

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 13, 2020
6:30 P.M.**

ROLL CALL

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

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, and Attorney Cannon.

*Meeting held via video/telephone conference due to Governor's Executive Order.

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 11, 2019.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

None.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Mayor Menna asked if anyone from the public had any comments on any agenda items noting there would be public hearings for the ordinances on the agenda for final adoption.

Mike Conlin—Middletown, NJ—said he was the Borough's mason and was a Shop Steward for the CWA. He said he wanted to speak regarding Resolution 18-130 to eliminate the positions of the Recycling Center employees. He said they work 28 hours a week and assist residents with unloading recyclables. He said he believed, without these workers, residents would have to unload on their own. He said they also maintained the property and were both Red Bank residents and diligent employees. He said they had voluntarily worked holidays without compensation and had worked in snow storms. He urged the Council to consider the residents when making this decision.

Kevin Tauro—142 State Highway 35, Red Bank – said he was representing the Red Bank employees. He said this matter had come up in February in a discussion with the Administrator. He said an offer had been made to keep the employees on if they agreed to a pay cut which they declined. He reviewed the back and forth that had followed that discussion including an agreement that had been forwarded between attorneys. He reviewed requirements of the union contract. He criticized the Administrator and threatened to file countersuits and call Council members to testify.

Robert Greene – said he was one of the affected employees, was a veteran and had lived in Red Bank for 45 years. He said he supported and loved the town. He said he wanted people to know that they had worked diligently and had gotten positive feedback. He said he appreciated what the Council was trying to do but said it wasn't just about dollars but was also about people. He said residents did not just come to the Center to drop off recycling but sometime just came to talk.

John Cain—said he had been a Red Bank resident to 70 years and had started work in Red Bank in 1965 in Public Works. He said he later worked as a Police Officer and, after retiring, had gone back to work at the Recycling Center. He said he was disappointed and felt the Mayor and Council were saying that they were not capable of doing their job.

Mr. Greene noted that they had worked at the Recycling Center for six years and had often come in on Holidays not realizing they had had the day off. He said when they found they weren't getting paid, they had worked anyway. He noted the DPW Director had recently made improvements to the facility.

MINUTES & REPORTS

Regular Meeting minutes of 4/22/2020

Councilwoman Triggiano offered a motion to approve the minutes, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None.

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

Special Meeting minutes of 5/1/2020

Councilman Zipprich offered a motion to approve the minutes, seconded by Councilman Ballard.

ROLL CALL:

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

NAYS: None.

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

ORDINANCES - Public Hearing/Adoption:

2020-08 Mayor Menna read, "Ordinance Amending Chapter 608, Streets and Sidewalks, Relating to the Placement of Telecommunications Facilities in Public Rights of Way."

Mayor Menna opened the public hearing and asked if anyone would like to speak.

No one appearing, Councilman Ballard offered a motion to close the public hearing, seconded by Councilman Yassin.

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to approve the adoption of the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading:

None.

RESOLUTIONS

CONSENT AGENDA

Mayor Menna called for a motion to approve the following resolutions by Consent Agenda:

20-121: Resolution for Payment of Bills Amounting to \$4,272,171.70

20-122: Resolution Authorizing Resolution of the Borough of Red Bank to Refund Developer's Escrow Account Balances

20-123: Resolution Authorizing Tax Credits/Refunds Totaling \$503.78 due to Over Payment by Mortgage Company

20-124: Resolution Authorizing Water/Sewer Credit/Refund due to Billing Error

20-125: A Resolution Authorizing Tax Credits/Refunds Totaling \$2,798.54 due to Over Payment by Property Owner

20-126: Resolution Accepting the Resignation of Senior Technical Assistant Kimberly Farrington

20-127: Resolution Authorizing the Filing of a Recycling Tonnage Grant

20-128: Resolution Authorizing the Mayor and Clerk to Execute the Fy2021-2023 Agreement with Monmouth County for Cooperative Participation in the Community Development Program Pursuant to the Interlocal Services Act.

