

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

Mayor Menna called for a moment of silence for Daunte Wright.

ROLL CALL

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

ABSENT: Councilman Yassin

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi and Attorney Cannon.

*Meeting held via video/telephone conference due to Governor's Executive Order.

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

Mayor Menna read a proclamation recognizing the contributions and accomplishments of the Red Bank Shade Tree Committee.

Councilwoman Horgan read a proclamation to proclaim April 4-10, 2021 as National Library Week in the Borough of Red Bank.

Library Director Eleni Glykis thanked the Council and Community for supporting the Library. She also thanked the staff for their efforts.

Library Board President Ann Ciabattoni said she wanted to echo the Director's comments and said the staff had done a wonderful job over the past year by pivoting to digital services. She said they were looking forward to capital improvements to their building.

Councilman Zipprich read a proclamation to proclaim April 30, 2021 as a celebration of Arbor Day in the Borough of Red Bank.

Councilman Ballard read a proclamation to proclaim April 2021 as Child Abuse Prevention Month in the Borough of Red Bank.

Councilman Yngstrom read a proclamation to proclaim May 6, 2021 as a designated Day of Prayer in the Borough of Red Bank.

Councilwoman Triggiano read a proclamation to proclaim April 2021 as Jazz Appreciation Month in the Borough of Red Bank.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Stephen Hecht – 135 Branch Avenue – asked about resolution 21-101 and asked if the properties to be investigated could be identified.

Mayor Menna said it have been discussed at Workshop and said the only property involved was the former VNA site. He said the Developer would by paying for the study.

Mr. Hecht said the Mayor had previously stated that tax abatements were not something that he was not in favor of. He asked if the Mayor still held that position.

Mayor Menna said he did not have a report before him with the results of the investigation and said it would be premature to speculate.

No one else appearing, Councilman Yngstrom offered a motion to close the public hearing, 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.

MINUTES & REPORTS

Workshop Meeting minutes of 2/3/2021

Councilman Yngstrom offered a motion to approve the minutes, 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.

Tax Collector's Annual Report 2020

Councilman Ballard offered a motion to accept the report, 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.

Tax Collector's Report of Uncollectible Taxes

Councilman Ballard offered a motion to accept the report, 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.

ORDINANCES - Public Hearing/Adoption:

None.

ORDINANCES – First Reading:

None.

RESOLUTIONS

Consent Agenda

Mayor Menna called for a motion for the following resolutions to be moved by Consent Agenda:

- 21-94: Resolution for Payment of Bills Amounting to \$4,353,621.58
- 21-95: Resolution Amending the 2021 Temporary Appropriations
- 21-96: Resolution Authorizing Utility Credits/Refunds Totaling \$ 138.23 due to Over Payment by Property Owner
- 21-97: Resolution Authorizing Utility Credits/Refunds Totaling \$941.35 due to Over Payment by Property Owner
- 21-98: Resolution Authorizing Sewer Credit of \$3,502.56 due to Water Leak
- 21-99: Resolution Waiving Maintenance Guarantee for Total Storage Concepts, LLC for 6 Central Avenue & Berry Street, Block 75, Lots 105, 106, 107, & 108
- 21-100: Resolution Requesting a Six-Month Time Extension from the N.J. Department of Transportation for the Borough's Fiscal Year 2019 Municipal Aid Grant for Broad Street Resurfacing
- 21-102: Resolution to Approve Settlement Agreement and General Release
- 21-103: Resolution Ratifying and Confirming the Appointment of a Part-Time Building Subcode Official

Councilman Zipprich made the motion to approve the resolutions en masse, 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.

By Voice Vote:

Resolution 21-101: Mayor Menna read, "Resolution Authorizing the Borough Engineer, CME Associates, to Perform Professional Planning Services to Prepare a Preliminary Investigation Report as to Whether Certain Properties along State Route 35 and Riverside Avenue are an "Area in Need of Redevelopment."

Councilwoman Horgan made the motion to approve the resolution, Councilman Yngstrom seconded.

Councilman Zipprich said he wanted to point out what the designation of an area in need of redevelopment could mean including the possible use of eminent domain and possible tax abatements.

Mayor Menna thanked Councilman Zipprich and noted that the Borough had a local ordinance that would apply even if it was an area in need of redevelopment. He also noted that the properties would not have to be condemned because they were all owned by the developer.

Councilman Ballard asked what the purpose of the resolution was and how it would help the residents. He said he understood that the area had already been determined to be an area in need of rehabilitation and that the project had been approved by the Planning Board.

Mayor Menna said they should wait to see what information was in the report and again said it would not include any other properties.

Councilman Ballard said he did not understand why.

Councilwoman Triggiano said she wasn't sure how much she could discuss but said they had talked in Executive Session about why they were at this point with this project.

Mayor Menna agreed that it had been discussed in Executive Session and said the Council had been given an advisory opinion by the Redevelopment Attorney. He said he couldn't get into the substance of the discussion. He said the Borough was not paying for the report so there was no harm being done.

Attorney Cannon said it was a negotiation to help the town meet its affordable housing obligation and agreed that they could not get into the substance of the negotiation.

Councilman Ballard continued to question the need. He said one of the major differences between an area in the need of rehabilitation and area in need of redevelopment was the tax abatement period going from five years to twenty years.

Attorney Cannon said it was not that simple but said, generally, that there were extended tax abatement powers with an area in need of redevelopment.

Councilman Zipprich asked Attorney Cannon to review for the public the difference between the two designations.

Attorney Cannon said he was not a redevelopment expert but said the rehabilitation area had lower criteria and said this area had received that designation. He said the proposed study would be funded by the developer to determine if it was an area in need of redevelopment which had higher criteria which allowed for greater powers for the government to interfere in the private market.

Councilman Zipprich asked if the matter would have to go back to the Land Use Board.

Attorney Cannon said it was the same process as before but with a high level of criteria. He said it had to go before the Council and the Land Use Board.

ROLL CALL:

AYES: Triggiano, Yngstrom, Zipprich and Horgan.

NAYS: Ballard

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

Resolution 21-104: Mayor Menna read, "Resolution Accepting the Resignation of Water/Sewer Operator Michael Nunes."

Councilman Yngstrom made the motion to approve the resolution, Councilman Zipprich seconded.

ROLL CALL:

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

NAYS: None

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

Resolution 21-105: Mayor Menna read, "Resolution Ratifying and Confirming the Appointment of a Director of Recreation"

Councilwoman Horgan made the motion to approve the resolution, Councilman Zipprich seconded.

ROLL CALL:

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

NAYS: None

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

Resolution 21-106: Mayor Menna read, "Resolution to Accept Resignation of Borough Business Administrator"

Councilman Yngstrom made the motion to approve the resolution, 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.

Resolution 21-107: Resolution Approving 2021 Application Form and Fees Listed Thereon for Local Businesses within the Borough to Apply for Modified Operations to Expand Capacity and Provide Additional Space to Practice Proper Social Distancing as They Re-Open During the Continuing Covid-19 Crisis

Attorney Cannon reviewed the resolution that had been presented in draft format.

Councilman Yngstrom made the motion to approve the resolution, 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.

MAYOR AND COUNCIL COMMENTS

Councilman Zipprich had no report.

Councilman Ballard thanked the Mayor for the moment of silence for Daunte Wright and spoke of the issue of police actions. He said people who look like him fear being stopped by the police. He said it had gotten to the point that they feared the people who were supposed to protect them. He called for action to protect citizens.

Councilwoman Triggiano reported that the Environmental Commission would be holding a Green Fair on Saturday, May 1 from 9am to noon. She said she wanted to lend support to Councilman Ballard and said, while they disagree on other matters, she would stand by him regarding this.

Councilman Yngstrom reported that the first round of brush was going well for the Department of Public Works. He said the Parks Division was preparing for increased use of the parks and said the Water Division was preparing to treat Red Bank water as they planned on converting back from New Jersey American in the coming weeks. He said the Parking Department was excited about all of the improvements that had been made in the past year and looked forward to working with residents and businesses to improve the Borough's parking program. He said he also wanted to remind everyone that recycling collection was now weekly.

Councilwoman Horgan said she wanted to echo the comments of Councilman Ballard and Councilwoman Triggiano. She said she felt the Country was in a sad spot and thanked them for sharing their feelings. She said the new Recreation Director was well known in the area and reviewed his experience including serving as a member of the Resident Parks & Recreation Committee. She said she was looking forward to working with him. She said the Library had also been very busy and said they would be reopening on April 26. She urged residents to check their website for details. She reviewed upcoming Library programming.

Councilman Zipprich asked if there was an update from Attorney Cooke regarding the investigation into the leaking of Attorney/Client privileged emails.

Mayor Menna said he would make sure to have an assessment prior to the next meeting.

Councilwoman Triggiano asked if they could clarify the title of the investigation.

Mayor Menna said it involved two actions and said they would wait for the report.

DISCUSSION & ACTION

None.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Cindy Burnham—71 Wallace Street—complained about the condition of various crosswalks. She said they should be painted in the Spring rather than the Fall.

Frank Corrado—73 Linden Place—said he wanted to respond to comments made by Council members Ballard and Zipprich at the last meeting. He said he had called in to share comments regarding his frustration with their political grandstanding. He said, in response they had deflected, spread misinformation and cast aspersions. He said Councilman Ballard had asserted the Mr. Corrado was on the Redevelopment Agency which he said was not true. He said he had at one point been appointed to its Community Advisory Board due to his past work as a member of the Environmental Commission. He said he was proud of his civic duty. He said, after his term ran out on the Agency's Advisory Committee, he had not been reappointed. He said his participation had been limited but he had been able to witness the professional, organized and, most importantly, apolitical nature of the Redevelopment Agency. He said Councilman Zipprich, rather than answer questions about whether he would consider the work of the Agency and the proposals provided, had attacked his character. He said the Councilman had called his comments well-orchestrated and had attempted to cast doubt on them simply because he was friends with Councilwoman Triggiano. He said Councilman Zipprich had also insinuated that Mr. Corrado and Councilwoman Triggiano had orchestrated his comments. He said that was boldly false and said he had written his comments while he was listening to the Governing Body that evening. He criticized Councilman Ballard for insinuating his comments were not valid. He said spouses of sitting Council members and spouses of those running for office called in all of the time and asked if their comments were not valid or well-orchestrated.

Ben Forest—16 Locust Avenue—questioned the time frame for exploring nonpartisan government options and asked about the process.

Attorney Cannon said he had been instructed by the majority of the governing body to research the matter.

Councilwoman Triggiano said she believed it would be discussed at the May workshop meeting.

Administrator Shehady agreed that the information would be presented at the May or June workshop meeting.

Mr. Forest asked if there would be hearings and opportunities for public input.

Attorney Cannon said he hesitated to talk about it when he hadn't ready through everything yet.

Phil Blackwood—34 Chestnut Street—asked if the 2018 Management Enhancement report had been adopted by the Council as a guide and asked about the status.

Mayor Menna said they had done periodic reviews and asked the Borough Administrator to address the question. He said the Council had adopted the findings and recommendations.

Administrator Shehady said the Council had taken action to simply accept it as a final document but not necessarily subscribing that everything in it needed to be followed. He said a lot was left up to Administration. He said certain items were legislative and some were administrative. He said the report was a guide of things to look at rather than things to do. He said he had taken the recommendation and put them into a spreadsheet. He believed about 60 percent of the items in the report had been addressed.

Mr. Blackwood thanked Mr. Shehady for the explanation and also for holding a recent roundtable discussion.

Stephen Hecht—135 Branch Avenue—asked the Mayor about a report from the Tax Assessor regarding the status of tax appeals that he had asked for in January. He said the first quarter had now passed so he was asking for the status of the report.

Mayor Menna said he did recall the request. He said the Borough Attorney had noted that February and March was the busiest time of the year for tax appeal hearings. He said the Assessor had been engaged in quite a bit of work. He said, now that that was over, it should free the Assessor to work on the status report.

Mr. Hecht thanked him for the explanation.

Administrator Shehady said he wanted to clarify that Assessor Elias had been working the report diligently.

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

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

21-108 The Borough Attorney read a resolution to adjourn to executive session to discuss Personnel. No action to be taken.

Councilwoman Horgan offered a motion to adjourn to Executive Session, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

Councilman Ballard made a motion to resume Regular Business, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

Councilman Ballard a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi