

MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
July 7, 2021
6:30 P.M.

SUNSHINE STATEMENT

Councilwoman Horgan 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: Mayor Menna and Council Members Triggiano, Ballard, Yngstrom and Zipprich.

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

ABSENT: Councilman Yassin and Councilwoman Horgan

ENGINEERING

Engineer Neumann reviewed her report and offered an update on various projects including East Bergen Place, Broad Street, Marine Park, Eastside Parking Lots and Mohawk Pond.

Councilman Zipprich asked about the delay for the work on Hudson Avenue.

Ms. Neumann said the delay had been essentially due to weather and offered specifics.

Councilwoman Triggiano said Councilwoman Horgan was trying to join the meeting but was having difficulty.

Councilman Zipprich asked about the Eastside Park project.

Ms. Neumann gave an update on the project as well as improvement as Mohawk Pond.

A discussion followed on the Count Basie Park fields.

Councilman Ballard asked about the Shrewsbury Avenue Streetscape project and asked if it would include upgrades for the lamp posts.

Ms. Neumann said there were wiring issues on the existing fixtures and said it was within to scope of the project to remedy the situation and to add new decorative poles.

Councilman Ballard asked for a timetable.

Ms. Neumann said she and Administrator Shehady had contacted the State for clarifications on the proposal because she said, even though it was covered under DOT funding, it had seemed high. She said the State had not provided any follow up. She said she had continued to reach out to her contact at the DOT and would continue to do so. She said she was hearing from other municipalities that they should not expect to see construction for a couple of year and said she realized that was not what anyone wanted to hear. She said they had represented to both her and Mr. Shehady and the Borough was not in danger of losing the funding. She said they understood that the Borough had been proactive about moving forward and, to date, had done everything that they needed to do. She also explained that, even though the design was covered by DOT funding, the Borough would still have to bond for the engineering costs. She said that was something that they had not been previously made aware of but noted the expense would be reimbursed.

Councilwoman Horgan joined at 6:40 pm.

Councilman Ballard said he understood Engineer Neumann was doing everything he could. He said he wanted to address a comment to the Mayor and Administrator about the streetlamps that were not working. He said it was a safety issue and said he had been approached by a resident regarding the issue. He asked if something could be done in the interim.

Interim Administrator McConnell said they had done something in the interim because they had realized that it would be an extended project. He said they had contacted JCP&L to have them come in and replace every cobra head light on the street from Front Street to Newman Springs Road with brighter LED lights. He said repairing the decorative pedestrian lamps was not just a matter of repairing one lamp but would involve an underground wiring issue which would require removing sidewalks and replacing underground conduit and electrical at significant expense. He said it didn't make sense to spend that kind of money just to do it all again in two years when the project occurred. He said that was why they had had JCP&L come in and replace the lights at no cost.

Mayor Menna said Councilman Ballard's questions were legitimate and said the issue had previously been raised with the State DOT. He noted that they had gotten their answer on when the project would begin but said the second issue was that, even though the lighting had been upgraded on the non-decorative poles, the streetscape was still very dark and was a safety hazard. He suggested a discussion with JCP&L on how that issue could be

ameliorated as a stop gap measure until they had greater clarity on when the streetscape project/improvement would finally get started.

Councilman Yngstrom suggested the Engineer review the situation and give a proposal to lighten the streetscape. Mayor Menna said whatever they came up with would still have to be reviewed by JCP&L.

IA McConnell said another option be to ask JCP&L to install more cobra head lights. He said there would be a fee for additional lights.

A discussion continued on lighting solutions.

RECREATION

Director Dal Pra reviewed his "Red Bank First" proposal to prioritize Red Bank teams for field usage.

Councilmembers thanked him for his plan.

Councilman Zipprich suggested he call the plan "Red Bank Kids First."

Mr. Dal Pra said he agreed the kids were a priority but said residents had also been getting pushed out.

Councilman Ballard asked about the Director's plan to turn off field lights when there were no practices but asked about when a parent wanted to use the field with their child.

Mr. Del Pra said he would not turn off the lights until later in the evening or if it was raining. He said he would not turn off the lights if someone was on the field. A discussion followed on when the lights could be turned off to realize a cost savings. The Council consensus was to leave the lights until 10pm unless there was inclement weather.

Director Dal Pra reported on the Department's Summer Series include Movies in the Park on Tuesdays and Jazz in the Park on Thursday.

FIRE DEPARTMENT

Fire Deputy Chief Ferraro reviewed the Department report include the number of calls, the Department's updated website and upcoming purchases. He reported that there would be a Department barbecue on July 24. He also noted that Councilwoman Triggiano would be graduating from the Fire Academy soon.

SENIOR CENTER

Director Reynolds asked if there were any questions on her report. She said they had gone back to in house activities the previous Tuesday and reviewed programs.

Councilman Zipprich asked for an update on the renovation project.

Ms. Reynolds said she would defer to Interim Administrator on that matter.

IA McConnell said Director Reynolds had met with the architects the previous week to do a walk-through and take field measurements.

Councilman Zipprich asked if DMR Architects was re-measuring the building.

IA McConnell said they were and noted their initial drawings were conceptual but they now how to measure for actual specifications.

Councilman Zipprich again questioned why they were measuring again if they had done it before.

IA McConnell said he assumed they would need more specific measurements.

Director Reynolds reviewed what had been done during the visit.

Mayor Menna said he hoped Borough Engineer had been present.

IA McConnell said they had hired this Architectural/Engineering firm rather than the Borough Engineer for this project.

Councilman Ballard asked if the walk through had including mapping out the sliding walls.

IA McConnell said it did and noted they were begin considered as an alternate in the plan.

Councilman Ballard asked Director Reynolds if suggestions she had made two years ago had been included.

Ms. Reynolds said they had not done a sit down yet to go over all of that.

IA McConnell reviewed the process noting that once they provide the construction plans, they will be reviewed for changes/improvements.

BUILDING

Mayor Menna noted the Council had received Construction Official Neibert's proposed ordinance regarding changes to the fee schedule and his report. He asked if there were any questions.

Councilman Ballard thanked CO Neibert for reviewing the construction fees for updates and also thanked him for the ordinance on Developers' fees. He commended Mr. Neibert and the Borough Attorney for their efforts in drafting the ordinances.

Mayor Menna and Councilman Zipprich agreed.

OEM/FIRE MARSHAL/CODE

Fire Marshal Welsh asked if there were any questions on his report.

Mayor Menna thanked him for his efforts and thanked his staff.

FM Welsh reviewed activities in his office.

Mayor Menna said he had been joined by the Mayors of Asbury Park and Long Branch to discuss issues with fireworks. He said there was a proposed ordinance on for discussion at this meeting to prohibit unauthorized fireworks. He reviewed the need for the ordinance.

Councilman Ballard said the State had made certain fireworks legal and many are still illegal. He said the ordinance would codify what the State had already proclaimed. He citing the danger and potential damages from unauthorized fireworks.

Attorney Cannon said the ordinance would provide a reasonable alternative for enforcement to State penalties.

Councilman Zipprich complimented Attorney Cannon on making sure State Statutes were combined into the ordinance. He stressed the effect the fireworks could have on pets and said this ordinance would assure pet owners that the Borough was being proactive on the matter.

FM Welsh said there was no wiggle room in the Fire Code and said there was no such thing as “private firework displays.” He said if one could hear it or see it over the trees in their backyard, it would not be permitted in the State of New Jersey. He said only novelty-type items would be permitted. He said his office had done pre-emptive spot inspections at 22 establishments to ensure compliance. He said permits were required from his office to sell the novelty items and said his office had only issued three so far. He said, out of the 22 inspected, most were not selling the items. He reviewed the dangers with the novelty items and the more dangerous ones that could propel into someone else’s yard. He also reviewed the process to request approval for a private show. He discussed enforcement and seizure at the owner’s expense. He continued to stress the danger of the items.

Councilman Ballard thanked FM Welsh. He also thanked Councilman Zipprich for noting the issue with animals. He said the Animal Welfare Advisory Committee had first brought that matter to light.

FM Welsh also discussed the proposed Tenant Registration Ordinance. He said his office wasn’t always notified of a change in tenants. He said the software program his office was using would assign an expiration date and automatically update the following year. He said there had been an increase in apartments in the Borough and an increased workload.

Mayor Menna said he agreed with the recommendation and said it should be on the next Council agenda.

FM Welsh also reported on a conference call with the Monmouth County Office of Emergency Management regarding Tropical Storm Elsa.

ADMINISTRATION

Interim Administrator McConnell reviewed a no cost agreement with Monmouth County for a computer program used by the Tax Assessor. He also reviewed a DCA Grant application and an updated agreement with the Count Basie Theater for the use of the Municipal Parking Lot.

Mayor Menna asked if there were any questions regarding the Grants report.

Councilman Ballard asked about details of the report specifically about possible Green Acres grants. He noted he previously asked about adding the Senior Center property to the Green Acres inventory. He said he was waiting for a memo from the Borough Attorney on the matter. He also mentioned two other properties that the Borough may be interested in acquiring and turning into open space.

Mayor Menna said he would get more information on the grant but said, regarding the premise of Councilman Ballard’s comments and without getting into too much detail, he wanted to thank the Council for taking the first step to review the area as a whole with the possible inclusion of a public space at that corner.

IA McConnell added that the Borough would not currently be eligible for the Stewardship Grant that Councilman Ballard had mentioned because the Borough currently had an open Stewardship grant. He said this would be the final year for that grant so, theoretically, the Borough would be eligible next year.

CLERK

Mayor Menna asked if there were any questions regarding the Clerk’s Report.

There were none.

FINANCE

CFO O’Reilly was not in attendance.

POLICE

Police Chief McConnell said there would be resolution on the next agenda to ratify the hiring of an administrative assistant to replace someone who had retired. He said a resolution to accept a Body Camera Grant was just a

housekeeping issue. He said the Department had received \$81,500 by the Attorney General's Office and said the resolution would authorize the acceptance of that funding.

PUBLIC WORKS

Director Keen reviewed his report including parking revenues statistics. He reported that the Borough parking lots were now all "Pay by Plate." He thanked his staff for their recent efforts.

Councilman Ballard asked if the Borough had any cooling stations.

Mr. Keen said there were not any currently. He noted the Borough buildings were still closed to the public due to COVID restrictions.

Councilman Ballard asked about replacing a sign on River Street and asked about the status.

Director Keen reviewed delays in the Road Program.

Councilman Zipprich noted the Borough had received a grant to put a generator at the Senior Center because it was used as a cooling station. He noted the generator was still behind that building that was under renovation. He agreed that there was a need for a cooling station and as IA McConnell to take that into consideration with a potential reopening plan.

Mayor Menna ask for discussion on the Stormwater Utility resolution.

Director Keen said the State had created a law that would allow the Borough to create a Stormwater Utility which would operate similarly to the Borough's other utilities where they would collect fees to be used for stormwater repairs. He said it seemed the law's intention was to earmark money specifically for stormwater repair. He said he was in favor of the idea but thought it would be better handled through a dedicated trust as opposed to creating a utility. He reviewed the reasons for his recommendation.

Councilman Zipprich said he had discussed the matter with Engineer Neumann and much of the information Director Keen had just spoken of had been included. He said Ms. Neumann said she did not see an issue with it but said they may want to consider a stormwater impact fee.

Councilwoman Triggiano said she agreed that they should establish a fund. She said she had concerns about the Utility language which she said she felt could be applied to residents but said she did not believe that was who should be paying the fee.

Mayor Menna suggested creating, as part of the land use ordinance, a Developmental Impact Fee that would deal expressly and specifically with stormwater issues and enhancements. He reviewed how it would be applied. He said that way they would not be creating another tier of government such as a utility.

Councilman Yngstrom said he agreed and said money should be earmarked for green infrastructure/stormwater management.

Director Keen noted a trust would need to be approved by the Division of Local Government Services.

LAND USE

Cannabis

Director Ebanks reviewed the proposed cannabis map and the 1000 foot radius requirements as well as a chart she had created showing the various types of businesses and the zones they would fit into. She noted there were not many places the businesses could go and reviewed details of the map.

Councilman Zipprich questioned if there was an error on the map as Marine Park had had not been blocked out.

IA McConnell said he was correct. He said there was more than one iteration of the map and said the wrong one may have been provided.

Ms. Ebanks said she would resend the correct map.

A discussion followed on the information and the Borough's option of going with the State regulations or drafting their own.

Councilman Ballard asked about the requirement noting that no retail business should be within 200 feet of a housing of worship or daycare. He asked if that would necessitate more red zones on the map.

Ms. Ebanks said it would be that was something for the Council to consider as an option.

IA McConnell explained that they had borrowed some of the suggestions from the ABC regulations regarding liquor.

A discussion followed on that option.

The discussion continued including the topics of number/location of establishments, taxation and public consumption.

The consensus was to move forward with the plan as is with the corrected map.

Councilman Ballard asked that the BR2 zone be removed for retail.

The Council agreed.

A discussion followed on public consumption. Attorney Cannon compared the regulations to those for alcohol and said the regulations had not yet been issued by the State. He reviewed details of the State Act.

The Council agreed that the maximum tax rate be applied.

Affordable Housing Trust Fund Spending Plan and Amendment

Director Ebanks said the Affordable Housing restrictions on some properties had expired. She said they had reached out to property owners who were near expiration to see if they wanted to continue. She said a lot of them were not interested. She said the consultants had recommended that the Borough offer an incentive to keep the property under affordable housing controls. She said they had amended the Affordable Housing Spending Plan to have a line item for providing an incentive to those property owners to stay within the affordability controls. If not, she said they would have to resell and the Borough would get a portion of the fee back.

NJ State Plan Endorsement Process

Director Ebanks said she had been contacted by the State Planning Office regarding the Borough designation as a Regional Center. She said the designation allows the Borough additional points for grants or State funding. She said the designation expired last year. She said since there had been no Planning Director in place at the time of the expiration, the correspondence had fallen through. She said the State Planning Commission had created a resolution to extend the expiration date to 1/11/2022. She said she wanted to bring it up with the Council because there were several meeting that needed to be done as part of the Plan Endorsement process. She said she was working on gathering the information but said the first step to even be considered for the process was a letter of endorsement from the Mayor in addition to several Planning documents. She reviewed the process that would follow which she said was extensive and said the sooner they get started the better in order to meet the 1/11 deadline.

Councilman Zipprich asked what the designation would do for the Borough.

Ms. Ebanks said it would allow the Borough to qualify for certain grants and reviewed the criteria. She said, if the Borough lost the designation, it would disqualify them for a lot of State funding.

Mayor Menna gave the example of the Cedar Crossing project as something that had received 100% State funding because they had been designated as a Regional Center.

A discussion followed on the benefits that would be associated with the designation.

Master Plan RFP

Director Ebanks said the Planning Board Chair had approved the Master Plan Request for Proposal. She said a resolution was needed from the Council.

Zoning Board Vacancy

Mayor Menna said he would be submitting a name for appointment and well as for some other languishing vacancies.

FINANCE

CFO O'Reilly reported that the budget had been introduced and was slated for Public Hearing/Adoption on July 21. He said he believed there would be a budget presentation prior to that which was scheduled for the following week. He said the introduced budget was on the Borough website and said he would also make arrangements to have the user friendly budget posted.

PUBLIC COMMENT

Mayor Menna stepped away from the meeting.

Councilwoman Horgan opened the Public Comment. No one appearing, she called for a motion to close the Public Comment.

Councilman Yngstrom offered a motion to close the Public Comment, seconded by Councilwoman Triggiano.

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

21-193 The Borough Attorney read a resolution to adjourn to executive session to discuss Litigation, Personnel and Property Acquisition. No action to be taken.

Councilwoman Triggiano offered a motion to adjourn to Executive Session, seconded by Councilman Yngstrom.

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

Mayor Menna rejoined the meeting during the Executive Session.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi

DRAFT