

**MINUTES**  
**WORKSHOP MEETING**  
**MUNICIPAL COUNCIL – BOROUGH OF RED BANK**  
**September 9, 2020**  
**6:30 P.M.**

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on December 11, 2019.

**PLEDGE OF ALLEGIANCE**

Mayor Menna reflected on the Passing of Rev. Dr. Henry P. Davis Jr. and called for a moment of silence.

Councilman Yassin asked that they also reflect on the passing of Rev. Gil Caldwell.

**ROLL CALL**

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

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

**ADMINISTRATION**

Mayor Menna reviewed the resolutions listed on the Workshop agenda including a resolution regarding increasing the funding for the Labor Attorney's contract to address a number of labor/litigation issues the Borough was involved with.

Councilman Ballard questioned the explanation but said he would deal with it when the resolution came up for a vote.

Mayor Menna also reviewed a similar resolution regarding the Rent Leveling Board Attorney. He said that increase was due primarily to the number of hearings that had been held on a matter concerning Grandville Towers and that a number of complaints were still pending. He said there was also a resolution regarding CARES Act funding for veterans' housing. He asked the Administrator to provide more information.

Administrator Shehady said an attachment referencing a proposal had been included with the draft resolution. He said it was a proposal for veterans' housing in Monmouth County to be located in Ocean Township. He said there would be no cash outlay on the part of the Borough but just a resolution of support for this proposal before the Monmouth County Freeholders so they could use CARES Act funding for the project. He recommending the resolution of support and said any municipalities would adopted the resolution would be entitled to preference for their community to be placed in the housing.

Councilman Ballard asked if the resolution was for Red Bank veterans to find housing or stay in Red Bank or was it for people to come to Red Bank.

Mayor Menna said it was a proposal to locate a project, using County, State and Federal funds, assumedly in the area of the Fort Monmouth Redevelopment project exclusively for veterans.

Councilman Ballard asked for confirmation that it was not just for veterans who lived in Red Bank who had become homeless.

Mayor Menna said it was for veterans and there could not be a residency requirement.

Mayor Menna said the next item was a discussion on Energy Aggregation Renewable Source Targets and asked the Administrator to address the subject.

Administrator Shehady asked Councilwoman Triggiano to review the matter.

Councilwoman Triggiano reviewed the proposed ordinance which she said would provide benchmarks over the next ten years to get the Borough to 100 percent renewable energy resources. She noted there was a lot of talk around the State right now including the Community Energy Aggregation that the Borough was participating in with other towns. She reviewed other towns that had adopted it or were considering it.

Councilman Yassin confirmed that they wanted to see the Borough move toward renewable energy. He said he agreed with the overall concept. He said he had some questions about the numbers but felt it was something the Borough needed to do. He said he was in support of moving forward with it.

Councilman Zipprich asked who would do the benchmarking to make sure the Borough got up to the targeted 100 percent.

Councilwoman Triggiano said it would be self-monitoring but that there was no enforcing officer or office within the Borough. She said, what she had gathered from professionals dealing with similar ordinances, was that, if they went to bid and came within a few percentage points of the benchmark, it would be upsetting but said she understood it was healthier to have that goal point rather than nothing.

Councilman Zipprich said he understood renewable energy was a little bit more expensive and asked how the program would work.

Councilwoman Triggiano said it was interwoven with the Energy Aggregation program but when they went out for regional pricing, which the Borough was in the process of doing, they were finding that they were getting lower prices even with a higher percentage of renewable energy involved. She reviewed the experiences of other towns. She also noted that any resident that wanted to opt out of the program could do so easily.

Councilman Zipprich asked if she thought this would drive the cost of renewables down and that the residents would be getting a cheaper rate.

She said that was what they were seeing at the State level conversations regarding the cost of energy. She noted that, while they were talking about the local level, she would not feel comfortable putting forward an ordinance with benchmarks over the next decade if she didn't see that conversation at the State level. She said she thought it put the Borough on a healthy diet and in the right direction.

Councilman Zipprich asked her to explain what she meant by a healthy diet.

Councilwoman Triggiano said it wasn't budgetary but said she was speaking energy wise and the future of the resource and how it should be presented.

A discussion followed on the costs of energy and the savings that would result for residents and the groups that were supporting the proposed ordinance.

Administrator Shehady said the August Grants Report had been disseminated and said, unless there were any questions regarding that and also the Department reports, they wouldn't be commenting on them in an effort to keep the meeting moving.

## **ENGINEERING**

Engineer Neumann said there would be a public hearing and resolution regarding the Monmouth County Open Space Municipal Grant. She said, as in prior years, they were looking for ways to enhance park amenities. She said they had been focusing on Eastside Park, Mohawk Pond and Count Basie Park. She said the proposed project would shift the playground area from Count Basie Park to closer to Mohawk Pond where there was a parking area and passive features. She said they were proposing added crosswalks and a revised traffic pattern that would include park access via Henry Street and possibly terminating the end of South Pearl. She said the hearing was regarding the submission of the County Open Space application and said the program was designed to expand recreational and open space park opportunities and assisting municipalities to develop or redevelop land. She reviewed details of the proposed improvements. She said it would be a matching grant with a maximum of \$250,000 which meant a maximum of \$500,000 for the construction costs. She said the current proposal was just under the \$500,000 mark at approximately \$417,000.

Councilman Ballard asked why the park was being move.

Engineer Neumann said she had heard that the park at the Count Basie location was in an awkward location and it would also allow the Borough to repurpose the area in the future.

Administrator Shehady said the proposal involved Recreation, DPW and Engineering. He said he had also consulted with the Parks & Recreation Chair. He said the proposal would try to activate the area around Mohawk Pond and noted previous Open Space Grants had provided for a barbecue/picnic pavilion. He noted that there wasn't much for children to do in that area and still be in close proximity to the pond and the picnic area. He said, if children used the playground, they would be across the street and out of sight. He also pointed out that the site where the playground was presently was the site that was being discussed by the Redevelopment Agency as a possible site for a Community Center. He said it made sense that they move toward a playground that was more suitable for the location and would also make up for the potential loss of the existing playground. He noted that the existing playground and equipment were in need of upgrades so this would provide for new playground equipment as well.

Councilman Ballard confirmed that the Parks & Recreation Chair had weighed in on the plan. He asked if the Parks & Recreation Committee had held a vote in support of the plan.

Councilman Yngstrom said it had not gone before the Committee yet. He said the resolution would authorize the application for a grant. He said it would go to the Committee after. He said it would go to the resident Committee for discussion also to see if they wanted additional features but said they were on a deadline to apply for the funding.

Councilman Ballard asked for confirmation that the resident committee had not weighed in on the plans.

Councilman Yngstrom said they had not.

Councilman Ballard said they would be given a plan that they could tweak but if they didn't like it, that was too bad.

Councilman Yngstrom said they would give them the plan to discuss and they could tweak things. He said the Committee had the ability to go against it but, at this point, it was just a preliminary design to go with the grant application.

Mayor Menna said it would preserve the Borough's right to apply for it. He said if they change their mind, they could pull the application.

Councilman Ballard asked how much the Borough's portion would be. He asked if it was a \$500,000 project.

Administrator Shehady said it was just under that and noted that Engineer Neumann had stated it was just over \$400,000.

Councilman Yngstrom said he thought it was important to note that the plan would cut off a cut through that went through South Pearl Street. He said the park would still have access from both sides but people would no longer be able to cut through the park to avoid traffic congestion. He said he felt it would cut down on traffic on South Pearl Street during the day.

Councilman Ballard asked if the Borough's portion would be approximately \$150,000.

Engineer Neumann said it would be more than that and said it would be approximately \$210,000.

Councilman Zipprich expressed concerns about the playground being near the pond.

Engineer Neumann said that was being considered.

Councilman Zipprich asked about the reduction in traffic and asked if the road was being closed or reduced in size.

Councilman Yngstrom said the road would be closed.

Engineer Neumann offered specifics on the proposal which she said had been reviewed with Traffic Safety and Fire.

Councilman Zipprich asked if it would have to be approved by Traffic Safety and possibly the Department of Transportation (DOT).

Engineer Neumann said she did not think the DOT would need to be consulted but said they did seek input from the Traffic Safety Division.

Councilman Zipprich expressed concern that other side streets would be impacted.

Councilman Ballard expressed concerns about the street closure and how it would affect South Pearl Street residents, those who used the cut through and the people attending events at the field.

Engineer Neumann again noted that the design was preliminary to be submitted with the application but said Traffic Safety had specifically requested a gate that could be moved to open the area for access during events.

Councilwoman Triggiano asked for the Police Chief to comment on the traffic safety issues.

Chief McConnell said they did have similar concerns but felt the concept plan would improve problems in the area. He said they receive constant complaints about cut through traffic on Pearl Street on a daily basis. He said it would be small inconvenience for the residents but would eliminate the major of the traffic including cut through and commercial. He said part of the purpose for the gate at the end of South Pearl Street was so they could open it during large events. He said, after reviewing the plan, they felt it was a much safer design.

Councilman Zipprich asked about bus access.

Chief McConnell said the gate could also allow bus access and said they had also discussed having a bus drop off.

Administrator Shehady said they were looking to leverage the grant to make the space safer, add a recreation facility and benefit the neighbors as well as add to the green space and offer more experiences at the complex.

Councilman Yassin noted they were not locked into a design but were just submitted a preliminary design for the grant application.

Administrator Shehady reviewed the step by step process.

Councilman Ballard asked if the Borough applied for the grant and received it, would they have to use it.

Administrator Shehady said that was correct unless they told the County they didn't want it. He said if they received the grant, they would further refine the plan and get into the design.

Councilwoman Horgan pointed out that there was no guarantee the Borough would receive the grant.

Councilwoman Triggiano spoke in favor of the plan.

Mayor Menna agreed that it was a creative idea.

Engineer Neumann reviewed her report and gave an update on several projects including the East Bergen Place project and White Street construction along with others.

Councilman Ballard asked about the Senior Center bids that had been rejected and asked for more detail.

Engineer Neumann said the status have not changed since they had gone out to bid regarding the fire suppression system. She said the bids had been rejected and they were waiting for further direction from the Council.

Councilman Ballard asked her to confirm that the bids had been rejected because the amount of the bids exceeded what the Borough had allocated.

Ms. Neumann said that was correct.

Councilman Ballard asked if the engineer had done work to estimate the cost to repair.

Ms. Neumann said they had done a walk through with potential bidders but, when the put the project out to bid as a municipal project requiring prevailing wage, they had not attracted the same bidders they were expecting.

Councilman Ballard asked what the cost would be to get that building up and running again. He said he remembered doing at least two resolutions to authorize money for the project.

Engineer Neumann said she would have to review her notes regarding the bids that had been received but said she would get the information. She said they could then review the budget issues associated with the project.

Councilwoman Triggiano asked if that matter had been on the agenda for discussion at this meeting.

Councilman Ballard and Councilman Zipprich both noted that it was on Ms. Neumann's report.

Councilman Zipprich asked her to distribute the numbers to the Council.

## **CLERK**

Mayor Menna reviewed the items under the Clerk's portion of the agenda noting the liquor license renewals were perfunctory and would be added to the agenda. He also reviewed a pending liquor license expansion.

Councilman Ballard said he had an issue with a particular licensed establishment that sat in a residential area. He said he had voted against it in the past and would this year also. He explained the reasons for his objection.

Councilman Yassin asked what authority the Council would have to vote "no" on renewal of liquor licenses.

Attorney Cannon said the renewals were subject to review by the Police Chief to ensure that ABC regulations had been followed. He said the Council could pass municipal ordinance to restrict the owner's ability to place the license in certain areas. He said the Borough was one line of regulation and the ABC was the second. He reviewed what types of restrictions the Council could impose and noted there were limits to the Council's power. He said the people who hold the licenses had rights through the State. He said he would not offer an opinion on any particular license.

Municipal Clerk Borghi asked, if the license was due for renewal and the Police Chief had no objection, even if the Council enacted a restriction in the area of an existing license, would that license be grandfathered in.

Attorney Cannon said such a denial would be a question for an administrative appeal and reviewed that process. He said the Council would have to have a very good reason to deny a renewal to an existing privilege holder.

Councilman Ballard said his object was purely a moral one.

Councilman Yassin suggested the Council could look at barring them in certain areas. He said shared the same concerns and asked if the Council could look into it. He said he would also be abstaining on that vote.

Councilman Yngstrom said he believed they had gone before the Planning or Zoning Board and gotten approval to have the business there. He said he did not think the Council could overturn that approval.

Attorney Cannon said that approval would be separate and would be regarding land use approval to have their business there. The approval to conduct the licensed liquor business was a separate issue. He also reviewed the Council's power to impose special conditions on a license as part of a renewal.

Clerk Borghi also noted that the agenda listed three resolutions regarding liquor license renewals but said there would only be two on the next meeting. She said the three resolutions represented the three types of licenses. She said the one for Club Licenses would not be on the agenda for the first meeting of the month because none of those license holders had completed the process. She said all licenses must be renewed by the end of the month so any not renewed at the first meeting would be on the agenda for the second meeting. She also reviewed proclamations that would be issued in September.

## **FINANCE**

CFO O'Reilly reviewed agenda items including three Chapter 159 resolutions to amend the budget to include grant monies.

## **OEM/FIRE MARSHAL/CODE**

Mayor Menna noted the Fire Marshal/Code report had been received. He also noted there would be a resolution on the next agenda to accept the retirement of Doreen Hoffmann

Councilman Ballard noted the Fire Marshal Welsh's report had included a request for staffing and asked for more information on the staffing issues.

Administrator Shehady said that was a Personnel matter that should be discussed in Executive Session.

Councilman Ballard asked if Fire Marshal Welsh could be a part of the meeting and said his report had included issues that he would like the Council to take action on.

Administrator Shehady said that would be at the discretion of the Mayor and Council.

Fire Marshal Welsh said he would appreciate the support of the Mayor and Council as his office goes through a transition. He said this would be the third transition in two years. He said the information was in his report.

Councilman Ballard asked if they would be talking about specific individuals during Executive Session or if it would be a general conversation.

Administrator Shehady said it would have to be a general conversation.

## **POLICE**

Chief McConnell said he didn't have much to add to his written report. He said he appreciated the promotions that had been done at the previous meeting. He said they were now back up to normal staffing.

## **FIRE**

Mayor Menna noted the Fire Department report had been received. There were no questions.

## **PUBLIC UTILITIES**

DPW Director Keen reviewed his report including changes in Parking including Pay by Plate technology and the opening of a satellite office at Riverside Gardens Park.

Councilman Zipprich asked for a time line on the White Street Parking lot project.

Director Keen said he expected paving to take place in mid-October. He said the White Street roadway would be done after that. He said he expected work to be complete by the holiday shopping season.

Councilman Zipprich asked if the 60-day settlement period would affect the use of the new parking stalls.

Director Keen said the space availability would be affected by the paving. He said they were trying to get as many spaces as possible done each day.

Councilman Zipprich asked if utility work was also done in the parking lot.

Director Keen said there was electrical work done. He added that water/sewer lines do not run through the lot but said there was storm sewer work being done. He said they were trying to keep as many stalls open as they could.

Councilman Zipprich asked if the electric utilities were subject to the same 60 day settlement period as the other utilities.

Director Keen said they were not as they were shallower.

Councilman Ballard said he, as well as the rest of the Council, received an email that the plaza area was not being kept up. He said the writer said the area had been "filthy" when he had walked through early on a Monday morning. He asked Director Keen to address the complaint.

Director Keen said the Public Work Department maintained the street and said they sweep on Thursday prior to the closure. He said they also sweep on Friday morning and Monday morning. He said the sidewalks were the responsibility of the individual properties. He said RiverCenter had taken on some of that burden. He said there were issues with debris after the tropical storm and noted they had given the area extra attention after that. He said after a weekend, the Department need extra time to get everything cleaned up both in the parks and downtown. He said they also receive a lot of compliments about how nice everything is but acknowledged that they do also get complaints from time to time.

Councilman Ballard said he was only aware of the one complaint.

Mayor Menna noted that, when they were approving the piazza area, he had stated that it was imperative that RiverCenter allocate funding provide for clean-up to assist their stakeholders. He said DPW had been doing a Herculean job in maintaining the streets.

Councilman Zipprich agreed and noted the Director Keen had stated the RiverCenter had taken on greater responsibility for the clean-up.

## **RECREATION**

Mayor Menna said Director Hoffmann had submitted a report and asked if there were any questions. There were none.

## **SENIOR CENTER**

Director Reynolds asked if there were any questions on her report.

Councilman Zipprich asked how the senior were holding up noting that many had been housebound during the pandemic.

Director Reynolds said a lot of them would love to go out and do everything they used to do but said they were still afraid. She said it had been really nice to see them when she and her staff had visited and handed out "ready to go" bags. She said they usually only see one member of the staff and said they had enjoyed seeing all three of them together. She said she was looking forward to trying to get them together in Riverside Gardens Park for a distanced event. She said they plan to give out care packages based on the seasons.

Councilwoman Triggiano said the grant they had received was great.

Director Reynolds said the grant would help out a lot, especially with the care packages. She said she was also looking into partnering with the library to purchase books for a book club where the seniors could keep the books.

Councilman Zipprich asked if she had flexibility in the use of the grant.

Director Reynolds said a lot of it had to do with becoming more tech-friendly through things like a Facebook page that would help them communicate. She noted that some participants were not interested in doing things virtually but said they expected that the next wave of seniors would be. She reviewed other projects that the money could be used for.

## **LAND USE**

Mayor Menna reviewed agenda items for Land Use. He asked Administrator Shehady to review the discussion items.

Administrator Shehady reviewed a proposed ordinance that clarify language in regard to affordable housing and the number of units that would trigger a contribution rather than a set aside. He said it wouldn't be changing anything but would be making the language consistent. He also reviewed a resolution that would authorize a local business to expand their use into a nearby premise for personal training sessions which would not normally be allowed under Zoning regulations. A discussion followed on the property to be used.

Attorney Cannon said he believed the parties involved wanted the Borough's assent for insurance purposes and other reasons.

A discussion followed on the reasons behind the request. The Council was in favor of moving forward with a resolution to approve the request.

Administrator Shehady said the DEP had issued new stormwater regulations and said background material had been provided to the Council. He said Engineer Neumann was working with DPW Director Keen to put together an ordinance. He noted the deadline was March of 2021.

Councilman Zipprich asked Administrator Shehady to provide an overview of the new regulations.

Administrator Shehady said it mainly had to do with stormwater run-off. He said there was concern about flooding and water quality and offered more details.

Councilman Zipprich asked if some of the responsibility would fall on the Developer.

Administrator Shehady confirmed that Developers would have to comply with new ordinances and make sure that their plans include drainage and stormwater disturbance information.

## **BUILDING**

Mayor Menna noted the Construction Official's report had been received and asked Administrator Shehady to address the need for a new Technical Assistant.

Administrator Shehady said Construction Official Corcione had made a recommendation on a new hire. He said the appointment had been made and they were seeking the Council's confirmation of that appointment. He said they had held off as long as they could on the appointment due to a decreased workload during the pandemic. He said the workload had resumed and the appointment needed to be made.

Construction Official Corcione confirmed the need to fill the position now that the workload was increasing.

Before moving to Public Comment, Councilman Ballard asked if they were going to discuss the proposed increase to the Weiner Law contract.

Councilman Yngstrom said it had already been discussed.

Mayor Menna said he thought Councilman Ballard had said he would express his concerns at the regular meeting when the resolution was being presented.

Councilman Ballard said that was fine.

## **PUBLIC COMMENT**

Sue Visconti—25 Cedar Street—asked how the increase to the attorney contacts would affect the budget. She also noted that she had previously asked about a spike in activity regarding HR issues. She said she had received a voice mail from Councilman Ballard that he would get back to her. She asked if the activity they were seeing was normal. She asked how many complaints there had been, how many were in litigation and how many had been settled.

Councilman Ballard said that was also his concern noting that this had come up right after they had passed the budget.

Jeffrey Oakes—Oceanport—said he had a question regarding COVID. He asked when the leaders were going to lead and come out of the basements like they were in tonight. He asked when there would be a public meeting in Red Bank that people could attend and when the government would open.

Stephen Hecht—135 Branch Avenue—asked about the Count Basie Park playground relocation. He noted that, for the last few years, Mohawk Lane had been a place where privately owned trucks had been parking overnight. He called for a plan to address the “truck stop” than Mohawk Lane had become.

Angela Mirandi—8 West Lake Road—asked for clarification on how the Open Space Grants would work and asked when the Borough actually matched the money. She asked if \$400,000 was set aside in a specific trust and

if it had been included in the budget. In regard to the discussion on clean energy, she asked if the Borough had started purchasing electric vehicles as the need to replace came up. She asked that the Police Department publish statistics even if it was only on a quarterly basis. She said she thought it would be beneficial for the public to see that information.

Linda Schwabenbauer—58 Leroy Place—said she had been heartened to hear the Mayor commend the efforts of the DPW staff. She said she walks her dog through the area and said the job they had done to keep everything organized and clean was amazing. She acknowledged that there was a little more litter than usual but said there was also a ton more people. She said they were doing a great job and said whenever she saw a staff member she would commend them on a job well done. She said she also wanted to comment on the discussions regarding the bid for the trash pick up. She asked if that was alright.

Mayor Menna said he believed the Council would be discussion that in the regular session meeting because there was a resolution on that agenda to authorize a second bid.

Ms. Schwabenbauer said she would wait to make her comment.

Craig Dolan—34 John Street—asked why there had been an increase in Labor Attorney costs. He said Ms. Visconti had asked but said he did not hear an answer. He also asked the Council to consider adding more parking during the renovations at Count Basie Park.

Rosaleen Perry—267 South Pearl Street—said she like the idea of make South Pearl Street a dead end as part of the park renovation. She said the street was often used as a cut through and the two speed bumps did not deter drivers from speeding. She said the only reservation they had was that it could contribute to more congestion on Drs. James Parker Blvd.

Laura Kirkpatrick—Executive Director, Red Bank RiverCenter—said she believe the Council members had received correspondence from business leaders in town and asked them to take that into consideration before voting. She said she had been in contact with businesses in the downtown Broadwalk zone regarding their responsibility to keep the sidewalks clean. She said she had also been in contact with Senator Gopal’s Office with regard to expanding the list of communities that can receive funding through the New Jersey Redevelopment Authority. She said there were currently five communities in Monmouth County that could receive that funding but said Red Bank was not one of them. She said because the program has the name “Main Street” in it, she had asked that Red Bank be included in it. She explained why she thought it was important to Red Bank and asked the Council to support that effort.

No one else appearing, Councilwoman Horgan made a motion to close Public Comment, 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.

Administrator Shehady responded to some of the comments. He said the first item was regarding the resolution concerning the Weiner Law Group. He said he wanted to clarify that it would not change the budget. He said it was an authorization for a Professional Service contract. He reviewed the public contract law that required a contract award resolution to include a “not to exceed” amount. He said the amount set on January 1 was based on Historical analysis and was based on the work anticipated. He said this information had been provided to the Mayor and Council. He said this year, unfortunately, the pandemic had hit and Red Bank had not been immune to the consequences. He said, to clarify, there had been no lawsuits filed against the Borough in 2020 from a labor perspective. He said Labor Counsel had been involved in consultations and advice/defense of arbitration and questions concerning the Corona Virus. He reviewed some of the items that had been reviewed in relation to the virus. He also noted that this was why he had stressed the importance of funding the legal services line during the budget process. He pointed out that, if they had reduced them further, they would not have been able to pay the attorneys for the work that was required. He said they were approaching the limit that had been set in January for this attorney and it needed to go higher. He said it did not mean that all of the money would be spent or that attorney fees would reach that amount. He said the ‘not to exceed’ clause was a check and balance tool that the Council had to make sure that expenses don’t run amok. He confirmed that there had been a spike in activity but said it was not due to litigation but rather due to Corona pandemic issues. He said he monitored all of the legal bills and had his assistant maintain a spreadsheet.

Councilman Ballard noted COVID had hit in March and the COVID law had been passed in March. He said he wanted to know why this was coming up six months later. He asked why they hadn’t used the resources they had already allocated to address those issues.

Administrator Shehady said from January 1 through today, the initial authorization had been expended.

Attorney Cannon said this was regarding the amount of money that the Borough could pay a professional as had been authorized in January. The amount of money allocated for legal expenses was different from how much the Borough had authorized to be paid to a certain professional. He said they had exceeded the prior authorization but had not exceeded the legal funds in the budget.

Councilman Ballard said that made sense but said he didn't think anyone was understanding his question. He said the Council had authorized \$45,000. He said the pandemic had hit in March with the law signed into law March 18. He said there was no way they could have hit \$45,000 on March 18.

Administrator Shehady said he wasn't saying they hit the number in March but that they had reach it as of the last bill.

Councilman Ballard said he understood but said the Administrator was using the pandemic as the cause for the rise but noted the pandemic had hit in March.

Councilman Yngstrom said without the pandemic, they would not have needed consultations.

Councilman Ballard said that had taken place in March.

Councilman Yngstrom said the pandemic had hit after the funds for that contract had been set. He said the Council had to make additional funds available because the firm had been brought in on more cases because of the Borough's response to the pandemic.

Attorney Cannon said he wanted to clarify that budgeted and available was different than authorized. He said the reason this was coming up was because they hadn't exceeded the \$45,000. He said the CFO can't pay the legal bills without additional authorization.

Councilman Ballard asked why the money had not been included in the budget.

Councilman Yngstrom again explained that it was in the budget.

Councilman Ballard asked why they were doing an amendment.

Administrator Shehady again explained that it was not an amendment to the budget and again reviewed public contracts law. He also reiterated the need for a resolution to authorize additional funds to be allocated to the Labor Attorney's contract.

A discussion followed on legal expenses past and future.

Administrator continued with the next topic which was regarding the grant for the Monmouth County Open Space Grant. He said the money had been budgeted for the project and said the Borough could not embark on a project unless the funds were budgeted. He said it was not in the 2020 budget but was included in the Capital budget. He explained the difference between the two budgets. He also said the Borough did consider electric vehicles in the fleet and will continue to evaluate their use. He said he would also speak to the Police Chief about making statistics public.

## **EXECUTIVE SESSION**

Administrator Shehady said there was no need for an Executive Session at this meeting but said there would be one at the end of the Regular Meeting that was immediately following this one.

Councilman Ballard questioned why it was being held at the end.

Mayor Menna said they were always done at the end.

Councilman Ballard noted that there were times when they had been done at the beginning if they had to discuss something before taking action.

Administrator Shehady said there was nothing on the agenda that he was aware of that would need an Executive Session discussion so, rather than have the public sit and wait, they planned on holding that discussion at the end. He said it was up to the Council's discretion.

## **ADJOURNMENT**

Councilman Yassin offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi