

MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
November 4, 2020
6:30 P.M.

SUNSHINE STATEMENT

Council President Ballard 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

ROLL CALL

PRESENT: Council President Ballard and Council Members Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

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

ABSENT: Mayor Menna (joined the meeting at 6:34pm) and Councilman Yassin.

Mayor Menna joined the meeting at 6:34pm and assumed the role of presiding officer.

ADMINISTRATION

Mayor Menna asked Councilwoman Triggiano to address the Climate Change Resilience resolution listed under Administration.

Climate Change Resilience—Councilwoman Triggiano said the resolution would address the fact that municipalities were often left to carry the burden of the costs associated with climate change. She cited several statistics include the fact that New Jersey would need to spend \$25 billion on seawalls to defend against statewide flooding by 2040 and that Hurricane Sandy had cost New Jersey over \$30 billion. She said the resolution would ensure that monies paid by companies would be allocated properly to address damage that had been done.

Councilman Zipprich asked if this was a Federal issue or a State and local issue.

Councilwoman Triggiano said it was both. She said there had been cases at the State level where monies were received but not allocated properly toward climate change issues but said you could also see it at other levels.

Councilman Zipprich asked for examples of companies that should pay.

Councilwoman Triggiano said that information was available through the State.

Mayor Menna also noted that the Attorney General's Office had been very active in collecting against polluters in the last ten years. He said the Governor had instituted as task force through that office to see what could be done. He said the exact polluters could be found on the Attorney General's website. He said he thought the Borough should sign on to the program and support it.

Councilman Zipprich agreed that it was an environmental concern and a climate change concern which he said he knew every member of the governing body was attune to. He said he was just wondering if there was anyone locally that would be able to benefit the Borough of Red Bank directly.

Councilwoman Triggiano said the resolution benefitted the Borough of Red Bank by making the statement that they were aware that fossil fuel companies were taking advantage of resources and, in turn, creating climate catastrophe. She said if the Borough did not stand up and take action, that climate catastrophe would fall on its taxpayers.

Threshold Conformance Analysis—Administrator Shehady noted that Consultant Ken DeRoberts was in attendance to discuss this matter but said the discussion might take some time. He asked that the Engineer be allowed to give her report first.

ENGINEERING

Mayor Menna asked Engineer Neumann to give her report.

Engineer Neumann reported that, due to inclement weather, the contractor had not been able to move forward on the East Bergen project but said they were hopeful they would be on site by the following Wednesday. She reviewed the remaining work to be done and that project. She said she hoped it would be substantially complete by the next meeting. She said the White Street project was substantially complete and said she anticipated close out by the end of November. She said the contractor had mobilized for the Road Program project. In regard to the DOT projects, she said they would be presenting the Broad Street improvements the following evening to the RiverCenter Visual Improvement Committee (VIC). She said there were also some concrete improvements that were consistent with a transit grant and said the DOT had approved those plans. Regarding the White Street Parking Lot project, she said most of the lighting improvements had been completed. She said the paving was waiting for JCP&L to relocate two poles and remove two. She said she expected to see substantial progress on the project in the next 30 days. She said she was working on closing out Phase I of the Eastside Park project with

the county. She said the paperwork had been submitted to the County and, once closed out, the Borough would get a reimbursement of funds.

Mayor Menna asked if the VIC Committee meeting was open to the public.

Engineer Neumann said she did not believe it was.

Councilman Zipprich said it was for Committee members only.

Mayor Menna asked if Ms. Neumann had prepared a written opinion/report that would be presented to the Committee.

Ms. Neumann said they were only reviewing the design concepts so there wasn't a written report.

Mayor Menna asked if it would include possible changes to the sidewalks and streetscape.

Ms. Neumann said that it did.

Mayor Menna asked if a narrative had been written on that.

Ms. Neumann said there was nothing in writing and reviewed the proposed changes.

Mayor Menna asked for specifics on the plan for stamped concrete.

Councilman Zipprich said he thought it was still a dialog at this point.

Mayor Menna said it was something that was very important to a lot of stakeholders in the downtown.

Councilman Zipprich said he sat on the VIC Committee and said he would relay the information.

Councilman Ballard asked about a debt analysis.

Mayor Menna noted he had requested that at the last meeting.

Councilman Ballard asked if it was available.

Engineer Neumann said she had not done a debt analysis but had noted that the cost of the project had already been included in previous bond ordinances. She said until the design was finalized, there would not be a final cost estimate. She said the scope of the sewer component had not changed and noted it would be funded through the I Bank. She said the only differences they were talking about was the enhancements of the pedestrian plazas. She said, as soon as she had a preliminary estimate, she would be happy to share it.

Councilman Ballard said his question was directed to the CFO and the Administrator.

Administrator Shehady said, when the question had come up at the last meeting, the statement had been made that the Borough's debt statements were published on the Borough's website.

Councilman Ballard said he understood that but said he felt that he and the Mayor were looking for a more in depth analysis. He asked the CFO to provide that.

Administrator Shehady asked him to let him know what type of information he was looking for.

Mayor Menna said he would get together with Councilman Ballard to submit a written request.

Councilman Zipprich said he had received several complaints from residents in the River Street area regarding the noise created by the construction company doing concrete work. He said they were starting work shortly after seven each morning. He asked Engineer Neumann to address the matter with the contractor.

Engineer Neumann said she had already had a conversation with the contractor regarding that matter and make sure they started no earlier than 7:30.

CLERK

Mayor Menna noted that the recent election was on everyone's mind and said he wanted to congratulate Council members Zipprich and Ballard on their reelection.

Borough Clerk Borghi reported that the Election had been fairly uneventful noting there had been no major issues in the polling place. She said there was a steady turn out with short wait times for voters.

Councilman Zipprich said he had received comments from residents which included the fact that they felt the poll workers were not social distancing and that there was no signage outside of Borough Hall to denote the fact that it was the poll location. He said he realized there was signage on the door but said there were no signs on the street.

Clerk Borghi said she would forward the comments about the poll workers to the County since they were County employees and not under her jurisdiction. She confirmed that the signs were on the door and noted that the Borough did not get involved with the actually running of the poll locations but said she would pass the concerns on.

Clerk Borghi also reviewed the upcoming meetings noting that the November meeting had been scheduled for Tuesdays when the calendar was set due to holiday conflicts.

Administrator Shehady asked if they could return to Administration items since he had someone on the line to present.

ADMINISTRATION (Continued)

Administrator Shehady noted that the Threshold Conformance Analysis was listed on the agenda as a discussion item. He said it was a robust document that had been prepared by professionals through the Redevelopment Agency. He said the agency had reviewed it over the course of two meetings and had voted to forward to the Mayor and Council for review and referral to the Planning Board. He said the Planning Board would then review and provide feedback or approve as is then send it back to the Mayor and Council for approval. He said it would then go back to the Redevelopment Agency for their approval. He said Ken DeRoberts was in attendance to review the report. He said they hoped to have the Council vote to refer to the Planning Board at an upcoming meeting.

Mr. DeRoberts reviewed the goals and details of the report in regard to areas in need of rehabilitation and those in need of redevelopment. He reviewed how the report would be used if adopted. He noted the plan had been sent to the Council for review. He said he and Administrator Shehady were available to address any questions.

Mayor Menna said he felt Mr. Wiser had done a good job summarizing the findings. He said it was very comprehensive and encouraged everyone to read it.

Councilman Ballard noted that eminent domain had been mentioned in the report but said there was no such thing in Red Bank as it had been banned by ordinance. He asked why the findings mentioned eminent domain.

Mayor Menna said he had not read the entire document having only received it the day before. He confirmed that the Borough did have an ordinance that prohibits the use of eminent domain. He said the New Jersey Supreme Court had also opined that eminent domain was not appropriate and would not be sanctioned by the Court unless for a specific public purpose.

Attorney Cannon said he believed Mr. Wiser included that in the report because it was a requirement of the Redevelopment Law.

Administrator Shehady clarified that the report did not state that eminent domain was an option for Red Bank and that the Redevelopment Agency was aware that it was not an option. He said that was not the purpose of the threshold conformance analysis. He said the purpose was simply to identify areas that may potentially meet the definitions of area in need of rehab or area in need of redevelopment. He said the report mentions eminent domain simply in the context of what the State Redevelopment Law allows as a distinction of what municipalities may do in areas in need of redevelopment or rehab. He said there was no recommendation in the Conclusion and Findings that the Borough pursue that option. He said the recommendations on recommend parcels of land that may fit the definition of each designation.

Mr. DeRoberts said the Redevelopment Agency was keenly and sharply aware that condemnation and eminent domain were not available or eligible for discussion.

Councilman Ballard also asked about language in the report that stated the entire Borough could be designated as an area in need of redevelopment.

Mr. DeRoberts said that was incorrect and said the report had stated that the whole town could have qualified for an area in need of rehabilitation. He said that was due to the age of the infrastructure.

Councilman asked what that definition meant as a matter of law.

Mr. DeRoberts said an area in need of rehabilitation would encourage improvement of existing property. He said if a property owner made improvements they could get a very limited tax abatement and reviewed details.

Mayor Menna noted that had had the program in Red Bank for the Shrewsbury Avenue corridor.

Councilman Ballard asked about the Borough's Housing Rehabilitation program.

Mayor Menna said that was not the same and reviewed the Shrewsbury Avenue program

A discussion followed on the benefits of the program. Attorney Cannon offered a general review of the designations and their differences.

Councilman Ballard asked if the report and its findings, as well as a possible designation of the entire town as an area in need of rehabilitation, would preclude the Borough from doing a Master Plan.

Mr. DeRoberts said it would actually tie in very nicely to the initiative for undertaking a Master Plan. He noted that it would also tie in with previous measures they had done.

Councilman Zipprich thanked Mr. DeRoberts for walking them through the report and thanked Councilman Ballard for bringing up the eminent domain question. He also thanked the Borough Attorney for his explanation. He said he had been very vocal during the course of the discussion regarding the fact that Red Bank was a historic town with designated historic districts. He said as they look toward the future, they needed to take that into consideration. He said they also needed to consider the fact that Red Bank was a destination town because of the historic nature. He thanked the Mayor for attending the Redevelopment Agency meeting. He said the document was a work in progress and a roadmap to the future. He said they needed to be sensitive to comments that the entire Borough was for sale.

Mayor Menna thanked him for bringing up the matter of historic preservation. He said it could be a tool to encourage the growth of the historic district and/or individual property historic improvements. He said he believe they should look at the whole picture with the Threshold Analysis, Master Plan and Infrastructure Improvements reports.

Councilman Zipprich expressed concern about current projects occurring in the Historic District.

Mayor Menna asked Administrator Shehady to review the agenda discussion on the Downtown Expansion Time Extension.

Administrator Shehady offered background on the issue include the fact that expansion of liquor licenses had been allowed through the end of November under Executive Order of the Governor. He said the Red Bank Mayor and Council had adopted a resolution to support that initiative by allowing the business community to utilize public spaces resulting in certain road closures. He said the Governor had extended those expansions to March so the Council needed to discuss if the Borough also wanted to extend the use of public spaces. He said it was his recommendation, after speaking with people in the business community, that it was probably not a good idea to continue the closure through March and that they should revisit the matter in the spring. He said this was due to the impact on traffic and also with the volume of business that would occur in extreme cold. He said also had concerns from a Borough operation standpoint which was snow removal issues that could occur. He said he thought they could continue to allow businesses to use the parking stalls in front of their businesses as streeteries.

Councilman Zipprich asked if the businesses would be responsible for digging out the streeteries during snow events.

Administrator Shehady said they would and that it could be stipulated.

Councilman Zipprich also expressed concern about the expansion of liquor licenses encouraging a lack of social distancing.

Clerk Borghi noted that she had only received two applications to expand licenses through March and said both were on private property.

The Council consensus was to move forward with the Administrator's recommendations.

Mayor Menna noted the grants report had been received and reviewed.

Councilman Ballard asked if the results of the garbage survey were available and when it would be distributed.

Administrator Shehady said he did have the results but they had not been compiled into a report. He said they would be provided with the recommendation for the award of the garbage contract. He said he believed the bid closing was the following week. He said he did not want the results published as it could affect the bidders.

Councilman Zipprich asked if the bidders were aware that the survey existed or if it was included in the bid specs.

Administrator Shehady said the survey was not a part of the bid specs which was why it had not been published.

Councilman Ballard criticized the fact that they had asked the public for input but were not sharing the results.

Administrator Shehady said he did not say they were not sharing them with the public but that they would not be sharing them before the bids were received.

Councilwoman Triggiano asked the Borough Attorney for his opinion.

Attorney Cannon said he felt it was the best practice to wait until after the bid process but said there was no legal rule one way or the other.

Councilman Ballard asked if the results could be forwarded to the Council.

Administrator Shehady said the survey results were going to be provided to the Council with the bids.

Councilman Zipprich asked why they couldn't see them before.

Councilman Ballard said he was surprised they had not been tabulated.

Administrator Shehady said they would be tabulated with the bid results.

Councilman Ballard again expressed concern.

Mayor Menna said it would be provided after the bids were received.

Councilman Zipprich said he did not understand why the Councilmembers could not be privy to the information.

Councilman Yngstrom said they did not want Councilmembers to be able to allow bidders to know the information.

Attorney Cannon said it was up to the majority of the Council.

Councilmembers Ballard and Zipprich said they would like to see the results of the survey.

Councilman Yngstrom said he did not see the need to have them in advance. He said he did not want anything to tarnish the existing bid.

Councilwoman Triggiano noted the Borough Attorney had stated that also.

The discussion continued with Councilmembers Ballard and Zipprich pressing for distribution to Council. The remaining Council members were not in favor of the report being distributed before the bid process was closed.

CFO O'Reilly reviewed resolutions slated for upcoming regular agendas including a tax refund and the adoption of a Purchasing Policy and Procedures Manual.

Administrator Shehady said the resolution to adopt the Purchasing Policy and Procedures Manual would probably be listed for the second meeting in November or possibly December.

CFO O'Reilly said there was also a pending capital bond ordinance.

Administrator Shehady clarified that, since an ordinance required two meetings to adopt, there was not enough time left in the year so said it would be targeted for the first meeting in January. He said by mid-December, he, the CFO, Engineer and various Department Heads would prepare a draft ordinance for introduction in January and adoption in February. He reviewed items to be included in the bond.

Councilman Zipprich asked if it would include funding for repairs at the Senior Center.

Administrator Shehady said that discussion would be had by the Mayor and Council at the December or January workshop meetings.

CFO O'Reilly said, in response to previous discussions by Council regarding a debt analysis, he had been working on that and would be happy to provide the information. He also reported that the Borough had received \$51,000 in reimbursements for CARES Act funding. He said the total of up to \$60,000 for the year and noted there was another quarter yet to submit. He said the tax sale had been successful and reviewed the numbers. He said he had been working on a software reporting tool regarding water and sewer accounts to try to weed out large discrepancies. He also said the 2019 audit was in the final stages and reviewed the reasons for the delay.

Councilman Zipprich asked if the Department was seeing any withholding of water/sewer payments during the pandemic or a dramatic increase of non-payment.

CFO O'Reilly said he had done a recent analysis but, as of a couple of months ago, water/sewer connections were not down much more than normal.

OEM/FIRE MARSHAL/CODE

Fire Marshal Welsh reviewed his report and noted inspections were down due to COVID. He said it was starting to get busier and said they hoped to get back into the businesses in January. He said they had used discretion on some enforcement. He said the resolution listed under Emergency Management was regarding the five year update and reviewed the contents of the plan. He said they had completed interviewing and would be looking to hire a replacement for the retiring secretary in his office.

Councilman Ballard asked how things were going in the office.

Mr. Welsh said it was very busy.

POLICE

Chief McConnell reviewed his report noting that some statistics for the month were not yet available. He noted the Department was now overseeing parking and reviewed statistics for that area. He said he would be looking to back fill two positions in the coming weeks which were for a Records Department Supervisor and a final patrol officer position that had not been filled.

Councilman Zipprich asked if the Records Supervisor was a full time position.

Chief McConnell said it was. He reviewed the restructuring that changed the position from a Police Sergeant to a civilian position.

Councilman Ballard asked if the Department had not taken the Parking Officers that had worked under the Department of Public Works.

Chief McConnell said they had but only one had chosen to come over. He said one had left the employment of the Borough and another had stayed at DPW in a different position. He said they would be filling one more position to meet the needs while maintaining part time hours.

Councilman Zipprich confirmed that they were part time employees.

Councilman Ballard asked how many employees there were in the Police Department.

Chief McConnell said there currently were 38 sworn officers. He said at the high point there were 44 but most recently they were down from 40 officers. He said they have 39 positions with one being vacant. He said there were also four full time civilian dispatchers, two full time civilian Administrative Assistant and one part time civilian Records Clerk in the Records Bureau. He said there also two part time Class II Special Officers and the Parking Enforcement Officers that they had just discussed.

FIRE

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

PUBLIC UTILITIES

DPW Director Keen said he was going to be looking to fill a position in Parking Services that would be repairing the parking meters. He said there were a couple of other spots that had remained open during COVID that they would be looking to fill. He reviewed details of his report including leaf collection information. He also noted the Water Quality Report was on the Public Works Department web page.

Councilwoman Horgan asked what the water quality was.

Director Keen said the quality met or exceeded all Federal guidelines. He reviewed testing procedures.

Councilman Zipprich asked if the County also checked the water quality since the Borough had recently switched over the NJ American Water.

Director Keen said NJ American was responsible for their own testing. He said they had as strenuous, if not more, testing as the Borough. He said reports were available for all water providers on the NJ Water Watch website.

Councilman Zipprich said, in essence they were checking the water twice since NJ American was responsible for testing it and so was the Borough.

Councilman Zipprich asked if the residents were not to bag leaves but just put them at the curb.

Director Keen said residents could bag the leave if they would like to or containerize them. He reviewed the schedule for pick up.

RECREATION

Mayor Menna asked if there were any questions on the Recreation Report. There were none.

Councilwoman Triggiano thanked Director Hoffmann for all of his great work.

SENIOR CENTER

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

Mayor Menna said she had been doing a great job and said he had seen many of the seniors at a recent event. He said the entire community was so happy to see the extraordinary mix of young people with seniors. He said they had had extraordinarily kind words regarding Director Reynolds.

Administrator Shehady said the only legislative items was a follow up to the discussion from the last meeting regarding memorializing a lease with Trinity Episcopal Church.

Councilman Zipprich asked Attorney Cannon if he had been able to work an escape clause into the agreement and if the church had agreed to it.

Attorney Cannon said the Administrator was having the discussions with the church but said he had included a 90 day out clause.

Administrator Shehady said he had conveyed that sentiment to the church and said he was waiting on a draft lease from them. He said he hoped it would be done for the next meeting and said the attorney would have a chance to review it.

Councilman Zipprich said his concern was the exit clause in the event they bonded for the repairs to the Senior Center and were able to move the seniors back in. He wanted to make sure the Borough could exit the lease.

Councilman Ballard said, at a previous meeting, he had requested an estimate for the repairs to the Senior Center and asked if that had been done.

Administrator Shehady said the Borough Engineer had provided that information on two different occasions.

Councilman Zipprich said he knew she had provided the estimate for the fire suppression system but wasn't sure they had received the estimate for the rebuild of the interior.

Mayor Menna said they would take a look at the reports and send it out again.

LAND USE

Mayor Menna asked if the agenda item under Land Use should be discussed in Executive Session.

Administrator Shehady said it had been listed as a placeholder and that they should discuss it under Personnel in Executive Session.

BUILDING

Administrator Shehady noted the Acting Construction Official, Anthony Neibert was in attendance. He reviewed Mr. Neibert's credentials.

Acting Construction Official Neibert said he was glad to be aboard. He said he had toured the town earlier in the day and had been very impressed. He said he had liked the conversation earlier in the meeting regarding redevelopment. He said he had chaired the Carteret Redevelopment Area for about 17 years. He said, if it was done right, it was a tremendous benefit to a municipality. He reviewed his previous experience and said he had been impressed with the people involved. He said he was happy to be here and would have reports in the following months.

The Council members welcomed Mr. Neibert.

PUBLIC COMMENT

No appearing, Councilman Zipprich offered a motion to close the Public Comment, Councilwoman Horgan seconded.

ROLL CALL:

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

NAYS: None.

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

Administrator Shehady noted someone had just raised their hand. Mayor Menna reopened the Public Comment.

Angela Mirandi—8 West Lake Road—noted the CFO had mentioned the 2019 Audit and asked if that report and the 2020 User Friendly Budget was going to be posted to the Borough's website.

Administrator Shehady they would be if they were not already.

Ms. Mirandi said the Police Chief had mentioned the 2018 Management Report. She asked if the Borough had completed a full, in-depth report of manpower in the Police Department. She said it was a big part of the budget.

Mayor Menna said there had not been an independent analysis but said there had been an ongoing continuing review by the Borough's Police professionals with the Council Committee.

Ms. Mirandi asked if the Borough planned on doing one.

Councilwoman Triggiano asked if this was Public Comment rather than back and forth. She reviewed the adopted protocol.

Ms. Mirandi said she would offer all of her comments/questions. She asked if they were going to do an independent review. She also noted that she had previously asked if Police statistics could be posted on the Borough website quarterly.

Mayor Menna asked Administrator Shehady to address the second question.

Administrator Shehady said he had discussed it with the Chief and said they were looking at posting the statistics but had to work out the logistics.

Chief McConnell confirmed and said both he and the Administrator had a lot on their plates right now. He also noted that, with COVID, he does not accurately reflect normal activity anyway. He said there were issues to work out on how they report things so they would be understandable to the public. He reviewed various types of statistics.

Mayor Menna said he had already answered the question about the independent analysis and noted the answer had been no.

Councilwoman Triggiano said she would like to add that the independent analysis was the Management Enhancement Report that had recommended restructuring. She said that restructuring had been taking place including steps that were taken at this meeting.

Ms. Mirandi said that had never been made public.

Councilwoman Triggiano said it had been included in public reports.

Chief McConnell said they had reviewed that and said it was the most significant part of the report as far as manpower in the Police Department and Dispatch. He said they had since twice looked at dispatch and found that their version of dispatching was more cost effective and more efficient than going with a shared service agreement. He said he, the Administrator, the former Administrator and the Council had twice reviewed the matter and had come to that conclusion. He said they had also taken the opinion of the Management Enhancement Report and civilianized the one position.

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

ROLL CALL:

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

NAYS: None.

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

EXECUTIVE SESSION

20-253 The Borough Attorney read a resolution to adjourn to executive session to discuss Personnel. No action to be taken.

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi