

MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
February 9, 2022
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 15, 2021.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Borghi, Attorney Cannon, Engineer Herrman and Department Heads.

ENGINEERING

Mayor Menna acknowledged receipt of the Engineer's report for January 2022.

Clerk Borghi noted that the report received was from 2021 Engineer CME.

Interim Administrator McConnell noted that newly appointed Engineer Ed Herrman from T&M was in attendance.

ADMINISTRATION

Mayor Menna reviewed Administration discussion items:

- a. Animal Welfare Committee Alternates – Councilman Ballard confirmed that the Committee wished to have two alternates added to their membership. The Council consensus was to move forward with the change.
- b. DEP Information Session re: Marion Street – IA McConnell reported that the DEP would be holding an informational session for the public regarding the situation on Marion Street and their actions so far and going forward. He said it would tentatively begin at 6:30 pm and would be held electronically.
Councilman Zipprich asked if that was related to the Community Garden.
IA McConnell said it was and that it included the surrounding area.
- c. Discussion: Bench Request – Count Basie Park – IA McConnell reviewed a request to have a memorial bench and tree installed at Count Basie Park. He said it would be completely funded by the requestors through a fundraiser. He said there would be a resolution put before the Council to approve the request.
Councilwoman Horgan asked where the bench and tree would be placed.
IA McConnell said he believed it was near the playground area overlooking the football field.
Mayor Menna said the Borough would welcome this type of bench to be placed in a park.
Councilman Ballard said he had voted against the resolution that would allow for memorials in the parks. He said he was aware of the story and said it was heartbreaking. He said he meant no disrespect but said he was not in favor of adding memorials in the public parks.
- d. Mural Policy – IA McConnell said he would be working on developing a formal mural policy. He said RiverCenter had developed a program where they were helping businesses and entities to fund murals around town. He said he felt it was best if the Borough had a policy of its own. He said they had been approving them through an Ad Hoc process.
Councilwoman Triggiano said, if there was a time when it was appropriate in the chain of command, the Creative Team could participate in the process.
Councilman Zipprich also noted that RiverCenter had a Visual Improvement Committee that reviewed and issued recommendations.
Councilman Ballard asked if the Borough had already adopted a mural policy.
Councilwoman Triggiano said the Council had discussed murals and how restrictive they would want to be. She said she felt it should be an agreement between a landlord and an artist. She said after that the Council had approved murals on an individual basis but had not adopted a formal policy.
Clerk Borghi reviewed the informal procedure that had been created by the previous Administrator.
IA McConnell said he would send out information as it was drafted.
- e. Senior Center Bid Process and Funding Mechanism – IA McConnell noted there was a bond ordinance on for introduction regarding funding for repairs to the Senior Center.

CFO Swisher reviewed funding sources that had been found to offset some costs so the Council would not have to bond the full cost of the project. He said that was show in the ordinance on for introduction and in the resolution to cancel items on the agenda for the regular meeting.

Councilman Zipprich thanked CFO Swisher and IA McConnell for all of the work they had done.

Councilman Ballard said he also wanted to extend his gratitude to CFO Swisher and IA McConnell. He said he also wanted to make clear that CFO Swisher had found over \$1 million in funds that had come from old ordinances. He reviewed the areas where funds had been found.

Mayor Menna thanked CFO Swisher for his consummate professionalism.

Councilwoman Sturdivant also thanked CFO Swisher for his work.

Councilwoman Horgan thank CFO Swisher for his efforts and they were all appreciative. She confirmed that there was a resolution on the agenda that would approve the transfers of the unused funds.

Councilman Zipprich reviewed where the additional funds were coming from and again thanked CFO Swisher and IA McConnell.

- f. Senior Center ROSI/Deed Restriction – Attorney Cannon said he had produced a memo on the subject for the committee and said he would forward to everyone. He said he had discussed with Councilman Zipprich and Councilman Ballard the consequences, the process and the standards for ROSI properties. He said he also reviewed other options to protect the property including a deed restriction. He said he had suggested the memo be distributed to everyone so they would understand the rules of encumbrance and had also suggested they get the opinion of the Steward from Green Acres. He said there were essentially three options which were 1) put the whole property on the ROSI, 2) put only part of the property on the ROSI or 3) do something else such as a conservation easement or deed restriction. He said he had told the committee that he did not recommend putting the whole property on the ROSI because he thought it was very restricting.

Councilwoman Triggiano asked if putting a property on the ROSI would affect what could be done on neighboring lots.

Attorney Cannon said it would not.

Mayor Menna said it would be site specific to a block and lot.

Attorney Cannon said, if the Borough put a playground on a property, it would affect the Drug Free School Zone parameters or the Cannabis regulations.

Councilman Zipprich said Attorney Cannon had explained in detail at the meeting the pros and cons and what the Borough's ability would be to limit only a parcel of the land rather than the whole parcel going onto the ROSI. He said he thought it was important to understand that the ROSI would help to protect the Open Space. He said he wanted to thank Mr. Cannon's team for doing a tremendous job in detailing the options.

Councilwoman Horgan asked if that would all be in the memo that Attorney Cannon would be sending.

Attorney Cannon said it would. He continued to review the options before the Council.

Mayor Menna reviewed the reports that had been submitted by Department Heads who were not in attendance and asked if there were any questions on the reports.

Report: Grants – January 2022

Report: Tax Assessor – January 2022

Report: Tax Collector – January 2022

Report: Fire Marshal/Code – January 2022

Report: Planning & Zoning – January 2022

There were no questions.

CLERK

Mayor Menna noted the Clerk had noted there would be a proclamation for Black History Month on the next

Clerk Borghi said she had also asked for a discussion on the matter of establishing agenda protocols.

Mayor Menna asked for the Council members' opinions on establishing agenda protocols. He said he agreed that they should be memorialized.

Councilwoman Triggiano said she would be happy to participate.

Mayor Menna asked Clerk Borghi to provide the basic information for the next Workshop meeting.

Councilman Zipprich said he would also like to participate in the discussion regarding agenda protocols.

FINANCE

Mayor Menna said there were no ordinances or resolutions listed under Finance. He noted that had already discussed the Bond Ordinance that was listed for the regular meeting. He acknowledged receipt of the CFO Budget Status report.

CFO Swisher reviewed the status of the budget process and the steps taken so far. He said they expect to adopt the budget in March.

Councilwoman Triggiano noted there would be a newly appointed Council Person that would become the Chair of the Finance Committee. She said she and Councilwoman Horgan were also members and suggested they should meet once the new person was appointed.

PUBLIC WORKS

Mayor Menna said there was a resolution listed to accept the resignation of a Water/Waste Water Operator.

Director Keen thanked his crew for the job they had done during the recent snow storm. He noted the difficulties associated with the storm that included strong winds. He thanked the Parking Department for dealing with a burst pipe at their facility. He said they had been temporarily relocated to the fourth floor of Borough Hall and he expected the staff to be moved back to their office shortly. He also reported that the Department was still picking up Christmas trees.

Councilman Ballard thanked Director Keen and his Department for everything they did.

Councilwoman Horgan also expressed her thanks.

Councilman Zipprich said it had been brought to his attention that there multiple people with access to the storage units under the bleachers at Count Basie Field and asked Director Keen if he was aware of it.

Director Keen said they were working with the Parks & Recreation Department to make sure everyone who was in the facilities belonged there. He reviewed the number of people who used that facility and reviewed what had been done by the former Recreation Director to try to limit access.

Councilman Zipprich said he was concerned about liability issues.

POLICE

Mayor Menna acknowledged receive of the Police Chief's report. There were no questions.

IA McConnell said the only action items coming up in the next couple of months would be to backfill the position that had been vacated by Officer Shields.

BUILDING

Mayor Menna acknowledged receipt of Construction Official Neibert's report. There were no questions.

FIRE DEPARTMENT

Mayor Menna acknowledged receipt of the Fire Chief's report.

Councilwoman and Fire Commissioner Triggiano said January had been a busy month for the Department with a number of fires. She thanked everyone for their strong work and thanked Little Silver for their aid. She reviewed ways the public could donate and give back. She also noted that the Department was all volunteer and asked residents with a fire hydrant near their home to help dig out the hydrant if there was another snow storm. She thanked the fire fighters who had gone out on their free time to dig out the hydrants.

SENIOR CENTER

Mayor Menna acknowledged receipt of Director Reynolds report.

Director Reynolds said she wanted to thank the Parks & Recreation staff for helping to coordinate a Valentine's Day card exchange with the schools. She said they were also having a Super Bowl party for the seniors and reviewed details. She thanked everyone for the fact that they were moving forward with the Senior Center.

Councilman Zipprich thanked Director Reynolds for the important program she was doing to keep seniors active and engaged.

Attorney Cannon asked for clarification on the changes needed to the Animal Welfare Advisory Committee ordinance.

Clerk Borghi said she could draft that ordinance.

IA McConnell asked Attorney Cannon to review the need for Resolutions of Support for cannabis applicants.

Attorney Cannon said the Council had discussed the need for a licensing ordinance for cannabis beyond the ordinance they had previously considered. He said that would be coming soon. He said the next step in the process was regarding people that were interested in starting businesses that had to apply to the State by March 15. He said they needed a resolution of support from the municipality. He reviewed concerns about the suggested language in the original suggested resolutions that would basically approve a request with very little information. He said the guidance had been amended in December to call for a resolution that only confirm that there were a sufficient number of licenses available in the municipality and that that type of business was allowed

under the Borough's Zoning Ordinance. He said he would draft a resolution titled a Resolution of Acknowledgement. A discussion followed on developing the process.

Engineer Herrman said an application had come to the Zoning Board last year before the State decree. He said, at the time, it had been deemed a non-permitted use and referred to the Zoning Board. He said the application had not had a lot of information and had been deemed incomplete at that time. He said the application was for a grow facility on East Leonard Street. He said they later submitted a new application to the Planning Board which had again been deemed incomplete. He said he had been told that they were working through the process to resubmit. He asked how the resolution of support would fit into the processing of an application before the Planning Board.

Attorney Cannon said they would need a municipal license and a State license to operate and would be going for their land use approval first.

A discussion followed on the process.

Councilman Ballard said he had asked for an update on the investigation into leaked emails.

IA McConnell said he had reached out to the Attorney three times and had not received a response. He noted no money had been paid to the Attorney.

Councilman Ballard expressed his disappointment and expressed concern about leaked emails.

Councilwoman Horgan said the focus should be on a possible violation of ethics as the emails were public record. She said he was looking at it in the wrong way. She agreed that a response was needed from the Attorney.

Councilman Zipprich said the emails were Attorney/Client privileged.

Councilman Ballard asked Attorney Cannon for an opinion.

Attorney Cannon said, as a party to the emails, he had a conflict.

Mayor Menna said IA McConnell should request a status report in writing.

Councilman Ballard asked Attorney Cannon if he had requested that all emails be preserved for the potential investigation.

Attorney Cannon confirmed that he had sent that email.

Councilman Ballard asked if Attorney Cannon remembered when the Administrator had send the email to him making the allegations.

Attorney Cannon said he did not have it handy but estimated it was in July.

Councilman Ballard suggested they go with another Attorney.

Councilwoman Triggiano agreed but said it should be both regarding the email leak and also an ethics violation.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi