

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
October 14, 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

Appointments

Mayor Menna appointed John Paul Nicolaides to the position of Commissioner for the Red Bank Housing Authority for an unexpired term to expire on 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.

Proclamations

Mayor Menna read a proclamation proclaiming October 4 – 10, 2020 as Fire Prevention Week.

Mayor Menna read a proclamation proclaiming October 2020 as Breast Cancer Awareness Month and October 16, 2020 as Mammogram Day.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Boris Kofman—28 Riverside Avenue—said he was happy to see the Energy Aggregation Ordinance on the agenda and spoke in support of the program. He said he hoped the vote would be unanimous.

Rachel Davis—Water Spirit—said she strongly supported the Energy Aggregation ordinance and also hoped the vote would be unanimous. She said she hoped other towns would follow.

Charlie Kratovil—Food and Water Watch—thanked the Council for supporting the initiative. He commended the Council their leadership and encouraged everyone to vote “yes” on the resolution. He also thanked the Community Leaders who had spoken in support.

Tom Wiczerzak—26 Oakland—criticized the purchase of fire apparatus and claimed it was not disclosure in the budget presentation as a proposed capital purchase. He said it just popped up and felt the town did not need the equipment. He said he disagreed with statements made at the Workshop meeting regarding the need. He called for the Council to table the matter and review the town’s protection needs.

Councilman Yassin offered a motion to close the public comment, seconded by Councilwoman Triggiano.

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 Ballard said he wanted to follow up on the comment and asked if the purchase had gone out to bid.

Mayor Menna said the purchase would be through a State Contract.

Councilman Ballard asked if that meant there was no bid.

Administrator Shehady clarified that items were available through State Contracts and Cooperative Purchases because they had been bid already by a larger cooperative in order to get a lower price. He said it had been bid by another entity and they had used the number of municipalities behind it to leverage a lower cost. He said, in this case, it was a coop.

Councilman Zipprich asked if that cooperative was with Houston, Texas.

Administrator Shehady said that was correct.

Councilman Ballard said he was squeamish about spending the money especially when they couldn’t put money up to fund repairs at the Senior Center. He said he would like to table it for more information.

Mayor Menna said he would not include the resolution as part of the consent agenda. He said Councilman Ballard could make a motion to table when the resolution came up for a vote.

MINUTES & REPORTS

Workshop Meeting minutes of 9/9/2020

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

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.

ORDINANCES - Public Hearing/Adoption:

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

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

Councilwoman Horgan made the motion, 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.

Mayor Menna asked if anyone would like to speak. No one appearing, Councilman Yassin offered 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.

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:

2020-20 Mayor Menna read, “Ordinance Amending the Revised General Ordinances of the Borough to Revise Section 680-22: “Prohibited Activities” of Chapter 680: “Vehicles and Traffic” to Clarify the Definition of Head-On Parking within the Borough’s Municipal Parking Lots.”

Councilman Zipprich 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 10/28/2020 at 6:30 pm.

RESOLUTIONS

Mayor Menna called for a motion to approve the following resolution en masse:

- Resolution 20-232: Resolution for Payment of Bills Amounting to \$4,616,968.88.
- Resolution 20-233 Resolution Acknowledging Receipt of Best Practices Inventory as Prepared by the Chief Financial Officer
- Resolution 20-234 Resolution in Support of Designating the Borough of Red Bank as a Stigma-Free Community
- Resolution 20-235: A Resolution Authorizing Curfew for October 30 and 31, 2020.
- Resolution 20-236: Resolution Authorizing the Issuance and Advertisement of a Request for Proposals for Banking and Financial Services.
- Resolution 20-237: Resolution Closing Out the Borough’s East Side Park and Mohawk Pond Improvement Projects with the Monmouth County Municipal Open Space Grant Program
- Resolution 20-239: Resolution Supplementing the Borough’s Personnel Policy and Procedures Manual to Include a Workplace Civility Policy
- Resolution 20-240: Resolution Authorizing a Shared Services Agreement with the Township of Freehold for Information Technology Services
- Resolution 20-241: Resolution Authorizing the Execution of a Site Access Agreement with Matera Wrecking Services, LLC for Environmental Remediation of a Portion of the Red Bank Public Library Parking Lot
- Resolution 20-242: Resolution Authorizing the Execution of a Developer’s Agreement with HRK at RB, LLC Regarding Two New Utility Poles Proposed by JCP&L to Service Developer’s Property

Councilman Zipprich offered a motion to approve the resolutions, 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.

Resolution 20-238: Resolution Authorizing the Purchase of Two (2) Cinder Custom Class A Pumper Engines for the Red Bank Borough Fire Department under a National Cooperative Purchase Agreement through FF1 Apparatus and Firefighter One, LLC of Sparta, NJ

Councilman Ballard offered a motion to table the resolution.

Councilman Zipprich asked if this was a “time of the essence resolution” or if they had some time to do more research.

Councilwoman Triggiano pointed out that the resolution would approve the replacement of two 30 year old trucks.

Councilman Zipprich asked if they were still in service.

Mayor Menna confirmed that they were in service but noted the Borough was spending an extraordinary amount in repairs.

Councilwoman Triggiano said they could not wait until they did not work anymore and noted they were beyond their useful life.

Councilman Zipprich asked if this had to be done at this meeting or if they could put it off for two weeks.

Councilman Yassin asked what information he was looking for.

Councilman Zipprich said he understood the need to replace the equipment but questioned spending that amount of money in a year when the Borough had seen restrictions on its income. He said they did not have the \$500,000 to rebuild the fire suppression system in the Senior Center and was just asking for another week or so to review.

Councilwoman Triggiano pointed out that the money had been allocated specifically for this need. She said the Chief of the Fire Department and said the trucks were falling apart. She said she didn’t understand what two weeks would do especially since the trucks take nine months to come in once they are ordered.

Councilman Zipprich questioned whether or not they were falling apart if they were still in service.

Councilwoman Triggiano said the time for the discussion would have been the matter was presented and the Chief was present. She said no one had said anything.

Councilman Zipprich said that was not true and said he had asked questions and reviewed those questions.

Councilwoman Triggiano said she would like to move forward with a vote on the matter.

Mayor Menna said, as a point of order, there had been a motion to table but there had not been a second. He asked if there was a motion to second.

Councilman Zipprich said he would make a motion to second the motion to table.

Mayor Menna confirmed that the basis for Councilman Zipprich’s second was so they could take a look and see if there was any urgency and to review information provided.

Councilman Zipprich said that was correct.

Councilman Ballard said he felt more information was better than less. He said they had waited months to make the purchase and didn’t think another two or three weeks would make a difference. He said he would like more time to get educated on the million dollar purchase.

Councilman Yassin said he had no issue with looking for more information and asked what information he was looking for.

Councilman Ballard said he felt Councilman Zipprich had explained that and added that certain statements had been made regarding State Statute and other information he would like to get clarifications on.

Mayor Menna said there was no State Statute regarding the trucks. He said there was a regulation by Fire Commissioners and said it had been a tradition in Red Bank to replace every 20 years. He said it was a tradition adhered to by many Fire Departments. He said the question that begged had already been addressed by Councilwoman Triggiano was regarding why it had been dragged out so long. He said they were very expensive ticket items and they tried to get the best use they could but he said there comes a point of no return. He said the actually end up spending more on repair and restoration. He said he invited them to look at the substantial repair costs over the past couple of years.

Both Councilmen Zipprich and Ballard said they would love to see that and said that had not been provided.

Councilman Ballard said he wanted to look at that before the spent a million dollars.

Councilman Yassin said he understood that the matter had been on the Workshop agenda and asked if these questions had been asked them.

Both Councilmen Zipprich and Ballard said they had.

Councilman Ballard said that did not mean he did not have more questions.

Councilman Zipprich asked if they had ever purchased two trucks at the same time in the past.

Mayor Menna said he believed they had purchased a fire truck and rescue truck at the same time but he noted it was unusual. He said the real question was regarding a comprehensive review to determine if the Borough was in need of this type of equipment which he said he believed the Chiefs had done.

Councilman Zipprich also noted there was a clause in the agreement regarding a trade in of the existing vehicles but said there was no trade in value given for it. He also noted that they had sold surplus equipment in the past through auction to get some value for it. He asked why no trade in value was listed.

Mayor Menna said the Borough had a long history of trading in vehicles and did not recall being given a value beforehand. He said the borough had also sold them to other Fire Department in the Country. He reviewed one that had resulted in a law suit because of the poor condition of the truck. He said they would not recoup that much from the old equipment.

Councilman Zipprich again noted that the agreement offered zero trade in value.

Mayor Menna said the question was whether they would trade it in, sell it to another department or auction it off.

Councilman Zipprich asked if the Administrator could shed any light on the question.

Administrator Shehady said there was value to them but confirmed that the document provided did not list that information. He said he could get it for them.

Councilman Zipprich said that was more reason to table so they could have more information before making the decision.

Mayor Menna said they could do that but it would not be a big number.

Councilwoman Triggiano said it would be negligible.

Councilman Yassin asked if there was a motion on the table.

Clerk Borghi confirmed that there was a motion and a second.

Mayor Menna asked for a roll call vote on the motion to table.

ROLL CALL:

AYES: Ballard and Zipprich.

NAYS: Yassin, Triggiano, Yngstrom and Horgan

ABSTAIN:

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

Mayor Menna asked if there was a motion to adopt the resolution.

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

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard.

ABSTAIN: Zipprich.

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

MAYOR AND COUNCIL COMMENTS

Councilwoman Triggiano had no report.

Councilman Yassin thanked the Code Enforcement Office and the Police and Fire Departments for everything they had done to accommodate the changes that had been made in town due to the COVID pandemic. He said, so far the town had done well and he wanted to thank everyone. He thanked the Mayor and Council for moving forward with the Stigma Free resolution. He reviewed the meaning behind the resolution and said he had wanted to bring the issue forward because he said he felt mental health issues were in the forefront due to the pandemic and more people staying home. He said he looked forward to the town providing resources. He said, when he was younger, it was not something people talked about but said they were moving in a direction where people could be stigma free and comfortable.

Councilman Zipprich said he could provide information on health services in the Borough.

Councilwoman Horgan said she had no report but said she did have some ideas regarding the Stigma Free designation, specifically how to get kids involved.

Councilman Yngstrom announce a few upcoming Parks & Recreation events include a Halloween Art Classes and the Riverside Gardens Storywalk. He reported on the annual Halloween Parade and noted there would be no post parade activities or costume contest to avoid gathering in a large crowd.

Councilman Ballard thanked Councilman Yassin for his leadership on the Stigma Free resolution and said he felt it was very important. He said he also wanted to second his comments regarding the wonderful Borough employees. He asked if the results of the Garbage Survey could be published. The Council members were in favor of publishing the results. He also said he would like the Council to authorize the funding to repair the Senior Center. He said it was a crucial asset and the Borough needed to maintain it.

Councilman Yassin asked Councilman Ballard if he had a plan he could share with the Council.

Councilman Ballard said he through the Department of Public Works and the Administrator had discussed the cost and the plan. He said he thought it was in the neighborhood of \$500,000 to \$600,000. He asked that that information be shared and that it be placed on a future agenda.

Mayor Menna asked that it be placed on the next workshop agenda.

Councilman Ballard said he continues to get calls about the Home Rehab program. He asked Administrator Shehady to confirm that the last time they had discussed the matter, it had been said that the Borough was waiting to hire an engineer.

Administrator Shehady clarified that he had said they were waiting to fill the position that had previously been held by Glenn Carter as he was the Borough's appointed Municipal Housing Liaison. He said the Housing Liaison was responsible for overseeing the Borough Housing Program and the Rehab Program.

Councilman Ballard said he understood that a member of the Borough's Engineering firm was filling in until a replacement was found. He asked if they could administer the program.

Administrator Shehady said the firm was not fulfilling all of those duties but was filling the role of Zoning Officer. He said they had not been hired for the purpose of doing municipal housing liaison work. He said that would need a separate contract and a separate certification of available funds.

Councilman Ballard asked if the Borough could reach out to them and see if they were willing to step into the void. He said the people really needed their homes repaired.

Administrator Shehady said he knew that.

Mayor Menna suggested they add it to the next workshop discussion

Councilman Ballard said he would appreciate that. He said some people had been waiting for a year.

Administrator Shehady said they had been waiting because the process had been started prematurely by someone else. He said the Borough had allocated a large sum of money for rehab to take place over several years. He said he sympathize with the people and said he had spoken with some of them. He said that most of them understood that a third party organization had advertised the program without authorization, municipal approval or an agreement in place.

Councilman Ballard said that should not be held against the residents.

Mayor Menna said there was a legal format that had to be followed.

Councilman Ballard said the sooner they could get that process started, the better. He said he appreciated in being put on workshop to continue the discussion. He also asked about the first time home buyers component of the Fair Share Housing Agreement. He asked where that program was at.

Administrator Shehady said that program had been approved through an amended agreement with the Red Bank Affordable Housing Corporation.

Councilman Zipprich noted that several years ago the Borough had a program administered by John Gurzo called RCA.

Mayor Menna noted that program had died.

Councilman Zipprich confirmed that this was a similar program. He said the person that used to be Mr. Gurzo's assistant was still on staff and said he believed part of their salary covered RCA matters. He suggested they use that person who would be familiar with the programming.

Mayor Menna said no.

Administrator Shehady noted that the RCA program had involved mortgages and said the duties of the person being discussed were strictly related to the mortgage follow up process not the actual administration of the affordable housing.

Councilman Zipprich said he thought they had done repairs through that program as well.

Mayor Menna said that was correct but noted the Mr. Gurzo had been a certified construction official and was a building inspector. He said they couldn't get just any secretary that didn't have the training to do professional reviews. He again noted Mr. Gurzo had been licensed in those areas. He said the existing secretary merely dealt with the remaining paperwork regarding the loan obligations.

Councilman Zipprich reported that the 2020 Census would end the next day and offered information on how to complete the census. He thanked the Complete Count Committee for helping to drive the numbers well past where they had been ten years ago. He thanked Senior Center Director Reynolds for

getting the seniors together over the past three weeks at the local parks. He said they would have to postpone their annual Octoberfest. He said the event would be postponed until later in the month. He also said he agreed with Councilman Ballard on looking over the estimates again for the repairs to the Senior Center so once they got beyond COVID, the center would be up and running again.

Mayor Menna said there had been a matter before the Council for the last month or so. He noted the Borough Attorney could not give an opinion on the matter due to the alleged release of information regarding a bid contract. He said the second issue was regarding the bid itself and alleged third party conference and what affect they may have had. He said the Council had been stuck in neutral and said he felt they needed a legal opinion concerning what options the Council had on the issues, what were the remedies if any and what were the pros & cons of proceeding. He said Attorney Cannon was very ethical and had indicated that he could not give an opinion. He said his recommendation was that, at the next Council meeting, the Council should authorize someone who had knowledge of that area of expertise. He recommended someone with expertise in the area and suggested the Council should authorize a resolution at the next meeting for the limited purpose of obtaining a legal opinion on how they should proceed and what the legal ramifications would be. He said he was recommending Barry Cooke.

Councilman Zipprich said that was a wonderful solution to the ongoing question. He reviewed some of the issue with the bid specs that had been used in the process stating that the documents had included the name of the town of Springfield. He said they should also address the question of whether the attorney-client privilege had been violated.

Administrator Shehady said he wanted to clarify that the name Springfield had not appeared in any of the documents.

Mayor Menna he didn't know if there had been or not but did not think that was the issue. He added that he did not want to get into a discussion on the specs and said the legal opinion would direct them.

Councilman Ballard thanked him for moving the matter forward.

Mayor Menna asked if there was any objection to or if anyone had personal dealings with Mr. Cooke. There were none. He said he would contact Mr. Cooke for the quote.

DISCUSSION & ACTION

Mayor Menna read requests from Jonathan Rivera to join Navesink Hook & Ladder Company of the Red Bank Volunteer Fire Department and from John McCall to join the Fire Police Unit of the Red Bank Volunteer Fire Department. He called for a motion to approve.

Councilwoman Triggiano made a motion to approve the requests, 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.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Suzanne Viscomi—25 Cedar Street—asked if the Council had received a debt analysis/history that had been requested by Councilman Ballard.

Mayor Menna said the CFO had the information and said he would ask him to put it on the website.

Ms. Viscomi said the policy stated that information regarding questions would be provided at the next meeting. She said she hoped the answer would be prompt.

Administrator Shehady said the Annual Debt Statements were published on the website annually and filed with the State.

No one else appearing, Councilman Zipprich made a motion to close the Public Comment period, 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.

EXECUTIVE SESSION

None.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi