

**MINUTES**  
**WORKSHOP MEETING**  
**MUNICIPAL COUNCIL – BOROUGH OF RED BANK**  
**November 3, 2021**  
**6:30 P.M.**

**SUNSHINE STATEMENT**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilman Yassin and Councilman Yngstrom (joined at 6:40)

**ADMINISTRATION**

Rent Control Ordinance Amendment

Mayor Menna said an amendment to the Rent Control Ordinance was on the agenda and asked Rent Leveling Board Attorney Gene Anthony to address the amendment.

Mr. Anthony reviewed the recommended changes which included the definition of new construction.

Mayor Menna said the amending ordinance would be placed on the next agenda for introduction.

A discussion followed on the details regarding the definitions of rehabilitation and new construction.

Councilman Ballard asked what type of units were eligible for rent control.

Mr. Anthony reviewed the criteria.

Councilman Ballard asked for a definition of rent control.

Mr. Anthony explained the criteria and the formula used for increases.

A discussion followed on the origin of the Rent Leveling Board Ordinance and the Rent Control Ordinance in general.

Employment Practices Liability Checklist

Interim Administrator McConnell said the resolution would address minor changes that were required by the Municipal Excess Liability Fund.

Grant Report

There were no questions on the report.

Animal Control Report

Councilman Ballard asked if the Animal Welfare Advisory Committee had received the report.

IA McConnell said they had not that he was aware of. He said he would forward the reports each month when they were received.

RiverCenter Holiday Parking Request

Mayor Menna said the Council had traditionally approved the request and it would be considered at the next regular meeting.

**ENGINEERING**

Engineer Neumann was not in attendance.

Spring Street Improvement Bid Award

IA McConnell provided an update on the Spring Street project. He said he expected the bid could be awarded at the 11/23 Council meeting.

Resolution to authorize the paving of Harrison Ave. in conjunction with Fair Haven

Councilman Zipprich asked if the work was being done because Fair Haven was paving their portion.

IA McConnell said that was correct and explained that the work was being done to avoid a jagged line of old and new asphalt along the border. He said the contractor had given a good rate and said Fair Haven had pitched in as well.

Change Order #1 Eastside/Mohawk/Count Basie

Mayor Menna said he thought it was a minor amendment of a couple of hundred dollars.

IA McConnell said that was correct.

#### Engineering Report

There were no questions on the report.

#### **CLERK**

Mayor Menna acknowledge receipt of the Clerk report.

Clerk Borghi reminded the Council of the meeting dates for November. She noted the second meeting of the month would be held on a Tuesday since the fourth Wednesday was the night before Thanksgiving. She also recapped results of the election held the day before including the approval of a Charter Study Commission and the election of five Commissioners. She also reported on technological issues during the election that were State-wide.

Councilman Zipprich said he realized that there were preliminary results and that the Vote by Mail ballots could be received up to November 8. He asked, if there were changes to the thin margins of victory, would the Charter Study Commission be put into effect after the election was certified.

Clerk Borghi said she assumed so but deferred to the Borough Attorney.

Attorney Cannon said they had until November 20<sup>th</sup> to certify the election and then the Commission would have to meeting within 15 days. He said he believed they should wait until the election was certified but he was currently researching the question.

#### **FINANCE**

##### Best Practices Resolution

Finance Consultant Gallagher reviewed the annual requirement for Best Practices Inventory survey. He said the survey assigned points which resulted in the December payment of State aid. He said, this year, the Borough had scored 18.5 out of 27 questions. He said not all of the questions were worth a full point and noted that 15 points were required to get the State Aid.

Councilman Zipprich asked for more details on the report.

Councilman Ballard noted that Mr. Gallagher's firm had previously worked with the Borough and asked if he had worked with the Borough then.

Mr. Gallagher said he had not and said he was new to the firm. He said he had recently retired from another municipality.

##### Approval of Separation Agreement with CFO

There were no questions on the agreement.

##### Reports of CFO, Tax Assessor and Tax Collector

Mayor Menna acknowledge receipt of the reports and there were no questions.

#### **EMERGENCY MANAGEMENT/FIRE MARSHAL/CODE ENFORCEMENT**

Mayor Menna said the Council had received Fire Marshal Welsh's report and asked if there were any questions. There were none.

Fire Marshal Welsh said he was working on getting the Emergency Management Committee together for the first of the year.

Councilman Ballard asked if everything was going well in Code Enforcement.

FM Welsh said the office was busy.

Councilman Zipprich asked if Mobilize had been beneficial for the Department.

FM Welsh said it was and that it was being used on the Fire side of the office. He said they were still working out glitches with the GovPilot program.

#### **POLICE**

##### Resolution to Appoint a Dispatcher

There were no questions regarding the resolution.

##### Report of Chief

Mayor Menna acknowledged receipt of the report and there were no questions.

#### **FIRE DEPARTMENT**

##### Resolution to Honor 2020 Fire Chief

There were no questions on the resolution.

## Fire Department Chief

Mayor Menna acknowledged receipt of the report and there were no questions.

## **PUBLIC WORKS**

### Public Works Report

Mayor Menna acknowledged receipt of the report and there were no questions.

Director Keen said he wanted to note that today was the first day of the Plastic Film Recycling Program. He said there was a bit of a glitch with the collection and apologized to the affected residents. He said they would be evaluating the process for improvements and reviewed the success so far.

Councilman Zipprich asked if the sanitation contractor was picking up the plastic film.

Director Keen said they were not and that it was being done by DPW staff.

Councilman Zipprich asked for details on the pickup procedure.

Director Keen explained how the program was operating.

Councilman Zipprich expressed concern about the potential amount of material that may need to be collected.

Director Keen said they would monitor the amount of material and said the goal was to get people the ability to recycle the plastic film.

Councilman Zipprich asked if the Borough would be compensated for the film when it was passed on.

Director Keen said plastic film did not currently have a cash value.

Councilman Zipprich said he understood the importance of getting rid of plastic film but noted the Borough had previously seen a return on paper and cardboard materials. He asked if it was costing the Borough money to dispose of the material. He asked if there was money to offset labor costs.

Director Keen said the company taking the film had not committed to paying labor costs or removal fees. He said the Borough had signed a contract for a one year study and could reevaluate at the end of the term.

A discussion followed on the costs/benefits of the program and the Department's staffing issues.

## **RECREATION**

Mayor Menna acknowledge receipt of the Director's Report and said the Department had held a great Halloween Parade.

Director Dal Pra reported on the upcoming Veteran's Day Program and Johnny Jazz Park Tree Lighting event.

Councilman Zipprich asked about the Menorah Lighting.

Councilwoman Triggiano said there would be a Winter Carnival at the Primary School on the same day as the Tree Lighting.

Director Dal Pra said he was aware that a date had been set for the Menorah Lighting but was not sure when it was.

IA McConnell said it was scheduled for 11/28.

Clerk Borghi noted that it was a RiverCenter program and said they had announced the date.

## **SENIOR CENTER**

Mayor Menna acknowledged receipt of Director Reynolds's report.

Director Reynolds offered an update on COVID booster shot availability. There would be a party on Friday and invited the Council to attend. She also thanked Westside Hose for hosting the Center's Senior Day and reported on the success of the event.

IA McConnell reviewed the recent presentation of the Senior Center renovation plans. He said there had been a decent amount of public feedback and reviewed some of the comments. He said he also wanted to correct a misrepresentation that Director Reynolds had been involved in the early part of the process which, he said, she had not been.

## **LAND USE**

### Ordinance to Amend Height Requirement in WD Zone

Mayor Menna reviewed the ordinance that would call for the lowering of a height requirement.

Director Ebanks said the Planning Board had asked their Engineer to do a memo to provide an analysis on whether or not the current standard of the zone was adequate. She said the Board found the language confusing and reviewed the proposed changes.

Councilwoman Triggiano asked if this should be part of the Master Plan.

Director Ebanks said she didn't think it wouldn't make a difference.

Councilman Zipprich asked for more information on the proposed changes.

A discussion followed regarding the reasoning behind the changes, the Master Plan process and the timing.

Councilwoman Triggiano and Councilman said they would like to see it included with the Master Plan.

Mayor Menna suggested they should get more information from the Planning Board.

#### Master Plan Award

Councilman Ballard asked about the process that lead to the award.

Director Ebanks reviewed the RFP process and the review that had been done by the Master Plan Committee. She explained the reasoning behind the firm that had been recommended.

Councilman Ballard expressed concern that the chosen firm had been the second highest bid out of five and had had experience serving much larger municipalities. He was also concerned that the review had been done by the Master Plan Committee in private and said he did not feel it was a transparent process. He called for the matter to go back to the full Planning Board for a review of all five proposals and input from the public.

Mayor Menna said Councilman Ballard's comment that the full board was not aware of the proposals was incorrect. He said the board had received the proposals and delegated it to the subcommittee.

Councilman Ballard said the public had not been given the information.

Mayor Menna compared the situation to when the Council reviewed firms for professional appointments such as Engineer and noted that that process was not done in public.

Councilman Ballard said they had done it in the past for projects such as Marine Park. He stressed the importance of the project and called for public input. He said he would not support any Master Plan that came from the opinion of three people.

Councilman Yngstrom said the appointed firm would be seeking public input. He said it was different than the Marine Park project and noted that had hired the design firm through the Parks & Recreation Executive Committee after interviews that had been done by the Administrator and Director. He said that firm then went to the public for input. He said the Marine Park design firm appointment had actually been done the same way as the process being done for the Master Plan firm.

Councilman Ballard asked Councilman Yngstrom if he was okay with a subcommittee of the Planning Board selecting the vendor for the Master Plan without public engagement.

Mayor Menna said the subcommittee did not select anything. He said they recommended to the Planning Board and the full board deliberated.

Director Ebanks reviewed the various ways a consultant could be chosen. She said, in this case, the Planning Board chose to delegate to the Master Plan Committee because they would be steering the project. She said Municipal Land Use Law did not require it to be voted on the by the full Planning Board.

Councilman Ballard asked if there was a prohibition for the Planning Board to be involved in the process.

Director Ebanks said it was not a requirement.

Councilman Ballard asked again if there was a prohibition.

Director Ebanks said not really.

Councilman Ballard called on his fellow Council members to join him in asking the full Planning Board to go through the process to select the vendor.

Councilman Zipprich said the Master Plan Committee was a subcommittee of the Planning Board and, according to Robert's Rules of Order, they should report back to the full board with a recommendation. He said the Board should ultimately take action. He asked if the Master Plan Committee should refer it back to the full board for discussion and action.

Director Ebanks said, if that was the Council's decision, she would place it on the next Planning Board agenda.

The Council consensus was to send it back to the Planning Board for recommendation.

#### **BUILDING**

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

#### **CORRESPONDENCE**

##### Request from Superintendent of Red Bank Public Schools

Mayor Menna acknowledge receipt of a letter from Superintendent of Schools Dr. Jared Ramage. He asked Dr. Ramage to address his request.

Superintendent Ramage reviewed his letter to the Mayor and Council address the Red Bank Charter School's application for five year renewal of their Charter. He said the Red Bank Board of Education had a strong opposition to the renewal. He said he felt very strongly about creating one unified school district. He outlined his reasons behind the request.

Mayor Menna said they had received and reviewed Dr. Rumage's documentation. He said he understood the process was under the jurisdiction of the NJ Department of Education. He said, if the Council was inclined to consider a resolution regarding the Charter renewal whether in the affirmative or negative, it would be forwarded to the Commissioner of the NJ Department of Education.

A discussion followed on the renewal timeline.

Mayor Menna said, if the Council was inclined, it would be placed on the next agenda.

Councilwoman Horgan said she supported Dr. Rumage in trying to create on school system. She said she had taken a stand on the matter five years ago when they were not only applying to renew their charter but were also seeking expansion. She called for a resolution to support Dr. Rumage and the school district and called on her fellow Council members to follow suit.

Councilwoman Triggiano said she believe any resolution from the Council directed to the Department of Education should be to make sure they were doing their job in regard to the renewal process. She said she would like more information from the Department regarding the transition plan should the Charter School cease to exist.

Dr. Rumage said the Commissioner had a legal responsibility to investigate the segregative impact of a Charter School on a community. He reviewed the accomplishments of the public school district. He said he was certain that the DOE would support him and ask for his input regarding a transition plan. He pledged to do his best to make it a seamless transition.

Councilwoman Triggiano asked that the request for a transition plan be spelled out in the resolution.

Councilman Zipprich asked if the Board of Education had been part of the process in requesting a resolution from the Council.

Dr. Rumage reviewed the process that had been done in 2015 and in 2021.

Councilwoman Horgan reminded Councilman Zipprich that the Mayor had created a Blue Ribbon Commission to study the issue in 2015 which resulted in a resolution from the Council.

Mayor Menna confirmed the process regarding the Charter School's request for an expansion.

Councilman Ballard said he appreciated Dr. Rumage's passion and noted that the state had approved the Charter School's renewal five years ago, although without the expansion. He asked if Dr. Rumage knew if the reasoning behind that decision had been documented.

Dr. Rumage said he had not been provided any data on that. He added that, in regard to the timeline, he expected feedback from the DOE in late January or early February but said that did not mean that a decision would be made by that time.

### **Council Comments**

Mayor Menna acknowledged that the results were not yet final but congratulated the apparent winners of the General Election. He congratulated and welcomed Councilwoman-Elect Jacqueline Sturdivant. He also congratulated and welcomed back returning Councilwoman Kate Triggiano. He thanked those who participated in the process. He thanked the electorate for being wise and forward looking in their decision to authorize a Commission to review the Borough's charter. He congratulated those elected to the Commission.

Councilman Zipprich also congratulated Councilwoman Triggiano and Councilwoman-Elect Sturdivant. He also congratulated the electorate for the positive vote in favor of a Charter Study Commission.

Councilwoman Horgan also congratulated Councilwoman Triggiano and said she looked forward to working with Councilwoman Sturdivant.

Councilwoman Triggiano said she had reached out to Councilwoman-Elect Sturdivant to congratulate her on her election.

Councilman Ballard offered congratulations to all.

### **PUBLIC COMMENT**

Lisa Laughlin—39 Spring Street—said her children had attended Red Bank Public School and spoke in support of the statement given by Superintendent Rumage. She urged the Council to support a resolution in support of a unified school district. She said she felt the current two school system was detrimental to students of both schools.

Phil Blackwood—34 Chestnut Street—praised the Borough for its energy aggregation program.

Stephen Hecht—135 Branch Avenue—said 2022 would be a year of many changes. He said he urged the Council to consider why there were two Christmas trees in town and to look into having one tree possibly at Borough Hall.

Jennifer Garcia—30 Drummond Place—stated she was on the Board of Education but said she was speaking on her own behalf. Reviewed comments by Councilwoman Horgan regarding the Blue Ribbon panel. She said she was also disappointed that Councilwoman Horgan, who she pointed out was the longest serving Councilmember, said she had circulated information to the other Councilmembers but did not know where they stood because no one had gotten back to her. She said she was also disappointed that Dr. Rumage was questioned on whether or not he

had thought through a transition plan. She said the Council should have trust in his leadership. She encouraged the Council to make the matter a priority.

Cindy Burnham—71 Wallace Street—said she was curious, since the other Boards were meeting in person and there had been a hybrid meeting regarding the Senior Center, when the Council meetings would be held in person or as a hybrid.

Mayor Menna said most of the towns he dealt with were having in person meeting and he said he did not see any reason by Red Bank could not meet in person.

A discussion followed on the various options with in person meetings and possible telecasting.

Kristina Bonatakis—122 Riverside Avenue—thanked Councilman Ballard for his concern regarding the equity in the selection process for the Master Plan Consultant. She said she also wanted to call in as a member of the Master Plan Subcommittee to explain her thoughts on the matter. She said it had been a woman-lead team that had gone through the proposals with a fine tooth comb. She reviewed the considerations and the recommendation that had been made.

Councilman Ballard thanked Ms. Bonatakis for her comments and again stated the importance of the process being done in public.

Suzanne Viscomi—25 Cedar Street—said she was also a School Board member who was speaking her own behalf. She said she wanted to piggyback on Ms. Garcia's comments. She said there was talk of having one Red Bank, the great school system and the amazing job Dr. Ramage had been doing. She said there was no reason to delay supporting the initiative the Superintendent was asking for.

No one else appearing, Mayor Menna called for a motion to close the Public Comment.

Councilman Zipprich 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**

21-270 The Borough Attorney read a resolution to adjourn to executive session to discuss Personnel. No action to be taken.

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

**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**

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

**ROLL CALL:**

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

NAYS: None

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

#### **ADJOURNMENT**

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

**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