

**MUNICIPAL COUNCIL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 11, 2023 ♦ 6:30 PM**

PLEDGE OF ALLEGIANCE

SUNSHINE STATEMENT

Mayor Portman requested the minutes reflect that this meeting is 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 24, 2022.

ROLL CALL

PRESENT: Mayor Portman, Council Members: Jackson, Sturdivant, Ballard, and Zipprich (Virtual)

ABSENT: Councilmembers: Mirandi, Triggiano

ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Reinertsen, Borough Attorney Antonelli

PROCLAMATIONS, ANNOUNCEMENTS, APPOINTMENTS – None presented

PRESENTATIONS Winners of the Annual Holiday Home Decorating Contest. Director Salinas and Councilmember Jackson presented the winners with a certificate and gift basket.

Kalorin Family
16 South St.

Cohen Family
32 South St.

Ramirez Family
330 Shrewsbury Ave

Nancy Blackwood 34 Chestnut Street – Found the comments in the December issue of the Scuttlebutt about the Plastic Film Project coming to a conclusion, confusing. Will the program be continuing? Summarized the program and the success in other communities (Matawan, Bradley Beach and other town) as well. Last year Red Bank collected approximately 4,300 pounds of plastic film, that did not go into landfills. There are over 500 homes in Red Bank that registered for the project, more have signed up since it's inception. Summarized the protocol, voiced support for the continuation of the program.

Councilmember Ballard asked how much revenue this project brought in. Ms. Blackwood did not have that data.

Bob Zuckerman, Exec. Director, River Center – Here regarding ordinance 2023-01 addressing the 15-Minute Parking Spots. Thanked the Council for addressing this problematic issue. Affirmed that the River Center has moved to 46 English Plaza, Suite 6B, please come visit. Looks forward to continued collaboration on downtown projects and programs.

Sue Viscomi 25 Cedar Street – Regarding the Animal Welfare committee vacancy, feels TJ Moss of Fins & Feathers would be an asset to the committee.

Mayor Portman confirmed that appointment is being made.

Stephen Hecht 135 Branch Avenue – Resolution unnumbered on the agenda for executive session. Is this a new resolution? Does not recall this resolution form being used in the past is this new for 2023. Planning Board vacancy for #3?

Clerk Reinertsen noted the resolution is numbered if it is require to be enacted. The boiler plate resolution has been added by the Clerk so the public can see and understand what the Council is discussing and why the public is excluded. Atty. Antonelli noted the Class 3 is a Council appointment; will review his notes and follow up with the Clerk.

Boris Kaufman 28 Riverside Avenue – Discussion and Action, EV Ordinance? Voiced his support for Early Voting for the Municipal Election. He further noted his support for the Plastic Film Recycling Program and expansion of the project to the residents of apartment buildings.

IA McConnell noted that the State provided a model ordinance to the municipalities to review and modify for adoption. There needs to be some discussion prior to drafting an ordinance for introduction.

Mike Beason Ocean Township – Introduced himself, helped initiate the plastic film program with SC Johnson. Looks forward with continuing working with Red Bank. SC Johnson has been working with communities nationwide to launch these programs and get plastic out of the landfills.

Sue Viscomi 25 Cedar Street – Suggests the use of informational materials explaining the voting processes, timelines, etc. Informational mailers.

Alan Hill 64 McLaren Street – Regarding the Governors awarding of Transportation Grants of 24 Million for access to transit awarding Red Bank just under a quarter of a million dollars. What are the plans for the funds.

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IA McConnel noted a resolution had been passed accepting the grant and the intention is to utilize the funds for intersections at Chestnut Street, Bridge Avenue and Drs James Boulevard. The grant is specific to pedestrians and bicycles. The engineer will begin designing upon receipt of the grant.

Ben Forest 16 Locust Avenue – In support of the Plastic Film Recycling Program and thanked the Council for implementing it.

Christina Bonatakis 122 Riverside Avenue – 100% in favor of the continuation of the Plastic Recycling Program.

Clerk Reinertsen read the following received resident emails into the record:

Georgina Shanley Steven Fenichel, M.D. 115 Harding Road

Dear Mayor, and City Council,

As residents of Red Bank our household is very proud to participate in the monthly plastic film collection program. I see it as our home town's contribution to protecting our planet from the abhorrent, and irresponsible dumping of plastic. We believe the city's program is a win-win situation with a negligible downside.

Plastic bags are made of polyethylene which is derived from non-renewable sources such as natural gas and crude oil derivatives. We are, thus, perpetuating the production of these highly damaging processes which means that the more plastic bags are manufactured the more nonrenewable fossil fuels will be consumed.

As it stands when we get rid of plastic bags, including those collected at supermarkets there is no accountability, and no penalty for discarding them. They go directly into the soil where it takes at least 300 years for them to biodegrade. Even while degrading tiny toxic particles are released and end up in the soil, waterways and air. We also see our oceans are highly polluted with plastics, and this endangers marine life and their ecosystems.

If we continue our collection policy, just once a month at the cost of 6 man-hours of work, the returns far outweigh the cost. Companies are able to convert this recycled waste into useful items that otherwise would come from primary plastic. Some examples include, decking, pellets for packaging and there is even research into using this plastic for carbon nanotube membranes.

Please don't disband this program. It is a credit to our elected representatives, and administration and a prime example for other communities.

Kathy Horgan 146 Branch Avenue

I believe that the plastic film program is a benefit not only to the environment, but also to Red Bank residents. It's a popular program and should be continued. I'm 100% for it. I believe other residents will be voicing their support for the program and I urge you and Darren to inform the Council about any and all positive messages that you receive.

Thank you for your consideration

Robert and Stephanie Morrow 210 Broad St., Apt. A

Please, continue the Plastic Film Recycling Program. I have been amazed at how much plastic film my family brings into the house, and very little of it is single-use shopping bags. With the Borough banning those ubiquitous, flimsy grocery bags, this program eliminates a substantial amount of plastic going into landfills where it won't break down for a long, long time. Plastic is a major curse on modern life that needs to be addressed. And what a program like this does is demonstrate to the plastic industry how many ordinary people are willing to make the effort to recycle plastic waste. Maybe it's time for the industry to take responsibility for its waste and find ways of taking the material back and recycling it themselves.

Christina Bruno and Brian Ramirez 5 Elm Place

I recently heard the borough is considering ending the plastic film recycling program so I am writing to share my support for the program as Red Bank residents.

As relatively new residents of Red Bank, my husband and I were excited to hear of the program and immediately took advantage of it. We were already collecting plastic bags as well as #5 plastics and styrofoam to take to stores and other locations that recycle them. With concern for our environment and the large quantity of waste that ends up in landfills each year, this feels like the least we can do as average citizens. We have consistently used the borough program over the past year+ with a full bucket of plastic film each month.

The convenience of the borough's program not only makes our lives a bit easier, it encourages us to recycle new items we didn't realize were recyclable and also makes us proud to live in a community that prioritizes this effort. We've seen this pride materialize in our son's interest in the benefits and science behind recycling, too.

We hope Red Bank will continue to offer this program and encourage residents to take advantage. It's a benefit to our community and to future generations.

Paulo Rodriguez Heyman 30 Marion St. Vice-Chair, Red Bank Environmental Commission

I would like to express my desire for the plastic film recycling program to continue in Red Bank. The program has successfully diverted more than 4,000 pounds of stretched plastic from our landfills, derived from more than 500 households across town. The cost to the Borough is minimal at an estimated six labor hours per month.

The amount of plastic that makes its way into the environment is reprehensible. Red Bank took the lead on the single-use plastic bag ban and should continue to lead by example by way of continuing the plastic film recycling program.

Steven Craig Sickles 36 Broad Street

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I'd like to vote in favor of continuing the Plastic Film Recycling program. From all I've read it seems like a very successful program.

Pat Pinto 71 Linde Place

As an local environmentalist and former member and chair of environment commission, I wholeheartedly endorse the continuation of this program.

Jennifer Thomas 24 Pickney Rd, Apt B

Please continue plastic film recycling in Red Bank and include multifamily complexes!

Kathy and Richard Hall 19 Elm Pl

Here's another vote for restoring the plastic film recycling program. I have seen a gradual increase in the number of folks who participated in this even though it got very little publicity during the pilot program.

Denelle Johnson 28 Elm Pl

I am unable to attend the council meeting, but I would like the following to be included in the public comment:

As a resident of Red Bank, I would like the plastic film recycling program to continue. Six hours a month of labor is a small price for residents to pay. Red Bank should continue to look for innovative solutions to environmental issues and take part in them wholeheartedly.

Hope Davis 11 Locust Ave

I, Hope Davis, give permission to read my comment on, plastic film, at the Red Bank Council meeting Jan. 11, 2023

Debbia Marks 19 Morford Place

I am writing in support of the Plastic Film Recycling Program.

I have been utilizing this program for the last 6 months and am amazed how much I am able to collect as a one person household.

I commend EC & Public Works for starting this program and would be very disappointed for the program to end.

Eryka Andrex 18 West Westside Avenue

Please continue the plastic film recycling program. Our town is keeping thousands of pounds per year of a recyclable material out of landfills.

This has a positive environmental impact and is a cause my family and I are proud to support and would like to see the use of tax revenue towards. It is an investment in creating a better future and helps create infrastructure focused on better environmental practices.

Emily Hertler 151 Harding Rd

Hello, I recently learned about the plastic film recycling pilot and now the program has ended, but is up for discussion tonight. If this program is financially feasible, I would like for it to continue on a long-term basis, and I would like to receive a container so that our household could participate. I'm sorry I missed it the first time around.

Anna Cruz 19 Morford Place

I am in support of the plastic program and was relieved when Red Bank started the program.

Please know that I am in favor of continuing the program in Boro.

It's imperative that programs like this stay in place to help future generations.

Kathy DorseyLucas & Rich Lucas 26 Elm Place

Good morning, I've tried to send this email for three days, so hopefully this one makes it! We are absolutely supportive of continuing the plastic film collection!! Any programs to reduce, reuse or some day, obliterate the use of plastics, is imperative.

Councilman Ballard inquired if this was going to become practice that correspondence from residents be read into the record.

Mayor Portman noted that these communications were received by the clerk as emails from residents specifically requesting to be shared at the council meeting.

Frank Corrado 73 Linden Place – Spoke in support of the Plastic Film Recycling Program. Voiced his support of the reading of the emails for the residents who could not attend this meeting. Was disappointed to hear of the end of the program.

APPROVAL OF MINUTES AND REPORTS

- Sept. 14, 2022 Workshop – Motioned by Councilmember Ballard, seconded by Councilmember Zipprich. Roll call: Ayes –Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano; Abstain – Jackson.
- Sept. 14, 2022 Regular Workshop – Motioned by Councilmember Sturdivant, seconded by Councilmember Ballard. Roll call: Ayes –Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano; Abstain – Jackson.

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- Sept. 14, 2022 Executive Session Workshop – Motioned by Councilmember Sturdivant, seconded by Councilmember Ballard. Roll call: Ayes –Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano; Abstain – Jackson.

- Department Reports:** Public Utilities, Police Dept., Engineering, Finance, Grants, Animal Control, Tax Assessor, Tax Collector, Land Use (Planning & Zoning), Parks & Recreation, Fire Marshall, Emergency Management, Fire Dept., Senior Center, Building/Construction

Motioned by Councilmember Ballard, seconded by Councilmember Sturdivant. Roll call: Ayes –Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano; Abstain – Jackson.

ORDINANCES

- Introduction
 - 2023-01 Amending and Supplementing Chapter 680-38 Time Limit Parking

Councilmember Jackson motioned to approve the ordinance on introduction, seconded by Councilmember Ballard. Roll call: Ayes –Jackson, Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano. Public Hearing – January 25, 2023

RESOLUTIONS

Councilmember Ballard motioned to approve the consent agenda; Councilmember Sturdivant seconded the motion. Roll call: Ayes – Jackson, Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano.

CONSENT AGENDA

- 23-16 Bills List
- ~~23-17 Appoint Professionals~~ Motion to table Councilmember Ballard, seconded by Councilmember Zipprich
- 23- 18 Confirming Boards & Committees
- 23-19 Appoint Crossing Guards
- 23-20 Appoint PT Building Inspector
- 23-21 Fixing Salaries of Certain Employees
- 23-22 Authorizing Grant Submittal NJ DCA
- 23-23 Appropriations Reserves Transfers
- 23-24 Audit Corrective Action Plan
- 23-25 Final Payment Broad Street Improvements – Montana Construction
- 23-26 Professional Services South St NJDOT Improvements Project

RESOLUTION NO. 23-16

RESOLUTION FOR PAYMENT OF BILLS

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers:

Check Type	Count	Total
Manual Check	87	\$2,140,826.70
Meeting Check	0	
Total	90	\$2,140,826.70

Checking Account	Count	Total
CAPITAL ACCOUNT	2	\$677,283.09
CURRENT -VALLEY	46	\$682,582.50
DEVELESCROW	1	\$3.95
DEVESCROW2RIVER	2	\$159.95
GRANT FUND-VNB	6	\$33,004.94
PAYROLL	3	\$4,794.16
PKINGOP2RIVER	5	\$51,996.17
RECREATION-VNB	3	\$2,025.00
TRUST ACCOUNT	2	\$52,061.83
TWO RIVERS	1	\$346.29
UNEMPLOYTRUST	1	\$9,081.25
WATER CAPITAL	1	\$490.00
WATER OPERATING	16	\$249,176.27
Total	90	\$2,140,826.70

Checking Account	Check Type	Count	Total
CAPITAL ACCOUNT	Manual Check	2	\$677,283.09
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PAYROLL	Manual Check	3	\$4,794.16
PKINGOP2RIVER	Manual Check	5	\$51,996.17
RECREATION-VNB	Manual Check	3	\$2,025.00
TRUST ACCOUNT	Manual Check	2	\$52,061.83
TWO RIVERS	Manual Check	1	\$346.29
UNEMPLOYTRUST	Manual Check	1	\$9,081.25

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WATER CAPITAL	Manual Check	2	\$184,655.08
WATER OPERATING	Manual Check	16	\$249,176.27
Total	All Checking	90	\$2,140,826.70

RESOLUTION NO. 23- 18

CONFIRMING BOARD AND COMMITTEE APPOINTMENTS FOR 2023

BE IT RESOLVED that the appointments made by the Mayor are hereby confirmed (listed below) and the following officials are appointed for a term of one year, unless otherwise specified or provided for by statute:

ANIMAL WELFARE COMMITTEE

Three-year Unexpired Term to 12/31/2025 TJ Moss

BY MAYOR WITH COUNCIL CONSENT

PARKS AND RECREATION COMMITTEE

Three years to 12/31/2025	Rose Sestito
Unexpired Term to 12/31/2023	Alberto Garcia
Unexpired Term to 12/31/2024	Melissa Moore
Alternate #1 Unexpired Term to 12/31/23	Simmee Crystain

LIBRARY BOARD

Mayor’s Alternate for one year to 12/31/2023

COMMUNITY ENGAGEMENT EQUITY COMMITTEE (Formerly HRAC)

Alternate #1 for unexpired term to 12/31/2023 Debbie Holden

ZONING BOARD OF ADJUSTMENT

Four years to 12/31/2026	Anne Torre
Four years to 12/31/2026	Raymond Mass
Alternate #2 for two years to 12/31/2024	Joan Rothwell
Alternate #3 for two years to 12/31/2024	Robert Frikker

RESOLUTION NO. 23-19

AUTHORIZING THE APPOINTMENT OF REGULAR CROSSING GUARDS

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following individuals be appointed as Regular School Crossing Guards for the 2022-2023 School Year pending positive completion of physical and background investigation:

Jacob Roche
Julie Dynak

BE IT FURTHER RESOLVED that the position will be for a term of 01/03/2023 through 06/30/2023 and will be paid at the rate of \$29.24 per hour as set by Borough Ordinance.

RESOLUTION NO. 23-20

RATIFYING AND CONFIRMING THE APPOINTMENT OF A PART-TIME SUB-CODE OFFICIALS IN THE CONSTRUCTION OFFICE

WHEREAS, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a part-time sub-code officials in the Construction Office; and

WHEREAS, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Borough Administrator appoints the following individual to the Construction Officer, part-time:

Name	Title	Rate
Steve Pelardis	Part-time Building Subcode Inspector	\$48.30/ hourly

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Borough Administrator’s afore mentioned appointments effective immediately.

RESOLUTION NO. 23-21

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 2023

WHEREAS, the salaries of certain officers and the pay or compensation of certain positions and employees within the Borough of Red Bank that are not covered by a collective bargaining agreement are required to be set by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank, County of Monmouth, as follows:

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1. For the following enumerated officers, employees, or positions, the Borough shall pay the following respective salaries or compensation set forth below retroactive to January 1, 2023 until this resolution shall be amended or repealed, as to the respective officers, appointees to said offices, position or employment:

Deputy Municipal Clerk	Bonnie Thomas	\$60,985
Qualified Purchasing Agent	Dina Anastasio	\$7,500

2. The Borough retains the right to pay compensation at amounts of less than those listed herein for officials and employees duly hired to replace vacant offices and positions during the term of this ordinance.
3. All ordinances, resolutions, or provisions thereof inconsistent with this resolution are hereby repealed and the compensation herein established supersedes all previous compensation established by said ordinance/resolutions.
4. If any part of this resolution shall be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this resolution.

RESOLUTION NO. 23-22

APPROVING SUBMITTAL OF GRANT APPLICATION TO NJ DCA

WHEREAS, the Borough of Red Bank desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 100,000.00 to carry out a project to update the recreation facilities at Riverside Gardens Park including the boardwalk, handrails, and benches.

BE IT THEREFORE RESOLVED,

- 1) that the Borough of Red Bank Council does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Red Bank Council and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____	_____
William Portman, Mayor	Laura Reinertsen, Borough Clerk

RESOLUTION NO. 23-23

AUTHORIZING TRANSFER OF FUND APPROPRIATION RESERVES

WHEREAS, various 2022 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2022 Budget Appropriation Reserve in the last two months of 2022 and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expended to be insufficient during the first three months of the succeeding year:

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH OF RED BANK that the transfers the 2022 Budget Appropriation Reserve as follows:

<u>CURRENT FUND</u>	<u>TO</u>	<u>FROM</u>
2-01-25-752-216 FIRE-OTHER EXPENSES	\$4,000.00	
2-01-20-712-207 LEGAL SERVICES-OTHER EXPENSES		\$4,000.00

RESOLUTION NO. 23-24

REGARDING THE BOROUGH OF RED BANK AUDIT CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2021 AND REQUIRED BY FEDERAL OMB CIRCULAR REFERENCE NUMBER A-133

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services, requires that all municipalities prepare and submit a Corrective Action Plan as part of their annual audit process; and

WHEREAS, the report of audit for the Borough of Red Bank for the year ended December 31, 2021 was prepared on or about December 14, 2022; and

WHEREAS, the governing body of the Borough of Red Bank approved this report of audit and has undertaken a Corrective Action Plan to cover the one recommendations in the audited report as listed below;

Comments 2021-001:

There is no evidence that there has been a recent physical inventory of fixed assets.

Recommendation #2021-001:

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Policies and procedures should be updated to include provisions for the taking of physical inventory of fixed assets. N.J.A.C. 5:30-5.6 should be considered in the update. The Uniform Guidance should be considered as it relates to physical inventory of fixed assets procured with Federal awards, if it is determined to be applicable. Internal controls should be designed, implemented, and monitored in a manner to reasonably assure the policies and procedures are being carried out as intended by management and the council.

Corrective Action #2021-001: The physical inventory of assets has been updated.

Implementation Date: December 2022..

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the report of audit for the year ended December 31, 2021 prepared by Charles J. Fallon, C.P.A/R.M.A., of the firm of Fallon & Larsen LLP, the Borough Auditors, entitled “Comprehensive Annual Financial Report of the Borough of Red Bank for the Fiscal Year Ending December 31, 2021 has been previously accepted by the Borough of Red Bank and a Corrective Action Plan has been implemented to cover all findings and recommendations in the audit report and the appropriate steps have been taken as to these comments and recommendations as more particularly set forth above.

RESOLUTION NO. 23-25

AUTHORIZING FINAL PAY AND CLOSEOUT CHANGE ORDER RELATED TO THE CONTRACT WITH MONTANA CONSTRUCTION CORP., INC. FOR BROAD STREET IMPROVEMENTS PROJECT – 2019/2020 NJDOT

BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank of Monmouth County, New Jersey upon recommendation of the Borough Engineer that final payment and change order closeout for the Contract listed below be and is hereby approved.

BE IT RESOLVED that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

TITLE OF JOB: 2019/2020 NJDOT - Broad Street Improvements Project

CONTRACTOR: Montana Construction Corp., Inc.

80 Contact Ave., Lodi, NJ 07644

ENGINEER: CME Associates.

1460 Route 9 South, Howell, NJ 07731

Payment #2

Current to Date Total	\$4,727,660.34
Less 2% Retainage	\$0.00
Less Previous Payments	\$4,374,463.76

Amount Due	\$353,396.58
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All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION 23-26

AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND CONSTRUCTION MANagements SERVICES FOR NJ DOT GRANT – SOUTH STREET ROAD IMPROVEMENTS

WHEREAS, the Borough Governing Body has identified a need for Roadway Improvements on South Street; and,

WHEREAS, the Borough of Red Bank was awarded a 2021 NJDOT Grant for the same; and

WHEREAS, based on the size and scope of such undertaking, the professional services of the Borough Engineer are considered desirable by Borough management; and,

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as “South Street Roadway Improvements”.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: “2021 NJDOT Grant – South Street Roadway Improvements” T&M Associates for the sum not to exceed Sixteen Thousand Two Hundred and Zero Cents (\$16,200.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #23-xx of January __ 2023.

Councilmember Ballard motioned to add resolution 23-27 APPOINTING MEMBERS TO THE RED BANK VOLUNTEER FIRE DEPARTMENT to the agenda; Councilmember Jackson seconded the motion. Councilmember Jackson motioned to approve resolution 23-27; Councilmember Zipprich seconded the motion. Roll call: Ayes – Jackson, Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano.

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RESOLUTION NO. 23-27

APPOINTING MEMBERS TO THE RED BANK VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Red Bank Borough Council wish to appoint the following volunteer firefighters to the Red Bank Volunteer Fire Department; and

WHEREAS, Wayne Hartman, Fire Chief, unconditionally recommends the appointments.

NOW THEREFORE, BE IT THEREFORE RESOLVED that following individuals are hereby appointed to the Red Bank Volunteer Fire Department:

Brianna Calabrese
Lukas Finkle

Councilmember Ballard motioned to add resolution 23-28 AUTHORIZING THE SEPARATION AGREEMENT WITH DIRECTOR OF PUBLIC UTILITIES CLIFFORD KEEN to the agenda; Councilmember Sturdivant seconded the motion. Councilmember Zipprich motioned to approve resolution 23-28; Councilmember Ballard seconded the motion. Roll call: Ayes – Jackson, Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano.

RESOLUTION NO. 23-28

AUTHORIZING THE SEPARATION AGREEMENT WITH DIRECTOR OF PUBLIC UTILITIES CLIFFORD KEEN

WHEREAS, the Borough of Red Bank (the “Borough”) has accepted the resignation of Director of Public Utilities Clifford Keen (the “Employee”); and

WHEREAS, the Employee’s resignation is effective January 31, 2023; and

WHEREAS, the Employee will receive 90 additional days of salary as severance; and

WHEREAS, the Borough and the Employee have agreed to release each other from various potential causes of action; and

WHEREAS, the Borough and the Employee have memorialized the terms of the resignation in a Separation Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. All proper Borough officials are hereby authorized to enter into the Separation Agreement with Clifford Keen and hereby accepts the resignation of Keen effective January 31, 2023; and
2. This Resolution shall be published in the Borough’s official newspaper as required by law within ten days of its passage.

Councilmember Zipprich motioned to add resolution 23-29 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR DIRECTOR OF PUBLIC SERVICES CONSULTING to the agenda; Councilmember Jackson seconded the motion. Councilmember Jackson motioned to approve resolution 23-29; Councilmember Zipprich seconded the motion. Roll call: Ayes – Jackson, Sturdivant, Ballard, Zipprich; Absent – Mirandi, Triggiano.

RESOLUTION NO. 23-29

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR DIRECTOR OF PUBLIC SERVICES CONSULTING

WHEREAS, the Borough of Red Bank (the “Borough”) has a need to retain an interim Director of Public Utilities in conjunction through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44-20.5; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is from January 12, 2023 through April 12, 2023, but may be extended by the Borough with 30 days’ notice; and

WHEREAS, Gary A. Watson, Sr. is able and willing to provide such services; and

WHEREAS, Gary A. Watson, Sr. has completed and submitted a Business Entity Disclosure Certification that certifies that he has not made any reportable contributions to a political or candidate committee in the Borough in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the contract is not to exceed \$49,500; and

WHEREAS, the Chief Financial Officer of the Borough has certified as to the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. The Borough is authorized to enter into a contract with Gary A. Watson, Sr. as described herein; and
2. The Business Entity Disclosure Certification and the Determination of Value is to be placed on file with this Resolution; and
3. This Resolution shall be published in the Borough’s official newspaper as required by law within ten days of its passage.

**MUNICIPAL COUNCIL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 11, 2023 ♦ 6:30 PM**

DISCUSSION AND ACTION (Workshop if necessary)

- EV Ordinance – Councilmember Zipprich noted that the State of NJ has provided a sample ordinance for electric vehicles “EV” for adoptions and recommends that the ordinance be sent to the DPU Committee for review, discussion and recommendations. Atty. Antonelli added that the NJ DCA has provided a summary of the ordinance that will help guide the DPU Committee.
- DPW – Plastic Film Recycling Program – Mayor Portman stated his support of the project. IA McConnell noted that the pilot period has ended, the DPU continues to pick up. The Administrator requested this be brought to the Council as he does not feel it should be unilateral decision to be made by the DPU Director and himself. Councilman Zipprich asked to refer the issue to the DPU Committee for further review; Councilmember Ballard seconded the motion. Mayor Portman inquired councilmember’s opinion on the program. Councilmember Jackson is in favor of the continuation; Councilmember Sturdivant wished to know more to make an informed decision; Councilman Ballard too wished to know more about the program. Mayor Portman agreed to continue operations until the Council provided a final decision.
- Decision – Early Voting Option for Municipal Election – Clerk Reinertsen summarized the costs that would be incurred with the early voting option to the Council. An ordinance would be required to be adopted to authorize early voting. Requests are pending for estimates from the County. All election costs would be borne by the borough. Early voting would be Friday, Saturday and Sunday between the hours of 10am to 8pm (6pm on Sunday). Having spoken with comparable municipalities, expects the estimate to be around \$60 - \$65 thousand dollars. Council decision is pending receipt of the County estimate.
- Municipal Elections – Advertisement will be in the paper this week; petition packets will be available for pickup on Tuesday. There was some discussion on the protocol for petitions.

MAYOR & COUNCIL COMMENTS

Councilmembers Triggiano and Mirandi were not present.

Councilmember Jackson – No report or comments

Councilmember Ballard – Committees are just beginning to meet. The Code committee will be meeting next week. Would like to congratulate TJ Moss on his appointment to full member of the Animal Welfare Committee.

Councilmember Sturdivant – Wish everyone a healthy happy New Year. Discussed gender neutral language for the Council. Elected officials will be referred to as councilmembers instead of councilman, councilwoman.

Councilmember Zipprich – DPU will be meeting tomorrow. Working with architects to go to on a hard hat tour of the senior center.

Mayor Portman – Will be establishing office hours on Mondays between 4pm – 6pm.

Borough Attorney clarified that that registered voters may not sign mor petitions than there are positions to be filled.

PUBLIC QUESTIONS AND COMMENTS

Cindy Burnham 71 Wallace St - At the reorganization meeting Councilperson Ballard felt being on the same committee as his wife was a conflict. Is it a conflict that Councilwoman Triggiano, a volunteer firefighter, is on the police committee? Mayor Portman noted divulged that the borough attorney was asked that question and as long as she does not vote on anything that benefits her or her firehouse. The borough attorney added that the Councilman Ballard removed himself and did not request a legal opinion. A legal opinion was sought regarding Councilwoman Triggiano’s circumstances and as long s she recuses herself from votes regarding her firehouse it is not a conflict.

Stephan Hecht 135 Branch Ave – Regarding bylaws, there were a number of resolutions added and discussed on this agenda that seems to be in violation of the bylaw protocol. The bylaws that were pushed through are exclusionary and restrictive. Council is going to have a difficult time sticking to their own rules. Three council members are supposed to sponsor a resolution.

Councilmember Ballard stated that as Council President, he approved what went onto the agenda and differed to the borough attorney to respond. Borough attorney Antonelli said the intent was to be a stop gap measure for agenda items that should not have been on the agenda. The borough is not required to publish the agenda but should be commended for doing so. In this case the three resolutions came after the Council President gave his approval. Bylaws or no bylaws, with the exception of a special meeting, items can be added to /removed from the agenda at any time. Councilmember Ballard divulged that the bylaws are being looked into for amending. There are a few items that need to be looked at. In consideration of the councilmembers not present, this will not be discussed this evening.

Ben Forest 16 Locust Ave. – In regards to the reorganization meeting, if it is not going to be just ceremonial public comment should be included. In regards to the bylaws, I hope it isn’t to stifle anyone. As a small town the unfiltered discussion is appreciated.

**MUNICIPAL COUNCIL MEETING
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Councilmember Jackson stated that the intent of the bylaws was for everyone to be heard.

Freddie Boyton PO Box - Red Bank brings Pilgrim Church up too often. There are meetings with the church, there needs to be separation. The young man in the back was let go from his job and replaced by two people. He went to Pilgrim Church, they did not help him after his mother died. There are other ministers in town that need respect too.

Nancy Blackwood 34 Chestnut St. – Plastic Film Program was supposed to end June 2022 but due to supply chain issues it started late and pushed the termination date back. The program has continued adding additional residents since it started.

Boris Kofman 28 Riverside Ave. – May election process and drop boxes.

Clerk Reinertsen said the drop boxes will be utilized but will confirm with the County.

Councilmember Zipprich moved to close the public portion; Councilmember Sturdivant seconded the motion. Roll call, unanimous, affirmative.

EXECUTIVE SESSION (If necessary)

ADJOURNMENT

Councilmember Ballard moved to adjourn the Council meeting; Councilmember Jackson seconded the motion. Roll call, unanimous, affirmative.

8:16PM

Respectfully submitted,

Laura Reinertsen