

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
November 23, 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 Yassin, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

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

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

PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS

None.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Suzanne Viscomi – 25 Cedar Street – asked about the balance transfer resolution and questioned if accounts had not been funded correctly.

Interim Administrator McConnell said November was the time of year that the municipality was allowed to make those types of transfers. He reviewed different accounts and reasons behind the transfers. He said it was mostly the same money in the same Department and said the transfer allowed for an easier way of tracking expenses.

Councilman Zipprich confirmed IA McConnell's comments.

Mary Ellen Mess – 95 Hudson Avenue – said she wanted to voice her support for Chief McConnell continuing as the Administrator and said she found him very responsive.

Suzanne Viscomi – 25 Cedar Street – asked about the shared service agreement for brush and compost and if it would affect any employees or services to the town.

IA McConnell said it would not change anything operationally. He said the agreement had been in place for at least three years and was being renewed at the same cost as the previous agreement.

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

ROLL CALL:

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

NAYS: None

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

MINUTES & REPORTS

Workshop Meeting Minutes of 9/1/2021

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

ROLL CALL:

AYES: Triggiano, Ballard, Yngstrom, Zipprich and Horgan

NAYS: None.

ABSTAIN: Yassin

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

Regular Meeting Minutes of 9/1/2021

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

ROLL CALL:

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

NAYS: None.

ABSTAIN: Yassin

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

ORDINANCES - Public Hearing/Adoption:

2021-22: Mayor Menna read, “ An Ordinance Amending and Supplementing Chapter XII, Entitled, “Open Housing Practices; Rent Control; Protected Tenancy” Section 12-2, Entitled, “Rent Control” Subsection 12-2.1 Entitled, “Definitions”

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

ROLL CALL:

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

NAYS: None

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

No one appearing, Councilman Yassin offered a motion to close the Public Comment period, Councilwoman Horgan seconded.

ROLL CALL:

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

NAYS: None

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

Councilwoman Horgan offered a motion to adopt the ordinance, seconded by Councilman Yassin.

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading:

No ordinances on First Reading.

RESOLUTIONS

By Consent Agenda:

21-303: Resolution for Payment of Bills Amounting to \$4,979,564.22.

21-304: Resolution Authorizing Transfer of Funds

21-305: Resolution Authorizing Refunds of Water Project Escrow Account Balances

21-306: Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40a:4-87 - Amending the US Older Americans Act Grant - Senior Citizens Center from \$29,312.00 to \$37,482.00, an increase in the amount of \$8,170.00

21-307: A Resolution Requesting Approval Change In Title, Text, Or Amount Of Appropriation Pursuant To N.J.S.A. 40a:4-85

21-308: Resolution Authorizing Tax Credits/Refunds Totaling \$1,825.99 due to Over Payment by Property Owner

21-309: Resolution Authorizing Tax Credits/Refunds Totaling \$2,316.98 due to Over Payment by Property Owner

21-310: Resolution Approving Modification of Sewer Utility Account Billing to 164 Monmouth Street

21-311: Resolution to Authorize Shared Services Agreement between the Borough of Eatontown and the Borough of Red Bank for Shared Use of Brush Compost Services

21-312: Resolution to Appoint Authorized Signatory for Firefighter Certification Program in the Borough of Red Bank

21-313: Resolution Awarding a Contract to Z. Brothers Concrete Contractors, Inc. of Sayreville, New Jersey for Improvements to Spring Street

21-314: Resolution Awarding a Fair and Open Professional Services Contract to Buckhurst Fish & Jacquemart, Inc. d/b/a BFI Planning to Prepare a Comprehensive Master Plan for the Borough of Red Bank

21-315: Resolution Authorizing Change Order No. 4 and Final Related to the Contract with Lucas Construction Group Inc. for the Improvements to East Bergen Place Project

21-316: Resolution Ratifying and Confirming the Appointment of a Full-Time Communications Officer (Dispatcher)

21-317: Resolution Appointing Permanent Part-Time Parking Enforcement Officer/Special Law Enforcement Officer Class I

21-318: Resolution Accepting the Retirement and Confirming Benefits for Municipal Clerk Pamela Hughes Borghi

21-319: Resolution Authorizing and Approving Employment Agreement between the Borough of Red Bank and Darren McConnell to Serve as Interim Administrator

21-320: Resolution Awarding Contract for Rehabilitation Housing Services for 99 Leonard Street to E. R. Remodeling in order to Advance the Borough's Affordable Housing Rehabilitation Plan

21-321: Resolution Awarding Contract for Rehabilitation Housing Services for 105 River Street to Dylas Construction, LLC in Order to Advance the Borough's Affordable Housing Rehabilitation Plan

21-322: Resolution Appointing Special Law Enforcement Officer Class II

Councilman Yassin offered a motion to approve the resolutions en masse, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

Councilman Yngstrom noted Resolution 21-218 accepted the retirement of the Municipal Clerk. He wished her the best in her retirement and thanked her for everything she had done.

Mayor Menna recalled his memories from when they first met and commended her on her service and professionalism.

By Voice Vote:

Carried from 11/10/2021:

21-299: Mayor Menna read "Resolution Supporting the Red Bank Borough Board of Education in its Recommendation and Request to the N.J. Department of Education to Deny Any Request for Renewal of the Red Bank Charter School."

Mayor Menna said the matter in the resolution was before the N.J. Department of Education and a resolution from the Borough would be advisory. He noted the number of people who wished to speak and asked the public to keep their comments brief.

Councilwoman Horgan said she wanted to make clear that the resolution was to support Board of Education's resolution to the Commissioner of Education asking that the Red Bank Charter School charter not be renewed. She said the Mayor and Council had no authority or power to close down the Charter School. She thanked everyone on both sides of the issue for contacting the Council and sharing their personal experiences. She again stressed that it was a resolution in support not a resolution to close down the Charter School.

Kristen Martello—58 Oakland Street—gave a history of the Charter School and read a statement in support of the school. She asked the Council to vote down the resolution.

Nicole Taetsch—153 Hudson Avenue—spoke of the impact of the COVID pandemic and experiences with the Charter School. She spoke in support of the Charter School.

Helen Cummings—6 Elm Place—asked the Council to fact check information the information in the resolution and reviewed specific areas she was concerned about. She reviewed the Charter School Program Act and asked if the Mayor and Council thought it did not apply to Red Bank. She asked for their support of the Charter School

Matthew Taetsch—address not given—spoke in support of the Charter School and in opposition to the resolution.

Fred Stone—16 McLaren Street—said he was the President on the Board of Education and was speaking on behalf of the board. He spoke in support of the resolution and offered specifics on the benefits of the Public School. He called for unifying the two districts.

Allison Gregory—109 Bank Street—spoke in opposition of the resolution and in support of the Charter School.

Jill Burden—30 W. Westside Avenue—criticized an online article with a headline that stated "Eliminating Quality Public School Choices for Parents is Unacceptable." She said, as a former Public School parent, she felt the article was a slap in the face. She reviewed the successes of the Public School

system. She spoke in support of the Borough Schools and the resolution. She said taxes were “outrageous” which, she said, were in part due to the fact that they were paying for two public schools.

Jessica Naulty—235 Broad Street, Pastor at United Methodist Church of Red Bank—spoke in support of the Public Schools and in support of the resolution.

Stephen Ansell—39 Branch Avenue—spoke in support of the Charter School and expressed concerns about possible loss of the Charter School. He said he would prefer to see the schools coexist.

Lisa Laughlin—39 Spring Street—spoke in favor of the Public Schools and said she was in support of the resolution. She offered her personal history with the Public Schools and spoke of issues she saw with the Charter School.

Kate Okeson—8 Chapin Avenue—spoke in support of the Public Schools and the resolution. She asked if they wanted to perpetuate a separate but equal mentality with two separate school districts in this small town. She reviewed funding issues and said she felt the subject of transition was being used as a diversion tactic.

Anne Kelterborn—108 Herbert Street—spoke in support of the Public Schools and the resolution.

Gilda Rogers—161 River Street—said she did not understand why the Charter School had been needed in the first place and said she considered it a separation of the races. She said the Charter School was not provided a better education but was usurping the Public School. She spoke in opposition to the Charter School and in support of the resolution.

MaryBeth Maida—84 Branch Avenue—said the Borough was supporting three school systems with the Public School, the Charter School and the Regional High School. She said she was in support of the resolution.

Anthony Montalbano—31 Chapin Avenue—read a letter he had previously sent to the Mayor and Council. He said he was opposed to the resolution.

Lazaro Cardenas—Deputy Director of the Latino Coalition of NJ, Freehold—spoke in support of the Public Schools and reviewed demographic issues. He said he was in support of the resolution.

Mandy Hanigan—66 Oakland Street—read from a letter previously sent to the Mayor and Council. She spoke in support of the Charter School and in opposition to the resolution.

Janet Jones—84 Plum Street, Tinton Falls—said she had previously served on the Board of Education and was a pastor as AME Zion Church on Shrewsbury Avenue. She said she had been elected to the School Board the year the Charter was written and had served until about two years ago. She said she had seen changes in the Borough Schools and seen them move from the bottom of the list in Monmouth County to an award winning school district. She said she had also been a part of discussions where the Board had struggled to cut programs at the Borough Schools because of the loss of funding. She said there had been no cuts to the funds that had flowed through to the Charter school. She questioned the need for two public schools in a town the size of Red Bank. She spoke in support of the Public Schools and the resolution.

Laura Young—39 Highland Avenue—spoke in support of school choice and said she was opposed to the resolution.

Shannon McDermott—64 Newman Springs Road—spoke in support of the Charter School and in opposition to the resolution.

Councilman Yassin noted people had been speaking about “school choice” but said he understood that it wasn’t really a choice but rather a lottery. He said “choice” was not guaranteed.

Molly Deming—51 Oakland Street—said she was a sophomore at Communications High School. She said she was in favor of the Charter School and reviewed her experiences at the school. She said she was opposed to the resolution.

Anthony Barron—135 Harding Road---spoke in support of the Charter School and questioned if the decommissioning of the Charter School would have any effect on the makeup of the Public School as many of those parents would probably consider a private school as an alternative.

Andrew Deming—51 Oakland Street—said the Charter School lottery was open to all but noted they could only accept 200 students. He said the lottery was now weighted to lower income students. He spoke in support of the Charter School and choice. He questioned the benefits of closing the school.

Councilman Yassin said he question was not about the application process but was about choice. He said only a small percent of those who applied actually got a choice.

Johanna Lopez—300 Shrewsbury Avenue—said she was an alumni of the Charter School and spoke in support of the school.

Lillian Settle—72 Bank Street—said she didn’t understand why several speakers had referenced the pandemic as part of their support for the Charter School. She said she was in support of the Public

Schools. She agreed that the Charter School did not offer a choice since enrollment was based on a lottery. She said she was in support of the resolution.

Stephen Hecht—135 Branch Avenue—said he was in support of the resolution and said he felt the Charter School law was flawed. He asked the Council to consider the reason why the law required the Charter to be reestablished every 5 years. He also said there was no public oversight of the Charter School Trustees. He said they were not elected and don't even need to live within the Borough. He said their expenditures were not overseen by the public.

Jessica Ramirez—38 Leighton Avenue—spoke in support of the Public Schools and said COVID had nothing to do with the issue.

William Gearty—18 Branch Avenue—said he felt the Middle School was a great school but felt that it wasn't working. He said he had applied to the Charter School and gotten in. He said it had worked well for his son. He said he was in favor of the Charter School and opposed to the resolution.

William Poku—90 Bank Street—said he was opposed to the Charter School and supported the resolution. He said he had previously sued the Charter School. He read a letter he had previously sent in opposition to an application to expand the Charter school.

Sean DiSomma—142 South Street—asked the Council members to state if they had had any meetings with Teachers' Union representatives.

Mayor Menna said this was the time for comments. He noted the number of people waiting to speak and asked him to make his comments.

Mr. DiSomma noted the number of parents and children who had spoken in favor of each school. He said the system in place was working. He questioned the benefit of closing the Charter School. He again asked Councilmembers to state that they had not had a discussion with anyone from a teachers' union.

All councilmembers stated that they had not.

Mary Fensham—290 Spring Street—spoke in support of the Charter School and in opposition to the resolution. She disagreed that residents paid double taxes. She disagreed that the Charter School caused segregation. She also spoke of her personal experience as a social worker.

Judy DeHaven—196 Mechanic Street—spoke in support of a unified school district. She spoke in support of the Public School. She said her children had attended while it had been underfunded and said they were thriving.

May DeHaven—196 Mechanic Street—spoke in support of the Middle School and said she had had a great experience there. She said she was opposed to the Charter School. She said she was in support of the resolution.

Anita _____—3 Chapin Avenue—spoke in favor of choice and said she was opposed to the resolution. She review her experience with both schools.

Antonia Limon—39 Drs. James Parker Boulevard—spoke in support of the Charter School and in support of having option.

Janette Viruet—280 South Pearl Street—said she was a Charter School graduate and was in support of the school. She said she had had experience as both schools and supported the resolution. She said her child had been on a waiting list while she lived in Maryland and said they had moved back when she found out he had been accepted into the Charter School.

Matt DePonti—210 Branch Avenue—said he was a lifelong resident of the Borough and a product of the Red Bank Public School system. He said he had chosen to apply to the Charter School for his child. He said there was not a choice to attend but a choice to apply. He said he supported the Charter School. He offered his personal experiences in the school system.

Ella McCourt—55 Harrison Avenue—said she was a Charter School graduate and supported the school

Mary Ellen Mess—95 Hudson Avenue—spoke in support of the resolution. She agreed that the lottery was not a choice. She said siblings were given preference and noted the small size of the school. She spoke of racial imbalance. She questioned the fact that a woman had said she had been recruited from Maryland.

Tiffany Havard—126 Spring Street—spoke in support of the Public School. She reviewed her personal experiences and the success her child had had at the Red Bank Middle School. She said she disagreed that the Charter School offered a "choice." She asked the Council to support the resolution.

Anthony Young—39 Highland Avenue—said Councilmembers had deflected the issue when asked the question previously stating it was not up to the Council. He said they should not vote on the resolution and should leave it up to the State.

Jared Rumage—Superintendent of Red Bank Public Schools—spoke in support of a unified school district. He urged the Council to support the resolution.

Laura Carmargo—182 Branch Avenue—spoke in support of the Public Schools and in support of the resolution.

Rudy Ramirez—45 Branchport Avenue, Long Branch—said his son lived at 24 Carmen Place and spoke in support of the Charter School. He said he was opposed to the resolution.

David Block—Island Heights—said he served as the Business Administrator for the Red Bank Charter School and spoke in its support. He asked the Council to punt the decision for five years.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna called for Council discussion before the vote was taken.

Councilwoman Horgan said she had previously stated her position.

Councilman Yngstrom said he appreciated the comments but said he felt it was a duplicate cost to the taxpayers when the public Schools were thriving. He said he was not against the Charter School but said the Borough had a great Public School. He said the Charter School may have been warranted many years ago but said it was not needed now.

Councilman Ballard thanked the many speakers. He said the Council had no real impact but said he would support the resolution that called for a unified school district.

Councilwoman Triggiano thanked the speakers and those who had sent correspondence or made phone calls. She said she supported a unified school district and would be voting yes on the resolution.

Councilman Zipprich thanked the active participants and supported public education. He said the issue was divisive and said it was time for a unified school district. He said he hoped the Department of Education and the Commissioner would come to an educated decision. He said he would support the resolution.

Councilman Yassin thanked the speakers for their heartfelt testimony. He said it was not an easy decision. He said he had an issue with the lottery system which was decided by random chance and was not a choice. He said he was in support of a unified school district.

Mayor Menna said the Council members seemed to be unanimously in favor of the resolution. He commented on the number of letters and emails he had received. He reviewed previous contentious issues and said he had never received so many letters/emails as he had on this issue. He said it was obviously extremely important to people.

Mayor Menna called for a vote on the resolution.

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

ROLL CALL:

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

NAYS: None

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

MAYOR AND COUNCIL COMMENTS

Councilman Yassin had not report.

Councilman Zipprich had not report.

Councilman Ballard had no report.

Councilman Yngstrom reported that the final leaf pick up would be 12/9 on the west side of the Borough and 12/16 on the east side of the Borough. He also reported that Broad Street construction was under way.

Councilwoman Triggiano said she wanted to congratulate the Environmental Commission and the Borough on achieving Silver Certification with the Sustainable Jersey Program.

Councilwoman Horgan reported on Parks & Recreation programs including the Westside Tree Lighting to be held on 12/3 at 6 pm.

DISCUSSION & ACTION

No discussion/action items.

PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)

Ben Forest—16 Locust Avenue—said he was speaking on his own behalf and not as a member of the Board of Education. He thanked the Council for making a courageous decision.

No one else appearing, Councilman Yassin offered a motion to close the public comment, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

21-323 The Borough Attorney read a resolution to adjourn to executive session to discuss Contract Negotiation. No action to be taken.

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

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR BUSINESS

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

Councilman Yassin offered a motion to adjourn the meeting, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi