

MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
April 7, 2021
6:30 P.M.

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 16, 2020.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

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

ENGINEERING

Engineer Neumann reported that the contractor was remobilizing on the East Bergen project. She said the Road Program contractor had also remobilized. She said the DOT's was going to give an extension on the Broad Street project because the Borough was still waiting for certain approvals before it could be put out to bid. She said she expected the project would be ready to go out to bid in the next 15 to 30 days. She said they had received notice from the DEP that the Marine Park improvements would require a CAFRA permit which she said she was reviewing. She said the County had verbally approved the Borough's Stormwater Ordinance and said it would also be submitted to the DEP. She said the Eastside Park Phase II project was currently out to bid and said bids would be received on April 20. She said they were still dialoging with the DEP regarding the Riverside Gardens Park improvements.

Mayor Menna said he knew there was substantial interest in a follow up report on the Shrewsbury Avenue streetscape project. He asked if Engineer Neumann could give a realistic date when the Borough could have some follow up with the State.

Engineer Neumann said she and the Administrator had had a follow up meeting with the DOT to discuss the grant and to make sure the Borough wasn't in danger of losing the grant. She said, because the Borough was going through the DOT's design consultant, they had had some concerns about the proposal. She said all costs were refundable to the Borough but said they want to review with the DOT to see if there was any wiggle room with the design consultant's proposal because the cost estimate seemed a little excessive. She said she did not think they had started the preliminary design.

Mayor Menna said Councilman Ballard and members of the Shrewsbury Avenue Streetscape Committee had expressed concerns about the project and asked Engineer Ballard to get back to the Council with an estimated time line.

Administrator Shehady asked what time line he was looking for and said he may be able to give some clarity.

Mayor Menna said he would like to see a time line when they would receive a realistic proposal that could be shared with the members of Council, professionals and members of the public.

Administrator Shehady said, like most capital projects, the first step was to select a design engineer who would put together the specs for the project. He said a conceptual plan had been submitted to the DOT as part of the grant application which, he said, had come from the Shrewsbury Avenue steering committee. He said the Borough had won the grant so the design engineer would need to take that concept into a formal design. He said the Borough had received a proposal for the services but said it had not been formally selected or authorized by the Council. He said he and Engineer Neumann had some concerns about the price and some of the terms. He said the DOT had also had some concerns. He said the DOT was taking their feedback along with the Borough's and going back to the firm to discuss revising/clarifying the proposal. He said, once they get the final proposal, the Council can select and appoint that engineer. He said it was a drawn out process because it was not just the Borough but noted the State also weighed in on the proposal because it was their money. He said the Federal government would also be weighing in. He said a realistic time line was probably six to nine months after the appointment of the engineer. He asked Engineer Neumann if she agreed.

Engineer Neumann said she did.

Councilman Zipprich asked if the grant money had an expiration date.

Engineer Neumann said it did and noted that had been a concern from Councilman Ballard. She said they had specifically reviewed that with the DOT. She said they had been told that they were not in jeopardy of losing the funding because they were still in process and engaging to move forward.

Administrator Shehady was the was a general deadline but said as long as the Borough was not ignoring requests for information or requests to move along the process, it was fine. He said the State was also reviewing the

proposal so, even if the Borough was ready to move ahead, the State was not. He said the Borough was not at risk of losing the grant as long as the State and Borough were working together.

Engineer Neumann said she would follow up to try to get an email confirmation.

Councilman Zipprich said he had May of 2021 in his head and wanted to make sure we did not have to have a shovel in the ground by that date.

Administrator Shehady said that, even if the Borough wanted to they couldn't because the State wasn't ready. He said the date came from the Federal Government because they were Federal funds. He said the State was administering it and, as long as they were saying they weren't ready and the process was ongoing, the Borough was fine. He said that is what they have been told but said he agreed with Engineer Neumann that they would like something in writing. He said it had been a laborious process to this point and reviewed some of the steps they had had to take.

Councilman Zipprich said he had noticed that there were catch basins around town being reconstructed and asked if there were additional catch basins scheduled for reconstruction.

Engineer Neumann said that work was typically done as part of the Road Program so the work that he was seeing was associated with that program.

Mayor Menna asked Engineer Neumann about Stormwater Management Citizens Initiative and the ordinance regarding same. He asked for a synopsis on what that was about.

Engineer Neumann said they could certainly do that but sometimes there was a concern about creating it as a utility. She said she did not know if the Borough would necessarily need to form a utility entity to cover the Borough's stormwater but said it was certainly something they could look into. She said she didn't know if it would be beneficial as it only added another layer to what they were already doing.

Councilman Ballard said there was construction going on by Little Silver on that Borough's sewers and they were using a parklet as a staging area. He said it was causing a lot of disruption to Red Bank residents. He asked Engineer Neumann what was going on there and why the Borough wasn't involved.

Engineer Neumann said DPW Director Keen had made her aware of the work. She said he had spoken with contractors on site so was referring the matter to him for follow up. She said it was affiliated with utility work in the area and said they had found out about it through residents.

Administrator Shehady said there was confusion because the park crossed borders. He said New Jersey American Water was doing utility work which had to be done. He said they had consulted with Little Silver but did not consult with Red Bank. He said it was just a mistake and said, when it came to Red Bank's attention, they immediately got involved. He reviewed the documents that would be needed for them to use Borough property. He said none of that was received because they hadn't realized that they were on Red Bank property. He said Director Keen had spoken with them and requested the appropriate paperwork.

Councilman Ballard said he felt the Borough had no choice but to accept whatever they gave them at this point because the park was already loaded up with equipment.

