construction Official Corcione offered additional information.

Councilman Ballard expressed concern about the length of time the project was taking.

Engineer Neumann said that was why they had tried to turn the bid around as quickly as they could.

Councilman Zipprich also noted the Engineering firm chosen to do the design work had taken a long time to deliver the plan.

Engineer Neumann continued her report noting that Eastside Park was substantially complete. She said the building had been ordered and said there was a 12 week lead time for delivery. She said the Borough would be purchased by the Borough but it was reimbursable under the CDBG grant. She said there were some repairs to be done by the contractor for damages to the irrigation system as part of the work as well as seeding and planting.

Councilman Zipprich asked if there was a deadline when the work had to be completed in regard to the grant.

Ms. Neumann said she followed up regularly with the County and said, as long as the Borough continued to show progress there shouldn't be an issue. She also reported that the Pearl Street Improvement Project had been awarded to Precise Construction and work should be getting underway.

Councilman Yngstrom asked for an update on East Bergen Place.

Engineer Neumann said the contractor was finalizing items. She said there was still an issue at Hudson Avenue and East Bergen Place relating to a pole and the moving of a guy wire.

Administrator Shehady added that JCP&L was looking to charge the Borough for holding the pole in place while work was being done. He said the alternative was that they move the guy wire.

Engineer Neumann said they could also drop the pole, whichever was easier for them. She said there had also been complaints about crab grass and said that would all be addressed on the punch list.

Councilman Ballard said he wanted to revisit the Senior Center project and asked about the timeline.

Engineer Neumann said she anticipated receiving bids on 10/16 with a recommendation for award at the 10/23 Council meeting. She said the timeframe for substantial completion was 45 days and final completion within 60 days. She confirmed the project would essential be completed in December under that timeline.

Councilman Ballard expressed concern about the length of time the project was taking.

Administrator Shehady said they were doing everything they could to try to stick to the timelines. He reviewed the efforts that had been taken.

Councilman Zipprich also noted that the design specs for the project were not done by the Borough Engineer.

Engineer Neumann said the plan were permit ready.

Councilman Ballard asked about meters that had been destroyed during the English Plaza contact and asked if the contract would be reimbursing the Borough for those.

Administrator Shehady said there was some confusion over what actually happened and the condition of the meters. He said they were not damaged by the contractor.

Councilwoman Triggiano said she understood that, even if they were damaged, that was not the reason why they were being replaced.

Administrator Shehady confirmed that that was the case.

Councilman Ballard said they still had value and the Borough should be compensated if they were damaged.

Administrator Shehady agreed but said that was not the case and said they were functional.

Councilman Yassin asked if they could be sold.

Administrator Shehady said they were going to explore that with the manufacturer or they might be auctioned.

Municipal Clerk

Municipal Clerk Borghi sked if there were any questions regarding her report. She explained that she had been advised that the Senior Center would not be available as a polling location. She said the County Board of Election had visited the location and did not think it should be the location for District 8. She said she had been told that an alternate location needed to be found. She said she had recommended Borough Hall. She noted the offices would be closed, with the exception of the Clerk's Office. She said the County had approved that recommendation.

Councilman Zipprich asked about moving the district into other existing poll locations.

Clerk Borghi noted that the recommendations were further outside the district than Borough Hall. She also noted it was a temporary move due to the construction.

Councilmembers suggested other locations.

Clerk Borghi noted 90 Monmouth Street was handicapped accessible, had a large parking lot and was only two blocks away from the regular location. She again noted it was only for the one election.

The discussion continued on the size and shape of the district and the location.

Councilman Yassin asked if there was anything the Borough could do to provide transportation.

Clerk Borghi said she believe the representative of the political parties usually made arrangements to help those who needed transportation.

Councilwoman Triggiano asked about outreach.

Clerk Borghi said each registered voter in the district would be sent a card and information would be posted on the Borough's website. She also reviewed requests and proclamations on the upcoming agenda.

Finance

Mayor Menna reviewed agenda items listed under Finance including the annual LOSAP payments, a tax appeal resolution and a resolution regarding a tax court settlement. He asked if any Councilmembers had questions about the CFO's report. He asked if there were any questions on the other Finance reports. There were none.

OEM/Fire Marshal/Code Enforcement

Fire Marshal/OEM Coordinator Welsh reviewed a recent County OEM meeting he had attended. He said he would review further at the next local OEM meeting. In regard to the Fire Marshal's Office, he said the State Division of Fire Safety had been in the office earlier in the day to familiarize staff with reporting software. Under Code Enforcement he reviewed issues with brush collection and enforcement concerns. He asked for notification to the public.

Mayor Menna called for information to be placed on the electronic sign, listed on the website and to be sent as an alert.

Police

Police Chief McConnell reviewed his report. He discussed the Department's Coffee with a Cop program and said the event earlier that day had seen the best turnout since they started the program. He said the next event they were having would be the Bike Light Giveaway and Bike Safety Event. He said they were working with local synagogues to host the event on 10/13. He said they had gotten permission to hold it on the NJ Transit property so it would be centrally located. He said the bike lights would be installed directly onto the bikes. He said they would also be giving away bike helmets and used bikes and also handing out bike safety literature. He said all of the Department vacancies had been filled except for the one patrol spot which he said he hoped to fill in the next few weeks.

Administrator Shehady said the Attorney had been working on the resolution for the County Agreement regarding the beacons and said he hoped to have it on the next agenda

Fire Department

Mayor Menna noted there was a proposal to amend the Fire Department Ordinance to remove the residency requirement for members of the Cadets and asked if there were any objections. None were voiced.

Public Utilities

Mayor Menna thanked Director Keen for his report.

Director Keen said there would be some upgrades implemented at Count Basie Park including painting, etc. Regarding the Senior Center, he said he wanted to remind everyone that, once the fire suppression system had been installed, there would still be additional work to be completed. He said the time line needed to account for replacing ceilings, etc. He said he also wanted to note the work done by his staff for various special events including both block parties and larger planned events. He said he wanted to recognize them for their efforts. He noted that the final brush pickups of the year would be 10/10 and 10/17. He said leaf collection would begin 11/7. He said he wanted people to understand that there would be enforcement.

Councilman Ballard said he wanted to thank the Department for their help with an issue on Leighton Avenue.

Parking

Director Calu reported the enforcement productivity had gone up to the point that the numbers at 3/4 of the year already exceeded last year's total. He said if the trend continued throughout the year, they would end up with 35 percent more enforcement actions which would translate to additional revenue. He said overall parking revenue was short by 6.5 percent from this time the previous year. He said he attributed this to three issues being 1) the scheduling of monthly reports and revenue collection procedures, they were missing three days of the month, 2) all of the revenues were not collected on the same days which meant some areas weren't collected in time to make the report and 3) the fact that the English Plaza lot had been out of commission.

Administrator Shehady reported that the presentation on the parking meters had gone well. He also discussed the need to rehab the White Street Parking lot. He said he, Parking Director Calu, DPW Director Keen and Engineer Neumann had met to review needs for the upcoming Parking Utility Bond Ordinance regarding White Street Lot and the parking meters. He said they were reviewing the Eastside Lots to see if they needed to be rehabbed and also the grass pad at Marine Park to see if it could be used for temporary parking until that plan was complete. He said he hoped to have cost estimates and proposals to the Council by the end of the month for the November Workshop meeting. He said he expected they would introduce the ordinance in November and adopt it in December which should enable them to procure the meters in January.

Councilwoman Triggiano asked what the cost of the meters was in total.

Director Calu said it was about \$241,000 give or take \$20,000.

A discussion followed on the various technology options of the meters.

Councilman Ballard thanked Mr. Calu for his work. He said one of the takeaways he had gotten from the Parking Study was that there was not enough parking. He said he learned that the Borough owns 25 percent of the parking in the Borough and private companies/churches own 75 percent. He said it had been suggested that the Borough work with the private entities to allow for parking in those lots to increase the inventory. He asked where they were with that.

Director Calu said he had had one meeting with one private entity and said they were reviewing their downtime so they could put forward a proposal for a public/private partnership. He said it had gone nowhere so far. He said he hadn't had the time or opportunity to reach out to any others, yet. He added that that was not his highest priority and also noted that another takeaway was lack of investment in the enforcement function was causing the parking supply to not be properly utilized meaning there was no turnover.

Administrator Shehady said the Management Report had called for managing the existing parking first to determine how much additional parking would be needed.

Councilman Yassin asked if they could move forward with the public/private partnerships while they were working on enforcement.

Director Calu said they were but, to date, they had been focused on operations.

Councilman Ballard said the entire point of the Parking Study was that there was not enough parking.

Administrator Shehady said that had not been the conclusion.

Councilman Zipprich said the conclusion had been that the Borough had ample parking but need to enter into public/private partnerships with the owners.

Administrator Shehady said there had been many different conclusions from the Study but basically said, before the Borough could determine how much inventory was needed, they needed to get a better handle on the existing Borough-owned inventory. He reviewed areas they were looking at and the steps to be taken.

Councilman Ballard encouraged outreach to the businesses.

Recreation

Mayor Menna acknowledged receipt of Recreation Director Hoffmann's report and that there would be a resolution presented to accept a Monmouth Arts Grant.

Senior Center

Mayor Menna acknowledged receipt of Senior Center Director Reynolds's report.

Land Use

Mayor Menna asked if there were any questions regarding the Mural Ordinance.

Administrator Shehady a draft application had been forwarded to the Council and said Attorney Cannon was drafting an ordinance based on the application. He said he was looking for feedback from the Council regarding the application and the process.

Attorney Cannon asked for suggestions.

Councilwoman Triggiano asked the reason for the ordinance and for formalizing the process.

Director Carter reviewed his experience with murals. He said many towns consider them signs and they seldom conformed to the sign ordinance so were forced before the Board of Adjustment. He said several years ago, Red Bank had implemented an information system which forwarded requests to the Governing Body through the Clerk's Office. He said that procedure was not consistent with Land Use Law and it had been decided that the process should be formalized for consistency.

Councilwoman Triggiano said she was aware of places where it was far less formal and was handled as an agreement between the building owner and the artist. She questioned the need for formalization. She said she felt, in places where public art flourished, it was a less formal process. She clarified that content was approved by the building owner rather than the Government. She said she was unsure what the benefit to public art would be.

Attorney Cannon said the Council could not regulate content. He said, because of that, there would be nothing to stop someone from painting a billboard on the side of a building. He said there was a regulatory reason for formalizing the process. He reviewed the draft application.

A discussion followed regarding public art, private art and billboards/signs as they related to Land Use Law.

Councilwoman Triggiano spoke of murals she had viewed in other cities and how the concepts were treated in those locations.

Mayor Menna expressed concern about the Council approving designs and also about vacant properties becoming billboards. He said he felt that called for a need for criteria.

A discussion followed on suggested criteria, jurisdiction issues and an appropriate approval procedure. It was noted that a process was needed to address adversarial situations.

Attorney Cannon said they should not be focusing on content but rather location and size of the proposed art. He said he felt the issue had arisen because the town had been so successful in creating public art. He said if there wasn't a process in place, when someone came through with something that was in the wrong place or objectionable, they would have a difficult time dealing with that issue. He said it was not anticipated that the process would change that much from the existing process but said the ordinance would codify it to ensure everyone went through the process.

Administrator Shehady noted requests came in different formats and with inconsistent information. He confirmed the need to formalize the process.

Councilman Zipprich said many of the murals had been implements in the Special Improvement District and were reviewed by the RiverCenter Visual Improvement District.

Administrator Shehady pointed out that they did not approve or regulate.

RiverCenter Executive Director Scavone said they could not approve content but reviewed to determine if it was a sign.

There was more discussion on whether or not regulation was needed. Attorney Cannon reviewed specific areas that were under the Council's purview and those that were not.

Administrator Shehady also pointed out that currently murals were not allowed under the Borough's Land Use Ordinance and, therefore, there was not process for approval. He said the process would also address requests for public art projects.

Director Carter noted that the procedure had been that requests were denied by Zoning and the applicants had appealed to the Council for approval. He said, while that process had worked so far, it really wasn't allowed under Land Use Law.

Clerk Borghi added that there had only been a few requests over the past couple of years but said the requests were increasing which had brought the issue to light.

The Council agreed move forward to confirm the process and to have a further discussion later to fine-tune the details including the issue of whether or not to provide for business names within a small percentage of the design.

Director Carter said that if business names were included it could be considered a sign. He also pointed out that if a store went out of business, the mural would still exist.

The Council continued to discuss the Land Use concerns and the problem with approvals done outside of those regulations. Attorney Cannon pointed out that an adjacent property owner could take issue with the types of the approvals that are currently being given.

Councilman Zipprich said the RiverCenter Special Improvement District had been reviewing requests. It was noted that not all of the requests would fall in that district.

Attorney Cannon said he was looking for Council feedback on the matter.

Mayor Menna discussed mural/signs on buildings that were in place 30 years ago and said he felt regulation was needed. He asked Council members to email Attorney Cannon with their comments.

Councilwoman Triggiano said she wanted to stress two points which were 1) she felt areas that had successful public art programs allowed for business names in the murals as an incentive and 2) she asked people to keep in mind that murals were not intended to be permanent.

Attorney Cannon said he would work on a draft.

Director Carter returned to his report and reviewed current projects.

Administrator Shehady also noted there would be a resolution on the next agenda to ratify the hiring of an Administrative Assistant for the Planning/Zoning office. He said there was also a discussion topic listed regarding 5G regulation which he said was something that would carry over a few meetings but he wanted it to be on their radar.

Building/Construction

Construction Official Corcione reviewed his report.

Administrator Shehady noted the office was down a sub-code inspector. He said they have advertised but there had been no applications.

Mayor Menna suggested an inter-local agreement with adjacent municipalities.

Mr. Corcione said he had checked with Tinton Falls to help with an inspection earlier in the week but said they were swamped also. He said he would continue to check with other towns.

October 9, 2019 Council meeting

Mayor Menna returned to discussion on the 10/9/2019 Council meeting which would fall on Yom Kippur. He noted that Councilwoman Horgan had reached out to inform him that she would not be attending the meeting. He asked Council members their opinion.

Councilwoman Triggiano said she did not feel they should meet on Yom Kippur.

Councilman Zipprich suggested they move it to the following Monday.

Clerk Borghi explained that there would not be enough time between meetings to meet advertising requirements for Public Hearings if the Council took action on Ordinances.

Mayor Menna suggested everything could be carried to the following meeting.

Councilman Yngstrom asked if there was anything on the agenda that could not wait until the next meeting scheduled for 10/23.

Administrator Shehady said there was nothing of a critical nature. He agreed that, due to advertising requirements, it would not make sense to reschedule to a different day.

Councilman Zipprich asked about the payment of bills.

Mayor Menna noted the Council had adopted the CFO to pay bills between meetings.

Councilwoman Triggiano said she felt cancelling the meeting was the respectful thing to do.

Councilman Ballard expressed concern about setting a precedent.

Councilman Yassin asked if the cancelling of meetings would be considered for other religious holidays as well.

A discussion followed on the importance of the day and the way it was handled in other organizations. The Council discussed which religions would be considered. It was noted that the calendar was set in January and it was the intent to avoid conflict with religious holidays. It was also pointed out that it was desirous to hold public meeting when members of the public could attend.

Mayor Menna said it was suggested the meeting should not be held out of deference and respect for members of the community who would be unable to attend a public meeting because of religious observances. He said neighboring communities were not holding meetings due to the holiday.

Councilman Yassin again expressed concern about setting a precedent and need to recognize all religions.

Mayor Menna called for a poll of the Council to approve cancelling the meeting.

AYES: Triggiano and Yngstrom.

NAYS: Yassin, Ballard and Zipprich.

There being two ayes and three nays, it was determined that the meeting would be held as scheduled.

COUNCIL COMMENTS

None.

CORRESPONDENCE

None.

PUBLIC COMMENT

Mayor Menna asked if there were any comments from the public.

Mike Vintzileos—264 John Street, South Amboy—said he was a medical cannabis patient and told his story about getting addicted to opioids and how it progressed to heroin before using methadone to try to get off of the drugs. He said he was appearing to thank the Council for their support in approving medical cannabis.

Lefty Grimes—Bayonne—said they had been attending a concert across the street from Borough Hall and had wanted to stop by the meeting to thank the Council for their unanimous support of approval of medical cannabis. He also asked that the handicapped door at the entry to the building be repaired.

No one else appearing, Mayor Menna called for a motion to close the public comment.

Councilman Zipprich made a motion to close the public hearing, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

19-241 Mayor Menna read a resolution to adjourn to executive session to discuss Personnel and Property Acquisition. No action to be taken.

Councilman Zipprich offered a motion to adjourn to Executive Session, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

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

ADJOURNMENT

Councilman Yngstrom offered a motion to adjourn the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being fove ayes and no nays, the resolution was declared approved.

Respectfully submitted,

Pamela Borghi