

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
April 27, 2022 ♦ 6:30 P.M.**

SUNSHINE STATEMENT

Council President Triggiano 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 President Triggiano and Council Members Mirandi, Sturdivant, Ballard, Zipprich and Horgan.

ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Reinertsen and Attorney Cannon.

ABSENT: Mayor Menna

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

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

a. Proclamations

- i. Arbor Day – 150th Anniversary, April 29, 2022 *Read by Councilwoman Horgan*

PROCLAMATION

BOROUGH OF RED BANK

150th Anniversary Celebration of Arbor Day

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2022 is the 150th Anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper and wood, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW, THEREFORE, I, Pasquale Menna, Mayor of the Borough of Red Bank, New Jersey, do hereby proclaim April 29, 2022 as the 150th Anniversary celebration of Arbor Day in the Borough of Red Bank, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands;

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.



**PASQUALE MENNA
MAYOR**

- ii. International Firefighters Day, May 4, 2022 *Read by Council President Triggiano*

PROCLAMATION

BOROUGH OF RED BANK

May 4, 2022 as a Day of Recognition for Firefighters

WHEREAS, the firefighter has been a part of the American scene since the earliest Colonial days. From the bucket brigades of Colonial America to the modern fire departments and equipment of today; and

WHEREAS, the American Firefighter must meet the challenge of fires caused by chemicals, explosives, combustible fibers and dangerous materials. The must be prepared to fight fires in all types of conditions at great personal risk and sacrifice; and

WHEREAS, firefighter services are they first to be sought in various emergency situations; whether to rescue a child, give aid and comfort to victims of an accident or disaster, the American Firefighter stands ready to serve his community night or day; and

WHEREAS, President Lyndon B. Johnson designated May 4th as a Day of Recognition of the personal sacrifices and devotion to duty of firefighters in the United States.

NOW, THEREFORE, I, PASQUALE MENNA, MAYOR OF THE BOROUGH OF RED BANK I do hereby proclaim May 4, 2022 as a Day of Recognition for Firefighters and call upon all citizens, educational organizations community agencies, faith groups, and civic leaders to observe the day with appropriate ceremonies in honor of our firefighters, both career and volunteer, who by faithful and dedicated service to their communities, are safeguarding the lives and property of their fellow Americans.



PASQUALE MENNA
MAYOR

Councilwoman Horgan and Councilman Zipprich further extended their appreciation to the Red Bank Volunteer Fire Department for their commitment and dedication.

iii. National Public Works Week, May 15 – 21, 2022 *Read by Councilman Zipprich*

PROCLAMATION

BOROUGH OF RED BANK

National Public Works Week Proclamation May 15–21, 2022 “Ready and Resilient”

WHEREAS, public works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the Borough of Red Bank; and,

WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the Borough of Red Bank to gain knowledge and maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and,

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association

NOW, THEREFORE, I, Pasquale Menna, Mayor of the Borough of Red Bank, encourage appropriate services and ceremonies in which all of our citizens may participate to honor fire and emergency services personnel, past and present, who, by their faithful and loyal devotion to duties, have rendered invaluable service to our community and its citizens.



PASQUALE MENNA
MAYOR

Councilman Zipprich further noted the long standing important role of public works back through to ancient times.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Council President Triggiano opened the floor to the public for discussion on agenda items only. There being no comment, the floor was closed for public comment

MINUTES & REPORTS None presented.

ORDINANCES - Public Hearing/Adoption:

None presented.

RESOLUTIONS

Council President Triggiano noted resolution #22-102 was Mayoral appointment per Borough Code and the Mayor indicated via email that he wanted it to go before workshop for discussion. There was discussion amongst Council that the resolution was presented to the Mayor via and he acquiesced. Atty. Cannon noted that Chapter 85-7 affirmed that the appointments were Mayoral and it was determined with the conflicting emails that the appointments to the ad hoc committee be scheduled for the May workshop. Councilwoman Horgan offered a motion to table the resolution, Council President Triggiano seconded the motion. Roll call, unanimous, affirmative. Clerk Reinertsen asked the borough attorney if tabling was required as the resolution is invalid per Chap. 85-7; Atty. Cannon agreed and the resolution was pulled.

Councilwoman Mirandi inquired on resolution #22-100; IA McConnell noted the appointment was to replace an exiting employee.

Councilman Zipprich requested to table resolution 22-109 pending further clarification from the Affordable Housing Attorney; Councilman Ballard seconded the motion. IA McConnell noted that the resolution was to approve the switching of the identifying numbering of units, not the number of units; will get supporting documentation from the attorney. Roll call, unanimous, affirmative.

Councilman Zipprich motioned the approval of the Consent Agenda with the removal of resolutions #22-102 and #22-109; Councilwoman Horgan seconded the motion. Roll call, unanimous, affirmative.

By Consent Agenda:

- Resolution 22-97: A Resolution for Payment of Bills Amounting to \$3,641,774.62.
- Resolution 22-98: Resolution Authorizing Progress Payment #2 Related To The Contract With Z. Brothers Concrete Contractors, Inc. For The Improvement To Spring Street Project
- Resolution 22-99: Resolution Authorizing Refund Of Water Project Escrow Account Balance Totaling \$797.20
- Resolution 22-100: A Resolution Ratifying And Confirming The Appointment Of A Full-Time Administrative Assistant
- Resolution 22-101: Resolution Retaining Scott Salmon, Esq. of Jardim, Meisner and Susser To Act As Special Counsel For The Borough Of Red Bank.
- ~~Resolution 22-102: Resolution Establishing "Broadwalk" Ad Hoc Committee~~ **PULLED**
- Resolution 22-103: Resolution Authorizing Refund Of Water Project Escrow Account Balance Totaling \$2,805.00
- Resolution 22-104: Resolution Authorizing Refund Of Water Project Escrow Account Balance Totaling \$605.00
- Resolution 22-105: Resolution Acknowledging That Cannabis Business License Applicant Has Proposed A Type Of Cannabis Business That Is Permitted Within The Borough And Would Not Exceed Any Municipal License Limit
- Resolution 22-106: Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey 2022 EDF Climate Corps Program Application.
- Resolution 22-107: A Resolution Acknowledging that Cannabis Business License Applicant has Proposed a Type of Cannabis Business that is Permitted within the Borough and Would Not Exceed any Municipal License Limit.
- Resolution 22-108: A Resolution Acknowledging that Cannabis Business License Applicant has Proposed a Type of Cannabis Business that is Permitted within the Borough and Would Not Exceed any Municipal License Limit.
- ~~Resolution 22-109: Resolution Approving Amendment To Affordable Housing Deed Restriction~~ **TABLED**

**RESOLUTION NO. 22-97
A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,641,774.62**

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers totaling \$3,641,774.62

April 27, 2022 Bill List - Borough of Red Bank

Check Type	Count	Total	Checking Account	Count	Total
Manual Check	114	\$3,641,774.62	CAPITAL ACCOUNT	2	\$38,558.66
Meeting Check	0		COAH DEV FEES	1	\$6,250.00
Total	114	\$3,641,774.62	CURRENT -VALLEY	56	\$737,410.19

Checking Account	Check Type	Count	Total
CAPITAL ACCOUNT	Manual Check	2	\$38,558.66
COAH DEV FEES	Manual Check	1	\$6,250.00
CURRENT -VALLEY	Manual Check	56	\$737,410.19
DEVELESCROW	Manual Check	2	\$1,366.25
DEVESCROW2RIVER	Manual Check	3	\$9,317.39
GRANT FUND-VNB	Manual Check	9	\$27,097.27
MCIA LEASE	Manual Check	1	\$7,440.00
PAYROLL	Manual Check	2	\$2,007.38
PKINGOP2RIVER	Manual Check	12	\$40,814.10
RECREATION-VNB	Manual Check	2	\$672.21
TRUST ACCOUNT	Manual Check	4	\$39,128.00
TTL REDEMPTION	Manual Check	1	\$36,937.97
TWO RIVERS	Manual Check	1	\$340.93
WATER CAPITAL	Manual Check	1	\$210,781.67
WATER OPERATING	Manual Check	13	\$450,320.60
WIRE	Manual Check	4	\$2,033,332.00
Total	All Checking	114	\$3,641,774.62

DEVELESCROW	2	\$1,366.25
DEVESCROW2RIVER	3	\$9,317.39
GRANT FUND-VNB	9	\$27,097.27
MCIA LEASE	1	\$7,440.00
PAYROLL	2	\$2,007.38
PKINGOP2RIVER	12	\$40,814.10
RECREATION-VNB	2	\$672.21
TRUST ACCOUNT	4	\$39,128.00
TTL REDEMPTION	1	\$36,937.97
TWO RIVERS	1	\$340.93
WATER CAPITAL	1	\$210,781.67
WATER OPERATING	13	\$450,320.60
WIRE	4	\$2,033,332.00
Total	114	\$3,641,774.62

RESOLUTION NO. 22-98

RESOLUTION AUTHORIZING PROGRESS PAYMENT #2 RELATED TO THE CONTRACT WITH Z. BROTHERS CONCRETE CONTRACTORS, INC. FOR THE IMPROVEMENT TO SPRING STREET PROJECT

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 Payment #2 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: Spring Street Improvements
CONTRACTOR: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Rd., Sayerville, NJ 08872
ENGINEER: CME Associates.
1460 Route 9 South, Howell, NJ 07731

Payment #2	
Current to Date Total	\$424,929.07
Less 2% Retainage	\$8,498.58
Less Previous Payments	\$172,827.42
Amount Due	\$243,603.08

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 NO. 22-99

RESOLUTION AUTHORIZING REFUND OF WATER PROJECT ESCROW ACCOUNT BALANCE TOTALING \$797.20

WHEREAS, Thomas and Karen Sabella, the property owners of 151 Bridge Avenue, has deposited an Escrow amount, as required for the water/sewer line project; and

WHEREAS, the Red Bank Public Utilities Department has determined that the corresponding project is complete and therefore the balance of \$797.20 in the Escrow Account can be released; and

WHEREAS, the Escrow Account for the water line project located at 151 Bridge Avenue (B75.05, L25), Red Bank, NJ 07701 has a balance remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposit;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank that the Escrow balance be released and that the Chief Financial Officer is hereby directed to issue a check for the refund.

RESOLUTION NO. 22-100

A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF A FULL-TIME SENIOR TECHNICAL ASSISTANT

WHEREAS, the Business Administrator has recommended that it would be in the best interests of the Borough to appoint a full-time Senior Technical Assistant; and

WHEREAS, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Business Administrator appoints Michelle DeLuca as a full-time Senior Technical Assistant.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Business Administrator's appointment of Michelle DeLuca as full-time Senior Technical Assistant effective May 1, 2022 at the Level 8 rate of pay the CWA Local 1075 Supervisors Pay Scale

RESOLUTION NO. 22-101

RESOLUTION RETAINING SCOTT SALMON, ESQ. OF JARDIM, MEISNER AND SUSSE TO ACT AS SPECIAL COUNSEL FOR THE BOROUGH OF RED BANK

WHEREAS, the Borough of Red Bank (the "Borough") requires a legal opinion as to whether it should commission an investigation into potential interference with the Borough's original sanitation contract bid during the summer of 2020 and/or the subsequent release of confidential information related thereto in August 2020; and

WHEREAS, Scott Salmon, Esq. of Jardim, Meisner and Susser has provided the Borough with a Proposal to act as Special Counsel to provide the aforementioned legal opinion, which Proposal is attached hereto as Exhibit A; and

WHEREAS, the value of the services to be provided by Scott Salmon, Esq. of Jardim, Meisner and Susser under the Proposal will not exceed \$7,500.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids;

NOW THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Red Bank as follows:

1. Scott Salmon, Esq. of Jardim, Meisner and Susser is hereby appointed as Special Counsel to the Borough for the purposes set forth in this Resolution for a term not to exceed one (1) year.
2. The Mayor, on behalf of the Borough, is authorized and directed to execute the Proposal, attached hereto Exhibit A, with Scott Salmon, Esq. of Jardim, Meisner and Susser.
3. No appropriation of funds is required at this time.
4. The contract is awarded without competitive bidding as a professional service under the provisions of N.J.S.A. 40A:11-5(1)(a)(i).
5. That a notice in accordance with this Resolution and the New Jersey Local Public Contracts Law shall be published at least one time in the Borough's official newspaper.
6. That a certified copy of this Resolution shall be provided to the Mayor, Borough CFO, Borough Tax Assessor, and Scott Salmon, Esq.

RESOLUTION NO. 22-103

RESOLUTION AUTHORIZING REFUND OF WATER PROJECT ESCROW ACCOUNT BALANCE TOTALING \$2,805.00

WHEREAS, Peters 57, LLC., the property owner of 57 Peters Place, has deposited an Escrow amount, as required for the water/sewer line project; and

WHEREAS, the Red Bank Public Utilities Department has determined that the corresponding project is complete and therefore the balance of \$2,805.80 in the Escrow Account can be released; and

WHEREAS, the Escrow Account for the water line project located at 57 Peters Place (B60, L3), Red Bank, NJ 07701 has a balance remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposit;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank that the Escrow balance be released and that the Chief Financial Officer is hereby directed to issue a check for the refund.

RESOLUTION NO. 22-104

RESOLUTION AUTHORIZING REFUND OF WATER PROJECT ESCROW ACCOUNT BALANCE TOTALING \$605.00

WHEREAS, Matrixx, LLC., the property owner of 40 Bank Street, has deposited an Escrow amount, as required for the water/sewer line project; and

WHEREAS, the Red Bank Public Utilities Department has determined that the corresponding project is complete and therefore the balance of \$605.00 in the Escrow Account can be released; and

WHEREAS, the Escrow Account for the water line project located at 40 Bank Street (B78, L22), Red Bank, NJ 07701 has a balance remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposit;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank that the Escrow balance be released and that the Chief Financial Officer is hereby directed to issue a check for the refund.

RESOLUTION NO. 22-105

A RESOLUTION ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis businesses allowed to operate within their boundaries, as well as the location, manner, and times of operation of such businesses, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the "Borough") permitted and established land use regulations and local taxes for regulated cannabis businesses within the Borough in accordance with the Act and the New Jersey Municipal Land Use Law; and

WHEREAS, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

WHEREAS, the Borough has received a request for such an aforementioned Resolution from Higher Breed NJ LLC, which seeks a license from the Commission for a Class 5 cannabis business license to be potentially located within the Borough;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of Higher Breed NJ LLC for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally-imposed limit; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and Higher Breed NJ LLC.

RESOLUTION NO. 22-106

RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY 2022 EDF CLIMATE CORPS PROGRAM APPLICATION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Red Bank strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Red Bank is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the 2022 EDF Climate Corps Program;

THEREFORE, the Borough Council of the Borough of Red Bank has determined that the Borough of Red Bank should apply for the aforementioned 2022 EDF Climate Corps Program. The assistance will greatly support Red Bank's project goals and objectives as it relates to renewable and green energy; and

THEREFORE, the Borough of Red Bank will commit to providing staff support for the duration of the 2022 EDF Climate Corps Program, including access to data for energy projects such as utility billing data.

THEREFORE, BE IT RESOLVED, that the Mayor of the Borough of Red Bank, State of New Jersey, authorize the submission of the aforementioned application to the 2022 EDF Climate Corps Program.

RESOLUTION NO. 22-107

A RESOLUTION ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis businesses allowed to operate within their boundaries, as well as the location, manner, and times of operation of such businesses, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the "Borough") permitted and established land use regulations and local taxes for regulated cannabis businesses within the Borough in accordance with the Act and the New Jersey Municipal Land Use Law; and

WHEREAS, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

WHEREAS, the Borough has received a request for such an aforementioned Resolution from ACTF NJ LLC, which seeks a license from the Commission for a Class 1 cannabis business license to be potentially located within the Borough;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of ACTF NJ LLC for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally-imposed limit; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and ACTF NJ LLC.

RESOLUTION NO. 22-108

A RESOLUTION ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis businesses allowed to operate within their boundaries, as well as the location, manner, and times of operation of such businesses, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the "Borough") permitted and established land use regulations and local taxes for regulated cannabis businesses within the Borough in accordance with the Act and the New Jersey Municipal Land Use Law; and

WHEREAS, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

WHEREAS, the Borough has received a request for such an aforementioned Resolution from MONTEVERDE NJ, INC., which seeks a license from the Commission for a Class 5 cannabis business license to be potentially located within the Borough;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of MONTEVERDE NJ, INC. for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally-imposed limit; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and MONTEVERDE NJ, INC.

MAYOR AND COUNCIL COMMENTS

Councilman Zipprich reported on the following:

- Public Works Committee met with both (CME/T&M) engineers.
 - CME provided status reports for: resurfacing protocols for Broad Street; the relining of the sewers on Spring Street; Z Brothers will be handling the East Side Parking Lot project; and circulation study of downtown as it applies to Broadwalk. A report will be forwarded for Council review.
 - T&M status reports consisted of: re-engineering of various lift and pump stations; anticipated work on the Sunset Park proposal; State capital plan; capital planning regarding new DPW facility; asbestos abatement at Count Basie field (4-6 weeks); water rates, commercial v. residential discussed; and proposal for investigative work to determine direction and planning for water and sewer.

Councilwoman Horgan reported on the following:

- Parks and Rec – Provided information on the upcoming events and activities: Annual Memorial Day Ceremony, Monday, May 30th at 11am at the Veterans Monument on Monmouth St. (Elks Lodge in the event of rain); Pride in the Park (Riverside Gardens Park), Saturday, June 11th, noon to 4pm; Juneteenth Celebration (Johnny Jazz Park), Saturday, June 18th 1:30pm to 6:30; Summer Series at Riverside Gardens Park, Tuesdays, Wednesdays and Thursdays July 19th through August 18th (5 movies & 5 concerts); 365 West Side Jazz Concerts, Friday July 1st and Friday, August date TBD at the Johnny Jazz Park, 6:30pm to 8pm; sponsors are being sought for the Summer Series.
- Library – May 13th 7pm to 9pm Fundraiser “Books, Brews, & Library News”, \$25pp. Appointments are available for the telehealth booth a confidential option for people to communicate with health professionals, lawyers, potential employers, etc.

Councilman Ballard reported on the following:

- Commended the Red Bank Housing Authority, April 25th began the installation of free Wi-Fi at Montgomery Terrace; providing connectivity and accessibility for students to connect to schools. A new executive director, Lisa Richardson, will be starting with the Housing Authority on May 9th. Awaiting Governor’s Office response to Mayor Menna’s correspondence regarding the Council recommendation of Adrienne Bilaal to the Red Bank Housing Authority as the Governor’s Appointee.
- Expressed his appreciation to IA McConnell but noted the Business Administrator position requires full time attention and the search should be resumed; he further requested it be on for discussion at the next workshop.

Councilwoman Sturdivant reported on the following:

- Hybrid Installation at Borough Hall – Scheduled to be completed by Friday, anticipating the next meeting be a dry run to insure all is in working order. Will keep Council apprised.

Councilwoman Mirandi reported on the following:

- Finance Committee met on April 15th, will be meeting twice next week. Residents were hit with a notable increase in residential assessments, the committee is doing their due diligence to alleviate the impact.

Councilwoman Triggiano reported on:

- May 14th, Annual Environmental Commission Green Fair at Red Bank Middle School. Thanked the partners: Sustainable NJ, Lunch Break, and the Red Bank Public Schools.
- Fire Department – Last week to fund for the marine unit, please visit GoFundMe to “Help The RBFD Launch The New Marine Unit” or the Red Bank Fire Department website.
- Annual Shine a Light Event – Thanked the Red Bank Police, Monmouth Reform Temple and St.

Anthony's for this unique community outreach initiative. Opined that the public safety partnerships in Red Bank are phenomenal and commended their efforts.

DISCUSSION & ACTION

Mayor Menna read the following requests:

- a) NJ DEP "Get Past the Plastic Law" – Effective May 4, 2022

IA McConnell noted this is just for awareness as the law is effective next week.

- b) Special Event approval - Juneteenth; Johnny Jazz Park; Saturday, June 18th; noon-5pm

Councilman Zipprich motioned to approve; Councilwoman Triggiano seconded the motion. Roll call, unanimous, affirmative.

Councilman Ballard followed up on a fundraising concern for the event. IA McConnell noted he has not spoken to the event coordinator yet he expects to before the end of the week. Councilman Ballard is in favor of the Council supporting the event.

Councilwoman Triggiano summarized a meeting with Parks and Rec where discussion was had on creating common ground and insuring these events are being treated equally and fairly. She further noted optional fundraising ideas that were successful for other events.

Councilman Zipprich inquired about the fundraising for the Earth Day Green Fair. Councilwoman Triggiano noted she could not speak to what they are doing now but when she was involved with the event there was no fundraising it was all by donation. IA McConnell confirmed that other than the Tesla for display purposes and give aways if any where available.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Cyndy Burnham 71 Wallace Street – Shared an incident on April 22 at 1:32 in the afternoon; a large box truck was stuck at the intersection of Washington and Wallace then proceeded to sound the horn disrupting the neighborhood then began backing up the one way road way. Said she called the police to assist the driver in backing up but no one came. Called back 10 minutes later and the dispatcher said the call was dispatched. Expressed her concern that when the police are called, no one comes. People are afraid of retaliation if they call to complain. ** prior to adjourning Chief McConnell was able check the police records system and the Lt. did respond and reported the vehicle was gone on arrival.*

Ms. Burnham asked about the status of the senior center. Also stated in regard to the Broadwalk Committee, a business owner and resident that was on the committee said the committee did not have one meeting. Hassam Yassam oversaw the committee and chose the members.

Chief McConnell stated he would review the incident. He further noted that the bids for the senior center were received today and expected it to be discussed at the next work session.

Councilwoman Triggiano noted that the Broadwalk committee did in fact meet and that the Mayor was the head of the committee.

Sue Viscomi 25 Cedar Street – Is the borough closed for Juneteenth? Follow up question from a month ago about raises or step increases, why isn't there a vote on salary increases?

IA McConnell noted Juneteenth is not an official borough holiday. As for the increases this is the result of employees in the steps. A new contract has not been ratified however, employees within the steps automatically receive their step increase until a new contract is signed. There was brief explanation on how "steps" work and contractual obligations.

Councilman Zipprich noted that Juneteenth is a National holiday and it is on a Sunday.

There being no further discussion, Councilman Ballard offered a motion to close the Public Comment period, Councilman Zipprich seconded. Roll call, unanimous, affirmative.

EXECUTIVE SESSION

22-110 The Borough Attorney read a resolution to adjourn to executive session to discuss Contract Negotiations – Personnel Matters. No action to be taken.

Councilwoman Horgan offered a motion to adjourn to Executive Session, seconded by Councilman Zipprich. Roll call, unanimous, affirmative.

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

RESUME REGULAR BUSINESS

Councilwoman Horgan offered a motion to resume regular business, seconded by Councilman Zipprich.

ADJOURNMENT

There being no further business Councilwoman Horgan offered a motion adjourn, seconded by Councilman Zipprich. Roll call, unanimous, affirmative. 7:40PM

Respectfully submitted,

Laura Reinertsen