

**MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
April 13, 2022 ♦ 6:30 P.M.**

SUNSHINE STATEMENT

Mayor Menna was not present; Council President Triggiano presided and 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: Council Members Triggiano, Mirandi, Sturdivant, Ballard, Zipprich, and Horgan.

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

ADMINISTRATION

Council President Triggiano reviewed Administration discussion items:

- a. Cannabis Micro-License Licensing Fee: Atty. Cannon summarized the State Cannabis Ordinance and asked if the Council wished to mirror the State’s fee for Micro licenses. Council President Triggiano recalled that when last discussed weeks ago, Council was in agreement to mirroring the State’s fee scale and asked is anyone has since reconsidered.

Atty. Cannon framed the discussion noting this is essentially the difference between the annual license fees for a standard business and a “micro” business. Cannabis licensing fees range from \$10K for a standard retailer business to \$1K for small capital, minority, and women owned businesses. Cultivator licenses fees can go up to \$50K and manufacturing licenses fees can go up to \$30K; micro businesses are capped at \$1K annually.

Council President Triggiano noted that “Micro” businesses are restricted to how much they can grow their business, there is a ceiling. So even though this would be amending the fee, the borough would still receive the taxes.

Councilman Zipprich asked for an explanation of what a micro business is.

Atty. Cannon explained the criteria for a micro-business retailer as:

- Having no more them 10 employees at any one time
- No more than 2,500 sq. feet; cultivator canopy limited to 24’
- Possess no more than 1,000 mature plants each month; distributors exempt from this requirement
- Acquire no more than 1,000 lbs. of useable cannabis each month

Deviation from this may result in standard licensing requirements.

Council President Triggiano noted the micro status puts a cap on the licensee’s growth, it’s about constricting this license to the micro level. The intent was to bring in equity and permit opportunity for individuals who cannot do a full-fledged project. Feels that some of the negatives would be capping licensee’s success.

Councilman Ballard asked what was meant by equity.

Council President Triggiano recalled a prior discussion wherein Atty. Cannon related how large capital companies have the ability and resources to start up. New Jersey structured it to open up the market so these micro businesses would have an opportunity.

Councilwoman Mirandi stated she is concerned about the amount of interest from applicants and does not agree with the ordinance permitting unlimited licenses. Feels there are still too many unanswered questions. Would prefer to not mirror the State’s lower fee.

Council President Triggiano noted that when Council looked into limiting the licensing it was discovered on the map that there are few logistic opportunities available.

Atty. Cannon clarified the classes by sharing his screen:

LICENSING FEES^A		
	Standard Business	Microbusiness
Cultivator Licensing Fee†	Tier I – \$5,000 Tier II – \$10,000 Tier III – \$20,000	\$1,000

	Tier IV – \$30,000 Tier V – \$40,000 Tier VI – \$50,000	
Manufacturer Licensing Fee†	Up to 10,000 sq ft – \$20,000 More than 10,000 sq ft – \$30,000	\$1,000
Retailer Licensing Fee	\$10,000	\$1,000
Testing Laboratory Licensing Fee	\$4,000	

Δ Licensing Fees are due upon application approval and each year thereafter when submitting a renewal application. The licensing fee for the first year of operation is reduced by the amount paid in application submission and approval fees.

Example: The licensing fee for a Testing Laboratory in the first year would be \$2,000 (\$4,000, less \$400 for application submission fee and \$1,600 for application approval fee). In the second year and every year thereafter, the Testing Laboratory would pay \$4,000 for the licensing fee.

† Cultivator Licensing Fees apply to all cannabis businesses with a Class 1 Cannabis Cultivator License, including microbusinesses and Expanded ATCs:

Tier I = Mature cannabis plant grow canopy area greater than 2,500 sq ft but no more than 10,000 sq ft
Tier II = Mature cannabis plant grow canopy area greater than 10,000 sq ft but no more than 25,000 sq ft
Tier III = Mature cannabis plant grow canopy area greater than 25,000 sq ft but no more than 50,000 sq ft
Tier IV = Mature cannabis plant grow canopy area greater than 50,000 sq ft but no more than 75,000 sq ft
Tier V = Mature cannabis plant grow canopy area greater than 75,000 sq ft but no more than 100,000 sq ft
Tier VI = Mature cannabis plant grow canopy area greater than 100,000 sq ft but no more than 150,000 sq ft

‡ Refers to the square footage of the entire cannabis business premises, not solely the area in which manufacturing or processing is taking place.

After some discussion, Council determined further investigation was needed and agreed to move on to the next discussion on the agenda.

- b. Broadwalk: IA McConnell summarized the current construction projects: Water main, sewer main, and laterals are wrapping up; concrete work still needs to be completed (curbing, ADA ramps, etc.) looking to wrap up by end of May. The roadway will still need to settle for 90 days before it can be paved in mid-July; subject to weather. Roadway conditions are not optimal on Broad or Spring Street. Street sweeper is scheduled for cleanup. Contractor provided a quote of approximately \$70K to level the roadway in the interim; White Street to Front Street curb to curb; \$185K from one end to the other. This skim coat would be primarily for aesthetics and to help alleviate potential safety issues. Then roadway will be milled and paved after the settling and curing period has passed.

Engineer Herrman noted this is not something that is commonly done but due to the high profile nature and walkability downtown it may be worth the consideration.

Councilman Zipprich inquired if this was budgeted for. IA McConnell stated it was not budgeted for in this project but there may be funds left in capital.

Councilwoman Mirandi asked if this project was necessary. IA McConnell noted it was not required, it would be cosmetic.

Discussion was had on the number of trenches, settlement, abatement of hazards and funding for same.

Council President Triggiano asked what the Broadwalk fees were; IA McConnell responded: \$200 per parking stall with an ABC license and \$160 per parking spot without an ABC license plus a \$100 license fee.

Council President Triggiano stated her support for the Broadwalk and the positive impact it has had on the community and local economy. Would like to continue the Broadwalk and continue improving it.

Councilman Zipprich noted that the simultaneous road projects have led to subsequent parking and traffic concerns and need to be cognizant of the impact on businesses and residents; a balance needs to be found.

Councilman Ballard feels that a comprehensive plan needs to be put together to insure emergency vehicles have access, residents and businesses are not unduly impacted. Many complaints have been received regarding rubbish, refuse and unsafe motorists. Would like to see a plan to address these and other issues.

Councilwoman Sturdivant would like to see a plan equitable for residents, businesses and visitors.

IA McConnell noted that Broadwalk has been improved from the initial year; prior to putting a plan and committee together is the Council in favor of continuing the event? Especially considering the roadway projects.

Council President Triggiano inquired if waiting until the roadway project was complete in mid-July was an option as well. IA McConnell said it was.

Councilwoman Mirandi noted her concern for the emergency vehicle accessibility. That is not something the River Center can address.

Councilwoman Horgan suggested the River Center consider a partnership with the financial center and professional officers near Broadwalk for after hour parking options.

Steve Catania spoke on behalf of the River Center. While not unanimous the majority of the businesses are in favor of continuing the Broadwalk and allowing businesses to expand into the street. Agrees modifications have been made and should continue for the betterment of the project.

Should the Borough approve the program for 2022, the River Center agrees to:

1. Continue and/or replace/repair as necessary the lighting in the Broadwalk area.
2. Encourage Broadwalk and streatory businesses to keep the area clean and continue River Center's clean up and maintenance programs within Broadwalk.
3. Create and implement aesthetic upgrades to the concrete barriers used for the streateries. Paint (possibly murals), applied finishes and greenery are options.
4. While the proposed bollards should enhance the aesthetics of the Broadwalk entrances, we would also like to add planters between the bollards.

Councilman Zipprich referred to lost revenues in parking fees due to Broadwalk and noted the program should be mutually beneficial to the borough and the businesses.

Councilman Ballard thanked the River Center for offering what they can do to make the Broadwalk better however it does not address other consequential issues of Broadwalk. Reiterated a plan needs to be in place to address concerns upfront.

Council President Triggiano suggested opening the floor to the public for discussion on Broadwalk; Councilwoman Horgan moved to open discussion on Broadwalk to the public; Councilman Ballard seconded the motion.

Matthew Taetsch 153 Hudson Ave. – If the skim coating is not approved it will open the borough to lawsuits. Broadwalk has rejuvenated Red Bank. Businesses are coming in due to the additional “peak” time which used to be slow as visitors went to other shore towns. Broadwalk has provided a reason to visit and stay in the summer. If the businesses do not do well they will leave resulting in a loss of revenue for the town. Recognizes there are parking and traffic issues, particularly near Wallace Street. Hopes the council can work together to keep this project going. The skim coating is not a cosmetic issue it is a liability issue.

Laura Jannone – No comment

Memone Crystian 15 Marion St- Thinks Broadwalk is a great idea and should continue. Feels the issues can easily be worked out if everyone can work together. Suggested: a trolley to take people from the parking area to Broadwalk to cut down on the traffic; the businesses need to clean up the rubbish and refuse around their premises; and a mediator or retreat to bring Council together.

Dominic Rizzo (Catch 19) 19 Broad Street – Expressed appreciation to the Council for Broadwalk. The first year was great, 2nd year was improved on and expects improvements moving forward to continue. Broadwalk has set Red Bank apart from other shore towns. The outdoor dining has made Red Bank a destination that people want to visit. Feels the businesses have taken responsibility for cleaning up the street.

Stephen Hecht 135 Branch Ave. - Wished to discuss the Cannabis issue. Atty. Cannon, noted that the public session was specific to Broadwalk. Urges the Council to make things happen or prevent things from happening, personally feels this is an event that should happen and discussion should have begun in January.

Cindy Burnham 71 Wallace St. – Will Broadwalk be 7 days a week or just the weekend? IA McConnell noted a decision has yet to be made; the discussion is on concerns. Speaking as a resident on Wallace Street near the parking lot that is being used as a staging area for the paving projects. Broadwalk was great when it happened to allow businesses to stay alive during the pandemic but it is impacting the quality of life in our neighborhood. Cars are speeding down the road. There needs to be some sort of traffic calming. A neighbor moved because of all the traffic. Have the event on the weekend to allow the residents some reprieve. The resident panel didn't include residents that live near Broadwalk. Driveways are being blocked, out of towners are being belligerent. A lot of people living near Broadwalk are not happy.

Jennifer Jamer 102 Harding Rd, - Impressed with Broadwalk, thanked the Council for the event. Event keeps the community alive and resilient. Allows families to continue to socialize outdoors where they may feel more comfortable and be independent. This is bigger than just the restaurant patronage.

Louis Andianos (Neapoli Italian Kitchen) 10 Wallace St. - Thank you the Council. Appreciates here how the majority of the comments are positive. While not on the Broadwalk, his business has benefitted from the traffic. Normally, summer would be a slow time. Understands the concern for lost parking revenue but with the loss of traffic there would not be any revenue. Would argue that with Broadwalk there is more parking revenue. Very much in favor of the event. Is out there every day cleaning up the area. It's not just about paying our bills but making Red Bank thrive. We don't want to go back to the days when we were referred to as Dead Bank. Broadwalk is one of the best things to come out of the pandemic.

Louis Maschi (Patrizia's) 28 Broad St. – Been in the restaurant business for over 30 years, 9 years in Red Bank. Commends everyone in local government for taking the action they did to establish Broadwalk. By opening up Broadwalk, we were no longer competing with other towns for diners. It helped the local business and community survive. Without Broadwalk, businesses will suffer and leave, this thing is not over. Work on a plan to overcome the concerns, we can all work together to make this work. This is a walking town everyone benefits from this event.

Nicole Caivano 11 & 13 Broad St. – Business owner since 1942. When Broadwalk first begun it was a quaint weekend only thing for the summer. The next year it was extended to the full week and for additional months. This eliminated direct store front access and has negatively impacted my business and other businesses are suffering. Worse yet is during the week the street is empty resulting in loss of shopping business. Limited access has caused reckless driving. Premises were vandalized, store front architectural window was broken. Would like to see a compromise that keeps the store fronts open and businesses successful.

Nancy Blackwood 34 Chestnut St. – In favor of Broadwalk, makes Red Bank a destination town and encourages people to walk and socialize. Agrees that improvements can be made and solutions found. Feels that the traffic lights at Broad/Front and should be a four way stop so people can cross safely. Likes the comment about a trolley, great idea. More traffic enforcement is also a great idea. Likes the activities like the parks and recreation events and exercise events that were planned. Also thinks there should be more bicycle parking available.

John Arcara (Red Tank Brewing) 250 Harding Rd. – Business owner and resident. Thank everyone for Broadwalk. In regards to the comments about emergency vehicles we always keep the 18' clearance. Agrees with the skim coat. Feels Broadwalk is creating more parking revenue due to the visitors. Would love to keep it going and will do what it takes to keep it going. This year will be even better. Feels that it needs to continue at 7 days a week.

Boris Kaufman 128 Riverside Ave. – In a 100% favor of Broadwalk. We can't go backwards after all the success

Sarah Campbell 155 River St. – Encouraging Council to work together to make this happen. Red Bank has always had traffic issues. Proper planning and enforcement can solve most of the issues. If businesses do not clean up there should be consequences. Should be 7 days a week, not a temporary thing; it should be expanded. COVID is still a thing and some people would not go out without an outdoor option.

Nicole Taetsch 153 Hudson Ave. – Live close to Broadwalk so we experience overflow traffic and parking but don't find it a problem. The businesses are part of the community and shouldn't be pit against residents or visitors. Love living in a walkable community, Broadwalk is an example of what we can do better in other parts of town. As an avid runner, trash has always been an issue, it's not solely due to Broadwalk. The parking and traffic, a sign that the community is thriving, can be resolved with a good plan. Thank you again.

Jared Yuro – 1 Bridge Ave. – Broadwalk is a great idea taking into account the concerns we can make it even better. Great concept should be done this summer and every summer to come.

Steven Koumoulis 22 Elm Pl. – Broadwalk allows us the ability to communicate with so many people and create a community and see how many wonderful things Red Bank has to offer. The traffic and garbage is going to happen but still would like to encourage the continuation.

Taylor Kelly (Centrata) 10 W Front St. – We choose this location because of Broadwalk. Haven't seen Red Bank light up like this on over 30 years. We can finally compete with the shore towns. We need to come together as a community to find solutions so everyone can benefit.

Michael Nicosia (Relic Music Shop) 13 Monmouth St. – Personally Broadwalk will hurt my business rather than help; we are a destination business more than a foot traffic business. We had a handshake agreement to move into a building on Broad St, but had to walk away because of Broadwalk. We couldn't load heavy guitars and amplifiers with no way to pull up to the shop. However it has benefited the restaurants and my customers have enjoyed Broadwalk. Regarding the comment about 2/3 of the businesses being in favor; can you tell me of the businesses polled, how many were restaurants vs. retail? And for or against? Council President Triggiano noted she would have to get back to him with that answer or connect him with the River Center for an answer.

There being no further questions or comments; Councilman Zipprich moved to close the public portion on this issue; Councilwoman Horgan seconded the motion; all in favor. 8:29PM

Council President Triggiano inquired of the Atty. if a poll could be taken to make a determination, as it relates to Broadwalk, on the skim coating from the general capital fund? Or if the Council would prefer to wait until the completion of the project in mid-July?

Councilman Ballard asked if the skim coating would then be required for the other construction projects, like Spring St. Councilman Zipprich further inquired about the east side parking lot construction lot as well since most of Broad St will be closed. Other locations under construction were discussed, the primary concern being a well thought out mutually beneficial plan.

Council President asked IA McConnell what he would need from the Council to proceed.

Councilwoman Mirandi appreciated all the comments from the public and found them very informational. Feels a plan to address the concerns needs to be determined.

Discussion was had on funding for Broadwalk so the burden does not rest on the taxpayers.

Council President Triggiano reiterated she is asking if the Council is open to exploring funding the skim coat option through the general capital fund or commit to a mid-July start date for Broadwalk.

CFO Swisher noted skim coating would not qualify for capital funding but can verify with the bond counsel.

Councilwoman Sturdivant expressed her concern for a full repair of Broad for safety. And asked if Broadwalk is still a go?

Councilwoman Mirandi asked what the rush was for the skim coat.

IA McConnell noted he is looking for a determination if Broadwalk is going to continue this year and if so, will that be in May or when the roadway project is completed in middle to late July. There is a lot of coordinating to mobilize to coat the road and determine the funding. Whatever the decision is then the plan can be formulated but do not want to have the professionals making a plan for something that isn't going to happen.

Councilwoman Horgan feels Broadwalk should move forward but agrees with Councilwoman Sturdivant that it should wait until the roadway project is completed.

Councilman Zipprich recommended returning this topic back to the Public Works Committee, next Wednesday, to discuss with the project's engineer about possibilities and report back to the Council.

Councilwoman Horgan is concerned about continued delays impeding this project.

There was discussion on various concerns regarding the Broadwalk, such as the Specials that would need to be hired, traffic, garbage, etc. There are constraints on what can be resolved.

The determination was for Broadwalk to commence upon completion of the roadway project in July, Councilman Zipprich and Public Works Committee will confer with the engineer for project details.

Council President Triggiano 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 – March 2022

Councilwoman Mirandi asked who works with the grant writer. IA McConnell stated it was based on the type of grant and project; most of the time it is the IA and Public Utilities Director. He further summarized the report and the grants listed in the report that were investigated; whether applied or not and why. The consultant Millennium Strategies is paid a fee.

Report: Animal Report – March 2022

Report: Tax Assessor – March 2022

Report: Tax Collector – March 2022

Report: Planning & Zoning – March 2022

Report: Parks & Recreation – March 2022

Report: Fire Marshal/Code – March 2022

There were no questions.

ENGINEERING

Council President Triggiano acknowledged receipt of the Engineer's report for March 2022.

Engineer Herrman reported on the following:

- White Street parking lot residual easement restoration for access meeting with property owners in next week or two
- Water Quality Accountability Act, New Annual State reporting deadline is next week; spoke with Tom Branch for an extension for the submittal of this new State reporting requirement
- Monmouth Street residual drainage issue on block borough hall sits on, across from County Basie, collaborative effort for drainage 120, 121 Monmouth. Investigating cost sharing opportunities; will be meeting with owners of record that have already applied for projects.

Councilman Ballard had questions on the Engineer report from CME.

Inquired about the status if the Marine Park Project. IA McConnell noted that he and Cliff met with the Engineer today. State is reviewing submitted permits for impervious surface product proposed expect to have a response in thirty days. Will get back to Councilman with expenditures to date. Project will not replace space for space from prior parking. The plan was to move the parking away from the waterfront and create more green space. This is phase 1, phase 2 is to move forward with the green space. Financial plan needs to be put in place for phase 2.

There was discussion on the timeliness of the change order resolution. It was noted that the change order was due to incurred costs for unanticipated issues that resulted in a public safety issue as well as resident losing water service. These issues had to be addressed while the road was opened. Ground penetrating radar could be utilized prior to commencing a project like this to try to identify potential unmapped issues but that is not cost effective.

CLERK

Clerk Reinertsen summarized the cannabis and liquor license transfer resolutions. Council welcomed the Clerk to Red Bank. There were no questions.

FINANCE

CFO Swisher reviewed the status of the budget process and the steps taken so far. He said they are coordinating a second meeting with the finance committee to answer any questions and upon the finance committee's satisfaction, bring the proposed budget before Council.

Presentation for Council and public will be a more concise document than what the finance committee is reviewing. Detailed information will be available. Council is requesting the budget documents be in a friendlier format like excel vs. the PDF.

EMERGENCY MANAGEMENT

Council President asked if anyone had any questions on the submitted report; there were none.

FIRE MARSHAL/CODE ENFORCEMENT

Council President asked if anyone had any questions on the submitted report; there were none.

POLICE

IA McConnell noted the resolution on for the NJ Cooperative purchase of 2 police vehicles that were financed through MCIA. Decommissioned police vehicles are transferred to another department with less strenuous use. When questioned about electric fleet vehicles, it was noted that the borough does not currently have the infrastructure to support an electric fleet. An electric vehicle is currently being tested for administrative use and the biggest challenge is charging capabilities; superchargers would be required. The grant writer will be asked to look for relevant grants.

Interviews are being conducted for filling the vacancy for a police officer.

SENIOR CENTER

Director Reynolds reported on the walking club commencement in May due to the weather. When the weather gets hotter there will be other activities. A Mother's Day luncheon is scheduled for outdoors. Putting together a proclamation for Older American's Month for May.

Boosters are available at St. Anthony's (walk in), local pharmacies (online – senior center staff are assisting) and the hospital (by appointment).

Councilman Zipprich stated he is talking with artists and a floral designer to do demonstrations with the seniors.

PUBLIC WORKS

Director Keen reported that brush pick up has begun; people are putting brush out earlier and calls have been coming in. The person that would put out notices out left last year and has not been replaced yet. Bulk pick up is tomorrow. Parking is doing well now that the world is reopening, numbers will begin to level out. Resolution regarding the asbestos removal is a result of the code official identifying when inspecting a different issue. There was an asbestos wrapped pipe that began to fray in a room that is accessed twice a year by public works staff for winterizing. The pipes, which run throughout the building, have not been used in approximately 20 years. With the deterioration of the pipe wrap the best course of action is remove the pipes. The building was immediately shut down and remediation quotes requested but were not received in time for the work shop meeting. The situation was discussed with the committee last month. This needs to happen as quickly as possible to insure the grand stands are available for usage. Funds in trust can be utilized for this project. Some items from the grandstand have been relocated to the concession stand. The director will confirm with the environmental professional that the equipment cleared for removal was okay to be transferred to the concession stand. The director will report back to Council on the findings.

ADJOURNMENT

Councilman Zipprich offered a motion to adjourn the meeting, seconded by Councilman Ballard. Roll call, unanimous, affirmative. 10:14PM

Respectfully submitted,

Laura Reinertsen