

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
September 23, 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**

Proclamation

Mayor Menna read a proclamation to honor Taylor Crystian who had signed with Fairleigh Dickenson University and earned a full athletic scholarship. He congratulated the family on the phenomenal achievement.

Councilman Ballard recounted the days when he had served as her coach and congratulated Ms. Crystian. He also noted the support she had had from her family.

Councilman Zipprich also shared memories he had had with Ms. Crystian and expressed pride in her accomplishments.

Appointments

Tamara von Ouhl Kremer to the Animal Welfare Advisory Committee for an unexpired two year term to 12/31/2022

Councilman Ballard offered a motion to confirm the appointment, 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.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Suzanne Viscomi—25 Cedar Street—asked about the renewable energy ordinance and asked why is wasn’t an option rather than having people forced into participation. She asked if the Borough couldn’t encourage residents to go to a third party directly to get a better rate rather than the negotiated contract that was under stringent rules. She reviewed information she had read from Sustainable Jersey on third party vendor participation. She called for education on how residents could apply for lower rates.

Mayor Menna thanked her for her comments and noted the ordinance was on for introduction only and said there would be a public hearing at the next meeting.

Alan Hill—64 McLaren Street—said he noticed that building at Riverside Gardens Park was being transferred from the Parks Department to the Parking Department,

Administrator Shehady noted that was not an item on the agenda. He noted that there would be a second comment period later in the meeting where all other government items could be discussed.

Derek Minno-Blum—1108 – 1<sup>st</sup> Avenue, Asbury Park—said he was part of the Asbury Park Green Team and stressed the importance of renewable energy ordinance. He stressed the fact that it had an “opt-out” option. He said it would save money but said he also felt that it was a life and death issue. He also said he felt if Red Bank passed the ordinance, it would be easier for his Green Team to get it passed in Asbury Park. He thanked the Council for all that they do.

Kathy Kjelle—124 East Bergen Place—spoke in support of the ordinance regarding moving to renewable energy by 2030. She said she believed the crisis was now and said it seemed to be up to local governments and state governments to pick up the ball on the issue. She said she hoped Red Bank would do its part to be part of the vanguard. She said she was glad that people had the chance to opt out but said she thought experience elsewhere had shown that people would save money when this kind of step was taken. She said she hoped that would be the case but said, for her, the costs down the road of letting the environmental quality degrade were much greater than the potential cost savings.

Rachel Dawn Davis—Manalapan—said she wanted to echo the comments of a previous commenter. She said she was Chair of the Green Team in Manalapan and was speaking in her role as Public Policy and Justice Organizer for Water Spirit. She thanked the Council for the opportunity to speak and thanked those that were championing 100 percent renewable energy by 2030. She reviewed the mission of her organization. She reviewed the costs of climate change. She noted the savings that had been seen in other towns. She reviewed the importance of the initiative.

Nancy Blackwood—34 Chestnut Street—spoke in support of Red Bank taking the lead in the Energy Aggregation program. She noted that joining with other towns in the area would help to negotiate the best rate. She agreed that there had been positive results in other towns.

Charlie Kratovil—New Brunswick—said he was with Food & Water Watch. He said he wanted to applaud the Council for introducing legislation that would help to address air pollution and the climate crisis as well as ensuring residents would be able to get the best possible price on renewable energy. He said New Brunswick was a success story and reviewed details of their initiative. He also noted that his organization would be hosting a rally in Marine Park on the following Saturday to oppose fossil fuel programs in New Jersey.

Frank Corrado—73 Linden Place—thanked the Mayor and Council for bringing the forth the renewable energy proposal and said he strong supported it. He said he echoed all of the previous comments. He said energy policy and climate change policy had grinded to a halt at the Federal level. He said this ordinance was one way to make a different at the local level.

Mayor Menna thanked Mr. Corrado for his previous work on the Environmental Commission.

Boris Kofman—28 Riverside Avenue—expressed his support for the ordinance and said he was happy that Red Bank was leading the initiative.

Jon Kalfus—22 Tower Hill Drive—said he worked in the solar industry and understood and appreciated the work being done. He suggested the Council make use of the experienced professional talent in town that could help and offered his assistance.

Anna Marta—Oceanport—said she represented a grass roots volunteers supporting progressive policies against climate change. She thanked the Council for leading the way and said she supported the ordinance.

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

## **MINUTES & REPORTS**

### Workshop Meeting minutes of 8/19/2020

Councilwoman Horgan offered a motion to approve the minutes, 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 - Public Hearing/Adoption:**

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.”

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

Councilman Yassin made the motion, 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.

Mayor Menna asked if anyone would like to speak. No one appearing, Councilman Zipprich offered a motion to close 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.

Councilwoman Triggiano offered a motion to approve the adoption 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.

### **ORDINANCES – First Reading:**

2020-19 Mayor Menna read, “Ordinance to Amend the Code of Red Bank, County Of Monmouth County, State Of New Jersey, by Adding Chapter 298 Authorizing the Establishment of a Community Energy Aggregation Program that Creates an Option for 100% Regionally Sourced Renewables.”

Councilwoman Triggiano offered a motion to approve the introduction 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.

Mayor Menna announced the Public Hearing would be held on 10/14/2020 at 6:30 pm.

### **RESOLUTIONS**

Mayor Menna called for a motion to approve:

- Resolution 20-221: Resolution for Payment of Bills Amounting to \$ 795,281.19.
- Resolution 20-222: Resolution Authorizing Refund of Developer’s Escrow Account Balances

Councilman Ballard offered a motion to approve the resolutions, 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.

20-223 Mayor Menna read “Resolution Authorizing Renewal of Club Licenses for 2020-2021.”

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

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.

20-224 Mayor Menna read, “Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2020-2021.”

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

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.

20-225 Mayor Menna read, “Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2020-2021.”

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

Councilman Ballard asked about one of the licenses listed in the resolution with a location that was noted as “pocket” and asked what that meant.

Borough Clerk Borghi explained that the license was held by the listed owner but that it was not currently attached to any specific property. She said at some point when they sell it or find a location, the license would then be attached to a property. She said that was why it was referred to as “in pocket.”

ROLL CALL:

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

NAYS: None.

ABSTAIN: Yassin.

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

20-226 Mayor Menna read, “Resolution Authorizing the Appointment of Regular Crossing Guards for the 2020-2021 School Year.”

Councilman Zipprich offered a motion to approve the resolutions, 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.

20-227 Mayor Menna read, “Resolution Authorizing the Execution of a Site Access Agreement with Denholtz Boat Club Court, LLC for Construction Staging upon a Portion of Marine Park.”

Councilman Horgan offered a motion to approve the resolutions, 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 noted that he had renegotiated and secured an increase in the amount in the agreement.

Councilman Zipprich asked how much the increase was.

Administrator Shehady said it was an increase of \$5,000.

20-228 Mayor Menna read, “Resolution Authorizing Person-to-Person Transfer of Plenary Retail Consumption License No. 1340-33-016.”

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

ROLL CALL:

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

NAYS: None.

ABSTAIN: Yassin.

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

## **MAYOR AND COUNCIL COMMENTS**

Councilman Yngstrom reported that the Parks & Rec Committee had met the previous night. He reported on upcoming activities include the Halloween Parade to be held on 10/25. He said masks would be required as well as socially distanced walking and there would be no post parade activities. He also reported that there would be a Veterans’ Day ceremony to be held at 51 Monmouth Street on 11/11 and that the Park & Rec Department would be holding Halloween Art classes with more information on their website.

Councilman Yassin expressed his appreciation to the Code Enforcement Office, the Fire and Police departments and all of the employees in the Borough for their work in the downtown area and helping to

keep everyone in check. He said there was also something he would like to have added to the next Workshop Meeting agenda which was a discussion on the Stigma Free Monmouth initiative.

Councilwoman Horgan reported that the Library would have a partial reopening to the public on 9/28 and noted that masks and social distancing would be required. She said a limited number of people would be allowed in at a time and it would be by appointment only. She said computers would be available for public use and curbside pick-up would continue. She said more information would be available on the website. She added that the Director, staff and Board had been working tirelessly and had done a great job to make the Library accessible to the public.

Councilman Zipprich reported that there were seven days left to complete the 2020 census. He thanked J.P. Nicolaides for chairing the Complete Count Committee and the entire team for their efforts. He reviewed response rates. He reported that RiverCenter businesses both inside and outside of the Broadwalk zone have reported a very positive summer. He said the district was also looking for positive way to celebrate the holiday season. He also reported that members of the Senior Center would be congregating for the first time on Thursday in a safe and socially distanced manner at Count Basie Field.

Councilman Ballard thanked the Mayor for the appointment to the Animal Welfare Advisory Committee. He noted that the Red Bank Housing Authority Chair had also requested an appointment that he said he hoped would have been on this agenda. He said he hoped they could support that request and make the appointment soon. He also stated that, as he had reported at the previous meeting, he had received numerous phone calls about the program that was part of the settlement with Fair Share Housing. He said applicants continue to ask why nothing had been done if the program had been approved back in January. He said he had sent an email to the Administrator asking for an update to the Mayor and Council regarding progress on the repair projects. He said he had also asked for a list of all who had applied to and been approved for the program. He said he also had a question for the Borough Attorney regarding the public exposure of the Attorney's privileged and confidential emails. He asked if the Borough would still be able to deny access to those emails if they were requested through an OPRA request. He also asked a question about the Red Bank Redevelopment Agency releasing a document to the media that had not been shared with the Council. He said he had gotten calls about a document he was completely unaware of and asked how he was support to do his job as an elected official if information was not shared.

Councilwoman Triggiano said she wanted to echo Councilman Yassin's comments regarding the wonderful job the employees of the town had been doing. She also reported that National Night Out would occur as a socially distanced event on 10/6 at Count Basie Park.

Councilman Yassin said Councilman Ballard had mentioned an appointment to the Housing Authority.

Mayor Menna confirmed that he had received the request late the previous afternoon and didn't think it was appropriate to list for this meeting.

Councilman Yassin asked if there was a specific person recommended.

Mayor Menna said it was a specific person.

Councilman Yassin asked who it was.

Mayor Menna said he would defer to Councilman Ballard to discuss the recommendation.

Councilman Ballard said the recommended candidate was J.P. Nicolaides.

Councilman Yassin asked if he was referring to Councilman Zipprich's husband.

Councilman Ballard said that was correct and noted that he also served on the Census Committee and the Human Relations Advisory Committee.

Councilman Yassin noted that was an advisory committee and asked if relatives of Councilmembers were allowed to serve on autonomous boards.

Mayor Menna asked the Borough Attorney to address that question.

Attorney Cannon said legally they could but noted that Councilman Zipprich would not be able to vote or participate in that appointment process.

Councilman Ballard said he wanted to note that the Red Bank Housing Authority board member was an unpaid position and was strictly voluntary and that the Board was autonomous from the town.

## **DISCUSSION & ACTION**

Request from Red Bank RiverCenter to host music concerts in Riverside Gardens Park on September 26, 2020 (rain date September 2020) and October 3, 2020 (rain date of October 4, 2020). Reviewed and recommended for approval by the Special Events Committee.

Administrator Shehady reported the RiverCenter had requested that this matter been removed from the agenda due to the fact that they may not be holding the events.

Broad Street Initial Concept Plan Review—Administrator Shehady explained that the Borough had received a grant from the NJ Department of Transportation to re-do Broad Street. He said as part of the

project, they would review various considerations in regard to paving the street. He said they would open up and make any necessary improvements to the sanitary sewer and to the water infrastructure. He said they saw the opening of the road as an opportunity to look at the project holistically including elements such as pedestrian safety and business friendliness. He said they also wanted to leverage the experience of the pandemic and the Broadwalk initiative to make changes that would allow them to continue the concept in the future should the Mayor and Council continue to do so. He said he, Engineer Neumann and representatives from the Red Bank Police Department and Public Works Department had met to review the project and had walked the street from end to end to look at everything from a new perspective. He said after a review of the concept plan at this meeting, they would incorporate any suggested revisions or changes. He said they would then go back to the stakeholders (i.e. Shade Tree Commission, Environmental Commission and RiverCenter). He asked Engineer Neumann to review the concept plan.

Mayor Menna asked if anyone had done a fiscal impact analysis regarding the Borough's bonding ability for the project. He said there were concerns about the Borough's bonding capacity over the last couple of years. He said it was all good work but said he felt they needed a fiscal analysis before they started to spend a lot of money on engineering reviews.

Administrator Shehady said the project had already been bonded and said that it had been done prior to the submission of the application to the Department of Transportation. He said the Engineer was doing the work because the funding had already been put in place, there had been certification of funds and the Council had approved the engineering work.

Mayor Menna asked if the funding was just for the plans and engineering work.

Administrator Shehady said both the soft costs and the hard costs had already been bonded for.

Mayor Menna asked how much of the hard costs were bonded for and said he and the Council would like a fiscal analysis in writing before they moved forward.

Administrator Shehady said he would be happy to do that but again noted the bond ordinance had already been approved by the Mayor and Council which was why it was before them today.

Councilman Zipprich asked how much the grant money was.

Engineer Neumann said the Municipal Aid Award to \$290,000. She said there was also an application in for a low interest loan regarding the sanitary sewer portion of the project.

Mayor Menna asked if she was saying that all of the work was going to cost \$290,000.

Engineer Neumann said it was not and said she had been reporting on the grant amount.

Administrator Shehady said, regarding the sanitary sewer work, they would be going through the I Bank rather than using traditional financing. He said he thought there might also be some principle forgiveness with that.

Engineer Neumann confirmed that that was the case.

Administrator Shehady said they were doing it as economically as possible. He asked Engineer Neumann to report of the full cost of the project.

Ms. Neumann said, when they had originally submitted for the grant, it had not included the sanitary sewer work. She said just the improvements to Broad Street was approximately \$820,000.

Mayor Menna asked for confirmation that that did not include the sewer work.

Administrator Shehady said that was correct and noted that those costs would come out of the Water Utility and would be funded through the I Bank.

Mayor Menna responded that it would be paid for by the tax payers one way or the other. He said they needed to know the numbers.

Administrator Shehady said they would provide the numbers. He noted that the discussion should have been held when they adopted the bond ordinance. He said he, the CFO, Bond Counsel and the Water Utility Director had reviewed the Borough's bonding capability for the project which was why they had presented the bond ordinance. He said the Mayor and Council were welcome to revisit that decision. He said they would not be here today if they had not done that.

Councilman Zipprich asked if all of the information would be contained in Engineer Neumann's presentation.

Administrator Shehady said her presentation was just on the design elements because the funding had already been put in place and authorized by the Mayor and Council. He said they had solicited proposals for the soft costs including engineering. He said that had also been awarded by the Mayor and Council which is why Engineer Neumann was present as she had been contacted to do the work or designing the project. He said they were now presenting the design that had been come up with working within the financing that was available. He said Ms. Neumann would now be presenting those plans.

Councilman Zipprich said he felt Engineer Neumann should go ahead with the presentation since it appeared that they had already done all of the background on the project.

Councilman Yassin agreed that they should move forward with the presentation.

Engineer Neumann said besides resurfacing and improvements to ADA curbs and sidewalks, they had walked the area from Front Street to the Canal Street/Peters Place intersection and went through some of the elements. She said one of the proposed elements was retractable bollards that replace the temporary barriers currently being place out by the Public Works or Police Department staff. She said the design would stay out of the county jurisdiction and would only be in the municipal jurisdiction. She continued to review various design elements of the plan and said they had tried to work within the existing parameters. She reviewed traffic and pedestrian safety elements including additional bump outs and crosswalks.

Councilman Zipprich asked if Canal Street was two way and asked if they had confirmed the turning radius in regard to the additional bump outs.

Ms. Neumann said that was correct and said they had run turning templates to make sure everything from trucks to buses could make the maneuvers. She continued her review. She summarized that the highlights included bump outs, rolled curbs, raising Broad Street from Monmouth Street to Front Street and retractable bollards.

Councilman Ballard asked if the retractable bollards would just be on West Front Street or if they would be in other locations.

Engineer Neumann said they were also proposed at Mechanic Street and at White Street.

Councilman Yassin asked how long it would take to raise the bollards.

Ms. Neumann said she could be that information but did not think it would take long and would definitely be faster that the current process of setting up barriers and taking them out.

Councilman Yassin said his concern was regarding emergency vehicles.

Councilman Zipprich said, if they were the hydraulic ones, it should just take a minutes or two to launch them.

Councilman Ballard asked how they would be operated.

Engineer Neumann said they would be connected to power so they could be electrically fed.

Councilman Ballard clarified that he was asking where that on/off switch would be located.

Ms. Neumann said that was a detail to be worked out but said she thought they would be in the vicinity of the bollards.

A discussion followed on who would have access to the controls.

Councilman Yngstrom asked if there would be room for rain gardens or green space.

Engineer Neumann said there would and said that was one of the reasons they had included the extensions.

Councilwoman Triggiano said she was in favor of the bump outs and said they were fantastic for pedestrians but that they also had to be concerned with safety measures for cyclists. She asked about those considerations.

Ms. Neumann said there would not be room for a dedicated bike lane and said it would more likely be a “sharrow” approach.

Councilman Zipprich said he agreed with Councilwoman Triggiano’s concerns and noted that several years ago the Borough had done a Bike and Pedestrian study. He asked if they would incorporate elements of the study in to the plan.

Ms. Neumann said they absolutely could.

Councilwoman Triggiano said she did not think “sharrows” would help in the area with bump outs and pedestrians. She said she did believe bump outs were necessary in the area for pedestrian safety but felt a discussion on a complete streets plan should include bicycles.

Engineer Neumann said she would continue to look into and review the bike plan to make incorporations. She said it would be difficult to include bike lanes where a biker would be safe unless it was in the middle of the road. She said, in the case of Broad Street, the width of the lanes was such that there would not be a lot of room for a bike lane without taking out parking.

Councilwoman Triggiano said she understood and said, if they couldn’t provide a bike lane, they should provide an alternate route. She suggested they confer with experts to make the plan as innovative and complete as possible.

Councilman Ballard thanked Mayor Menna for bringing up the financial aspects of the project. He said he understood the Administrator had stated that the Council had already approved the project but said

Councilmembers were distant from the project from beginning to end. He said when they approve money for a project, they don't see the plans. He asked if the approval was done pre-budget or pre-COVID and said things had changed. He said the approval was not fresh in his mind and said he would like to see the financial analysis in conjunction with the plan.

Councilman Yngstrom said the approval had been done in 2019. He said he thought it was part of the Road Program Project.

Councilman Zipprich agreed.

Councilman Ballard said that was his point. He said the money had been approved over a year ago and now they were looking at the plan. He said he would like to see them more closely tied. He said he did not know the process but said they had to approve money for a plan they could not visualize. He said it would be nice to see the financing and the project closer together.

Administrator Shehady said he didn't see how it would be possible to authorize an Engineer to design a project if the Council had not approved the money. He reviewed the process how the project was chosen and presented to Council and again said the project drawings could not be done until the funding was approved.

Councilman Zipprich asked when the Borough had received the grant.

Administrator Shehady said it had been received in March of 2019.

Councilman Zipprich asked if the work that had been done on the bonding was done to supplement that grant.

Administrator Shehady said that was correct. He said they knew they had received the money from the State and that is why they had taken the estimates from the Engineer to create ordinance 2019-2. He said Broad Street had been included in the memo to authorize that work. He again said he didn't see how he could present the plan to the Council without the money being authorized.

Councilman Zipprich said he appreciated the Administrator reviewing the timeline and confirmed specifics.

Administrator Shehady offered additional details on the financing and the development of the project.

Engineer Neumann continued to review details of the project.

Administrator Shehady said they would also work with RiverCenter to review aesthetic options that were within the budget. He said they would incorporate the suggested revisions and then take the plan to RiverCenter for their input.

Councilman Yassin asked that they also be mindful of the impervious surfaces.

Administrator Shehady said the bump outs would also offer opportunities for plantings.

Councilwoman Triggiano asked what the next step would be.

Administrator Shehady said they would consider the suggestions of the Council and the Engineer would make revisions where possible. He said he would take that revised draft to RiverCenter, the Environmental Commission and the Shade Tree Commission for input. He said they would then come back to the Council with what he hoped would be the final draft. He said they would then put together the bid design.

Councilwoman Horgan said it would also be nice to accommodate some public art in the bump outs.

Councilwoman Triggiano said the project would make the area safer and was exciting and aesthetically pleasing. She said it was a huge improvement to the downtown.

Councilman Zipprich said he agreed with Councilwoman Horgan's request to incorporate art.

#### **ADDITIONAL COUNCIL COMMENTS**

Councilman Yassin said he had an additional comment regarding the downtown dining plaza which he noted was currently set up for Thursday night through Sunday night. He also said it was running concurrent with the Governor's ABC permit timeline through November 30. He said he would like to propose running the plaza seven days a week. He said he felt it would be beneficial to the businesses. He asked the Borough Attorney to review the process to make that happen.

Attorney Cannon said they would have to amend the original resolution authorizing the closure to include the extended hours/days.

Councilman Zipprich asked if they could also amend the area of the closure.

Attorney Cannon said he believed so but would defer to the Administrator, Code Enforcement and the Police Chief.

Councilman Zipprich said he felt Councilman Yassin brought up a good point. He said he had spoken the RiverCenter Executive Director Kirkpatrick and said the district was looking for creative ways to keep businesses thriving as they get into the fall and winter months.



Councilman Yassin said he agreed and said, because time was a factor, he would like to move that proposal now.

Mayor Menna noted that he had said, when they first rolled the idea out, that it would be an ambulatory or constantly changing process. He said he thought the request to extend the days made sense but said he also thought they should be smart enough to keep their options open. He said he thought it was a good idea.

Councilman Zipprich agreed. He added that he thought the business community would greatly appreciate any extension the Borough could give. He said more communication with RiverCenter and the needs of their members would greatly help with the extension.

Mayor Menna said the market and weather would dictate what the town would do in regard to the area. He said, if they heard from the stakeholders that the effort was not worth the return, then they would pivot and act accordingly.

Councilman Yassin said he agreed and said they should monitor it week by week. He again said he wanted to bring it forward at this meeting.

Councilwoman Horgan said she agreed and asked Attorney Cannon how they should proceed.

Attorney Cannon said they could move forward with the resolution but said he would defer to the Administrator regarding the logistics.

Administrator Shehady said he had no concerns and proposed they make a motion to amend Resolution 20-157 to extend the closures to vehicular traffic on Broad Street from Sunday through Saturday from Front Street up to Wallace Street.

20-229 Resolution Amending Resolution No. 20-157, which Temporarily Designated Portions of Broad Street and Monmouth Street as Pedestrian Malls at Certain Times and Relaxed Enforcement of Certain Ordinances to Provide Local Businesses within the Borough with Expanded Capacity and Additional Space to Practice Proper Social Distancing as They Re-Open during the Continuing Covid-19 Crisis.

Councilman Yassin offered a motion to approve the resolution, seconded by Councilman Yassin.

ROLL CALL:

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

NAYS: None

ABSTAIN: Ballard

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

Councilman Ballard said he had abstained because he did not feel that it was fair that it had been thrown on the agenda with the public being noticed and given a chance to comment.

Councilwoman Horgan said the Mayor had noted that it was ambulatory and could be changed. She said the residents would have a chance to comments at upcoming meetings.

Councilman Ballard noted that the change took effect immediately.

Councilman Yassin thanked the Council for supporting the change.

Attorney Cannon read back the terms for confirmation by the Administrator.

Councilman Ballard said a couple of questions he had raised earlier in the meeting had not been addressed. He again asked if the Borough could still assert privilege on the leaked confidential emails if they received additional requests including through OPRA.

Attorney Cannon said, in general, the privilege would still apply. He said those particular emails had been disclosed to a third party so the privilege was broken. He said he thought they might have already sent them out in response to an OPRA request but asked the Clerk to confirm.

Borough Clerk Borghi said she did not recall received a request for those documents.

Councilman Ballard said he had also asked for an update on the home rehab program including a list of applicants.

Administrator Shehady said that list would come from the Administrative Agents. He said the Red Bank Affordable Housing Corporation was preparing that list and would have the information for him. He said he had also provided an update at the September 9 Council meeting.

Councilman Ballard asked for confirmation that no work had been done.

Administrator Shehady said they needed an individual to be designated at the Municipal Housing Liaison. He said the position had been previous held by the Borough's Planner. He said it was explained at the last meeting that the plan was to hire a Planner or Engineer who would then be designated by the Mayor and Council as the Municipal Housing Liaison and would then oversee the program.

Councilman Zipprich asked if the program was funded.

Administrator Shehady said there was money for the micro-grants but said, up until the budget was adopted in August, the Borough did not have the money for the Administration personnel to give out those grants or to contract with the Affordable Housing Corporation to do that work either. He said they had hit their limit on the trust fund for Administrative Services so they needed to subsidize those costs through the Administrative budget. He said the micro-grants themselves may and can still come out of the trust fund.

Councilman Zipprich asked if those who had been approved by the Affordable Housing Corporation would be funded whenever the Borough was properly staffed.

Administrator Shehady said they would be and noted that he had spoken with a few people and assured them the list and approvals performed by the Affordable Housing Corporation would still stand and that the order and sequence of the approvals would remain as is. He said they would proceed when the Borough was able to move forward with the Administration of the program. He said the funding was secure and not in jeopardy.

Councilman Zipprich asked if those who had pending projects would just have to wait.

Administrator Shehady said that was the correct and said, unfortunately, they are operating under a timeclock that started when the Affordable Housing Corporation started the process prematurely. He said the process should not have started until all of the other measures, including a contract and an adopted budget, were in place.

Councilman Ballard asked if funding had not been included in the temporary budget.

Administrator Shehady said it was not and explained the temporary budget was based on the previous year's spending.

Councilman Ballard said he was confused that the settlement had occurred in 2019 and that it had taken that long to get a contract in place. He also asked about the Redevelopment Agency's Memorandum of Findings and asked why it had not been shared with Council members.

Administrator Shehady said he had emailed to invite every Council member to participate in the Redevelopment Agency meeting. He said he informed them about the Threshold Conformance Analysis and said he had not requested the document or attended the meeting. He said those meetings were open to the public and said the report was addressed to the Redevelopment Agency who had been tasked with it and had reviewed it. He said it was requested by members of the media and had been disclosed.

Councilman Ballard asked if, as an elected official, he would have to attend the meeting to get a copy of the information.

Administrator Shehady said he did not but said he would have to know that the Councilman wanted the information.

Councilman Ballard said he would not expect that it would not be released to the Council members before the public because they have to answer questions about it.

Administrator Shehady said there are many things released to the Planning Board, the Zoning Board and many other boards, committees and commissions.

Councilman Yngstrom agreed that there were document that went to other boards.

Councilwoman Triggiano said she had no object to the way it was handled and said they had all received the email and said she had attended.

Councilman Yassin said it was given to the public at a public meeting.

Councilman Ballard said he had been unable to attend and did not receive the information.

Councilman Yassin said he had not attended either and said, if he had wanted the information, he would have requested it. He said it hadn't been sent to him either and again said, if he had wanted it, he would have requested it.

Mayor Menna said the invitation had gone out on Monday afternoon/evening and said he would have like to have gotten it sooner.

Councilwoman Triggiano said those meetings were scheduled far in advance and were listed on the Borough calendar. She said it was above and beyond for the Borough Administrator to email the Council to remind them of the public information and invite them to be a part of it. She said it was simply a reminder.

Councilman Zipprich said the organization hadn't met for most of the year and it was only in the last few months that they had had meetings.

Councilwoman Triggiano pointed out the Councilman Zipprich currently served on that agency so if anything need to be relayed he could share it with Councilman Ballard.

Councilman Zipprich agreed that he was on the Agency and had the information so it wasn't an issue for him. He said he had seen the presentation from the professionals at the meeting as Councilwoman Triggiano had also.

Councilman Ballard said he understood he would get the information from the Redevelopment Agency when it was released unless he attended the meeting.

Councilman Zipprich said it was not his responsibility to share the information.

Councilwoman Horgan said it was everyone's responsibility to find out their own information.

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

Memone Crystian—Marion Street—thanked the Council on behalf of Taylor Crystian. She pointed out her many accomplishments and said Red Bank girls were falling behind in receiving scholarships for athletic ability. She asked the Council to support the Recreation Director and stressed the need for training for better opportunities for Borough youth. She also criticized the division on the Council. She asked them to work on appearance and working together.

Sue Viscomi—25 Cedar Street—implored the Council to come to an answer regarding the garbage contract/email investigation. She asked them to vote to put on record where each Council member stood. She also called for the Council to prohibit overnight parking in Marine Park excluding hospital employees who were working overnight. She said she thought it was great that the Mayor had brought up the issue of the bond. She said she remembered former Councilman DuPont explaining that the debt cycled with some bonds coming off and others going on. She said she wasn't sure if that was true or not and said it would be interesting to see the analysis. She said it had been asked at a previous meeting if the town had taken advantage of the bond rates that had been lowered in the last year and refinanced. She said, regarding the Broad Street issue that the Council had just pushed through, she asked about the other end of Broad Street and other businesses. She congratulated Ms. Crystian on the accomplishments of her daughter and noted that Red Bank school children, especially the girls, had been honored in the last couple of years for striving to meet amazing goals. She said both the public school and recreation were on the right track.

Jared Rumage—Superintendent of Red Bank Public Schools—said he had been impressed with the Borough's pandemic response and their support of the business community. He congratulated Taylor Crystian on her accomplishments. He reported that the school year was off to a great start and noted they had taken an extra week to prepare. He also thanked the Council for access to the emergency path for school vehicles which he said they were using daily for the primary school. He said he could not thank them enough for that opportunity.

Councilwoman Triggiano commended the school district on their efforts.

Stephen Hecht—135 Branch Avenue—thanked the Mayor & Council and the Administrator for putting the credentials for access to public meetings in one place. He said it was much easier than it had been. He said he had asked a question at the last meeting regarding a PILOT agreement with the Count Basie Center for the Arts. He said, given their \$28 million expansion and the purchase of another building, he had asked how the PILOT was being negotiated and by whom. He also asked if the purchase of the movie theater would move that property from taxable to non-taxable.

Mayor Menna said he was not going to answer the first part of the question but said he was entitled to an immediate answer on the second part of his question. He said as far as he knew, the theater was still owned by P.J. Bowers and that they were negotiating a lease agreement so it would not be tax exempt.

Mr. Hecht said he understood and said, with respect to the PILOT, the Mayor had said at the last meeting that he thought it was a fair question that should be answered.

Mayor Menna said he had stated that because he had anticipated having some concrete discussion. He said the discussions had started but they had not completed so it would be premature for him to comment.

Laura Kirkpatrick—RiverCenter Executive Director—thanked the Mayor and Council for extending the Broadwalk. He said he appreciated the attention Council members Yassin, Triggiano and Zipprich had had for listening to the voices of RiverCenter businesses—both in the Broadwalk zone and in the Streeteries. She said they were very appreciative of the Mayor and Council's efforts. She said she had had several conversations with Councilman Yassin regarding adjusting the Broadwalk area and the activities. She said she expected that would continue with professional staff in the Borough as well as with Council members. She said she would continue speaking with individual businesses and the Board to get feedback.

Jordan Robinson—142 South Street—said she loved the proposed concept for Broad Street and echoed the need for safety for bikers and also the idea of public art being presented. She suggested they delay the project for another year to protect businesses that were trying to get back on their feet due to COVID. She said she felt road closures during construction would deter potential shoppers. She also said she thought keeping Broad Street a pedestrian zone seven days a week was a wonderful idea.

Adrienne Bilaal—266 South Pearl—asked if anything was being done for pedestrian safety on the west side. She said because last year Rutgers students had researched needs and she asked if any of those needs had been considered by Council.

Mayor Menna said no concrete proposals had been brought to the Council. He said they could talk about it in Workshop.

Administrator Shehady said, on the topic of west side improvements, there was money in the 2019 bond ordinance for road improvements on a number of streets that included traffic calming efforts and ADA ramp improvements. He also said the intersection at Bridge Avenue and Drs. Parker Boulevard that was part of the demonstration project would now be a permanent installation as it had been deemed a success both by outside observers and community input. He said DPW had been working with the Environmental Commission on the more permanent installation including artwork and bollards to be installed in the intersection to ensure pedestrian safety and visibility for motorists.

Councilwoman Triggiano said the Chair of the Environmental Commission had said that the Boys & Girls Club was going to be providing art for the permanent project and that they should be receiving it by Friday.

Councilman Zipprich asked the Mayor for an update on the Shrewsbury Avenue corridor streetscape project.

Mayor Menna said they were waiting for a conceptual plan from the County and said he hoped they would have something in the next couple of weeks. He said it would be a preliminary roll out so they could get more public input. He said traffic calming was an essential part of that plan. He said he felt they owed it to the west side community, especially Shrewsbury Avenue, and said they had been extraordinarily patient. He said they were waiting for the Hubbard's Bridge, now known as the Kyrillos Bridge, project to be complete.

Councilman Zipprich asked if the County was providing funding for the project.

Administrator Shehady said they had applied for a grant and had gotten nearly \$1 million for the Shrewsbury Avenue streetscaping which had included a number of pedestrian safety and traffic calming measures. He said it was an ongoing, time consuming project and reviewed some of the requirements that had to be met and steps that had been taken.

Councilman Zipprich asked if they had to have a shovel in the ground by a certain time.

Administrator Shehady said there was a certain time frame, not necessarily for shovel in the ground but for other benchmarks. He said it was moving slowly because of the State. He said they had a pool of engineers that were selected every two years and if the Borough used one of those engineers, they would not have to pay out of pocket or out of the money from the grant. He said there had been a little bit of a delay on the publication of the list of engineers.

Councilman Zipprich asked if the engineer would be assigned or if the Borough would select an engineer.

Administrator Shehady said they would provide the list of names of the engineers and the Borough would have to select one of them. He noted that it was based on a select criteria and said it was very limited on how they would be selected.

Councilman Ballard said he wanted to respond to Ms. Viscomi's comment and said he was in favor of putting the investigation back on the Council's Workshop agenda unless someone wanted to come clean and admit what happened.

Councilwoman Triggiano asked if the Public Comment portion was still open.

Borough Clerk Borghi confirmed that Public Comment had not been closed.

Councilman Zipprich made a motion to close the Public Comment period, 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.

## **EXECUTIVE SESSION**

20-230 The Borough Attorney read a resolution to adjourn to executive session to discuss Personnel (2020 Leave Policy) and Potential Litigation (Tax Appeal). 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, 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