Administrator Shehady said he understood but said they did not have a time machine. He said they could work with them fix the situation and said they were willing to work with the Borough and had apologized. He said, if the Council wanted, they could go into Executive Session to discuss legal action against them but said he felt they would waste more time by going that route. He said he appreciated everyone's frustration. He said it was an honest mistake and said they were working to fix it.

Mayor Menna asked who they were working with.

Administrator Shehady said it was New Jersey American Water and their contractors. He reviewed items of confusion with the border issue.

Mayor Menna said they should make sure remediation was done as soon as possible and said there should be a written agreement.

Administrator Shehady said they would and noted that had been done with other contractors that had used Borough property.

DPW Director Keen said he agreed with the information provided by Administrator Shehady and said he had been working with the contractor. He reviewed actions taken so far.

Councilman Zipprich thanked Director Keen for handling resident complaints on the matter.

Councilman Ballard thanked Engineer Neumann also.

Administrator Shehady said a Traffic Study was listed under discussion items. He said the project had been awarded to CME but had been put on hold because the felt the pandemic had affected traffic patterns. He said, while the pandemic was not over, life had been returning to more or less normal. He said the study would help guide future decision making. He said he felt they needed to discuss it and give Engineer Neumann some direction as to whether they wanted to continue to hold off or if they wanted her to start the study and when.

Councilwoman Triggiano asked if there was any indication that traffic was resuming and that it would be a good time to move forward.

Chief McConnell said it was probably not back to normal but was much closer than last spring/summer. He agreed that they did not want to delay it forever. He said his only concern was that they were about to close Broad Street which would impact a circulation study as it would dramatically change traffic patterns.

Councilman Yngstrom asked how long a study would take.

Engineer Neumann said four to six weeks.

Councilman Yngstrom said he would like to see results with the closure and without.

Councilman Zipprich said it made sense but also noted summer traffic was different.

A discussion followed on the details, options and time frame.

The consensus was that the Engineer should start the study towards the end of the Broad Street closure and into the reopening.

ADMINISTRATION

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

Fireworks – Mayor Menna said the next Discussion Item was regarding the unauthorized discharge of fireworks.

Councilman Ballard said the issue had been discussed by the Animal Welfare Advisory Committee and how reviewed how the fireworks affected animals and adjacent properties. He suggested an ordinance to restrict usage to certain time periods.

Mayor Menna said many towns allow usage only on certain holidays. He suggested a blanket prohibition with approval for certain times/holidays by ordinance or special permit.

Councilman Yngstrom said he would like to see what other towns had done.

Councilman Ballard said he would like to see a requirement to notify neighbors.

CDBG Alternate – Administrator Shehady explained that this was procedural. He said former Recreation Director Hoffmann had been the alternate and a replacement was needed due to his resignation. He said a resolution would be drafted to fill that position.

Councilman Ballard asked what CDBG stood for.

Administrator Shehady explained that it was Community Development Block Grant. He reviewed the program and previous awards the Borough had received.

80 Shrewsbury Avenue added to Recreational Open Space Inventory (ROSI) – Councilman Yngstrom said there was currently a process in place and he felt they should wait for the result. He said he did not think the time was ripe to make the decision right now.

Councilman Ballard said that question was not within the purview of the Redevelopment Agency. He also said, Resolution 21-57 passed in February called for placing emphasis on public use and access to riverfront properties. He said adding the property to the ROSI would take care of that if it was truly the intent of the Council. He again noted that the Redevelopment Agency did not have that authority.

Councilwoman Triggiano suggested they get some information from the Attorney and Engineer on the process so they could be fully informed.

Attorney Cannon said there would be implications to that.

Councilwoman Triggiano again said they should request information from the professionals regarding what the implications might be. She said she wasn't against it but wanted to understand fully what the implications would be.

Councilman Yassin asked what the designation would entail.

Councilman Zipprich said he thought Councilman Ballard was referring back to Resolution 21-57 that spoke to riverfront access. He said he felt that they were doing their due diligence to find out what it would take to preserve that property for riverfront access as it was designated in 21-57.

Attorney Cannon said there was no designation in 21-57. He said it was a statement of the Council's mission. He said there was a number of ways to implement that. He said the ROSI was one of them but that would come with a lot of other restrictions. He said there were other ways to accomplish what was listed in 21-57.

Councilwoman Triggiano asked if the Attorney and Engineer could prepare something for the Council's review.

Attorney Cannon said they could. He said he could also review the various options that could be used to ensure it remained public property.

Councilman Ballard said he had spoken with a representative from the DEP regarding this topic. He said she told him that it was possible.

Attorney Cannon said he was sure that it was possible and that the DEP would love to have jurisdiction over more of the Borough's property. He said that was the point, whether or not they wanted to give up that jurisdiction to accomplish the mission.

Councilman Yassin asked if the designation would give the State jurisdiction over the property.

Attorney Cannon confirmed that they would and noted they had recently been in town to review Marine Park and questioned parking permits that had been issued on that property. He said the Council needed to consider if they wanted the State looking over their shoulder every time they did something at 80 Shrewsbury Avenue.

Councilman Zipprich said they had been very helpful with work at Count Basie Field. He also said he felt the DEP had regulations for protection of open space which was what they were looking for and to ensure riverfront access for perpetuity.

Attorney Cannon said he was not disagreeing with him but was just letting him know there were many different ways to do that without having the Monmouth County Steward looking over their shoulder. He said they could implement a deed restriction that would allow the property to remain under the control of the Council and wouldn't invoke other people's jurisdiction.

Councilwoman Triggiano said she would definitely like to see a memo prepared. She said she felt everyone, especially the people that voted for the resolution, stand by the fact that they want the property to stay in the public use. She said she wanted the memo so they were not speaking in abstract and so they could understand how the designation might limit the property and surrounding area. She gave the example of restrictions that could be imposed if the area was in a transit village.

Councilman Ballard asked if putting the Senior Center on the ROSI would put it on the same level as Count Basie Field and would prevent the construction of new buildings on that property. He said he felt they were all in favor of that.

Attorney Cannon said it did not just do that. He said any facility built there would have to be completely for public recreational use. He gave the example that they could not park utility vehicles there if they needed to at some point. He said, as a very general overview, Green Acres regulations required that every square inch of the property on a ROSI had to be for public recreational purposes. He said they could ensure it could only be a Senior Center by deed restriction. He said what he was taking from the conversation was that everyone wanted it to remain public property. He said there were many varied options and said he and the Engineer would provide a memo.

Councilman Ballard asked how soon he could provide the memo.

Attorney Cannon said he would have to speak with Engineer Neumann.

Mayor Menna suggested it be carried to the next Workshop Meeting.

Councilman Ballard objected to tabling the discussion.

Councilwoman Horgan said she felt they needed to know what the options were. She asked what the rush was. She said she felt they needed to make an informed decision. She said a memo from the Attorney and Engineer would be very helpful.

Councilman Ballard said the rush was that it had been over two years that the property had been sitting vacant. He said, every time someone brings up doing something with it, they "just kick the ball down the road." He said they were delaying it for a reason he didn't understand.

Councilman Yassin said the problem was that the idea he had presented had negative side effects that he did not realize when he had presented it. He said they had just been told that one of the side effects would be ceding control or oversight of the property to a State agency. He said the Attorney had noted that there may be a better option out there to accomplish the same goal. He said, rather than rush into a bad decision that had unintended consequences, he suggested they find out what the other options were.

Councilman Ballard said it would take a month and again said it was kicking the ball down the road.

Councilman Yngstrom disagreed and said a month to get a memo out was not that long.

Attorney Cannon said he would talk to the Engineer and get the memo as fast as they could.

Councilman Zipprich asked Attorney Cannon if the area was a transit village as referenced by Councilwoman Triggiano.

Attorney Cannon said he was not sure and suggested they check with the Planner.

Mayor Menna said the Borough had not been formally designated as a transit village and said the Councilman was aware of that. He reviewed the process to complete that designation.

Councilman Zipprich said that was why he was confused by Councilwoman Triggiano's statement that it was in a transit village.

Councilwoman Triggiano said she wanted to clarify that she meant that it was in a possible transit village area and that the area could be affected if a property in that area was put on the ROSI. She said she did not have the specifics on that and that was why she would like a memo that stated the implications. She said she was very discouraged that anyone was implying that there was a threat to the well-being of that property. She said it was not under any threat and there was nothing that was going to happen to it in the coming weeks if they did not resolve the ROSI discussion tonight. She reviewed the status of the review noting that architectural proposal had just been put forward to the Redevelopment Agency with some wonderful options. She said she wanted to

emphasize that it was on track and that there was a great process happening right now. She said no one should be implying otherwise.

Councilman Zipprich again said he wanted to make sure they clarified her statement about a transit village. He said he understood that they had lots of options. He said, if they had fixed the Senior Center after the pipe had exploded, they wouldn't be having these conversations. He said he felt it was important to take care of the assets that they had.

Councilwoman Triggiano reminded Councilman Zipprich that the Council had unanimously voted to reject the bids for those repairs. She also noted he had been serving on the Redevelopment Agency, and also serving as the Senior Center liaison, during the majority of that two year time. She said he had not said a word during that time about his dissatisfaction with any of those meetings. She said the Council was doing their job to fix the problem with an agency that they had all approved.

Councilman Ballard said he had not been in favor of the Redevelopment Agency.

Councilwoman Triggiano acknowledged that that was correct.

Councilman Zipprich said he had sat on the Redevelopment Agency the previous year during COVID and said they had only had three or four meetings.

A discussion continued on the repair issues and the timeline.

Councilman Ballard took issue with the Redevelopment Agency being referenced during discussions about the Senior Center. He said the Agency's mission was to develop property. He said he felt their involvement meant they wanted to leave it open for the possibility of development. He said putting it on the ROSI would effectively take that option away.

Councilwoman Triggiano said that was a very dangerous false narrative.

Councilman Yngstrom agreed.

Councilwoman Triggiano criticized simplifying the Redevelopment Agency as just a development agency when one of their main tasks had been to help the Council to review municipal facilities in a way that was supposed to remove the politics from it. She said sometimes it was better to bring more people to the table. She took issue with Councilman Ballard's continued statements that there was a threat of that land being developed when there was no such threat. She said there were proposals on the table that were being reviewed by the Redevelopment Agency. She said they would then come to the Council for public presentation. She noted that none of the proposals suggest developing the property or using it for anything other than public recreation.

Councilman Zipprich said part of what played into it was the fact that there was a proposal to build a community center at Count Basie Field and that the existing property would be used as collateral to make the new community center happen. He said that was what the public was hearing.

Councilwoman Triggiano asked where they were hearing it from.

Councilman Zipprich said he understood that there was a process in place for the Redevelopment Agency to review the matter and provide options to the Council. He said he thought Councilman Ballard was proposing that there was another option for the Council to consider in placing the piece of property on the ROSI.

Councilwoman Triggiano noted that they had all stated that they were all in favor of preserving the property and said she had spearheaded a resolution to ensure that. She said they had to understand the implications of the ROSI. She said it was not as black and white as they were presenting it. She said a memo prepared by the Engineer and Borough Attorney would be very helpful to make a sound decision. She nothing was going to happen in the next month where they needed to make a quick decision. She said they should go into informed of the options that didn't have negative implications.

Councilman Zipprich said he was hearing statements that open space had negative impacts.

Councilwoman Triggiano said that was not correct and said there were many ways to protect the property. She again said they should have the facts in front of them regarding what the ROSI actually did. She noted the Borough Attorney had said there were multiple ways to accomplish the goal.

A discussion followed on the question of whether or not someone had stated that open space had a negative impact.

Mayor Menna polled the Council and the majority consensus was to wait for the memorandum from the Borough Attorney and Engineer.

BUILDING

Mayor Menna asked if there were any questions regarding Construction Official Neibert's report. There were none.

Construction Official Neibert said a new Building Sub Code Official had started as of this date and said he would be working two full days per week. He reviewed his credentials and experience.

SENIOR CENTER

Director Reynolds asked if there were any questions on her report. There were none. She reported that they were still doing sign-ups for COVID vaccinations but said it was slowing down. She said they had done about 600 so far. She said they were going to start doing spring events in the parks.

Councilman Zipprich said he wanted to thank Director for her efforts and said she had been very helpful in facilitating the vaccinations.

Administrator Shehady said he wanted to note for the Council and for the public that the was something that was very uncommon in the State and he had found, in talking with other municipalities, that very few were doing what Red Bank was doing to get seniors vaccinated. He said there were seniors throughout the state that were having trouble getting appointments and, through the Borough's partnership with the VNA, they had done something that very few municipalities had been able to do. He thanked Director Reynolds and he thanked the VNA.

Councilman Zipprich said the Governor had reported that they were ahead of schedule and said that about 4 million people had been vaccinated in the State. He said the Governor had also stated that appointments were available at a vaccination cite in Atlantic City.

Councilman Ballard said he agreed that it was great that Red Bank was leading the charge to get seniors vaccinated. He commended and thanked Director Reynolds for the work she was doing. He asked her to let the public know how to get in touch with her if they knew someone that needed to get vaccinated.

Director Reynolds gave the phone number for the Senior Center and said she could be reached there.

Councilwoman Horgan said she wanted to give a shout out to Administrator Shehady because she said she knew he was instrumental in working with Ms. Reynolds and the VNA.

Councilwoman Triggiano also commended Director Reynolds on her efforts.

FINANCE

Mayor Menna reviewed resolutions slated for the upcoming agenda and asked if there were any questions. He asked if there were any questions on the Tax Collector's Annual Report. There were none. He also asked if there were any questions on the monthly reports. There were none. He asked the CFO to address the temporary budget amendment.

CFO O'Reilly said there would be a resolution to amend the temporary budget and said he was working on getting the 2021 budget ready for introduction which he estimated would be done at the last meeting in April.

Councilman Ballard asked if there was a target date for the introduction of the budget.

CFO O'Reilly said that would be the last meeting in April.

Councilman Ballard said he had previous asked if the 2021 Budget document would be available on the shared drive. He said he did not see it and asked if it would be posted soon.

Administrator Shehady said it would be posted once they had a chance to finalize it.

OEM/FIRE MARSHAL/CODE

Fire Marshall Welsh said the Code Enforcement Office was in the final stages of launching the GovPilot program. He said, in regard to OEM, his office had been getting calls about the fish kill. He said the episode was not unusual. He reminded residents of a similar episode from 2019 that results in aggressive foxes seeking access to the fish. He cautioned pet owners to keep small dogs in as there were incidents of the foxes chasing/attacking small dogs. He said the County was involved in the matter and reviewed a clean-up effort from a couple of years prior.

Councilwoman Triggiano said a report had been put out by Clean Ocean Action and read the details of the report explaining the cause behind the recent incident.

Borough Clerk Borghi said she had received a call from a concerned resident and had forwarded the information to OEM Coordinator Welsh, DPW Director Keen and the Monmouth County Health Department. She said the Health Department had sent out an Environmental Inspector out. She said the Inspector had provided a full report stating that there was no issue. She said she had a copy of the report if anyone would like to see it.

POLICE

Chief McConnell reviewed his report. He said there had been an increase in calls for service but said that was expected for this time of year especially with the loosening of COVID restrictions. He said Parking Enforcement was now fully staffed and enforcing until 9pm. He said all of the signs had been switched over and said they had been easing into enforcement. He reviewed upcoming new hires that would be replacing vacancies. He said they would also be employing Class I Special Officers for the summer. He said they usually work in the parks but said they would also be assigning them to the Broadwalk area so they wouldn't have to use full time officers at a higher rate of pay. He said there would also be a small change in the Parking Ordinance to resolve issues on Chapin Avenue.

Councilman Ballard asked, in regard to the Special positions, if they would just be filling existing positions and not hiring additional positions.

Chief McConnell said the Special II positions were replacements for existing positions that had been vacant since December of 2020. He said, regarding the Class I Summer Specials, they typically hire three per summer to work in the parks. He said they were going to try to add another one or two to help cover the downtown. He said they needed the additional staff because they were limited in the number of hours they could work and remain part time status. He noted they were hired at a much lower rate than a regular officer. He added that the Specials were only employed until the end of September.

Councilman Ballard asked for confirmation that, if they used regular officers, they could go into overtime.

Chief McConnell said they could because they were required to maintain a minimum manpower on the roads. He said even if they ended up paying overtime once a week, they would be paying more than they would be employee the Special Officer at 20 percent of the cost.

FIRE DEPARTMENT

There were no questions on the Fire Chief's report.

PUBLIC UTILITIES

Director Keen noted that parking revenue for March 2021 was \$110,701.23 which was about \$6,000 higher than it had been in 2019. He said they had added bollard to Broad Street at the request of the Police Department and Traffic Safety. He said they had been added in areas where people tended to illegally park. He said they had previously also been installed on Drs. Parker Blvd. and Chestnut & West streets. He reported that brush pick up had started. He said he had also been informed by the garbage contractor that the west side of town was only putting out recyclables every other Wednesday not realizing that collection was now every week.

Administrator Shehady said they had also been working with another entity to develop a plastic film/plastic bag recycling program. He said they would have more details on that in the next month or two.

Councilwoman Triggiano said the announcement of the program would be a great time to communicate again about recycling in print in both English and Spanish.

Mayor Menna said he had had experience with the program in another municipality where he served. He said it was a wonderful program and said people had gotten used to it and were responding.

RECREATION

Administrator Shehady said he would try to field any questions regarding the Department. He said Director Hoffmann had submitted a report before his last day. He said the search for a new Director would be discussed in Executive Session as a Personnel matter. He said he hoped to have a resolution to ratify an appointment by the next Council meeting.

Councilman Ballard asked about a petition submitted by Freddie Boynton to have a plaque in Johnny Jazz Park. He said he felt Mr. Boynton had been a pillar of the community as both an employee and activist. He said he was ready to move forward and vote in favor of putting a plaque in the park to honor Mr. Boynton.

Mayor Menna said it was not just a question of a plaque. He said he had asked the Parks & Recreation Citizen Committee to look at where it should go and to make suggestions. He said they had not heard back from them yet. He said they should keep it on the radar but should give the Parks & Recreation Committee the opportunity to discuss the matter.

Councilman Zipprich said he agreed and said he felt the Boynton family had been an important part of the fabric Red Bank. He said he would strongly urge that the matter be moved as quickly as possible.

Councilman Ballard said he felt it would be more appropriate to have a direct conversation with Mr. Boynton on where the plaque should be located.

Mayor Menna agreed that he should be involved as a stakeholder.

Councilman Ballard said back in March there had been a brawl at Count Basie Park. He said he was bringing it up because he was concerned about people having access to the park with or without permits. He said he had talked to the Park Attendants and said they had told him that there had been an ongoing problem with large out of town groups showing up at the park. He said the incident with the brawl had involved an out of town group playing a pick up football game and said it was large enough that the police had to be called. He said he was concerned that they should be controlling who was going in and out of the park and expressed concern for the safety of the Park Attendants. He felt they needed to get a system in place to coordinate use of the park and to have permits issued.

Mayor Menna agreed that a plan was needed and that it should be complied with.

Attorney Cannon said it would have to be referred to the Monmouth County Steward because the property was on the ROSI and they would have to approve a plan to exclude people.

Mayor Menna said he did not think Councilman Ballard was suggesting that they should exclude people but that they would have to be registered.

A discussion followed on the ROSI requirements for access to the park.

Councilwoman Horgan said the Parks & Recreation Committee had already discussed it and were aware of it. She said they would work with the new Director to come up with a plan but agreed that they needed to be careful of the ROSI requirements. She also noted that, if the fields were not being used, there were open to anyone.

LAND USE

Mayor Menna noted a proposed had been submitted by CME regarding a Redevelopment Study.

Administrator Shehady explained that the proposal was regarding 176 Riverside for CME to do a Redevelopment Study to be paid for by the Developer's escrow and not out of tax payer funds.

Councilman Ballard asked if this was for the VNA site.

Mayor Menna said that it was.

Councilman Ballard asked if a plan had already been approved by the Planning Board for the Development of that property.

Mayor Menna said it had.

Mayor Menna noted Community Development Coordinator Ebanks had submitted a report as well as a timeline for the Master Plan review.

Ms. Ebanks reviewed the report and noted that it included the announcement that there had been a resignation on the Zoning Board. She said that position would need to be filled. She also noted she had submitted a memo that broke down the timeline for the Master Plan process.

Administrator Shehady said the Council would need to review the budget and then adopt a resolution for a special emergency authorization. He said it wasn't necessarily an emergency but was a way of funding as a five year plan.

The Council consensus was to move forward.

Councilman Ballard asked for an update on the Home Rehab program.

Ms. Ebanks said it was off to a slow start due to the fact that the first resident had had a misunderstanding of the scope of work so a revised estimate was needed. She said she hoped to have the contractors due a site visit next week so they could bid on the project. She said they would then move to the next person but said it was difficult with only two qualified contractors. She said she could only work on one project at a time but said she would love to work on more.

Administrator Shehady said they would look to put together a resolution to solicit more contractors.

Councilman Zipprich asked if there were any additional applicants or if it was still the original eight.

Ms. Ebanks said it was still the original eight but said they had added one more because Reverend Porter had seen that her need was very important.

Councilman Zipprich asked if people could still apply.

Ms. Ebanks said there were not advertising and had to revise the marketing plan. She said they would then publish it on the Borough website and open it up to new applicants.

Administrator Shehady said they wanted to make sure that they got the process going and that rehabs were underway. He said they don't want to end up in a situation like last year where it was prematurely advertised.

CLERK

Clerk Borghi asked if there were any questions on her report. She reviewed proclamations slated for the first meeting in April.

ADMINISTRATION Cont'd

Mayor Menna noted there was a settlement matter listed in Administration and asked if it needed to be discussed in Executive Session.

Administrator Shehady said it had been discussed in Executive Session at the last meeting and said this was the follow up. He said it was listed on this agenda so the Council would know to expect it on the agenda for next week.

Mayor Menna said the weather was getting better and vaccinations were going well. He said he felt a lot of residents missed the Town Wide Yard Sale. He reviewed the benefits of the events. He suggested the Council could approve a date for the event on a Saturday in June or July.

A discussion followed on the details of a possible event with most Councilmembers speaking in support.

Councilman Yngstrom asked about the possibility of going back to in person meetings, possibly outside.

Administrator Shehady cautioned against doing them outside because there was recording equipment and other technical issues involved.

Councilman Ballard agreed and said it could be inside but socially distant with a limited number of participants. He said he was getting feedback from residents that the electronic meetings were not functioning as anticipated.

He said he was getting phone calls on a regular basis that people couldn't log in. He said it wasn't just Council meeting but included other entities such as the Planning Board or Zoning Board. He said they couldn't log in, they were getting kicked off or they were raising their hand but they weren't being seen for whatever reason.

Administrator Shehady disagreed. He said no one's hand had been raised and not called on.

Attorney Cannon agreed that everyone had been called on.

Councilman Ballard clarified that they were saying that, for technical reasons, they were trying to raise their hand but it wasn't going up. He said it could be on their end.

Administrator Shehady said, if anyone had had those issues, they had not contacted the Clerk, the Administrator or the Attorney to resolve the matter. He said if anyone was having issues, he could review their registration and attempt to resolve the issue. He said it may come down to someone not being able to work a computer or the Zoom program but said that was not an issue of the Borough's ability. He said no one was getting "kicked off." He said he was not debating the merits of an in person meeting but he did not want to legally jeopardize the Borough by saying that something was not allowing people to access the meeting. He said they had gone to tremendous lengths to allow access for everyone. He said it was a system that was working for almost every governmental agency right now.

Councilman Ballard said he was not suggesting that the Borough was doing anything wrong. He said, for whatever reason, the technology was not working for everyone. He said people who wanted to be a part of the meeting did not always have that opportunity. He said he was suggesting that if they had in person meetings, people who were not as technologically savvy could participate.

A discussion continued on meeting format and attendance.

Administrator Shehady said, if the Council chose to go to a hybrid of electronic and in person, he would need a timeline because they would have to set up cameras and a television so they could see people on Zoom.

Councilwoman Horgan said they would have to work out a lot of logistics but said she would like to get back to in person meetings.

Councilman Zipprich agreed that they should have a hybrid model.

Councilman Ballard said they had discussed fireworks earlier in the meeting but said they were also supposed to discuss other noise issues such as loud music and gas powered leaf blowers.

Mayor Menna said he was aware that other municipalities have ordinances that didn't necessary address noise issues but designated the hours when leaf blowers could be used. He said there was an existing ordinance that allowed them to be used at 7am but said they may want to look at reducing the start time for weekends. He asked the Clerk to request ordinances from adjacent municipalities. He said there were two issues, one was excessive noise and the other was regulating hours of use.

Councilwoman Triggiano said she wanted to highlight one other area that was in the Fire Department report. She said the department was always looking for recruitment and gave information on the department's website.

PUBLIC COMMENT

Michael Humphreys—12 West Lake Road—said his home was in the middle of the construction discussed earlier in the meeting. He said he felt neither Little Silver nor Red Bank were taking it seriously. He said he was skeptical that Little Silver had made a decision without knowing where the boundary was between Red Bank and Little Silver. He said mostly Red Bank tax payers had been affected. He expressed concern about the duration of the project stating that Little Silver had been vague and noted that he understood there would be a Phase II. He said he felt there needed to be a clear written understanding regarding the situation of the park.

Amy Humphreys—12 West Lake Road—called for the project to be over and the area cleaned up. She said there were noise issues and said it was dangerous.

Mayor Menna asked the Administrator to arrange a conference call with the Administrator in Little Silver, their Engineer, DPW Director Keen, NJ American Water and himself.

Councilwoman Triggiano said she was sorry to hear about their experience.

Councilman Ballard said he had visited the site and reviewed his experience.

Mayor Menna thanked him for bringing the matter to his attention and said he thought they needed a conference call.

Councilman Zipprich said he had also visited the site and said he thought the conference call was a good idea.

Ellen McArthur—53 Leroy Place—spoke on the issue of leaf blowers and said she had sent links and sample legislation from other states. She called for an ordinance to ban commercial leaf blowers.

Attorney Cannon said New Jersey had legal decisions that required decibel readings. He noted other states had different laws.

Ms. McArthur said none of the ordinances she had provided were decibel centered.

Attorney Cannon said that was exactly his point noting that they would have to be decibel centered to be compliant with New Jersey law.

Ms. McArthur said she had forwarded a list to Council members include a list of towns that had banned gas powered leaf blowers.

Councilwoman Triggiano said another town, that she believed was Maplewood, had tried to pass a leaf blower ban but had gotten sued for discriminating against businesses. She said she would like to make sure they weren't people who had already been made vulnerable during COVID and then restricting the tools they could use in their business. She said the Borough would not be giving them grants or supplying them with electric leaf blowers. She said she only became comfortable with introducing a plastic bag ban was when she had attended a meeting where she learned that Maryland had included a provision for business to state that they would not make a certain amount of money and would not be able to implement the plastic bag ban. She said none of the smaller businesses applied for the hardship which made her comfortable with taking that environmental step. Regarding leaf blowers, she said she was unsure if they were ready for a whole ban because she would be wary of hurting the working class. She said she agreed that they should look into the hours of operation.

Ms. McArthur said leaves did not stop falling from trees because of COVID and said they needed to be cleaned up. She said the yards in the Borough were not huge and she questioned the need for a leaf blower. She said she did not think that it would kill anyone's business. She continued to review her experience with the leaf blowers. She suggested they phase in the ban. She felt the companies were not small businesses but rather were corporations.

Mayor Menna said they would review it as a legal matter.

Frank Corrado—73 Linden Place—he criticized what he called a continued misinformation campaign by Councilman Zipprich and Councilman Ballard surrounding the Red Bank Senior Center. He said it was equally infuriating and disappointing. He said they were bringing Washington-level political theater into the Borough. He said they had the opportunity to be leaders and part of the solution. He said they were using a false narrative to confuse and scare the most vulnerable. He said Councilman Zipprich had originally voted to approve the Redevelopment Agency and had been aware that the Senior Center was in their purview. He accused him of using the subject as a political weapon. He continued to criticize Councilman Zipprich and Councilman Ballard for playing politics and said they were doing a tremendous disservice to the Red Bank Community. He called for a stop to the disinformation campaign. He urged them to not rush into a decision regarding adding the property to the ROSI but to get the facts. He thanked the remaining Councilmembers for standing up for the Community and not backing down.

Councilman Ballard said he wanted to thank Mr. Corrado for his comments and said he appreciated every resident of Red Bank and their opinions. He said he thought that Mr. Corrado was somehow affiliated with the Redevelopment Agency as a member of the Board or the Advisory Committee.

Mayor Menna said he was not a Board member and noted that the Advisory Committee had not met.

Councilman Ballard asked for confirmation that he was on the Advisory Committee.

Mayor Menna said he had stated that the Committee had not met.

Municipal Clerk Borghi and Administrator Shehady said he was not a member of the Advisory Committee.

Councilman Zipprich said he also wanted to thank Mr. Corrado for his well thought out and well-orchestrated delivery. He said he knew that Mr. Corrado and Councilwoman Triggiano had a very close relationship.

Councilwoman Triggiano confirmed that there were friends.

Councilman Zipprich also noted the Mr. Corrado had a political sign for Councilwoman Triggiano on his property.

Councilwoman Triggiano confirmed that he did but said she had no idea he would be speaking.

Councilman Zipprich said he felt the comments were carefully orchestrated and said there was no political theater being played on his part. He said he would like to remind everyone that there were seven people who sat on the dais that had been elected by the people of Red Bank for different reasons. He said they all brought something different to the table and they all had different opinions. He said he welcomed Mr. Corrado's comments but took umbrage to his political theater.

Councilwoman Triggiano said she had no idea that was coming but said she found great relief in Mr. Corrado's words and said they were long overdue.

Rose Sestito—222 East Bergen Place—said she had served on the Parks & Recreation Committee for four years and she questioned why the request from Mr. Boynton had been referred to their Committee. She said she felt it didn't make sense. She criticize the fact that they had requested that the Engineer attend a meeting to explain renderings and said she was told that the Engineer did not need to be there. She criticized Councilwoman Horgan for not introducing herself as the new liaison and said she told the committee to give her their comments or to the Department Director. Secondly, she said she wanted to address the police presence at Count Basie Park. She said there had been a "rumble" at the park involving 50 to 70 people from out of town. She said they did not have their names because no permits were issued. She asked why a special officer wasn't assigned to that park rather than the Broadwalk.

Councilman Ballard said he wanted to note that Ms. Sestito was his wife.

Councilwoman Horgan explained that she had arrived to the first meeting late because she had been in a Redevelopment Agency meeting and said she did not have chance to introduce herself. She said regarding referring the plaque request, she believed the Mayor had suggested that the Committee review it. She said, if the Committee was not interested, they didn't have to review it. She said they would also take into consideration the issued at Count Basie Park.

Councilwoman Triggiano noted that they had been in the meeting for almost three hours and asked for a brief break.

Mayor Menna called for recess until 9:20pm.

Mayor Menna resumed the meeting at 9:20pm and asked for a roll call.

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.

PUBLIC COMMENT (Continued)

Angela Mirandi – 8 West Lake Road – said the Humphreys had done an excellent job describing the situation in their neighborhood. She said she had talked to the Administrator in Little Silver and said she did not think she took their concerns seriously. She said she was concerned that it was a construction site without fencing. She spoke of the damage being done and the need for restitution to the homeowners. She said the houses needed to be cleaned.

Cindy Burnham – 71 Wallace Street – said, about 25 to 30 years ago, Borough businesses had asked for wayfinding signs for the parking lots. She said, when she had been on Council, she had designed a parking sign and noted the locations where they had been installed. She said some were not working. She said she had reported the outages but said nothing was being done. She also thanked the Public Works staff for cleaning up Maple Cove. She again said she would like to see the parking signs lit.

Councilman Yngstrom said he would look into it.

Memone Crystian – 15 Marion Street – said she wanted to follow up on Administrator Shehady's comment about none technical issues and reported that she had had issues at the Redevelopment Agency meeting where she had not been called on. She said she hoped it was a technical glitch. She said she also wanted to discuss a comment by a resident who had spoken about influencing a vulnerable population. She said it made her think of an issue that had been troubling her. She said she had been in Red Bank for 14 years and said it was a tale of two cities. She said one thing that stood out was what was permissible on the east side as opposed to the west side. She expressed concern about a liquor store in a residential neighborhood with a neon sign. She said it troubled her because it was a residential neighborhood with children walking back and forth every day. She questioned why the sign was allowed on the west side. She said she was concerned about the message to the children and asked what could be done to make it better.

Mayor Menna thanked her for her comments. He said, regarding the liquor store, the question was if it was a pre-existing non-conforming use. He said it was a legitimate question and said they would look into it. He said those comments had been offered in the past.

William Poku – 90 Bank Street – apologized to Administrator Shehady for previous comments. He claimed there was a gag order and the only forum where he could speak with Mr. Shehady was at a Council meeting. He said he also wanted to apologize to Attorney Cannon. He said, the last time he had spoken, Mr. Cannon had said on the record that Mr. Poku had called him a racist. He claimed he did not use that word. He said he also wanted to apologize to Councilwoman Triggiano and Councilman Ballard if they felt he had put them on the spot when he had asked about sidewalk issues. He noted that he had spoken with the Mayor about a proposed private meeting. He said he had concerns about the Tax Assessor's report. He also said he had submitted OPRA requests to the Clerk and said it had been almost seven days and he had not received a response. He asked if the request had been received and, if so, what was the reason that there had not been a response.

Borough Clerk Borghi said she had received two OPRA Requests from Mr. Poku. She said they were both due for a response by the next day. She said she was waiting to hear back from one individual and said, if she did not hear from them, she would answer the request with what she had and would request a seven business day extension to complete the review for any additional records.

Mr. Poku again said he wanted to speak about the Tax Assessor's report. He said the public was not privy to the information provided to the Council and said it was difficult to speak specifically about it. He said he had appeared at an appeal before the Monmouth County Board of Taxation and said the matter would most likely go to Trenton on the issue. He said Red Bank had a lot of aging seniors. He said his assessment had been going up steadily. He gave assessment figures that he claimed to be on the Administrator's home in Springfield.

Administrator Shehady took issue with Mr. Poku speaking about his personal information. He also noted that the Clerk in Springfield had advised him that the information he was sighting was actually for his parents' home. He

asked Mr. Poku to refrain from discussing his personal information. He said his tax assessment in Springfield had no bearing or relevance to Red Bank.

Mr. Poku said the seniors in Red Bank were affected by the performance of the Tax Assessor. He continued to compare Springfield to Red Bank.

Mayor Menna asked Mr. Poku to focus his comment on Red Bank and said every town was separate.

Attorney Cannon also noted that Springfield was in Union County which used an entirely different form of assessment than Monmouth County.

Mr. Poku again asked for a conversation off line to discuss how the assessments affected the seniors in Red Bank. He also spoke in favor of adding other monuments to Johnny Jazz Park.

It was noted Mr. Poku had 45 seconds left to speak. Mr. Poku said he would decline further comment.

Attorney Cannon said he wanted to acknowledge that it was difficult to respond to Mr. Poku because he had multiple litigations against the town. He said he also wanted to remind Mr. Poku that Attorney O'Hern would handle any State tax appeals.

Bruce Maida – 84 Branch Avenue – said he wanted to thank Councilman Zipprich and Councilman Ballard for keeping the focus and said he felt it might have been sold without their efforts. He said he had recommended a contractor and thanked Councilman Yngstrom for following up. He said he knew that the contractor could not provide an estimate because of prevailing wage issues. He said the contractor had recommended another company. He said he had spoken with a principal of that company who told them that he hadn't heard from anyone as of last Friday. He asked if they intended to call him to get an estimate.

Mayor Menna said he thought Mr. Maida had been provided a response to that question in the past and asked if there was anything that Mr. Shehady wanted to add.

Mr. Maida said he was asking Councilman Yngstrom.

Councilman Yngstrom said they had recently received an estimate from DMR Architects so they know what the price will be to fix the Senior Center. He said they did not need another contractor to come in right now. He said they were currently in the stages of determining what to do with that facility.

Mr. Maida asked how much that had cost and said the other company would have been a free estimate.

Councilman Yngstrom said the town had already paid for it and they have the estimate.

Mr. Maida continued to question why they had not used the company he was recommending. He asked if Councilman Yngstrom would follow up with the other company.

Councilman Yngstrom said he would not be following up. He said he had already followed up with one of Mr. Maida's contractors who did not do this type of work. He again noted that they had an estimate from the professional that the Borough had hired.

Councilman Ballard said he did not see any harm in a free second opinion.

Mayor Menna said he would look into it.

Dan Riordan – 20 Irving Place – said he had not heard what the Redevelopment Study was about.

Administrator Shehady said it was in response to a request from a property owner and developer at 176 Riverside Avenue to study the area to see if it qualifies as an area in need of redevelopment as opposed to an area in need of rehabilitation.

Ben Forest – 16 Locust Avenue – said he had read that there were four Councilmembers who supported having a Charter Study Commission and that the Mayor also supported it. He asked about the time frame for when it might come up. He said he had had mixed feelings about non-partisan government but, after the recent "time of troubles," he was now leaning toward a non-partisan government.

Mayor Menna said it was a legislative action that would have to be placed on an agenda. He said, before they did that, they would need a memorandum from the Borough Attorney regarding the steps in the process.

Mr. Forest asked who would be heading the process up.

Mayor Menna said he would be presiding just like he would at any other Council meeting.

Suzanne Visconti – 25 Cedar Street – said she wanted to follow up on Mr. Forest's comments regarding the form of government. She said she had asked about it last year and had been told it could not be done because the budget had already been passed and there had been no money dedicated for it. She asked if the Council would be putting money in this year's budget to consider a new form of government. She said, in regard to the Broadwalk, she asked if there would be anything done for the other side of Broad Street. She then asked what would happen to the property of the Senior Center if it was moved to Count Basie Field. She also said she was glad they had discussed the issues with fireworks.

Mayor Menna said they were waiting for a memo from the Borough Attorney to review the review of the form of government. He said any discussion on the Senior Center would be hypothetical.

Tiffaney Harris – 1 Cedar Crossing – asked how much longer the public would have to wait for an answer on fixing the Senior Center. She urged the Council to take action.

No one else appearing, Councilman Yassin made a motion to close 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.

EXECUTIVE SESSION

21-93 The Borough Attorney read a resolution to adjourn to executive session to discuss Personnel. No action to be taken.

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

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

Councilman Zipprich offered a motion to adjourn the meeting, 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.

ADJOURNMENT

Councilman Yngstrom 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