

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
December 16, 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

Mayor Menna noted the Borough had lost a member of its family in October and announced the passing of former Borough Administrator Sally Levine. He shared his memories of Ms. Levine.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Presentations

Mayor Menna noted there was a resolution on the agenda to recognize Borough employees for all they had done during the COVID pandemic.

Resolution 20-275: Councilwoman Triggiano read, “Resolution Acknowledging the Efforts of Municipal Employees during COVID 19 Pandemic.”

Councilman Zipprich offered a motion to approve the resolution, 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.

Councilman Ballard said he wished the Borough could have done more.

Mayor Menna noted Assemblywoman Downey was in attendance and asked her to read the next resolution.

Assemblywoman Downey said she was very excited about the recognition for Charlotte Stant and noted that she served as one of their interns.

Resolution 20-276: Assemblywoman Downey read, “Resolution Commending Companeros De Comida and Charlotte Stant for their Efforts to Bring Food Security to Red Bank Families.”

Assemblywoman Downey commended Ms. Stant’s efforts and praised her work as their intern.

Former Red Bank Regional Principal Risa Clay thanked the Council for recognizing Ms. Stant and echoed Ms. Downey’s comments regarding her work ethic.

Ms. Stant thanked the Council and said she felt very fortunate and grateful to work for the members of the 11th Legislative District.

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

ROLL CALL:

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

NAYS: None.

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

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Suzanne Viscomi—25 Cedar Street—asked where the money from the Riverview Settlement would go since it was not included in the budget. She also questioned the resolution to “fix” salaries and asked if there was something wrong or if it was an adjustment for the next year. She questioned the significant increase in salary for one individual.

In regard to the Riverview settlement, Attorney Cannon said, in accordance with the settlement agreement, the Council could not discuss the amount but said the documents were subject to the OPRA statute and would be available through that process. He said the funds would go into the Utility account.

In regard to the salary resolution, Administrator Shehady said the word “fixing” was used in the context of setting the amounts of salaries rather than a correction. He said it was done on an annual basis and the resolution on this agenda would be retroactive to January 1 because they wait for the availability of funds and the adoption of the budget.

Stephen Hecht—135 Branch Avenue—He said both Resolution 20-288 and Resolution 20-289 indicate that there had been a 100 percent increase in the allocation for legal expenses by the Borough. He asked why that was happening. He noted it was the third increase requested for the Labor Counsel. He also urged the Council to avoid acting on resolutions en masse without any discussion.

Administrator Shehady said, in answer to the question about the resolutions pertaining to legal expenses, he would review past Council discussions where it had been explained that these resolutions were authorizations and did not increase the amounts appropriated or the amount in the budget. He said the budget has not been amended. He said the Mayor and Council adopt resolutions at the beginning of the year to approve professional services contracts and, at that time, they cannot anticipate all of the legal matters that might arise. He noted items such as lawsuit and OPRA challenges were not in the Borough’s control. He said the also can get employee complaints or grievances. He also noted that, in 2020, they were entering negotiations with the union. He said, when those things happen, it requires a response from the Borough’s attorney and/or Labor Counsel. He said there had also been challenges in regard to the pandemic that had not been anticipated. He said these required amendments to the contracts but again

noted there had been no amendment to increase the budget. He said it was a system of checks and balances set by State law that requires a certificate of available funds. He said once the original allocation had been met, the professional had to go back and request an additional authorization.

Mr. Hecht said, as he read the resolutions, they appeared to be retroactive. He said that suggested that the money had already been spent. He said it did not appear to be in anticipation of 2021 but was for 2020 and asked if that was correct.

Administrator Shehady said it was correct that it was for 2020 but it was not correct that it was not in anticipation. He said he regularly asked the CFO to provide budget status reports. He said he also asked the attorneys for an estimate of work expected for the rest of the year including what had not yet been billed but might have been performed. He said he uses that to determine how much more of an authorization would be needed.

No one appearing Councilman Yassin 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 11/4/2020

Councilman Yassin offered a motion to approve the minutes, 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.

ORDINANCES - Public Hearing/Adoption:

None.

ORDINANCES – First Reading:

None.

RESOLUTIONS

Mayor Menna called for a motion to move the following resolutions en masse:

- Resolution 20-277: Resolution for Payment of Bills Amounting to \$\$5,538,578.49.
- Resolution 20-278: Resolution Authorizing Transfer of 2020 Current Fund

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

Councilman Ballard said he had questions on the transfer resolution. He asked about the transfer from Buildings & Grounds Salaries and Wages to the Road Repair.

Administrator Shehady noted the Borough used two different programs, one for account purposes and one for payroll. He said a couple of years ago, since the budget does not show the various work done by Public Works employees, all salaries were put under one category. He said the cost allocation had not been changed in the payroll system so that system was drawing down from one account. He said it needed to be changed in the payroll systems but said it could not be done in the middle of the year.

Councilman Ballard said he just wanted to make that clear for the public.

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 20-279: Mayor Menna read, “Resolution Fixing the Salaries of Certain Officers and the Pay or Compensation of Certain Positions and Employees within the Borough of Red Bank for the Year 2020.”

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

ROLL CALL:

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

NAYS: None

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

Resolution 20-280: Mayor Menna read, “Resolution Confirming Time and Place of Borough Council Meetings for 2021.”

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

ROLL CALL:

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

NAYS: None

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

Resolution 20-282: Mayor Menna read, “Resolution Ratifying and Confirming the Appointment of a Full-Time Police Officer.”

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

ROLL CALL:

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

NAYS: None

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

Resolution 20-283: Mayor Menna read, “Resolution Ratifying and Confirming the Appointment of a Full-Time Director of Community Development.”

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

Councilman Ballard said he had some concerns with this hire. He said he had asked to see comparative resumes for all who applied for the job and he had not received that. He said he also had an issue with the fact that it was a new position that had not been codified in the Borough ordinances.

Councilman Zipprich said he objected with Councilman Ballard’s objections. He said he also felt that the candidate did not have adequate municipal experience.

Administrator Shehady cautioned the Council regarding making comments about an individual employee without a Rice notice.

Attorney Cannon added that the matter should not be discussed publicly.

Councilwoman Horgan noted the matter had been previously discussed in Executive Session. She said he had made his point then and said she did not feel it was appropriate to bring it up now.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard and Zipprich

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

Resolution 20-284: Mayor Menna read, “Resolution Awarding a Contract for Solid Waste, Bulk Refuse and Recyclable Materials Collection & Disposal Services to Delisa Demolition, Inc. beginning February 1, 2021.”

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

ROLL CALL:

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

NAYS: None

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

Resolution 20-285: Mayor Menna read, “Resolution Authorizing the Borough Engineer, CME Associates, to Perform Environmental Consulting Services and Prepare a Hazardous Discharge Site Remediation Fund Application for the Borough’s Proposed Sunset Park at a Cost not to Exceed \$19,000.00.”

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

Councilman Zipprich said he was aware that the previous Engineer had provided a number of studies that the Borough had paid for. He said he wanted to make sure that they would not be duplicating efforts.

Councilwoman Triggiano said that had been covered in the last meeting and it was said there would not be duplication.

Mayor Menna confirmed that the question had been asked and answered and said the resolution would authorize services that had not been previously performed.

Councilman Ballard asked what the previous Engineer had done.

Mayor Menna said they had done preliminary work but the reference services were not part of what they had done.

Councilman Ballard again asked what they had done.

Mayor Menna said he invited him to take a look at the bills and specs from the Engineer's office and noted they were extensive. He also encouraged him to speak to the former Engineering firm.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

ABSTAIN: Ballard and Zipprich.

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

Councilman Yassin asked for clarification on the next steps.

Administrator Shehady said it was correct that the previous Engineering firm had done a lot of investigative and permitting work on the project. He reviewed specifics of what had been done to ensure that previous contamination issues did not continue to be a problem. He said there was still clean up that needed to be done. He reviewed the process to qualify for grant funds from the DEP to help fund the cleanup and discussed potential uses for the site.

Councilman Yassin said he had spoken with members of the community and said open space and affordable housing were some of the items desired for the area.

Attorney Cannon said there were three steps to the process. He said they were 1) to identify what materials were there and 2) to identify where they were. He said that was the work that had been done by the previous Engineering firm. He said, now that they knew where the material was and they had a remedial action plan, the third part was cleanup. He said the grant money taken from the fund was also eligible for forgiveness depending on the purpose. He reviewed his own experience with the program as a Councilmember in another town.

Councilman Zipprich noted it was an old landfill. He asked if the DEP would allow housing to be built on it.

Attorney Cannon said that was an Engineering question. He said the Engineering reports would state what was present, what the area could be used for and what standard it was being remediated to.

Councilwoman Triggiano asked that they take it one step at a time and noted that that was not what they were voting on at this meeting.

Councilman Ballard questioned why the explanation wasn't given in response to his question,

Councilwoman Triggiano said this discussion had been listed on the last Workshop agenda when the Engineer was present and these questions could have been asked.

Councilman Ballard said if the explanation had been given in response to his question, he might have changed his vote.

Councilman Yassin asked if Councilman Ballard wanted to change his vote from an abstention.

Councilman Ballard said he did not.

Resolution 20-286: Mayor Menna read, "Resolution Retaining Barry A. Cooke, Esq. of Wilentz, Goldman & Spitzer to Act as Special Counsel for the Borough of Red Bank."

Councilman Ballard offered a motion to approve the resolution, 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 20-287: Mayor Menna read, "Resolution Authorizing the Settlement of Pending Litigation before the Superior Court of New Jersey, Monmouth County Entitled Red Bank v. Riverview Medical Center, et al., Docket No. Mon-L-360-19."

Councilman Zipprich offered a motion to approve the resolution, 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.

Resolution 20-288: Mayor Menna read, “Resolution Authorizing Amendment of the Borough’s Professional Services Contract with Sobel Han LLP to Increase the Amount Not to Exceed from \$60,000 to \$120,000 for Municipal Attorney Services.”

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

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

ABSTAIN: Ballard and Zipprich

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

Resolution 20-289: Mayor Menna read, “Resolution Authorizing Amendment of the Borough’s Professional Services Contract with the Weiner Law Group, LLP to Increase the Amount Not to Exceed from \$100,000 to \$120,000 for Labor Counsel Attorney Services.”

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

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: Ballard

ABSTAIN: Zipprich

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

Resolution 20-290: Mayor Menna read, “Resolution Requesting Special Item of Revenue (DDEF – Drive Sober or Get Pulled Over).”

Councilman Zipprich offered a motion to approve the resolution, 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.

MAYOR AND COUNCIL COMMENTS

Councilman Yassin said he had no report. He said it had been a difficult year in the Borough and said he felt they had done good job helping the residents and the business community. He said the employees had done a phenomenal job. He said he had gotten positive feedback from the public and said he wanted to congratulate the Borough Administrator, Department Heads and all employees. He said he looked forward to a better 2021.

Councilwoman Horgan said the Library Director had reported to her that the Red Bank Public Library was looking to become the area’s go-to non-profit funding expert as a member of a nationwide network that would allow the Library to provide free access to several resources to help strengthen local non-profit organizations. She provided details on the program. She reported that the library was holding its first ever winter reading program and said they were continuing to offer curbside pickup for materials. She said the facility remained closed to the public. She said had been over 5,000 participants in virtual attendance of library programs and said they continued to be very busy. She thanked all of the Borough employees for doing a fantastic job. She noted it had been a tough year for everyone and said she hoped 2021 would be better. She also thanked the Mayor and her fellow Council member for their hard work.

Councilman Ballard said he did not have a report from the Finance Committee. He said, while he didn’t want to steal Councilman Yngstrom’s thunder, he wanted to commend Parks & Recreation Director Hoffmann and his staff for their efforts with a winter clothing drive.

Councilman Zipprich commended his fellow Councilmembers who had helped to raise money for a family in need. He said, to date, they had raised over \$9,000. He urged everyone to remain vigilant during the pandemic. He thanked the Senior Center staff for delivering gift bags to seniors earlier in the day. He reported that RiverCenter Center had sent out guidelines to the business community earlier in the day regarding the upcoming winter storm. He reviewed those guidelines. He also said the district was appreciative for the Borough suspending parking fees during the holiday season. He thanked the DPW Employees and the OEM Team who he noted would be working through the storm. He also thanked all staff, Borough-wide, for working to keep the municipal government going during this very trying year. He also commended Doreen Hoffmann on her retirement.

Councilman Yngstrom said Councilman Ballard did steal his thunder a little bit but said he would reiterate because they had done such a great job. He said they had received a tremendous outpouring for their winter clothing drive and they had received hundreds of items. He thanked the volunteers who had helped with the Santa calls and letters. He reported on the virtual tree lighting and the performances of

the participants. He thanked the performers and Mayor Menna for their help. He thanked the members of the Parks & Recreation Department for their work over the past year.

Councilwoman Triggiano said she echoed everyone's sentiments regarding the residents, business owners, employees and volunteers. She said this had not been a typical year and expressed her gratitude to everyone who had risen above and beyond to serve the borough. She noted they had unanimously approved a resolution to hire a police officer. She said that would normally have been done in person and it would have involved a celebration. She offered background on the individual. She also commended the newly appointed Community Development Director adding that she would bring a diverse background of experience and said she would be an asset to the Borough. She thanked the Environmental Commission for their outstanding work during the pandemic. She said they had made some amazing environmental progress.

Mayor Menna said 2020 would probably go down as one of the worst years in many, many years but said he wanted to thank the employees, the people of Red Bank, their associates in government, his Council colleagues and the Administrator who had led the pack. He said all had excelled in an extraordinary way and he wanted to thank everyone for looking out for the public and for each other. He noted some meetings had gone on for a long time and they passions may have been extended beyond what they should be but said they had worked cooperatively together to achieve a greater good. He said they all loved this town and its residents. He said what they had been able to do under all sorts of challenges help Red Bank remain a beacon. He said it was a beautiful town and that was because of the people that they serve.

DISCUSSION & ACTION

Mayor Menna read the following request recommended for approval by the Special Events Committee:

- a. Request from the Navesink Vintage Race Boat Association to reserve Thursday, August 12 through Sunday, August 15, 2021 to hold Red Bank Regatta 2021 event in Marine Park. Approval is subject to final plan review by Special Events Committee.

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

Councilwoman Horgan reminisced about a former Regatta event that had been held in town years ago.

Mayor Menna also shared memories include the time he had ridden a kayak.

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 about whether or not there had already been concept plans Sunset Park for Sunset Park. She recalled discussion on the matter and asked if those were being scrapped. She said she like the fact that the website had information for the Zoom meetings all in one spot. She said she realized the Council meetings were posted on the Borough's Facebook page and asked why other boards did not do the same. She also asked for a report on clean up and car removal after the storm. She asked if tickets would be issued and asked for a report on how many were issued. She also said she loved how everyone came together as a team regardless of their independent thinking. She said she also appreciated the collaboration between the schools, the library and the town.

Councilman Yassin said, in regard to the Sunset Park question, the town was just applying to do the remediation for now. He said a long term plan for the property had not been decided. He said they could reference back to any previous plans and it did not mean they were scrapping anything.

Councilman Zipprich added that one of his earliest votes on Council was to take down the incinerator that used to be on the property. He said it was one step at a time and it would not happen overnight.

Mayor Menna recalled the day the incinerator was taken down.

No one else appearing, 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

20-291 The Borough Attorney read a resolution to adjourn to executive session to discuss Potential Litigation and Personnel.

Councilwoman Horgan 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.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi