

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

**(Meeting started at approximately 8:30 pm immediately following Workshop Meeting)**

**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**

Resolution 20-219: Resolution in Support of Continued Funding for Red Bank Regional High Schools “The Source” Program

Councilwoman Horgan said Assemblywoman Downey had been in attendance but had to leave before the presentation but had wanted everyone to know that the 11<sup>th</sup> District Legislators supported the Source program and would fight for it. She said Red Bank Regional High School parents had also rallied in support of the program.

Councilwoman Horgan read the resolution.

Suzanne Keller—Director of the Source—Thanked the Mayor and Council for their support as well as the 11<sup>th</sup> District Legislators. She stressed the need for the program.

Risa Clay—Founder of the Source—Thanked the Mayor and Council for their never-ending support of the program, the High School and the community.

Councilwoman Horgan offered a motion to approve the resolution, 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

**Proclamations**

**Hispanic Heritage Month—September 2020**

Mayor Menna read a proclamation to proclaim September 2020 as Hispanic Heritage Month in Red Bank.

Itzel Perez—Immigrants’ Rights Organizer with American Friends Service Committee—thanked the Mayor and Council for the proclamation and said it meant a lot to her. She reviewed her father’s choice to live in Red Bank and said she believed he got it right. She said she felt Red Bank embodied the very spirit of the proclamation.

**Childhood Cancer Awareness Month—October 2020**

Councilwoman Triggiano read a proclamation to proclaim September 2020 as Childhood Cancer Awareness Month.

Rosaleen Perry spoke to thank the Council for the proclamation and said the subject was too close to home for her family. She said they had lost a four year old to cancer in 2001. She said, 19 years later, it was still the number one killer of children. She said only four percent of money raised went to research. She said she had seen campaigns to “go pink” for Breast Cancer, which she said was also a horrible illness, and called for a campaign to “go gold” for the children.

**Suicide Prevention Month—September 2020**

Mayor Menna read a proclamation to proclaim September 2020 as Suicide Prevention Month.

Councilwoman Triggiano pointed out the irony of the threat to Source which was an organization that provided mental health care to the Borough’s youth.

Mayor Menna commented on the statistics in the proclamation and said they were astounding. He noted each person in that class was a member of the human family. He said he felt they needed to do more to get the message out that help, recognition and empathy was out there.

Councilman Zipprich thanked Mayor Menna for bringing the proclamation forward and said ten year ago there had been a teenage suicide among the LGBTQ community almost monthly. He said these were horrible statistics to have to look in the face again.

#### Public Hearing – Monmouth County Open Space Program

Mayor Menna reviewed the application that would move the existing playground from adjacent to Count Basie Field to the area of Mohawk Pond. It was noted that the area around Mohawk Pond had been enhanced with barbecue/picnic areas and the existing playground was across the street from that area so it made sense to have the play area adjacent to the picnic area. It was also noted that the existing equipment was due for replacement. It was noted that there was also a plan to change traffic flow to improve safety in the area. It was noted that the plan was a concept only and not the final design.

Mayor Menna called for a motion to open the Public Hearing.

Councilman Yngstrom offered a motion to open the Public Hearing, 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 Menna asked if anyone would like to speak on this matter.

No one appearing, Councilwoman Horgan made a motion to close the public hearing, 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.

Resolution 20-203 A Resolution Authorizing an Application to the Monmouth County Open Space Trust Fund in the Amount of \$208,500.00 to fund the Mohawk Pond Park Development Project

Councilman Ballard offered a motion to approve the resolution, 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.

#### Appointments

Nancy Phalanukorn to the Human Relations Advisory Committee as Alternate No. 1 for an unexpired two year term to 12/31/2020.

Councilman Yassin offered a motion to confirm the appointment, 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.

#### **PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Stephen Hecht—135 Branch Avenue—said he wanted to speak regarding Ordinance 2020-16 and asked for clarification on the wording. He asked about the permit spaces that had signage stating they were open to all after 2pm. He asked if those spaces would be open to the public from 2pm to 9pm and then become free after 9pm.

Mayor Menna reviewed the permit parking policy.

Administrator Shehady added that current those space were available for general paid parking from 2pm until 6pm. He said this ordinance would extend the paid parking time from 6pm time to 9pm.

Mayor Menna noted that the signs would have to be changed.

Administrator Shehady said that was correct.

Dan Riordan—53 Elm Place—said he was speaking in support of the ordinance to extend parking hours to 9pm. He said he felt the hours of 6pm to 10pm were an area where he had heard there was a parking shortage.

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

Councilman Ballard offered a motion to close the 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.

## **MINUTES & REPORTS**

### Workshop Meeting minutes of 8/5/2020

Councilman Ballard offered a motion to approve the minutes, 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.

## **ORDINANCES - Public Hearing/Adoption:**

2020-16 Mayor Menna read, "Ordinance Amending the Revised General Ordinances of the Borough at Section 680-60: "Schedule XXVI" Under Chapter 680: "Parking and Traffic" to Update Handicapped Parking Locations

Mayor Menna opened the Public Hearing and asked if anyone would like to speak. No one appearing, Councilwoman Triggiano 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.

Councilwoman Triggiano offered a motion to approve the adoption of the ordinance, 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.

2020-17 Mayor Menna read, "Ordinance Amending the Revised General Ordinances of the Borough at Section 680-57: "Schedule XXIII" and Section 680-58: "Schedule XXIV" under Chapter 680: "Parking and Traffic" to Expand Metered and Permit Parking Enforcement from 6:00pm to 9:00pm."

Mayor Menna opened the Public Hearing and asked if anyone would like to speak. No one appearing, Councilwoman Horgan 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 Yngstrom offered a motion to approve the adoption of the ordinance, 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.

## **ORDINANCES – First Reading:**

2020-18 Mayor Menna read "An Ordinance Supplementing and Amending Section 205-3 of the Borough Code Respecting Affordable Housing Mechanisms within the Borough of Red Bank."

Councilman Yassin offered a motion to approve the introduction of the ordinance, 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 Menna announced the Public Hearing would be held on 9/23/2020 at 6:30 pm.

## RESOLUTIONS

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

- Resolution 20-204: Resolution for Payment of Bills Amounting to \$4,970,971.78
- Resolution 20-205: Resolution Authorizing Water/Sewer Refund due to Overpayment

Councilman Yassin made a motion to approve the resolutions, Councilwoman Horgan seconded.

ROLL CALL:

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

NAYS: None.

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

20-206 Mayor Menna read, "Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2020-2021.

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

ROLL CALL:

AYES: Triggiano, Yngstrom, Zipprich and Horgan.

NAYS: None.

ABSTAIN: Yassin and Ballard

There being four ayes, no nays and two abstentions, the motion was declared approved.

20-207 Mayor Menna read, "Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2020-2021

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

ROLL CALL:

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

NAYS: None.

ABSTAIN: Yassin

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

20-208 Mayor Menna read, "Resolution Authorizing Place-To-Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-37-045 (The Count Basie Theatre, Inc.)"

Councilwoman Triggiano made a motion to approve the resolution, Councilwoman Horgan seconded.

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, and Horgan.

NAYS: None.

ABSTAIN: Yassin and Zipprich

There being four ayes, no nays and two abstentions, the motion was declared approved.

20-209 Mayor Menna read, "Resolution Approving Temporary Use Agreement for the Atlantic Club to Utilize Privately-Owned Space at 30 Wickoff Place to Provide Additional Space to Practice Proper Social Distancing as it Re-Opens under Executive Order during the Covid-19 Crisis."

Councilwoman Triggiano made a motion to approve the resolution, Councilman Yassin seconded.

ROLL CALL:

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

NAYS: None.

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

20-210 Mayor Menna read, "Resolution Authorizing Amendment of the Borough's Professional Services Contract with the Weiner Law Group, LLP to Increase the Amount Not to Exceed from \$45,000 to \$70,000 for Labor Counsel Attorney Services."

Councilman Yassin made a motion to approve the resolution, Councilwoman Horgan seconded.

Councilman Ballard said there were certain situations where he had to deal with the Labor Attorney and he said he had found that difficult at times and said the law firm had been slow to respond. He said they need to look at who the Labor Attorney was at a later date. He said he would be abstaining on this resolution.

Councilman Zipprich said he had had similar experiences with inquiries being delayed or ignored. He said he would also be abstaining.

ROLL CALL:

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

NAYS: None.

ABSTAIN: Ballard and Zipprich

There being four ayes, no nays and two abstentions, the motion was declared approved.

20-211 Mayor Menna read, "Resolution Authorizing Amendment of the Borough's Professional Services Contract with the Gene J. Anthony, Esq. to Increase the Amount Not to Exceed from \$6,000 to \$12,000 for Rent Leveling Board Attorney Services."

Councilwoman Horgan made a motion to approve the resolution, Councilman Yassin seconded.

ROLL CALL:

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

NAYS: None.

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

20-212 Mayor Menna read, "Resolution Accepting the Retirement of Doreen Hoffmann."

Councilman Zipprich made a motion to approve the resolution, Councilman Ballard seconded.

ROLL CALL:

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

NAYS: None.

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

20-213 Mayor Menna read, "Resolution Ratifying and Confirming the Appointment of Full-Time Technical Assistant."

Councilman Yngstrom made a motion to approve the resolution, Councilman Zipprich seconded.

ROLL CALL:

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

NAYS: None.

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

20-214 Mayor Menna read, "Resolution Authorizing the Advertisement of Bids for Solid Waste Collection and Disposal Services."

Councilman Zipprich made a motion to approve the resolution, Councilman Yngstrom seconded.

ROLL CALL:

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

NAYS: None.

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

20-215 Mayor Menna read, "Resolution in Support of Proposal by CIS B Well to Utilize Cares Act Funding for Housing for Monmouth County Veterans."

Councilman Yassin made a motion to approve the resolution, Councilwoman Triggiano seconded.

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 a motion to approve the following resolutions:

- 20-216: Resolution Requesting Approval of Items of Revenue and Appropriation NJSA 40a:4-87 – NJ 2018 & 2019 (Body Armor Replacement Fund Program--\$7,913.40).
- 20-217: Resolution Requesting Approval of Special Item of Revenue and Appropriation According To N.J.S.A. 40a:4-87 Clean Communities Fund, In The Amount Of \$21,484.41
- 20-218: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40a:4-87 Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund, in the Amount of \$2,959.06

Councilman Yassin made a motion to approve the resolutions, Councilwoman Horgan seconded.

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 a motion to table the unnumbered resolution titled “A Resolution to Authorize Municipal Investigation Regarding Borough’s Recent Sanitation Contract Bid.”

Councilman Ballard said this was the second time they were putting off moving on the investigation regarding a leaking of emails.

Councilman Yassin said he still had some concerns and said he had relayed them to Councilman Ballard. He said he had asked that the matter be tabled.

Councilman Ballard said he felt evidence would get stale and said the person would have time to cover their tracks.

Councilman Yassin said that was not the only issue. He said there was also the issue of improper communication with regard to a bid.

Councilman Ballard stressed the issue of leaked emails which he said he felt was very disturbing.

Councilman Yassin made a motion to table the resolution.

Administrator Shehady said a motion to table was not necessary as a draft resolution had not been presented. He added that the matter had been tabled at a previous meeting.

Mayor Menna asked why it was placed on the agenda.

Administrator Shehady said it was listed as a placeholder to consider the existing draft or a new draft.

#### **MAYOR AND COUNCIL COMMENTS**

Councilman Ballard said he had no Finance Committee or Personnel Committee report. He said he had received complaints from the public about the Borough’s home rehab program that had been launched as part of the Fair Share Housing settlement. He said people had been approved for renovations back in January/February but said nothing was happening to get those repairs done.

Mayor Menna asked Councilman Ballard to follow up with him on the matter.

Councilman Zipprich said he had received similar calls and asked to be included.

Administrator Shehady said he would be happy to address the matter. He reminded the Council that the issue had been discussed in Executive Session on at least two occasions. He also noted the Council had just approved the agreement with the Red Bank Affordable Housing Corporation about two months prior. He added that the agreement had just recently been signed. He noted that the reason for the delays was that there had been no agreement in place. He said they now had the agreement but had been waiting for the adoption of the budget before funds could be expended. He said an entity took it upon themselves to start the authorization/approval process and relay information about the program prematurely.

Councilman Zipprich asked if that was the reason that some people thought they had been approved.

Administrator Shehady said that was correct. He added that it had been marketed and the approval process had been performed before the Borough had consented to it or had an agreement in place.

Councilman Zipprich asked who those who had been notified that they had been approved should follow up with.

Administrator Shehady said they had been contacting him and he had been explaining that to them. He said they should continue to reach out to him and he would be happy to speak with them. He said those that had been approved would be first in the queue as soon as the program was launched on the Borough’s end.

Councilwoman Triggiano thanked the Environmental Commission for the education and outreach as they volunteered their time to help with a successful launch of the plastics ban. She said they had done a walk before the ban went into place that had taken about three hours. She said they visited every single business on the west side of the Borough and said there had been another walk two days later to visit businesses in other parts of town. She said they had used translators to ensure that everyone was prepared. She said she was happy that the Borough had proper communication for the implementation and said it was reassuring to see several businesses already had signage in place to help with education. She also commended K9 Officer Hunter for a great job on catching a shoplifter recently. She wished families good luck on the start of the school year.

Councilwoman Horgan said the Library had made the decision not to hold the town-wide yard sale this year due to COVID19 but said they planned on hold the event next year. She also reported that, when materials are returned to the library, those materials are placed into quarantine for seven days. She said patrons may experience a delay in receiving materials due to this policy but said they were being prudent. She said, in regard to the Rent Leveling Board issue discussed earlier, there had been a lot of activity related to matter concerning Grandville Towers and Colony House. She said Attorney Gene Anthony was doing a fine job.

Councilman Yassin thanked the Code Enforcement staff and Police Officers for their efforts especially in the downtown area during the time of COVID19. He noted the additional responsibilities they had been taking on and said he had had non-stop comments from businesses on how well they had done. He said he was also excited about the new Health Services contract the Borough had. He said he was excited that they were saving money and getting more services. He asked the Administrator when the contract had started.

Administrator Shehady said it had started eight days ago.

Councilman Zipprich thanked Doreen Hoffmann for her many years of service and said she had been an asset. He thanked DPW Director Keen and the entire DPW team for their ongoing efforts in setting up the downtown area week in, week out to help keep the downtown visible and viable. He also thanked Executive Director Kirkpatrick and the team at RiverCenter for working well with the DPW team and the Administration during the pandemic. He said he wanted to echo Councilwoman Triggiano's comments about school starting and noted the number of students who walk to school. He urged everyone to drive carefully. He also thanked the Borough Attorney, DPW Director and Business Administrator for retooling the sanitation bid specs that were going out to bid.

Councilman Yngstrom had no report.

## **DISCUSSION & ACTION**

No discussion items.

## **PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Mayor Menna called for a motion to close the public comment period.

Councilman Zipprich offered a motion to close the public comment, 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.

Administrator Shehady reviewed the items scheduled for discussion in Executive Session.

Councilman Ballard asked if they could also discuss the staffing in the Fire Marshal/Code Enforcement Office.

## **PUBLIC COMMENT**

Stephen Hecht—135 Branch Avenue—Asked, as the Count Basie Center for the Arts finalized their expansion and got ready to open, what the procedure would be to negotiate a payment in lieu of taxes. He asked how it would be done, who would do it and when the process would begin.

Mayor Menna said that was a legitimate question. He said he would report back to the Council as early as the next Council meeting.

Mr. Hecht asked if he could expect a comment on the matter from the Mayor at the next meeting.

Mayor Menna said he could.

## **EXECUTIVE SESSION**

20-220 The Borough Attorney read a resolution to adjourn to executive session to discuss Potential Litigation (Property Secession), Contract Negotiations (Southbank Development), Potential Litigation (White Street Right of Way) and Personnel (Fire Marshal/Code). 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**

Councilman Zipprich made a motion to resume Regular Business, 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.

### **ADJOURNMENT**

Councilman Zipprich offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi