

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
June 23, 2021  
6:30 P.M.**

**SUNSHINE STATEMENT**

Council President Yassin requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on December 16, 2020.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Council President Yassin and Council Members Triggiano, Yngstrom and Horgan.

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

ABSENT: Mayor Menna and Council Members Ballard and Zipprich.

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

**PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS**

Public Hearing – Grant Application to NJDEP Urban Parks Program

Interim Administrator McConnell reviewed the proposed project to refurbish the bleachers at Count Basie Park and the electronics in the announcer's booth.

Council President Yassin called for a motion to open the Public Hearing.

Councilman Yngstrom made the motion, seconded by Councilwoman Triggiano.

**ROLL CALL:**

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Council President Yassin asked if anyone would like to speak.

No one appearing, Councilman Yngstrom offered a motion to close the public hearing, seconded by Councilwoman Triggiano.

**ROLL CALL:**

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

21-186: Councilman Yassin read, "Resolution to Authorize the Mayor to Execute an Agreement with the New Jersey Department of Environmental Protection, Green Acres Program, for the Count Basie Bleacher Repair Project."

Councilwoman Horgan offered a motion to approve the resolution, seconded by Councilwoman Triggiano.

**ROLL CALL:**

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Budget Introduction

21-158: Resolution to Anticipate Miscellaneous Revenues in the 2021 Budget using the Three-Year Average of Realized Revenues from the Prior Three Years

Councilman Yassin offered a motion to approve the resolution, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

2021-12: Calendar Year 2021 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

Councilman Yassin said he wanted to explain to the public that there had been an article published on this ordinance that was incorrect and gave false information about the ordinance. He explained the purpose of the ordinance which would give the Borough future flexibility.

Councilman Yassin offered a motion to approve the resolution, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Councilman Yassin announced that the Public Hearing would be held on 7/21/2021.

21-159: Red Bank Municipal Budget Introduction (Public Hearing 7/21/2021)

Councilman Yassin reviewed the budget process and the work of the Finance Committee that would result in a zero tax increase in the municipal tax rate. He noted that the Borough did not have control of the other entities that taxed such as the County or the schools.

Councilman Yassin offered a motion to approve the resolution, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Councilman Yassin announced that the Public Hearing would be held on 7/21/2021.

#### **PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Councilman Yassin announced that Resolution 21-185 had been tabled and would be carried until the next meeting to be considered when there was full Council.

Councilman Yassin offered a motion to amend the agenda as noted, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Dan Riordan—20 Irving Place—said he wanted to comment on Resolution 21-185 even though it had been tabled. He said it was odd to him that the Council was appointing an Executive Director to an independent authority. He said he thought they should be appointing their own Executive Director. He said he also wanted to comment on the DMR contract and said he wanted to repeat his wish that the Council reconsider. He said the changes in option 2 had not been based on any requests or feedback from the seniors, residents or staff. He said some of the changes were good but said no one had requested them. He said he would like to see the changes tabled. He said they should fix and open the Senior Center and then take time to look into how to make it better. He said he also wanted to comment on the resolutions regarding Animal Control. He said the resolution to abolish the position made it sound like it had been recommended by the Management Enhancement Report. He said it did not but had recommended general consolidation. He said it had made several specific recommendations for outsourcing but did not name Animal Control. He reviewed other recommendations that had been included in the report. He said he had a bigger concern with Resolution 21-154 regarding a contract with the Monmouth County SPCA. He said it claimed an exemption from bidding requirements because it was a professional service. He read what he said was the definition of a professional service and said he did not think it applied to Animal Control. He also said he felt it should contain language stating that it was being awarded as a “non fair and open contract” and that the SPCA should not be able to make political donations. He also said he thought the price was too high.

Paul Cagno—65 Wallace Street—said he wanted to comment on Resolution 21-184 regarding a contract with CME for designing a parking lot at Marine Park. He questioned the plan noting that he had never heard a resident complain that there wasn't enough parking at Marine Park. He reviewed the history of the park after Hurricane Sandy. He questioned the process. He asked if any Council members had received a comment on the matter from a resident. He continued to question the plan.

Councilman Yngstrom said they had had multiple conversations about the matter and said this was the first step of revitalizing the park. He reviewed the process from the beginning. He said he agreed that it was years after Hurricane Sandy but said this was the first step to transition parking from on the river to enable them to put green space on the river.

Mr. Cagno asked why CME couldn't give the full project. He said Council members could change and asked if there was a resolution to confirm the second part of the project.

Councilman Yngstrom promised that this Council would move forward. He acknowledged that the Council could change but the plan was to implement the Kimley Horn plan.

Mr. Cagno continued to question the fact that the project was being done in pieces.

Interim Administrator McConnell explained that this part of the process was to obtain CAFRA permits because they found out in the process that they would need those permits from the DEP. He said this resolution would authorize CME to do the stormwater management plan and obtain the CAFRA permits.

Mr. Cagno asked if they would need those permits to do the work on the other side and questioned what would happen if they were unable to obtain them.

IA McConnell said it was hard to do one before the other. He said they couldn't move forward until they completed the first step.

Councilman Yassin said it was a large project and, since he had been on Council, every Council member had been in favor of the project. He expected no change in direction.

Mr. Cagno asked what the time frame would be to complete the entire project.

Councilman Yassin said it was a multiyear project which was why they could not do it all at once.

Cindy Burnham—71 Wallace Street—said she had similar concerns to Mr. Cagno. She asked why they couldn't start with “greening up” the parking lot.

Councilwoman Triggiano asked for confirmation that the parking revenue from the park would contribute to the project.

IA McConnell said that was correct and said they couldn't do it in reverse because it would lead to a parking shortage.

Ms. Burnham said she felt they did not need the parking because it was leased to Riverview.

IA McConnell said that was correct and it helped fund the park project.

Ms. Burnham continued to press for adding green space to the parking lot at the first phase.

IA McConnell said it was for the reason that he just stated which was because there would not be enough parking.

Councilman Yassin said Ms. Burnham's question had been answered twice.

Ms. Burnham said she did not think the project was ever going to happen and said she felt the parking lot was being installed for a local developer. She claimed that only park users could use the lot. She continued to criticize the development of the parking lot. She said she also wanted to comment on

Resolution 21-182 regarding the Senior Center and said she felt, before the architect did any drawings, they should meet with the Director of the Senior Center. She also commented on Resolution 21-153 to eliminate the position of Animal Control Officer. She questioned the pricing and reviewed what other towns were paying. She said it was a quality of life issue. She said she had a question on Resolution 21-152 regarding conducting an investigation for an area in need of redevelopment. She questioned the process.

A discussion followed on how the study would be paid for.

Ms. Burnham questioned if it would be spot zoning.

IA McConnell said it was not.

Ms. Burnham asked if they would be using the Threshold Analysis and again questioned the process.

Attorney Cannon said there were statutory standards that would be followed.

Councilman Yassin said there was no relation to the Threshold Analysis.

Ms. Burnham asked what was being done to the Eastside Parking lots.

IA McConnell said he wanted to make sure they stayed on schedule. He noted the five minutes limit and said they did not want to get into back and forth.

Attorney Cannon asked if that was her last question.

Ms. Burnham said it was and again asked what was being done at the Eastside Parking lots that was going to cost \$70,500.

IA McConnell said that was for the design of the new Parking Lot which would be slightly redesigned and paved.

Councilman Yassin said he wanted to address some other points from her comments. He said, in regard to the developer using Marine Park, he said there was no relation whatsoever. He said the plans for Marine Park had been gone over with residents over the past several years. He said, in regard to the Senior Center, he said the planner would be reaching out to Senior Center staff to come up with final designs. He said in regard to the budget, he noted that had a zero percent increase and said he felt they had done a good job of making sure they were not overburdening the residents.

Alexis Gasiorowski—54 Broad St (business) & 63 Linden Pl (residence)—said it was her understanding that if the Borough received another bid that it would have to be considered before the moved forward with the Animal Control Services contract. She said, to her knowledge, no other bids had been disclosed to the public and asked why they had not been disclosed.

IA McConnell said the Borough had not gone out to bid and were proposing to enter in to a contract with the SPCA.

Ms. Gasiorowski questioned the process.

IA McConnell said there were only two agencies that he was aware of and said that had solicited a proposal from the SPCA.

Ms. Gasiorowski asked if they had received a proposal from the other agency.

IA McConnell said they had not.

Ms. Gasiorowski said it was her understanding that the Humane Society had sent a signed proposal/contract to the Borough earlier in the day.

IA McConnell said he had not received it.

Ms. Gasiorowski said he had been sent to the Borough Attorney and the Mayor she believed. She questioned why it had not been disclosed to the public. She questioned how they could award a contract if the additional proposal had not been considered.

IA McConnell said he had not received a second proposal.

Attorney Cannon said he believe the Humane Society had send an email to Council members but said many of the email addresses had been incorrect. He said it had not made its way to him.

Ms. Gasiorowski asked if all of the email addresses had been wrong.

Mr. Cannon said they were not but also noted the email had been received three hours before the meeting.

Ms. Gasiorowski asked how many Council members had received the email.

Councilwoman Triggiano said she had received the email and forwarded it to Chief McConnell but said she felt there was no reason why it should be entertained. She said they had already decided who they were going forward with. She said the email had been received approximately two hours prior to the meeting.

Ms. Gasiorowski reviewed the process that had been done.

IA McConnell noted that the proposed contract had been made public on an agenda and then, two hours before the meeting, another agency submitted a contract after having viewed the first contract.

Ms. Gasiorowski said the second contract should have been disclosed and said the Borough had a duty to its residents to evaluate different services. She said she wanted to place her objection to the process on the record.

Attorney Cannon said she was reaching her five minute time limit.

Ms. Gasiorowski said she was an Attorney and said the five minute rule did not apply to her. She said she had the right to cross examine.

Attorney Cannon said this was not a court but was a public meeting.

Ms. Gasiorowski continued to insist it did not apply to her.

Attorney Cannon said he was going to respectfully disagree with her and said she could take it up in the appropriate tribunal. He said her time was concluded and she could raise her hand again and come back for further comment.

Ms. Gasiorowski asked if her question would be answered. She continued to argue that the five minute limit did not apply to her.

Council President Yassin asked Attorney Cannon to address if the process they had used was contrary to law.

Attorney Cannon reviewed the process to award a contract for a professional service and said it was his opinion that this was an extraordinary service and a licensed service.

Angela Mirandi—8 West Lake Rd—said she wanted to follow up on the Animal Control Officer and the costs. She asked how the costs had been calculated and why they had not entertained the second proposal. She said she did not believe the Borough should go with the SPCA and said she would rather see them contract with the Humane Society. She also asked when the Kimley Horn plan for Marine Park had been presented. She asked how much the additional costs would be to meet the CAFRA permits and Green Acres requirements. Regarding the Senior Center, she said she felt the architects should meet with the staff and also provide a presentation to the members.

IA McConnell reviewed his request for a pricing structure from the SPCA and said it was mostly structured off of anticipated call volume. He reviewed more details including the fact that Red Bank was denser than many towns which the SPCA said usually resulted in higher call volume.

Council President Yassin said there had been extensive public input in the design process over the past couple of years.

Councilwoman Triggiano said the architectural changes proposed by DMR were minor but impactful for any communal space including things such as modular walls and moving the office space to be more amicable for the building. She said the people using the building would have a seat at the table.

IA McConnell said he, the Department Head and DPW Director would be involved in the process. He said some of the ideas had been drawn from previous facility discussions they had had which included the Senior Center Director and addressed the Senior Center's need in general rather than the specific building.

Councilman Yassin asked Clerk Borghi if she had found the Marine Park information. She said she had confirmed that there was extensive information on the Parks & Recreation page of the Borough website including detailed plans and summaries of the meeting where there had been presentations.

49:45

Tricia Kopczewski—27 Brown Place—reviewed her comments on the Animal Control issue from the previous Council meeting. She said she had been sending information to the Governing Body since early May. She also reviewed a Q&A that had been held with the Director of the SPCA. She said that she felt that many of the current services would not be offered by the SPCA. She said she respected the Council but said she hoped the matter would be tabled until changes could be made.

Councilwoman Triggiano stressed her love on animals and said she wanted to reassure people that, regardless of what the Governing Body decided, they have the best interest of the residents and animals in mind. She said they would never decide upon something that would decrease those services.

Phil Blackwood—34 Chestnut Street—said he would like to reiterate his support for option 2 regarding the Senior Center.

Tiffany Harris—1 Cedar Crossing—said she was speaking regarding the Senior Center and said she was not concerned about the costs. She said, at the last Workshop meeting, Director Reynolds had said that it was not a good idea to have moveable walls because they were unsafe.

Councilwoman Triggiano said she did not remember Ms. Reynolds ever saying that.

IA McConnell said she did not say they were unsafe but did say she had concerns about it. He said it was a Borough building that may be purposed for other things. He said they just wanted to have flexibility.

Councilman Yassin clarified that, whichever architectural firm they decide to go with, they would be in contact with Ms. Reynolds and others and she could bring up those concerns at that time.

Cindy Burnham—71 Wallace Street—said she had spoken with Ms. Reynolds earlier in the day and she had told her that she did not want modular walls. She said the facility had previously had modular walls and said they had been taken out. She said the ridge in the floor could cause a trip hazard. She also criticized the proposal to move the office space.

Councilman Yassin said a lot of people were speaking on behalf of Ms. Reynolds but the comments had not been made to the Council. He again noted that, as they go through the process, Ms. Reynolds would have the opportunity to address her concerns.

Alan Hill—64 McLaren Street—criticized the parking lot improvement projects and the process. He questioned the need for additional spaces. He criticized the plans for Marine Park. He also questioned why the Borough was not buying electric cars and what they Borough was doing to move forward with them. He asked how many trees had been taken down on the east side. He also asked how often Police Reports were submitted and if could be made public.

Councilman Yassin said the reports are submitted monthly. He also said the Borough was not really adding parking spaces but was moving them. He said the Council had felt, and the residents agreed, that the parking on the waterfront was a waste of that space. He said they had decided to make the current parking area a green space and to move the parking to a different location. He said this was just the first step in that process.

Debbie Marks—19 Morford Place—said she was speaking on behalf of the Animal Welfare Advisory Committee. She said, in their conversations with the SPCA Director, they had spoken about the contract. She said she would like the Attorney to work on the matter with a small group of residents. She also asked if an Animal Control vehicle had been recently purchased.

IA McConnell said there had been a recent purchase and, if they ended up outsourcing the service, it would be repurposed to replace another vehicle for another Department that had not been ordered yet.

Ms. Marks asked about a spreadsheet that had been provided with line items under Animal Control and asked about specifics on the numbers.

Council President Yassin asked Ms. Marks if that was her final question.

IA McConnell said the two salaries that were listed were for the Animal Control function and one for a DPW worker. He said one was contingent upon the other. He said, if they no longer had an Animal Control Officer, they would not be hiring the additional worker.

Alexis Gasiorowski—asked if the Council had considered best practices for an Animal Control Officer in New Jersey.

Council President Yassin asked Ms. Gasiorowski to ask all of her questions before they responded.

Ms. Gasiorowski said there did not appear to be anything referencing Municipal Animal Control best practices published in March of 2018. She said the contract was overly broad and vague. She questioned how feral cats would be addressed. She reviewed what she considered deficiencies and extensively reviewed the contract including euthanizing practices.

Councilwoman Triggiano said the trap, neuter, release program was already managed by the SPCA.

Angela Mirandi—8 West Lake Road—said it had been three years since the Marine Park presentation and the Borough was just getting around to moving the parking lot. She said she hadn't gotten an answer on how much the additional cost would be for the CAFRA and Green Acres permits. She discussed the costs associated with the recommendations for the Senior Center and the DPW facility. She questioned the Marine Park project noting that there had not been a recommendation for Borough Hall yet which she was would be the biggest price tag. She said she thought they were jumping the gun by moving forward with moving the Marine Park parking lot. She asked if the costs for renovations of the DPW Facility and the Senior Center were in this year's budget. She questioned the practice of a kill shelter. She also asked why the Police Reports were not read at the Workshop meetings.

Council President Yassin said he did not believe they had a number off hand regarding the permits but could have it at the next meeting.

IA McConnell said the permitting was included in the funding, however, he said any modifications would not be included.

Councilman Yassin said, in regard to the budget question, these projects were funded through bonding so do not come out of the Municipal Budget. He said the feedback they have gotten from residents was that they did want the Council to move forward on Marine Park. He said, as Ms. Mirandi had noted, it had been three years since the plan was presented so he said he did not think delaying it would do any good.

IA McConnell said, in regard to the kill shelter, the Director of the SPCA had said they were certified as a "no kill" shelter.

In regard to the request for Police Reports being read, Council President Yassin said every Department submitted a report and, if they were to read them all, it would be time consuming.

Councilwoman Triggiano said a verbal report was given every meeting that included statistics.

Dan Riordan—20 Irving Place—said he wanted to comment on the fact that someone had stated earlier that there were two Animal Control options. He said that wasn't true and said there were a number of private companies. He reviewed various options and said he felt they were hurrying into the contract.

Tricia Kopczewski—thanked Mr. Riordan for the information and said she appreciated the comments from Councilwoman Triggiano. She reviewed the proposed contract and fees and asked the Council to ensure the residents would be getting the same services.

William Poku—90 Bank Street—said Ms. Gasiorowski was raising a question of law. He asked, given that it took a very long time for minutes to be produced, what was the statute of limitations for a challenge a Council decision. He also asked why it took so long for the minutes to be produced.

Attorney Cannon said he could give the citation but said he did not know what prerogative writ it would fall under.

Council President Yassin said he thought the Clerk did a phenomenal job and said she was only one person.

Clerk Borghi said she did recognize that there was a delay in the minutes. She said historically she had always had the minute prepared at the subsequent meeting but noted that, in the last couple of years, she had increased the meetings to three per month and the meetings recently had been consistently three to four hours long. She said she was doing her best to get them caught up.

Council President Yassin said he thought she was doing her best and was doing a great job.

Councilwoman Horgan also noted that Clerk has many more responsibilities besides the minutes.

Paul Cagno—Wallace Street—said he agreed that the residents wanted to see the project at Marine Park start. He asked why they were starting with the parking lot and not the green space. He called for the Council to vote down the resolution and start over.

IA McConnell explained that, for operational purposes, they were staging it in that order. He said they couldn't diminish the parking supply so they had to build the new spaces before they could do away with the old spaces. He again noted that the funds from those spaces went towards the park.

Council President Yassin stressed that they would not be taking away any green space. He said they would install the parking lot and then add the green space.

Angela Mirandi—8 West Lake Road—said she appreciated the efforts of the Clerk. She said she had a question about Ordinance 2021-13 regarding capital equipment. She asked that the Borough create a list of all vehicles by Department and the cost. She said she had submitted an OPRA Request that and was told the Borough did not have one. She said she had been attending Council meetings for two years and disagreed that statistics were read at every meeting. She said she would recommend that, if the reports could not be read, could they be posted on the Borough website.

No one else appearing, Councilwoman Triggiano made a motion to close the Public Comment period, Councilwoman Horgan seconded.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

## **MINUTES & REPORTS**

### Workshop Meeting Minutes of 4/7/2021

Councilwoman Triggiano offered a motion to approve the minutes, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

### Regular Meeting Minutes of 4/14/2021

Councilwoman Horgan offered a motion to approve the minutes, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

## **ORDINANCES - Public Hearing/Adoption:**

2021-11: Council President Yassin read, "Ordinance Authorizing the Borough Clerk to Place upon the November 2, 2021 General Election Ballot a Question Asking Voters Whether or not

They Wish to Establish a Charter Commission to Study and Possibly Recommend Changes to the Borough's Form of Government"

Councilman Yassin called for a motion to open the Public Hearing.

Councilwoman Horgan offered a motion to open the public hearing, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

There being four ayes and no nays, the motion was declared

Scott Broschart—30 E Bergen Place—thanked the four members of Council that had moved this ordinance forward. He said he felt it was telling that another faction of the Council had not shown up. He said he hoped the Council would adopt it. He said he had been championing for a non-partisan form of government. He listening to the dysfunction and back and forth between Council members, he said it was clear to him that the government was not functioning properly. He again said he appreciated the Council pushing the ordinance forward.

Stephen Hecht—135 Branch Avenue—thanked the Council including those not present because they had all voted to bring it before the Council. He also said he wanted to remind everyone that there were twelve different forms of government and some allowed non-partisan and some didn't. He urged everyone to become informed about the various forms.

Ben Forest—16 Locust Avenue—thanked the Council for the ordinance. He said it was a historic day for Red Bank and the opportunity to move away from party rancor.

Debbie Marks—said she was asking the Council to table the SPCA vote.

Council President Yassin informed Ms. Marks that this was the public hearing on the Charter Study ordinance.

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

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Councilman Yassin commented on the importance of the ordinance.

Councilwoman Triggiano offered a motion to approve the adoption of the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

**ORDINANCES – First Reading:**

2021-13: Council President Yassin read, "Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Red Bank, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto"

Councilwoman Triggiano offered a motion to approve the introduction of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Council President Yassin announced the Public Hearing would be held on 7/21/2021 at 6:30 pm.

2021-14: Ordinance Amending the Revised General Ordinances of the Borough at Schedule A: "Towing & Storage Fee Schedule" Attendant to Section 652-9(J)(2): "Maximum Rates" under Chapter 652: "Towing" to Increase Said Maximum Towing Rates within the Borough. (Public Hearing 7/21/2021)



Councilman Yngstrom offered a motion to approve the introduction of the ordinance, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

Council President Yassin announced the Public Hearing would be held on 7/21/2021 at 6:30 pm.

## **RESOLUTIONS**

### Consent Agenda

Council President Yassin called for a motion for the following resolutions to be moved by Consent Agenda:

- 21-160: Resolution for Payment of Bills Amounting to \$4,279,614.95.
- 21-161: Resolution Amending the 2021 Temporary Appropriations
- 21-162: Resolution Authorizing Resolution of the Borough of Red Bank to Refund Developer's Escrow Account Balances
- 21-163: Resolution Authorizing Tax Credits/Refunds Totaling \$1,475.60 due to Judgments of the Tax Court of New Jersey
- 21-164: Resolution Authorizing the Borough of Red Bank to Conduct the 2021 Annual Budget Examination
- 21-165: Resolution to Amend the Time and Place of Borough Council Meetings for 2021
- 21-172: Resolution to Authorize Amendment of a Professional Services Contract with Lisa A. Gorab Individually and with Wilentz, Goldman & Spitzer, P.A. to Increase the Amount Not to Exceed from \$20,000 to \$60,000 for Municipal Bond Counsel Attorney Services
- 21-173: Resolution Awarding Contract for Rehabilitation Housing Services for 47 Drummond Avenue to ER Property Manager in Order to Advance the Borough's Affordable Housing Rehabilitation Plan
- 21-174: Resolution Honoring Matthew Blankley as the Highest Ranking Red Bank Senior
- 21-175: Resolution Accepting the Retirement of Police Department Administrative Assistant Margaret Kirwan
- 21-176: Resolution Accepting the Resignation of Technical Assistant to the Construction Official Michelle DeLuca
- 21-177: Community Development Block Grant Resolution Authorizing the Mayor and Clerk to Execute a Project Agreement with Monmouth County for Performance and Delivery of Fiscal Year 2021 Community Development Projects
- 21-178: Community Development Block Grant Resolution Authorizing the Mayor and Clerk to Sign a Certification Prohibiting the Use of Excessive Force and a Certification Prohibiting the Use of Federal Funds for Lobbying
- 21-179: Resolution Authorizing the Purchase of Parks & Recreation Vehicle under the Educational Services Commission of New Jersey Cooperative Purchase Agreement
- 21-180: Resolution Awarding a Professional Services Contract to Millennium Strategies for Grant Consulting Services
- 21-181: Resolution Approving an Agreement with S.C. Johnson & Son, Inc. for a Plastic Film Recycling Pilot Program within the Borough
- 21-182: Resolution Awarding a Professional Services Contract to DMR Architects for Architectural & Engineering Services for the Design, Bid, and Construction Administration of Improvements to the Borough's Senior Center at 80 Shrewsbury Avenue
- 21-183: Resolution Authorizing the Borough Engineer, CME Associates, to Perform Professional Engineering Services for the Borough for East Side Parking Lot Improvements at a Cost Not to Exceed \$70,500.00
- 21-184: Resolution Authorizing the Borough Engineer, CME Associates, to Perform Professional Engineering Services for the Borough for Marine Park Parking Lot Improvements at a Cost Not to Exceed \$20,000.00
- 21-185: Resolution Appointing an Executive Director for the Red Bank Redevelopment Agency

- 21-187: Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Mechanic Street Improvements Project
- 21-188: Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Red Bank Station Pedestrian Improvements Project
- 21-189: Resolution Authorizing the Purchase of Camel Max 12000 Combination PD Sewer Cleaner Under the HGACBuy Cooperative Purchase Agreement
- 21-190: Resolution Authorizing the Purchase of Playground Surfacing under the Educational Services Commission of New Jersey Cooperative Purchase Agreement

Carried from 5/26:

- 21-152: Resolution Authorizing the Planning Board to Conduct an Area in Need of Redevelopment Investigation of Those Portions of Blocks 1, 3, 4.01 that Fronts on Rector Place, Bridge Avenue, Riverside Avenue and Bodman Place to Determine Whether the Planning Board Finds that the Properties Satisfy the Local Redevelopment and Housing Law in Need Criteria and Should be Declared an Area in Need of Redevelopment, and if so, Commence with the Preparation of a Redevelopment Plan
- 21-153: Resolution to Eliminate the Position of Animal Control Officer/Investigator within the Borough
- 21-154: Resolution Awarding a Professional Services Contract to Monmouth County S.P.C.A. to Provide Animal Control Officers and Services within the Borough from July 1, 2021 to December 31, 2021 Councilman Yassin made the motion to approve the resolutions en masse, Councilwoman Triggiano seconded.

Councilwoman Triggiano made the motion to approve the resolutions en masse, Councilwoman Horgan seconded.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom and Horgan.

NAYS: None

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

#### Consent Agenda

Council President Yassin called for a motion for the following resolutions to be moved by Consent Agenda:

- 21-166: Resolution Authorizing Renewal of Club Licenses for 2021-2022
- 21-167: Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2021-2022
- 21-168: Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2021-2022
- 21-169: Resolution to Rescind 2020-2021 Renewal of Inactive Plenary Retail Distribution License No. 1340-44-034
- 21-170: Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2020-2021 and 2021-2022
- 21-171: Resolution Authorizing Issuance of New Theater License for Two River Theatre Inc.

Councilwoman Triggiano made the motion to approve the resolutions en masse, Councilwoman Horgan seconded.

ROLL CALL:

AYES: Triggiano, Yngstrom and Horgan.

NAYS: None

ABSTAIN: Yassin

There being three ayes, no nays and one abstention, the motion was declared approved.

#### **MAYOR AND COUNCIL COMMENTS**

Councilwoman Horgan said the Parks & Recreation Department had had a very successful Juneteenth celebration and reviewed the event. She reported that the Library had reopened on 5/4. She said the children's room would reopen on 7/6. She reviewed the number of visitors they had had since the reopening. She reviewed several program.

Councilman Yngstrom said he had not report. He announced that he would have to leave the meeting.

Upon Councilman Yngstrom leaving the meeting, there was no longer a quorum. Attorney Cannon said the Council was effectively adjourned so could take no action. He said they could remain open for public comment.

Councilwoman Triggiano thanked everyone who had worked on and attended the recent Pride event. On behalf of the Environmental Commission, she reported on a turtle habitat at Bellhaven. She reviewed the terrapin program. She reported that a grant funded rain garden had been installed at the First Aid Building. She also reported that the Red Bank Volunteer Fire Department had received two new engines. She thanked everyone who had served on the truck committee as well as the Council for their support. She congratulated Mike Green, of Liberty Hose Company, on his graduation from the Monmouth County Fire Academy. She reviewed the status of the ongoing membership drive. She also reported that the Red Bank Police Department would host National Night Out on 8/3. She said the temporary indoor Senior Center would be opening for regular hours on 7/6. She said, due to current health restrictions, reservation would be needed. She reviewed Senior programs.

Councilman Yassin said prayers were with the three Council colleagues who had been unable to make the meeting. He said, without getting into specifics, they were each dealing with a personal health issue or family members with health issues. He said he was proud to announce that RiverCenter had a new President which was Samantha Bowers. He thanked Steve Catania for his service. He also reported that Jamie Edelbach had been hired as their Marketing Manager. He said the Finance Committee was excited by the zero percent tax increase and said the public presentation date would be announced. He again stressed the importance of the Charter Study Commission

## **DISCUSSION & ACTION**

No Discussion/Action items.

## **PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Alexis Gasiorowski—said New Jersey State requires that the Borough's Health Officer be involved in the preparation of the contract. She said she did not see a recommendation letter on that. She said she had asked earlier how many Council members had reviewed the State Statute on Animal Control best practices but had not received an answer.

Council President Yassin said he had not reviewed the statute and said he relied on the advice of Counsel. He said he had reviewed it with the Attorney.

Sue Viscomi—25 Cedar Street—asked who would be monitoring dog and cat licenses. She asked Board meeting other than Council meeting were not posted on the Borough website. She also asked about a quote for sidewalk repair on Sunset Avenue which she had obtained a copy of through the OPRA process. She thank the Clerk for her on the minutes and said having meeting posted on line would help people to have their questions answered.

Councilman Yassin said he knew the meetings were retained on Facebook.

Borough Clerk Borghi clarified that only Council meetings were posted on Facebook.

Councilman Yassin said they would look into it. In response to the question about the sidewalk repair, he said that was only done when the road program was done. He said he was not aware of the document she had referred to and asked her to email it to him. He asked what Ms. Viscomi's first question had been.

Clerk Borghi said it had been regarding who would be handling Animal Licensing. She said that had been handled in her office and was not part of the duties of the Animal Control Officer.

Hugh Giordano—57 Argyle, Glen Rock, NJ—said he represented the United Food Commercial Workers Union. He said they were proud to be the official labor union that represented cannabis workers. He thanked the Council for being open to the industry. He recommended the Council review the Bayonne ordinance on the subject.

Dan Riordan—thanked the Council for passing the Charter Study ordinance and asked about information on how people could become Commissioners.

Cindy Burnham—71 Wallace Street—discussed the recent fishkill issue. She said other towns had come up with a plan on dealing with the problem. She asked what Red Bank's plan was.

Councilwoman Triggiano asked Interim Administrator McConnell if it was still a big issue.

IA McConnell said it appeared to him that the issue had diminished significantly. He said nature had taken its course and it was largely cleared.

Councilwoman Triggiano said there were varying degrees of impact. She acknowledged that Red Bank had been impacted but said some municipalities had been affected much worse.

Sue Viscomi—she said she noticed Councilman Zipprich had joined the meeting. She reviewed the OPRA request she had submitted for a quote for a specific sidewalk repair. She asked why a quote had been obtained outside of the road program and if the policy had changed.

IA McConnell said the process appeared to have started in April before he was the Interim Administrator. He said he did not know how or why the quote had been obtained. He said it had been brought to his attention after he had been appointed and said he had denied the request because it was not within the Borough's policy.

Councilman Yassin said the policy had not changed and said those repairs were only included when they were doing street repairs in the area.

Councilman Zipprich reiterated the Borough policy.

Tiffany Harris—1 Cedar Crossing—asked how the quote had been obtained for the sidewalk for one house.

IA McConnell said he had just answered that he did not know. He again said it was obtained before he was appointed and, when it had been brought to his attention, he had denied it.

Ms. Harris also asked when the Council would return to live meetings.

Councilman Yassin noted they had previous discussed trying to return to live along with a hybrid of electronic.

IA McConnell said he was working with the IT Consultant to get quotes for equipment upgrades that would be needed.

Councilman Zipprich said the IT Committee would be meeting the following week to discuss the matter.

Borough Clerk Borghi also reminded everyone that, when the Council moved their July and August meetings to the third Wednesday, there would be a conflict with the Historic Preservation Commission as they were going back to live meetings. She said the Council Chamber would not be available for Council until at least September.

Phil Blackwood—34 Chestnut Street—said he wanted to compliment the Council President on doing a fine job of running the meeting. He said he felt the Council had made good decisions at this meeting. He said he wanted to offer a general comment on the dire effects of climate change and encouraged the Council to cut the carbon footprint of the Borough.

Cindy Burnham—71 Wallace Street—claimed she had been cut off earlier. She said a Navesink River Rowing teacher had said the beach was been strewed with dead fish. She said it looked like there would be round 2 and called for a plan.

Councilman Yassin disagree and said she had not been cut off. He said he had asked if she was done and she had said "yes" and he had thanked her.

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

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

#### **EXECUTIVE SESSION**

21-157 The Borough Attorney read a resolution to adjourn to executive session to discuss Litigation and Property Acquisition. No action to be taken.

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

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

#### **RESUME REGULAR BUSINESS**

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

**ROLL CALL:**

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

#### **ADJOURNMENT**

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

ROLL CALL:

AYES: Yassin, Triggiano, Zipprich and Horgan.

NAYS: None

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

Respectfully submitted,

Pamela Borghi