20-129: Resolution Authorizing the Advertisement of Bids for Solid Waste Collection and Disposal Services

Councilman Ballard offered a motion to approve the resolutions en masse, seconded by Councilman Yassin.

ROLL CALL:

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

NAYS: None

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

Mayor Menna called for an individual vote on the following resolutions:

20-130 Mayor Menna read, "Resolution to Abolish Position of Part-Time Sanitation/Recycling."

Councilman Zipprich offered a motion to table the resolution, seconded by Councilman Ballard.

ROLL CALL:

AYES: Ballard and Zipprich.

NAYS: Yassin, Triggiano, Yngstrom and Horgan.

There being two ayes and four nays, the motion was declared defeated.

Councilman Yngstrom offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard and Zipprich

There being four ayes and two nays, the motion was declared approved.

Councilman Zipprich thanked Mr. Green and Mr. Cain for their dedication and love of Red Bank. He noted they had received many accolades during their employment. He said the Department of Public Work had suffered constant staff reductions and reviewed the duties of the Department. He said he objected to the fact that it was placed on the agenda after he had emailed requesting it not be included. He noted other departments that he said remained fully staffed. He said the elimination of the jobs would not impact the budget. He said it was his opinion that the action was a retaliatory act on the part of the Administrator to slight the Union because of earlier grievances.

Councilman Yngstrom said it had nothing to do with Mr. Greene or Mr. Cain. He said he appreciated their service and said they had done a wonderful job. He said it wasn't about them but was about the positions. He noted the Management Enhancement Review had called for streamlining operations. He again noted it had nothing to do with the individuals.

Council Zipprich claimed they were essential employees.

Councilwoman Triggiano said she also wanted to thank the employees and wanted to clarify that the reduction of the positions had been the wish of the Head of the Department of Public Utilities. She said she would support the Department Head on their wants and needs. She said she just wanted to make clear that they were not going against the Head of the Department.

Councilman Zipprich said the plan the Director had put forth was prior to the pandemic. He said it was poor timing.

Councilwoman Triggiano said she agreed but also noted the Department Head had not communicated that he did not want to move forward due to COVID-19. She said she felt the statement was a false narrative and dangerous to throw around.

Councilman Zipprich said he disagreed and had asked that it be referred back to Committee and that had not been done.

Councilwoman Horgan said the action was not a retaliatory step against anyone and said she felt the Finance Committee should be serious about looking for cost cutting measures. She said the COVID-19 situation was unprecedented and said the Borough was going to be in trouble budget wise. She said it was her understanding the DPW was restructuring and the existing full time employees would be rotating to man the Recycling Center and assist residents. She said she felt the Department Head had made that clear. She said she did not feel this should be made into a personal attack on anyone.

Councilman Zipprich said the Finance Committee had been working diligently on the budget. He said, at this time, they were looking at a sizable increase. He said he felt this was a rush to judgement and said they currently didn't have a plan. He said they didn't know what was going to come into the Borough through the CARES Act. He said he thought this was jumping the gun before the budget was finalized. He said they were hiring in other departments but the Department of Public Works seemed to be the sacrificial lamb. He again noted the reduction of staff over the past several years.

Councilwoman Horgan noted that the Borough had also outsourced garbage and recycling collection so fewer employees were needed in DPW. She also noted that the Finance Department should be looked at

for possible cuts noting that the Borough was spending a lot of money on consultants.

Councilman Ballard said he had emailed regarding his concerns on the layoffs and noted he had not attended the earlier meetings where the matter had been discussed. He said it was a sad day and said there was plenty to be cut in the budget and that it didn't have to be the lowest paid, part time, minority employees. He said any savings on this action will be washed away by the hiring of police officers. He also noted there was a lot of money going toward staffing for the Redevelopment Agency. He said they would be raising the budget while cutting services. He said, when they have the next Finance Committee meeting, there will be a lot of cuts to be made. He said, if the Council was willing to put people on the street during COVID-19, he saw a lot of budget fluff that could be cut back.

Mayor Menna said he knew Councilman Ballard had done a lot of work on this and noted he had mentioned the Police Department. He said he needed to remind Councilman Ballard that the Police Department budget was \$150,000 less than last year which was primarily accomplished by new hires that would replace individuals who had retired as much hire salaries that the incoming new hires. He again noted the result was actually \$150,000 less.

Councilman Ballard said it was still on offset and would not be a gain to the budget.

20-131 Mayor Menna read, "Resolution Calling for Federal Funding of a Sustainable Water Affordability Plan Similar to the Low Income Home Energy Assistance Program (LIHEAP)."

Councilman Zipprich offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

20-132 Mayor Menna read, "Resolution Authorizing the Award of a Professional Services Contract Without Competitive Bidding to Phoenix Advisors LLC for Continuing Disclosure Services."

Councilman Yngstrom offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

20-133 Mayor Menna read, "Resolution Authorizing the Execution and Delivery of Certificate of Completion of Redevelopment Agreement to West Front Street Partners, LLLC for 55 West Front Street, also known as Block 30, Lot 10.01."

Councilwoman Horgan offered a motion to approve the resolution, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

ABSTAIN: Zipprich

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

20-134 Mayor Menna read, "Resolution to Oppose the Northeast Supply Enhancement Project."

Councilman Zipprich offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

MAYOR AND COUNCIL COMMENTS

Councilman Yngstrom said the Parks & Recreation Department was continuing to collect donations for their Central Goods drive. He said the donations were being sent to the Red Bank Schools and Red Bank Seniors. He said they were collecting food, cleaning supplies and toiletries and noted there was a bin in front of Borough Hall from 9am to 5pm Monday through Friday. He also reported that, like many other towns, they would not be proceeding with the Memorial Day parade or services. He said the effort was to keep people safe and said they felt it was their only option. He said something could change and they would continue to explore other options.

Mayor Menna said between now and then they would probably be able to figure out a way to have a nominal remembrance.

Councilman Ballard said the Finance Committee had met on April 28 to take a preliminary look at the budget but noted there had been no discussion of letting go the two gentlemen just voted on. He said he felt blindsided. He said, right now, they were looking at a ten percent increase which he noted was preliminary and added that they were still working on it. He said revenues were down and said it was no surprise and highlighted specific departments that had been affected. He said he was committed to not putting all of the costs of the Borough onto the tax payers. He said, knowing that revenue was down, they would have to look as some cuts. He again said he felt the savings of letting the two employees go would be offset by the hiring of other people. He said, over the last four years, more of the burden of supporting the Borough is through taxation instead of revenue. He said in 2017 56 percent of the Borough was supported by taxation. He said this year they were looking at 67 percent. He said he found that trend troubling. He added that that went to a lot of things other than employees. He said at the next meeting he would be happy to present the budget cuts that he felt were appropriate and fiscally responsible.

Councilwoman Horgan said she wanted to reiterate what a great job the Red Bank Library was doing. She reviewed resources currently available on their website including a section on COVID-19. She added that those with a library card could access books, movies and music online. She said one could also research their ancestry or learn a new language. She reviewed programs being offered through Zoom, Facebook and YouTube for both children and adults. She said the Director had told her they were looking into doing curbside pickup and said they had also offered to facilitate the delivery of face masks to residents. She if anyone need one or would like help distributing masks that they had made, they should contact the library. She encouraged everyone to take advantage of the Library's services.

Mayor Menna asked Councilwoman Horgan to forward information on who at the Library was responsible for the History Room. He noted he had recently been contacted by a prominent family about a lot of artifacts that were unique to Red Bank. He said they had asked if the Borough would be interested. He said if she would forward the information he would make the contact.

Councilman Ballard said he understood the Story Walk at Riverside Gardens Park was being updated.

Councilman Horgan confirmed that the Librarian was doing story time on line daily and was also updating the display at the park.

Councilwoman Triggiano said she had no report but wanted to give a shout out to all of the groups in town that were working on food insecurity issues and referenced specific groups. She said it was an issue that the town dealt with regularly but noted it had been elevated to a dire level,

Councilman Zipprich thanked Kim Farrington for her years of service noting the Council has accepted her resignation earlier. He said he wanted to thank all of the Borough employees for their dedication during the trying time. He said Red Bank had the best employees anywhere in the State. He added that, while most municipalities were working from home or remotely, the men and women of Red Bank continue to take risks by being present. He said they were owed a great deal of appreciation and recognition. He reported on the latest COVID-19 statistics and offered information on a website recently set up by district legislators. He also reported on a RiverCenter Board meeting that had been held remotely that morning. He said business owners were pleased that the Governor's newest orders would allow them to conduct business with curbside pickup which would be a small boost to the local economy. He said they had also discussed RiverCenter's outreach during the COVID-19 pandemic. He said the Board had also been updated on the White Street Enhancement Project. He also reported on recent successful events sponsored by the District. He urges everyone to support local businesses and to promote them on social media. He said he had also been asked to report on the Complete Count Committee noting that they had recently received a grant to do a town wide mailing. He said Thursday, May 14, was a statewide Census Day of Action and everyone was asked to reach out to the neighbor to ask them to fill out the all-important census.

Mayor Menna noted that, while there hadn't been much good news in retail, he had received a call shortly before the meeting about a new retail operation that would be opening up in English Plaza soon. He said it was a good sign.

Councilman Yassin thanked NJ First Lady Tammy Murphy's Pandemic Relief Fund and Councilmembers who had supported the fund. He said three organization in town had received funding including Lunch Break, Parker Family Health Center and Move for Hunger. He thanked all who had contributed including the Borough Administrator and Borough Attorney. He also said that, in light of the Governor's move to open up the State, he thought it would be a good idea for the businesses to have a better understanding of what was expected and how to maintain safety protocols. He said there would be a Zoom meeting on Monday to include Health Officer David Henry. He said Mr. Henry would go over the new protocols as they move toward opening the State. He asked Administrator Shehady to review the details.

Administrator Shehady said he had drafted a web bulletin that would be published this evening or early tomorrow. He said it would include an agenda for the meeting and a link for businesses that are retail or restaurants to sign up. He said they would discuss items related to the new executive order.

Councilman Yassin noted there would also be a question and answer session.

Councilman Zipprich noted that RiverCenter had put out a number of signs regarding curbside pickup from food service establishments. He said he wanted to make sure the regulation and enforcement were going on once they begin curbside pickup with retail establishments.

Mayor Menna said the Office of Emergency Management was aware of that.

DISCUSSION & ACTION

No Discussion/Action items.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Suzanne Viscomi—25 Cedar Place—questioned why the bill list had not included vendor information. She also questioned why the public could not see the faces of all of the meeting participants so they could see reactions and who was paying attention. She said both of those issues were transparency issues. She also informed the Mayor that the History Room at the Library was maintained by Barbara Pickell. She also asked if four arbitrations was a spike from the typical history of the Borough in dealing with the unions.

Kevin Tauro—142 State Route 35, Red Bank—said he wanted to follow up on earlier comments regarding the layoffs. He said he wanted to note that four arbitrations and an unfair labor practice was unprecedented. He said it was going to cost the taxpayers of Red Bank a lot of money. He said it would also cost the union money but said he felt it would be well spent. He said he took exception at Council comments regarding the union's roll and said, if they tried to reduce someone's pay, they were not going to agree to that. He said the agreement had not been negotiated with the union and said they thought that, due to the pandemic, everything was on hold. He reviewed the timeline on the agreement and took issue with it. He claimed they had been told that the two positions being eliminated would be replaced by a full time new hire and asked the town would save money by hiring someone full time with benefits. He said he had never had such a resistance to labor in a Democratic town. He criticized the Borough's response to the current health crisis and the refusal to provide a list of essential employees.

No one else appearing, Councilwoman Horgan made a motion to close the Public Comment, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

20-135 The Borough Attorney read a resolution to adjourn to executive session to discuss possible Litigation. No action to be taken.

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

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

Councilwoman Horgan made a motion to resume Regular Business, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

DRAFT