

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 23, 2009
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Lewis, Zipprich, DuPont, Horgan, Lee and Murphy.

ALSO PRESENT: Administrator Sickels, Deputy Borough Clerk Borghi, Attorney Pringle, Assistant Attorney Hall, Engineers Ballard & Kosenski and Chief Financial Officer Mason.

ABSENT: Borough Clerk Vivona.

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 Courier, 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 January 1, 2009.

WORKSHOP

No workshop items.

APPROVAL OF MINUTES – February 9, 2009

Councilman Murphy offered a motion to approve the minutes as amended, seconded by Councilman Zipprich. Councilman Zipprich noted that there was one correction on page 7 of the minutes where it noted that Councilman Murphy had both moved and seconded an approval for a request.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee and Murphy

NAYS: None

There being six ayes and no nays, the minutes were declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy said he knew most everyone was aware of the shooting two weeks ago and, on behalf of the Mayor and Council, offered his prayers and condolences to the families of the two young men who passed away as a result of this tragedy. He reported on the details of the police response and praised the efforts of the officers that resulted in them having the suspects in custody within twenty minutes. He said they did an outstanding job and thanked the Monmouth County Prosecutor's Office, the off duty Red Bank officers that came in and the Red Bank Fire Department and First Aid for the service they provided that night.

Councilman Murphy also noted that former Police Chief William Patterson had passed away. He said he was a 42 year member of the Department and served as Chief from 1987 to 1990. He said he was a life long member of this community who served in World War II and will be sorely missed. He thanked everyone who attended the services especially the Police Department and PBA. He said the service given by the Police Department and PBA is an outstanding thing to see. He also thanked the Mayor for his attendance and kind words that night.

Councilman Murphy noted that the Fire Department also lost a valuable member with the passing of Joanne Campbell. He said she was a twelve year member of the First Aid Squad, serving as Captain several times. He added that she worked as a nurse at Riverview and spent her life helping others. He also said that she was an active member of the Department at a time when there was very few active members. He said she will be sorely missed. He thanked those on the Council who attended and thanked the Fire Department for their service. He said they also displayed a good service for this young lady who spent countless hours helping the First Aid.

He also noted that the Fire Department and First Aid Squad responded to a fatal accident on Newman Springs Road about a week ago. He noted that First Aid Squads from surrounding towns also responded. He said the Department was on hand to assist with the scene including using the Jaws of Life to remove one of the victims. He said our thoughts go out to the families of the loved ones who were lost in this tragic accident. He noted that it was a long night and a very severe accident and, while it was ultimately turned over to Tinton Falls, a

majority of what went on was due to our Fire Department and First Aid members and thanked them as well as our Police Department for their efforts that night.

Mayor Menna said to Councilman Murphy that it seemed in the last two weeks they have spent a lot of "all nighters" together along with the Police and Fire chiefs. He noted that there had been some tragedies and thanked the Police and Fire departments for everything they had done. He said his condolences and those of the whole town go out to the families victims of the horrible tragedy. He added that we all feel unbearably saddened by the loss of any human life and, ultimately, we come to the conclusion that government can do the possible, it cannot do the impossible. Government cannot wipe every tear from every eye at every time, he continued, but it must deal with the circumstances at the time. He said he is saddened by what happened. He noted that due to a change in procedure last year by the Police Department and Police Chief, community policing has gotten better to the point that we were able to make an arrest almost instantaneously through cooperation and information from the community. He said he wanted to offer congratulations not just to the Police Department for a job well done, but also to the neighbors themselves and the community at large that has worked cooperatively with the Police Department to try to solve our common problems. He said while they can't prevent everything from happening, they can deal with the situation proactively. He offered his compliments to the Prosecutor's Office noting that there was a lot more to the story that cannot be revealed in a public forum and thanked Councilman and Police Commissioner Murphy for long nights he spent with the Mayor, Police Chief and Prosecutor's Office. He closed by saying any loss is a personal loss to all of us, no matter who we are or where we live.

Councilwoman Lee reflected on the impact to the community, of the lives lost and of the young men who caused the loss. She said it was very difficult and offered her condolences to the families and the entire community. She then turned to her report for the DPW Committee noting that tonight they held a Municipal Excess Liability Joint Insurance Fund meeting and announced that the DPW had received a Certificate of Achievement for participation in the 2008 Safety Incentive Program, scoring 90 points or better. She noted that this resulted in a \$500 check being sent to the Borough as a return on their premium and thanked Acting Director Gary Watson for his efforts. She noted that this recognition was a result of lack of injuries in the Borough for the preceding year. She said the injuries had decreased every year as a result of training and experience of our employees and the diligence of their manager. She also noted that each of the Borough's elected officials attended a meeting held by the MEL tonight which will result in the claims premium being reduced by \$250 for each member who attended.

Councilwoman Horgan said, on behalf of the Education and Technology Committee, that an RFP had gone out today for the website and noted that it will be posted on the Borough website tomorrow. She said she felt that they were moving in the right direction and asked Administrator Sickels to clarify the turn around time. Mr. Sickels noted that the RFPs were due to be returned by March 13.

Councilwoman Lewis said she was also very saddened by the loss of life and the tragedy that has taken place in the community. She said she wanted to mirror what the Mayor had said which was the fact that we will continue to work on this issue. She noted that the Parks and Recreation Committee had gone to Asbury Park to tour their Boys and Girls Club of America facility. She said she was extremely impressed by the staff noting that a few of them were raised in the community and had returned to work in that community. She said they were very committed, motivated and inspired to do great things for the children that they serve. She said they are continuing to reengineer and provide programming that makes a difference and will assist the children and families in the area. She repeated that she was extremely impressed by the work being done there.

Councilman Zipprich noted that he had met with the Board of Health at their regular meeting and said the swimming pool ordinance had been modified and reviewed for approval. He said fees will be in place for the spring session before the swimming pools open. He asked about a resolution that would have awarded nursing services to the VNA but had been tabled at the previous meeting to investigate utilizing the Monmouth County Board of Health or the Monmouth Regional Health Commission. Mayor Menna said the Administrator had reach out to other interested stake holders to see whether or not we could do better with the contract. He said they are waiting for those quotes and anticipate they will be able to be reviewed at the next Council meeting and he hopes to save some money that way. Councilman Zipprich also noted that the Planning Board held a public hearing the previous Wednesday reopening the public hearing on the Master Plan Reexamination Report along with a hearing on the Historic Plan Element to the Master Plan. He thanked the citizens who came out to ask questions and offer advice on both of these topics. He noted that they were adopted by the Planning Board with good input from Red Bank citizens and they look forward to seeing them here at the Council table.

Councilman DuPont said he wanted to express condolences to the families who lost kids a couple weeks ago in what he called a tragic loss. He stressed the importance of making sure we keep track of our children. He noted that he knew some of the kids and said it is important that we recognize how precious life is and that we implement programs to protect life. He said he also wanted to commend the Police Department for their quick action and hopes that the families who suffered a loss are comforted and asked everyone to keep them in their prayers.

Councilman DuPont noted that they have been working on the budget and hope to have an introduction on March 9. He said it is going to be a tough budget and noted that they have asked all Departments to come in with a reduced budget. He said the public hearing and Department presentations will be around April 13 or 20. He also said it was his understanding that they would have all of the points that were approved by the Economic Summit implemented by next meeting. He noted that the Mayor had promised the Borough of Red Bank a number of items and he thinks the only thing that hasn't been done so far was to pass changes some of

our ordinances regarding the Planning and Zoning boards. He said hopefully they will be implemented at the next meeting.

Councilman Zipprich said he wanted to note something he had circled in a local newspaper regarding the shooting. He said he wanted to express his condolences and read from a Letter to the Editor in The Hub quoting "the loss of any life is the loss of potential."

Mayor Menna said he wanted to discuss S3753, a bill that looks at the inequality of mandatory contributions to the library that was set by a formula established many, many years ago that is based on assessed valuations. He noted that the Assembly is looking a bill that would reduce the contribution because of the inflated valuations. He said he thought it was wise that they take a look at it and encouraged the Council to support it. He said he hoped to have a resolution at the next Council meeting. He added that the contribution is set by statute and that statute hasn't been reviewed in many years. He also noted that they had received communication from traffic engineering firms throughout the State and said it looks like the State has changed the methodology for approving certain types of changes such as the installation of stop signs, four way stop controls, speed limits, no passing zones and other issues which can now be done at the local level instead of going through DOT. He noted that in the past they have spent a lot of money to file these applications with DOT and he thinks they should send out an RFP to a number of traffic engineering firms and to T&M to provide us an hourly quote for doing this type of work. He said there has been some discussion of the Plan Endorsement Process. He noted that Councilman DuPont had indicated that we are expired in terms of our Plan Endorsement and have to renew it. He said we did not renew it because, frankly, we didn't have \$50,000 in budget to do it. He said that now that we are ready, we would be appointing at the next Council meeting a Citizens Committee to have the vision process.

He noted that he would also be seeking authorization to put out an RFP, with a seven day return, to a number of engineering firms that will give us quotes to redo the process. Councilman Murphy questioned the seven day return. Mayor Menna clarified either seven or ten days and noted that he had made inquiries and there were a number of engineering firms and planners that would like to do it. Councilman DuPont said it was his understanding that the Governor had signed a piece of legislation that, even though our designation expired, would extend our designation for a year or two years so we do not have to incur that additional expense at this point in time. He added that it does not expire until 2010. He also noted that the designation allows us to apply for grants for streetscape improvements to the Borough. He said a couple of weeks ago there were a number of articles in the Star Ledger and Asbury Park Press regarding the grants that were awarded to various municipalities because of their center designations noting that some of them were sizeable such as \$400,000 to \$500,000. He stressed the importance of retaining that designation.

Mayor Menna agreed that we should go ahead with the process but said we should put out RFPs for competitive bids and, hopefully, we will get better prices. Councilman Murphy asked why it would be sent out of house rather than have T&M do it. Mayor Menna said they quoted \$50,000 to do the work which he thought was too much money and he wanted to put it out to bid. Councilman Murphy asked when the RFP would go out. Mayor Menna said as early as tomorrow morning as far as he was concerned and offered to draft it. Administrator Sickels noted that they would have to prepare the scope of work and said part of the process is to do a vision process and conduct workshops with the public. He added that it would be a series of three workshops and two public hearings. He noted that the last time this was done we did the same thing regarding an RFP. Councilman Murphy asked who had done it. He said it was Brown and Keener. Mayor Menna noted that is wasn't done in house last time either.

Administrator Sickels said that, with the Committee that the Mayor will be appointing at the next meeting, they will be coming up with a scope of services. He also noted that he had put an outline in their packets about the ten step process. He said we are probably at step four now which is self assessment. He said once that is complete, we send that to the State and the State will do comments. He said those comments will form the basis for the visioning process and those public meetings. He said the Mayor wants to do the RFP for this step of the process on. Councilman Murphy asked if Mr. Sickels remembered the cost when Brown and Keener did it last time. He said he did not and noted that that was the first time we had done it, it was a more detailed process to get the centers petition approved. He said it will be a little more streamlined this time because we have the base documents. Council Zipprich asked Mr. Sickels if we were at step three which would be putting together a Plan Endorsement Advisory Committee. Mr. Sickels said yes. Councilman Murphy asked if the Mayor would be appointing the Committee at the next meeting. Mr. Sickels said that was the recommendation. Councilman Murphy said he didn't want to get behind on it. Mr. Sickels said we are doing the self assessment now, gathering the documents together and getting the process going and get it down to Trenton so they can make their comments. He noted that they send it to all of the State agencies. Councilman Murphy said he understood that and said he wanted to get the ball rolling and clarified that it has to go to another Council meeting to appoint the Committee so we can put the RFP out and the whole process starts after we award the RFP. Administrator Sickels confirmed but noted we are already in the process and this is one step.

Mayor Menna said, as a result of comments received from the public—specifically Mr. Fitzpatrick—questioning whether or not our Borough Attorney may have had a perceived conflict of interest in giving legal advice on the KidsBridge matter, and because it is a high profile matter, even though he personally didn't feel there was any conflict of interest by the Pringle, Quinn, Anzano legal firm or by Kenneth Pringle, himself, he thought it would be safer to provide transparency to any action which may be taken by the Governing Body so, after making a number of inquiries to retired justices who have declined because they cannot attend the public hearings, he will be recommending the name of John L. Bonello, Esq. of Manna and Bonello of Long Branch. He noted it was Manna, not Menna, and no relation to him. He noted that Mr. Manna has a lot of experience in

terms of reverter issues, has litigated the issues in Monmouth County for municipalities and on behalf of private individuals. He noted that Mr. Bonello has agreed to serve at the same rate that we would be paying the Borough Attorney. He said he would like to add a resolution at the end of the meeting to authorize the retention of John Manna for the specific purpose of giving us advice as to what we should do on this long festering issue of KidsBridge and our relationship with KidsBridge, the YMCA or other interested parties. He noted that this only came about because of interested parties who questioned what he said, in legal sense, was not an ethical issue. He said, to avoid even the appearance of that question, he thought it was the only way to move forward in an expeditious fashion with someone who has a great deal of familiarity on this particular issue and has actually litigated these issues in two separate cases.

Councilman DuPont noted that as a former Bar Association President, Mr. Manna has represented municipalities on many issues and knows he has been practicing 30 to 35 years. He added that he was very well versed and very well experienced. He said he would have no objections to him as he seems to know his municipal law and was coming at the same price we were paying. He added that, in order to remove any issues of conflicts, it would make sense.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from the Jersey Shore Jazz & Blues Foundation and Red Bank Elks Lodge #233 for raffle licenses.

Councilman DuPont offered a motion to approve the request, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the requests were declared approved.

Mayor Menna read a request from the Red Bank Visitors' Center to place acrylic racks on designated countertops in the main foyer of Borough Hall to display the "Red Bank Red Hot" Magazine, the "Welcome Tip Sheet" and the "Mini-Dining/Restaurant Guide."

Councilman Zipprich offered a motion to approve the request, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from the Two River Theater Company to hang banners on Broad Street from March 9-31, 2009, May 12-31, 2009 and December 1-31, 2009 to promote productions taking place at the theater.

Councilwoman Horgan offered a motion to approve the request, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from 7 Broad Street, L.L.C. to install a full size vinyl graphic depiction of the proposed rendering of their new building on the building façade.

Councilman Zipprich asked if it was against the rules and that was why it came before Council. Mayor Menna said it is considered a sign and it takes the whole building. Councilman Murphy said it was a temporary display for what the gentleman was eventually going to do to the building. Administrator Sickels said he was hoping the architect would be here. Councilwoman Lee said she was concerned that it would look like a very large advertisement and that everyone would want to do it. Councilman Murphy said he thought it looked pretty good and thought they should support whatever it takes to move business in town. He added that he thought it looked better than a plain front building. Councilwoman Lee said she thinks it would set a bad precedent. Councilman Zipprich asked Nancy Adams of RiverCenter if her organization had a policy on items of this size. Administrator Sickels asked if RiverCenter had reviewed the request or if they were aware of it. She said she had seen the letter that the architect sent, but was not aware of details of the project and noted that the RiverCenter Visual Improvement Committee had not looked at it.

Councilwoman Lee offered a motion to table the request, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the request was declared tabled.

Administrator Sickels said he had one additional communication that was in the Council's packet, but he thought the public would want to hear and that was an advisory from the Division of Traffic Operations and Transportation that they intend to start work on installing the traffic signal at Maple Avenue and White Street. He said work is supposed to begin March 9. He said there may be some periodic lane changes during the day but he wanted to put the advisory out that they will be starting work and it will be fully funded by the State. He added that while there may be lane shift or lane closures, there will be no road closures and they will suspend work during any special events.

PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING

Kim Senkeleski – 49 John Street – said, in regard to Ordinance 2009-9 which was increasing appropriations for work at Marine Park in the amount of \$4 million dollars and increasing the total borrowed amount for bond ordinances in the amount of \$1,785,000, she wanted to know if any of the money that was appropriated in the original ordinance was spent. CFO Mason said yes, engineering costs were spent which was approximately \$440,000. He said there was also a playground grant for \$25,000. She asked if the remaining money would be put into this project or if other projects would be rolled into it. Mr. Mason said this particular bond ordinance was for Marine Park renovations. She asked for confirmation that it had nothing to do with the bulkhead project. Mr. Sickels noted that the bulkhead is part of Marine Park. Engineer Ballard said it included the bulkhead project, improvements to the Marina, the fishing pier and other aspects of Marine Park, but it was primarily for the bulkhead. Ms. Senkeleski said she understood that the bulkhead was not something we could put off because it's being done by the State, but added the \$4 million is a lot of money and thought we could put off some of the projects so we didn't have to borrow so much. Engineer Ballard said over \$3 million of it was the bulkhead. Councilman DuPont was asked if Ms. Senkeleski was asking them to put off renovation to the Marine Park open space. She said she was asking how much money was being used for the bulkhead and what would be remaining. Engineer Ballard said that along the bulkhead, there are boat slips and marine work that would be the additional cost to the Borough since it is the Borough's marina and it wouldn't make sense not to do it. Ms. Senkeleski said she agreed and asked Ms. Ballard if the total cost would be \$3 million. CFO Mason said the total of the grant was \$2.4 million plus \$425,650 or about 61 percent of the project. Ms. Senkeleski asked, out of the total appropriations, how much would be used for the bulkhead. Both CFO Mason and Engineer Ballard said they did not have the specific breakdown available. Engineer Ballard said she could send it to her but she thinks it's about 75 percent. Administrator Sickels said there's not much beyond the bulkhead being done other than redoing the boat slips, the sidewalks and the lighting. Engineer Ballard added that the sidewalks need to be done because of the bulkhead and since we are doing the marina it make sense to have security put it. Mr. Sickels noted that there are contingencies in there because there are details of the construction that they discovered when they did some assessment and gave the example that the bulkhead is held up by tie rods under the ground and they have to be replaced instead of reused. He said there are a lot of contingencies they don't know about until they get into the construction process. Ms. Senkeleski said she just wanted to know how much of the \$4 million was being used for the bulkhead as opposed to other things. Mr. Sickels said the bulkhead is the bulkhead, period, but that there is site restoration, construction for the equipment, repair of blacktop and possibly some curbing and resodding. He said there are parts of that that the State may not pay for but it has to be done. She asked if they could say that the majority of the \$4 million, if not all of it, was going for the bulkhead. Mr. Sickels clarified that it was going toward the bulkhead project and were not doing anything extra such as putting in new bathrooms, a new playground or new tennis courts. Councilman Murphy noted that the Borough's end of it was roughly \$900,000 and that the rest was a grant from the State. Engineer Ballard clarified that part of the grant was from Monmouth County. Ms. Senkeleski said she was just adding the two numbers which she said came to \$1,785,000 total for the bond ordinance. CFO Mason said that was correct and added that \$1.5 million was already funded in 2005 and an additional \$285,000 was potential if the Monmouth County grant is not complete. Ms. Senkeleski asked if bonds were actually issued for the first ordinance. Mr. Mason said yes. Mr. Sickels noted that they put in an extra amount just to be safe in the amount they expect to get from the County just in case they don't get that money. He noted that they have sent the paperwork in, they have agreed and they have had meetings, but they don't have it in hand so they put it in the bond ordinance.

ORDINANCES – First Reading

2009-3 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF RIGHT OF WAY TO THE BOROUGH UPON CERTAIN PORTIONS OF THE PROPERTY KNOWN AS 55 FISHER PLACE, BLOCK 13, LOTS 20.17 AND 20.18 FROM PATRICK MCGEEHAN AND KERRI LYNN MCGEEHAN."

Mayor Menna noted that this ordinance was tabled at a previous meeting so everyone could have a copy of the survey and the site plan that was approved by the Planning Board.

Councilman DuPont offered a motion to adopt the ordinance on first reading, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for March 9, 2009.

2009-6 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, SECTION 50, ENVIRONMENTAL COMMISSION, AMENDING SECTIONS 2-50.1 AND 2-50.2 TO PROVIDE FOR THE APPOINTMENT OF TWO ALTERNATE COMMISSIONERS."

Mayor Menna said we were very fortunate that Councilwoman Horgan has been able to secure interest by other interested residents so that we have to expand the Commission which he said was a good thing.

Councilwoman Horgan offered a motion to adopt the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for March 9, 2009.

2009-7 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XIII, "PROPERTY MAINTENANCE," SECTION 13-7.6, "DEFERRED PROSECUTION AGREEMENTS."

Mayor Menna said the public may or may not be aware that, as a result of our enforcement of certain housing codes, there was an action that had been brought by a number of landlords against the Borough and we have agreed on the advice of our Attorney to revise the way in which these prosecutions take place. He said this will provide an incentive to landlords, after they are given notice of a violation, to essentially clean up their act. He said this will enable our Code people to still do their job and if they find violations, the first step will be to tell the landlord a violation has occurred and they will be given a period of 10 days. He said if they don't clean up their act, we will proceed with full prosecution. Attorney Hall noted that the failure to clean up their act, so to speak, would be a separate violation and they would be facing increased liability. Mayor Menna said this would settle the lawsuit and he thinks it still maintains the integrity of our ordinance.

Administrator Sickels pointed out the to avoid sounding one sided, he wanted to note that it put responsibility on the landlord in advance to ensure that there is certain wording in their lease agreements spelling out the requirements of tenants and also requires the landlord to keep a record of their inspections of the property so they become more responsible landlords and can document the fact that they have taken some due diligence in maintaining the property.

Mayor Menna said the only question he had on this was that if it didn't already say so, he would like it to specify that the written lease with the tenant has to be in English and Spanish. Attorney Hall checked the ordinance and determined that the reference to Spanish was only regarding a placard that must be posted.

Councilwoman Lee asked if the ordinance would apply only to units of more than two or if it would include single family homes. Mayor Menna said it would apply to all rentals. She said she was concerned about placing an undue burden on people who have one house. Mayor Menna noted that some of those were the worst violators.

Mayor Menna returned to the subject of the lease and Attorney Hall said they could amend the ordinance to include the reference to providing the lease in English and Spanish in Section 2. He said that was in the spirit of the agreement.

Councilman Murphy asked about the section concerning appealing to the Construction Official and the wording that the Construction Official's determination shall be final and shall not be appealable. Attorney Hall confirmed that was the intent. Councilman Murphy asked if the Construction Official was the one who signed the complaint, did it make sense to have him be the one to appeal to. Attorney Hall said it would be the

Code Enforcement Officer who wrote the ticket and they can appeal the decision to the Construction Official which would be the Code Enforcement Officer's boss. Councilman Murphy asked why it wouldn't go to the Construction Board of Appeals. Administrator Sickels noted that the appeal was only for the deferred prosecution, not for the violation, and would not negate any other appeal rights. He continued that if the landlord asks the Code Enforcement Officer for the deferred prosecution and the Officer declines, then they can appeal it to the Construction Official. Councilman Murphy asked who the Construction Official was. Mr. Sickels said he was. Councilman Murphy said that was the problem he had and asked why it couldn't go to the Construction Board of Appeals. Attorney Hall said they did not want to unnecessarily tie up the Borough's discretion in this and, basically, it was a compromise to offer a second shot or consider some extenuating circumstances that would entitle them to a deferred prosecution agreement in that they could go to the Code Officer's boss to explain why they thought they were entitled to the agreement. He added that there were a lot of provisions in the ordinance, such as habitual violators or those assisting in the violations that would not be entitled to the deferred prosecution agreement. He said they didn't want to string out a whole appellate process and they felt the discretion should lie with the Borough Officials. Administrator Sickels noted that the Construction Board of Appeals doesn't hear matters regarding property maintenance. Councilman Murphy said he thought it sounded a little extreme and said he felt landlords in the Borough Red Bank go above and beyond the call of what's expected as far as paperwork, layout diagrams and floor plans and pointed out the amount of money they pay every time a new tenant goes in. He said he knew because he owns several and he does it. He said he felt the town had done a great job cleaning up the town in regard to landlords. He said he couldn't say that there wasn't somewhere in town that wasn't overcrowded, but they have cut that back a great deal between the Police Department and the Code Enforcement people. He said he didn't know what started the addition of another step or another hurdle for a landlord. Mayor Menna said he respected what he was saying but this particular methodology for doing it was not something started by the Borough, but actually emanated from the group of landlords looking for a way to police themselves. He added that it was not initially offered by the Borough. Attorney Hall noted that they came to us. Administrator Sickels noted that that specific provision was their request. Mayor Menna noted that there would be a second chance to review this at the public hearing.

Councilwoman Horgan offered a motion to adopt the ordinance on first reading as amended, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading as amended.

Public hearing and final adoption scheduled for March 9, 2009.

2009-8 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XVIII, SECTION 9, "PARKS AND RECREATION," AMENDING SECTION 18-9.3 TO REPEAL THE PROHIBITION AGAINST PUBLIC INTOXICATION WITHIN BOROUGH PARKS."

Mayor Menna noted that this came about as a result of our insurance carrier and various State agencies having sent a memo to all municipalities in New Jersey saying that the issue of public intoxication is regulated by State statute. He said they are advising municipalities that since it is regulated by State statute, it is inconsistent for municipalities to have a separate statute and the municipalities should eliminate it. He said there is a lawsuit going on throughout the State by a public interest group that has named all municipalities that have these ordinances as defendants in a class action. He said he thinks they should pass it so they can dodge the bullet.

Councilman DuPont offered a motion to adopt the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for March 9, 2009.

2009-9 Mayor Menna read “A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2005-39 FINALLY ADOPTED BY THE BOROUGH COUNCIL ON OCTOBER 10, 2005 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND RENOVATIONS TO MARINE PARK WITHIN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$2,826,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,525,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$1,174,550 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$260,000 TO FINANCE PART OF THE ADDITIONAL COST THEREOF.”

Councilwoman Lee offered a motion to adopt the ordinance on first reading, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for March 9, 2009.

ORDINANCES – Public Hearing & Final Adoption

2009-4 Mayor Menna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2008-24 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON OCTOBER 13, 2008 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2008 CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$675,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OR NOTES TO FINANCE THE COST THEREOF,” TO AMEND THE DESCRIPTION THEREIN, TO INCREASE THE APPROPRIATION THEREIN BY \$2,410,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$2,289,500 TO FINANCE PART OF THE ADDITIONAL COST THEREOF.”

Mayor Menna opened the public hearing and asked if anyone would like to speak.

Kim Senkeleski – 49 John Street – asked if all of the \$3 million would go to the filtration tank replacement. Engineer Ballard said yes. Ms. Senkeleski asked if Red Bank had looking into outsourcing the water and sewer. Administrator Sickels said yes. She asked if there was a study done. He said there was not a study done, but they looked into it when they were looking at the water main improvement on River Road and Harrison Avenue. He noted that the process is regulated by the Board of Public Utilities and they say it is about a two year process. He said the bottom line was, if Red Bank was to sell, they would be obligated to pay us a certain amount per customer and that’s it. He said they would not take care of any debt service and it didn’t make sense financially for them to sell. He added that the Borough and its Water Utility are integrated and share services such as facilities, insurance and utilities. He noted that the generator at Chestnut Street runs the water plant as well as our Public Works facility and the generator at Tower Hill runs the water plant as well as our Police and Fire Communications. He noted that if we didn’t have the Water Utility, those costs would be borne solely by the taxpayer.

He added that some people have said the water bill from Red Bank is so much larger than New Jersey American. He noted that the Red Bank bill includes sewer. He pointed out that New Jersey American also charges municipalities a hydrant rental as a monthly charge per hydrant and Red Bank has over 150. He said once you factor all those costs in, it doesn’t make sense to outsource. Ms. Senkeleski asked if that was in light of the fact that we now have to spend \$3 million to replace the filtration. Mr. Sickels noted that even if we started this tomorrow, we couldn’t do it for two years and we wouldn’t get the debt service back that we already have on the books.

Councilman Murphy noted that in addition to the fact that they would only pay a set price per customer, we would have to bring the infrastructure up to speed or whatever it costs them to bring it up to speed would come back to us along with the debt we already have. He said he knows T&M sat down with New Jersey American water to see how it would work because they were aware of the infrastructure issues. He said there were a lot of contingencies. He said while it does appear that New Jersey American Water is cheaper per unit, there are things they don’t tell you like the cost per fire hydrant and the fact that the town would have to bring the infrastructure up to speed and absorb the debt. He said it wasn’t written out as a service contract but, in sitting down with them, that’s what it came down to. Councilwoman Lee noted that they would have to replace the tanks anyway before they would buy them from us. Councilman Murphy added that in the alternative they would replace the tanks and charge us.

Ms. Senkeleski asked for confirmation that it had been considered. Councilman Murphy said that it had come up two or three times since he has been on Council.

Councilman Zipprich recalled, when he was a private citizen and an audience member, he understood that if the Water Utility was sold off, that at some point in the near future it would affect our property taxes if they went to New Jersey American Water. Mayor Menna replied that, as Administrator Sickels said, we would still be responsible for the bond cost that had been incurred, but we wouldn't have the revenue source to pay for it. He said they would probably receive a lump sum check from New Jersey American but asked how far that would go. He added that when they were looking at it, they never got a positive proposal noting that the Water Utility may be attractive, but then they look at the debt service. He said some of the lines have been in existence for over 100 years and there are a lot of costs associated with that.

Councilman Murphy offered a motion to close the public hearing, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the public hearing was declared closed.

Councilman Murphy offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on final reading.

2009-5 Mayor Menna read "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, ADDING SECTION 6-5.5, "PERSONS UNDER 21 UNACCOMPANIED BY ADULTS PROHIBITED AT LICENSED PREMISES."

Mayor Menna explained that this would change the consumption of alcohol by licensed premises to indicate that individuals under the age of 21 shall enter license premises for the retail sale of beverages only accompanied by his or her parent or legal guardian and, on certain designated teen nights or teenage dance nights, the licensed premises may not serve alcohol if they are proffering those particular teen nights which is indicated for individuals who are age 16 and over and yet under 21.

Mayor Menna opened the public hearing and asked if anyone would like to speak.

Michael Gilson, owner of Chubby's, said he was offended and hurt that this ordinance is being introduced and nobody from the town, after 15 years of him being in business, came to him. He said he thinks this is a direct hit on Chubby's and said it would pretty much affect all of his business, specifically his Thursday nights and Saturday and Sunday afternoons. He said it would pretty much put him out of business. He again noted he had been here for 15 years and said he had worked closely with everyone in town. He said he has hired policemen and done everything that has ever been asked and all of the sudden they are adopting an ordinance that is going to cripple his business. He said he has been trying to change his business and said it took over a year to get through the zoning process to get permission to take the building down and put up a brand new building in an effort to change the concept. He added that the way the economy is, he can't do that right now. He said when he bought Chubby's 15 years ago, he bought a special license which is a cabaret license. He said he's the only person in town that is supposed to have a deejay or a band with three or more people, but said that there are four or five places in town that operate in direct competition with him and have taken a lot of his business. He said they basically opened up as restaurants. He asked the town to go after them and tell them that they cannot continue to have bands or deejays in competition with his business since he is the only one with a cabaret license. He said this ordinance, until he makes some changes to Chubby's, is going to put him out of business by affecting his Saturday and Sunday afternoon shows and his Thursday night's which is where he makes most of his money. He said he thinks they could have sat down and talked to work out how to make things better.

Mayor Menna asked if Mr. Gilson hadn't had discussions with the Police Department over the course of the past year concerning some of the problems that have surfaced around the operation of some of these teen nights. He acknowledged that he had and that he had hired policemen to work outside, paid for it out of his pocket and he thought it worked. He said he's been doing it for five years and all of the sudden it is a problem. He said he went to the Chief five years ago and told him what he proposed to do, got his blessing and now it's a problem. He said nobody told him they were going to do this and, even though he is paying the cops, nobody said it wasn't working. He asked that they sit down and try to work this out.

Councilman Murphy noted that we aren't in the business of putting people out of business, but told Mr. Gilson that the problem is he has underage kids going in to an establishment where alcohol is being served with a wrist band to determine if someone is of drinking age. He said the problem is, these people are getting served drinks who are underage. He said he doesn't have to bring the Police Chief up with the police blotter to show him what is going on at Chubby's. He noted that there was a stabbing there the other night along with three other incidents. He said the problem is the underage drinking combined with the overage drinking is a problem. Councilman Murphy acknowledged that Mr. Gilson has hired police, but noted that he has done so because the Chief has told him that that is the only way it's going to work., but obviously it's not working because they can't be there every night. He added that the incidents have piled up over there. He said there are kids loitering into the wee hours of the night and it's a problem. He offered to have the Police Chief come up and explain the problems piece by piece. He said last Saturday was the perfect example with the stabbing the three other incidences. He said the cops are spending a lot of time down there. He added that when the kids leave they are going down Broad Street creating other problems such as breaking windows and knocking stuff over. He said it is a bird's eye view on Front Street of what goes on, adding that people go up and down the street and they see what goes on there. He repeated that they are not in the business of putting people out of business and acknowledged that Chubby's had been there a long time, but it's the same thing over and over again. He said he adheres to the Chief and what he is talking about and said he will take his recommendation that underage drinking and people who are legal to drink should not be mixed in the same environment and shouldn't be allowed in the clubs at the same time. He said there needs to be separation from that.

Mr. Gilson said the State should pass that then because it's the State that allows it. Attorney Hall said that was incorrect and that the State says it is up to local ordinances. He added that the State permits it if it is allowed by local ordinance and this ordinance will obviously not permit it. Mr. Gilson said he is there every night and he sees the same stuff coming out of the Downtown, Ashes, Red, Brannigans, the Globe—everybody has problems because where there's alcohol there's problems. He said the Downtown is dumping more people on the streets on the weekends than he is. Councilman Murphy asked if he was to understand that the police are ignoring every other establishment except for Mr. Gilson's. He said he was telling him where the police calls come in from and said they don't come down there looking for the problems. He said they have tapes of the calls that have them go there to break up these fights. He said when they are dispatched to the scene, no patrolman goes there by himself, because they know the situation. He added that it's just what has happened to Chubby's and its reputation and the Borough of Red Bank, and especially the Police Department, are not going to stand for that. Councilman Murphy told Mr. Gilson he needs to control his club. He responded that he controls it and that he is there every night. He said his customers aren't the only ones parking in English Plaza.

Councilman Murphy said there was a stabbing and three other instances there on Saturday night. Mr. Gilson asked which Saturday night and asked Councilman Murphy what he was talking about adding that there were 35 people there Saturday night. Councilman Murphy said it was sometime over the weekend. Mr. Gilson said it was a Thursday but that doesn't mean they all came from Chubby's. He noted that the stabbing was in English Plaza and asked how they knew the person who stabbed came out of Chubby's. Councilman Murphy said the Chief has a report. Mr. Gilson said not to talk to him about it. Councilman Murphy said that's what they are up against.

Mr. Gilson said again that they would be putting him out of business. Councilman Murphy and Councilwoman Horgan asked how they would be putting him out of business. Mr. Gilson said Thursday night is his biggest night. Mayor Menna asked Mr. Gilson to verify that he had a cabaret license. Mr. Gilson said that was correct. Mayor Menna said he could still have his cabaret license and still serve alcohol. Mr. Gilson said the town would have to make the Downtown stop having bands in their place. Mayor Menna asked how the town was putting him out of business if he could still sell alcohol. Councilwoman Horgan said the issue is they are serving underage teenagers. Mr. Gilson denied selling to underage teenagers. Both Mayor Menna and Councilwoman Horgan noted that they are getting alcohol. Mr. Gilson said in 15 years he has had one violation for serving a minor.

He also spoke in support of returning the drinking age to 18 and claimed the 21 year old drinking age has caused binge drinking. He acknowledge that it has happened at Chubby's but claimed that, rather than drinking in his establishment, they drink before they get there. He said he was planning on putting \$150,000 into Chubby's to clean it up, but this ordinance would hurt him especially his Saturday afternoon shows. Councilwoman Horgan asked what happened on Saturday afternoons that would cause him to lose business due to this ordinance. He said they have all age shows where high school bands come in and they serve alcohol to the mothers and fathers. He said this ordinance is basically saying that his two daughters, who are 19 and 20, can't go to the Globe and have a hamburger. Attorney Hall said that was not true and clarified that the ordinance says if you are going with the intent to buy food, you can go in. He said he didn't see that in the ordinance. Attorney Hall told him specifically where it was stated and then read that portion of the ordinance aloud.

Mr. Gilson said again that he had been in business for 15 years and hadn't had a problem and that he felt the ordinance was pointed at Chubby's. He also said he wished someone would have told him about it so he could address the problem. Mayor Menna asked him how he would address it. Mr. Gilson said he would discuss ways of doing away with the ban on 18 year old drinking. Mayor Menna noted that Mr. Gilson's suggestion was going against the trend and said that Mothers Against Drunk Driving has stressed the problems of teenage drinking. He added that Mr. Gilson would not find support for the idea. Mr. Gilson said when he grew up the age was 18 and they didn't have the problems. Mayor Menna said Mr. Gilson would not get support from the Council in reducing the drinking age. Mr. Gilson said he wasn't asking for that but wanted to note that there was a movement across the country to reduce the drinking age and thought it made sense.

Councilman Murphy said the Council was not trying to put him out of business, but was saying that they want the separation of underage drinking from those that are the legal age of 21. He added that the mixture of the two has done nothing but cause a problem. He noted that they aren't taking his license, but asking for separation. Mr. Gilson said if the Council is going to pass this ordinance, he is asking that they enforce the other ordinance in town that would leave him as the only business in town that could have live bands or a deejay with the cabaret license. He listed several other businesses that he felt were in violation. Administrator Sickels noted that those businesses would be allowed to have bands with three instruments or less. Mr. Gilson agreed and said four and above or a deejay are not allowed at any establishment except his.

Mr. Sickels noted that there is nothing in this ordinance that would prevent Mr. Gilson from having the same days where parents come with their kids to watch bands. Mr. Gilson said some parents drop their kids off to shop in town or eat somewhere else. He said they really hadn't had a problem with that and that he felt this ordinance was going after the Thursday night programs. He said he had been trying to improve his business and complained about the length of the approval process for Planning and Zoning. He said it took so long that the economy got to the point that it doesn't make sense to do it now. He noted that he was putting money into the building to get back the Friday and Saturday night business for 21 and older but needed to make money to get to that point. He asked the Council to give him three to six months after implementing the ordinance and said this would put him out of business next week.

Les Hathaway – 44 Ambassador Drive – He said he felt Chubby's wasn't the proper venue for teen nights or anything for children under 21 years old. He urged the Council to pass the ordinance.

Joe Mizzi – 21 Leroy Place – said he came across this legislation and felt compelled to speak on it. He said he was not a proponent of under age drinking nor was he condoning the behavior of any specific business but he felt this was initiated by a few rotten apples and will affect thousands of law abiding and hard working 18, 19 and 20 year olds, some who are paying into the tax system and some who own property. He said we aren't really dealing with "children." He added that they pay into the tax system, may own businesses or may be full time students. He said aesthetically this looks like a great idea but he was concerned about the majority of good people that it may affect who look forward to going out on a Friday or Saturday night. He recalled when he was younger and underage and pledged a fraternity where he spent quality time with upper classmen which created friendships he still has today. He felt drawing a barrier between age brackets would carry repercussions socially. He again reminded the Council that there were thousands of law abiding, hard working 18, 19 and 20 year olds from the surrounding communities that come here socially and mean no harm. He added that he thinks it would be unfortunate if this ordinance was passed and that he thinks there should be stricter law enforcement.

Councilman DuPont asked if he was saying that they should vote against this ordinance. Mr. Mizzi said he was saying they should vote against it and repeated that he was not advocating underage drinking but that he was concerned about those who would be affected by this.

Mayor Menna asked Mr. Mizzi if he had spoken to anyone who lives in the vicinity of Chubby's about the teen nights. He said he had not. Mayor Menna noted that there are people who live in the vicinity of Chubby's just like there are people who live in the vicinity of another licensed establishment on Leighton Avenue that was causing problems for the neighbors on a regular basis. He said these people have been putting up with a lot of aggravation mostly from teens who don't live in the area who come out of certain establishments and, frankly, who have been drinking. He said they are camping out on people's doorsteps. He said it doesn't make any difference whether you live on Leighton Avenue, the Bluffs or on Front Street as a tenant, we have to protect the quality of life of all of our residents.

Police Chief Fitzgerald said this is an ordinance he has wanted since last year because they have had problems on Thursday nights which is the underage night. He said he wanted to get the ordinance on the books because it will give them some teeth. He said it also shows that the town is concerned about the alcohol abuse. He noted that the Police Department has had over 60 cases involving Mr. Gilson's business, Chubby's, in the last twelve months the majority of which deal with those in the 18 to 21 year old group. He said we have seen the effects of alcohol rip families apart and they are just trying to nip it in the bud.

Rev. Eunice Washington – 11 Carmen Place – said she had come to the meeting on another issue but felt it was important to be proactive especially for the lives of our young people. She said she thinks you can have teen age entertainment without alcohol and adults should be separated from children.

Councilman DuPont offered a motion to close the public hearing, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the public hearing was declared closed.

Councilman Murphy stated again that they were not here to put anyone out of business, but were asking for the separation of underage drinking from people who are legal to drink. He said it is a problem and pointed out the fact that the Police Chief cited 60 incidents over the past 12 months. He said we aren't telling him he can't

serve and we aren't telling him he can't have his band night. He said the Borough just doesn't want the mixture of young adults with people who are able to drink. He said he was frustrated by the speakers who said the drinking age should be 18. He said the law is the law. He said if something should happen, the Borough would be "put against the wall." He said he didn't see why they didn't see the reasoning behind the separation of underage drinking from people who are legal to drink.

Councilwoman Lee said she has a twenty year old and said she believes we have an obligation to create a safe environment for our kids and we have an obligation to provide them better quality of entertainment and places to be. She said she appreciates teen nights but believes they have to be for the teens. She added they have three years in that category and it's our job as adults to see them through. She said it's not a misdemeanor when someone is stabbed or shot. She said each Council person comes here and struggles with what works best for our town, for every neighborhood and every house. She said they don't have a choice where their children are at risk with what they have to do. She said they have to support the law and they have to encourage every facility to offer better quality entertainment for our children. She agreed with Councilman Murphy that the law is the law and they have to enforce it. She said she felt they were obligated to limit the access to alcohol by their 18 year olds.

Councilwoman Horgan said she thinks the 21 year drinking age was passed because the mental maturity between an 18 year old and a 21 year old is a vast difference. She agreed that they don't want to put anyone out of the business, but they do want to protect their children. She said they also want to protect the residents and added that quality of life is important. She said she was very much for this ordinance. She said the business owner could still have his teen shows, but didn't have to serve alcohol.

Councilman Zipprich said, as the father of a 19 year old, he is always genuinely concerned for his daughter's well being and safety. He said he concurred with his colleagues on the Council and said it is very important to uphold the rule of law. At the same time, he added, he feels Mr. Gilson's pain in these trying economic times to keep his business going. He said he has to separate out what is right for his kid and what's wrong for his kid and the rule of law generally dictates what is right and what is wrong. He said he thinks their hands are tied helping him out because the law must be upheld.

Councilman DuPont said he was certainly a proponent of promoting business, but he didn't think business trumps our kids' welfare or our quality of life. He said he thinks they have to take a position on this that fits both of those. He said he thinks they should move on the ordinance.

Councilman Murphy offered a motion to adopt the ordinance on final reading, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on final reading.

RESOLUTIONS

09-68 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF MONMOUTH FOR SOCIAL SERVICES FOR SENIOR CITIZENS."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

09-69 Mayor Menna read "A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2008/2009."

Councilman Murphy offered a motion to approve the resolution, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

09-70 Mayor Menna read "A RESOLUTION AUTHORIZING TRANSFER OF CURRENT FUND APPROPRIATION RESERVE."

Councilman DuPont offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

09-71 Mayor Menna read "A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING RED BANK GARMANY, L.L.C., 117 BROAD STREET, BLOCK 59, LOTS 7 THROUGH 10 AND 10.01."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

09-72 Mayor Menna read "A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY CROSSON CONSTRUCTION COMPANY, INC., 47 WALLACE STREET, BLOCK 29, LOT 19."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Murphy

NAYS: None

ABSTAIN: DuPont, Lee

There being four ayes, no nays and two abstentions, the resolution was declared approved.

09-73 Mayor Menna read "A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF LITTLE SILVER."

Councilman DuPont offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

09-74 Mayor Menna read "A RESOLUTION TO UTILIZE THE THREE YEAR AVERAGE METHOD IN COMPUTING THE RESERVE FOR UNCOLLECTED TAXES."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

09-75 Mayor Menna read "A RESOLUTION REJECTING ALL BIDS FOR A CONTRACT RELATED TO THE CHESTNUT STREET WELL REHABILITATION PROJECT."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

09-76 Mayor Menna read "A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL COUNSEL."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

ABSTAIN: Lee

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

09-77 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,970,174.63."

Councilman DuPont offered a motion to approve the resolution, seconded Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

Mayor Menna said he thought this would be the appropriate time to open discussion on the Count Basie Learning Center. He noted that the Council had been discussing it for some time and some members wanted time to review. He said they would also take comments from any interested members of the public. He noted that no formal action would be taken tonight. He said he wanted to review thought and perspectives since the RFPs went out and noted that he knew everyone had done further diligent studies. He said he thought it was important that they have a public dialog in terms of policies and directives.

Councilman DuPont noted that the Community Center Committee had already made their presentation and that the RFPs have been provided.

Councilwoman Lee said she and Councilwoman Lewis had gone to visit the Boys and Girls Club. She noted that the facility could use some work and some paint, but the work that went on there and the involvement with the young people in Asbury by people who had already come through the program was quite interesting. In contrast, she said, the YMCA has been in the Red Bank area for a long time, the facilities are fantastic but she didn't see that level of interaction. She said it may be based on the placement of the Y, noting that the Boys and Girls Club was in a neighborhood and the kids walk there. She added that it seemed to be a really great place for learning. She said they sat in on a class for young ladies called Smart Girls. She said she's never seen any program quite like that in Red Bank and said it might give our young ladies the opportunity to think there is somewhere else to go and something else to do with their lives. She said they were studying and talking over social problems. She said the young men were engaged in physical activities and filmmaking, creating skits on line. She noted that there were computers, supervision and discipline. She said she, as a young person, spent a lot of time in Asbury and she knew the center from those days and noted that it is quite a bit different from what it was but it still serves the community. She said she thought we might be well served by really examining that RFP and discriminate carefully with what we know and what we've seen from other programs in our town.

Mayor Menna asked Councilwoman Lee about the difference in size between the Asbury facility and the Count Basie Learning Center. She said the size wasn't too different with the exception of the fact that they have a gymnasium and a pool which take up quite a bit of square footage. She said she had asked someone from the Board of Trustees of the Boys Club if they had seen the facility. She said she thought physical activity was something that was important for young people noting that they worked with ages from 12 through 19. Councilwoman Lewis noted that some programming was for ages as young as 8. Both agreed that the programming was structured. Councilwoman Lee noted that there were a lot of rules, but everyone seemed to understand and appreciate them. She said she was concerned about the place that the Borough was offering them, noting that it was a former bar and not a great place for a bar. She said it shared similar problems with Chubby's in that it is on a main road with a lot of traffic going by which was major concern for her. But, she added, it is a facility they have available and it could offer some respite to the community and give our young people shelter which is what we are looking for. She said she would love to see a facility that offered a gymnasium, but noted that Councilman DuPont has pointed out several times that there are a number of gymnasiums in the area that are closed. She said she would hate to see the kids have to go so far to have access to a gym or a swimming pool and noted that one of the ways the Boys and Girls Club made additional monies was have swim teams using the pool and that money helped support the pool. She noted that the fee for the Boys and Girls Club is only \$8 per year per child. Councilwoman Lewis noted that they have a lot of community support. Councilwoman Lee agreed and noted that materials were donated. She said they had very interesting programs for communities in need.

Mayor Menna asked about the staffing requirements. Councilwoman Lee said they generally have five females and five males on staff that rotate as needed to accommodate the programs. Councilwoman Lewis said they had distinguished that they had full time staff and part time staff and thought it was 12 full time and 15 part time. Mayor Menna said they had a transportation component, too which Councilwoman Lee confirmed. Councilwoman Lewis said the one of the young men had said they had had problems with bus service so he went and got his CDL so he could provide the transportation for events, field trips or whatever. She added that she was impressed in terms of the commitment by these staffers to the kids in the community.

Councilman Murphy asked Councilwoman Lewis to confirm that, with all that, it was provided at no cost to the Borough. She said that was true. Councilman DuPont said, in fact, the Community Center Committee sat down with Mr. Taylor and had asked him to explain it because they found it difficult to believe. He said should the Council decide to approve it, it will be subject to an agreement because they will be putting some capital contributions into that building. Councilman Murphy asked what the downside would be if the Borough wasn't contributing anything. Councilman DuPont said some of the Community Center representatives were in attendance. Councilman Murphy asked everyone to remember how the Senior Center started. He said there is an empty building that sits there and the program would be no cost to the Borough. If the Community Center doesn't work out, it would be no harm to the Borough. He said the Senior Center was the perfect example and asked them to look how far it has gone.

Mayor Menna asked if they knew what contributions or commitments the City of Asbury Park makes to their center. Councilwoman Lee said they didn't speak of any actual contributions, but they did talk about a good working relationship with the Mayor and Council. Mayor Menna noted that Mr. Prown, from the audience, said he doesn't believe they make any contribution. Councilwoman Lee said that she would love to see a physical location that could accommodate a gymnasium and she would love to see a pool that was close to home. She said she knows it's a long way off. Mayor Menna said perhaps it's not such a long way off noting that we have many gymnasiums in town. He said he distinctly remembers when two gymnasiums were approved by our Planning Board, both on the Westside, the representations made were that they would be used for community events and community purposes. Councilwoman Lee said the problem is everyone determines what their community is. Mayor Menna agreed and said commitments are made and sometimes time dilutes them. He noted that we have a world class gymnasium and a world class swimming pool. He said the Boys and Girls Club is an ideal program and no one has any unkind words and he thinks they should consider it. He added that even if they grant a relationship to the Boys and Girls Club, it leaves us somewhat short of our goals and objectives in that it would be a limited program. He said the YMCA is undergoing a great renaissance in terms of its site and facilities noting that they are a not for profit and are tax exempt. He said he wondered if they should be considering, before they make any long term decisions, getting involved in a constructive dialog regarding use for our children, free of charge, of YMCA facilities since, in fact, they do utilize the facilities of the town on a daily basis. He noted that the town was just successful in concluding a PILOT program with Meridian/Riverview Medical Center that changes our relationship with them in a positive way. He clarified that in addition to their current dialogue, they should also look at other options which may accomplish the goal of a swimming pool and a basketball court.

Councilwoman Lee noted that she grew up on the west side of Red Bank. Mayor Menna noted that he did also. She said it was a very long way from the west side of Red Bank to downtown or even the athletic fields, noting that her mother would never let her go to the athletic fields or go down Bergen Place for a number of reasons. She said our children need something in the Westside and it needs to be concentrated in a single area. She said she would be willing, based on what she saw at the Boys and Girls Club, to let them start at the Count Basie Learning Center, but would like to see a major effort by the town to build a facility with a pool and with a gymnasium. She said she would like to see all of the children on the Westside of Red Bank able to swim and able to swim competitively. She said the only reason they can't or won't is because they can only go in the Y for a half hour when the "westies" are allowed and noted that it has been a problem that she has many conversations over. She said she actually likes the Y but it just does not meet the needs of the community. She said teenagers are teenagers and they have a lot of energy in a small package and that energy needs to be channeled because they are our future and the reason we do everything we do. She said she thinks they should support the Boys and Girls Club in their effort to come into Red Bank. She asked every Council person to

really go over the RFPs and advise the Committee of their thoughts about what is being offered to the kids. She suggested working on some fundraising and securing some property to see where we could actually put a facility on the Westside of Red Bank and, she added, she means west of Shrewsbury Avenue.

Councilman Murphy asked her if she was not in favor of using the Count Basie Learning Center. She said she was worried about the Count Basie as a place and gave details on her concerns. She said it may have sufficient classrooms that they could make something out of, but that they will need a lot of support. She again stressed the need to continue to look for a better location. Councilman Murphy asked how long they had been going on with the efforts to make a Community Center. Councilman DuPont said the Mayor had authorized a committee last January and they had rendered a report in May or June. Councilman Murphy noted that it had been a year and that he thought they owed it to the public to make a decision. He pointed out that it was a vacant building and we could get funding for nothing. He said he understood Councilwoman Lee's concerns about it being on the corner, but he thought they should take advantage of the opportunity and thought they owed it to the people are very much interested in this to not prolong it another three or four months. He said he wanted to move ahead and give it a deadline.

Councilman Zipprich said he had to agree with Councilman Murphy. He said he had one question for Councilwoman Lewis and Councilwoman Lee which was if anyone had learned to skate in Red Bank while they were growing up noting that there was another facility here in town that may not be a gymnasium or a pool, but was a skating rink. He suggested maybe somewhere down the road a community center could forge a relationship with the skating rink. He noted that, as Councilman Murphy has said, the Senior Center had started out small. He said the Committee had studied this and gone round and round. He said he agreed that it was not an ideal location to put youngsters, but it's what we have. He noted that it's not going to cost the Borough anything and we have to start somewhere.

Councilman Murphy asked Councilman DuPont to clarify that the Committee to study the community center was on board with the Boys and Girls Club proposal. Councilman DuPont confirmed that the Committee had made that recommendation. He said he was glad that Councilwoman Lewis had made the trip to view the Asbury facility and said it seems that she was impressed with what she saw there. She confirmed that she was. She added that she thought it was time to show that we support and invest in our children. She said she also grew up on the Westside and had some negative experiences at the YMCA. She said she thought it was time to do something. She added that that facility may not be the best, but we have to start somewhere. She said we need to build it so it addresses not only our young people, but also our young adults, parents and seniors.

Les Hathaway – 44 Ambassador Drive – said he regularly attends Council meetings and that this has been going on for a year and a half or two years. He said “let's get the ball rolling” and noted that the Community Center Committee was on board with the Boys and Girls Club. He said you don't hear anything about the Boys and Girls Club because it is such a great organization that has been around since he was young. He said we owe it to the kids and it's a no brainer.

Michael Simpson – partner in PS 5 – said he is conflicted and that he is not just a property owner next door but someone who had donated a lot of time in the Borough noting his participation on a committee to deal with the issues that have been discussed. He said everyone on the Council had mentioned the fact that there are already lots of facilities in Red Bank that do all these various things. He said he doesn't understand why there isn't some cooperative effort amongst all of these entities. He asked why the gymnasiums were locked up. Why can't there be a citizen participatory event to make these things happen. He said the building next door was an interesting building to make into the Count Basie Learning Center and noted that his partner participated in the process. He said it has programs for kids under the ages of 12 and 15 and it served that function. He said it doesn't serve that purpose for the kids that need the help which are those going from the elementary school up to the high school. He said he accepts that the Boys and Girls Clubs do wonderful things but the facility that is being suggested for them to operate their program won't do the programs they want to do. He said it may do some of the programs, but it won't do all of the programs. He repeated that the key group that is being missed is the youth going from the elementary school to high school. He said it's been true for at least twenty years. Coupled with this, he continued, is a building that it has already been pointed out is not a great building for this. He said it's in a neighborhood that is getting better and they and their neighbors are making an investment in it. He noted that the building has no parking and no playground space. He said they need to be very serious when looking at the facility. He agreed with Councilman Zipprich's comments about the armory and added that it was underused noting that they had two ice rinks and racquetball courts. Mayor Menna noted that it is not a tax exempt property while the Borough may have some leeway with the YMCA based on its tax exempt status. Mr. Simpson said he understood and added that the owner of the ice rink is a very understanding about youth programs and suggested they have a conversation with him. He noted that his partner in his architectural firm has lived in Red Bank for 22 years, raised his kids here and has them participating in youth programs. He said the problems isn't a building, the problem is the programs. If you have programs and put them in the wrong building, they will fail. He reviewed the problems with the Count Basie Learning Center and its problems. He said a community center was badly needed in Red Bank, but to put it in this building when the building could be any number of other things seems not to be a good solution. He added that the building won't solve the problem and that it is an organizational problem and a participatory problem.

Rev. Eunice Washington – 11 Carmen Place – said she was excited about Boys and Girls Club coming to Red Bank and she hopes it happens. She said that that is something that she didn't have growing up. She noted that she is a counselor and referred to the Smart Girls program and said self esteem was a key issue noted that we have had two suicides in Red Bank and murders. She said we can save a generation by having a Boys and Girls Club. She noted that they would have to work out kinks but we can start it at this building and branch it

out. She said the counseling component for social skills would be better to start at the Count Basie Learning Center and maybe in collaboration with the YMCA they could have a night where they could swim at the pool and use the gym. She said the Club would offer positive activities and offered to work with the program if it happens in Red Bank.

Ben Forrest – 15 Locust Avenue – said last week he took his eight year old to the bus stop and found out there had been a double murder. He said it was jolting. He said he felt all of these things were connected noting that some of the kids involved went to our schools. He praised the Police Department for their efforts in various situations. He said he was proud to live in Red Bank and it was a great community. He said he was planning on staying in town until he was able to join the Senior Center. He said, in regard to the Community Center, he doesn't know what the answer is but he has not had good experiences with the YMCA. He has become appalled at how much it costs to be a member of the YMCA and has left for other options. He also referred to the issue the town is having with the YMCA over the building at 51 Monmouth Street. He noted the irony that we are surrounded by water but there is nowhere to swim because the Y is packed. He noted that most residents don't have the room for or can't afford a pool. He suggested that since our resources are limited to be careful and do our homework and asked them to use caution in issues of privatization.

George Kolber – owner of PS 5 – said he wanted to refresh everyone's memory noting that this situation had been going on for years. He said he has repeatedly offered fair market value for the building and has offered to put in a Head Start program. He acknowledged that it was for younger children but said it feeds the younger children in the area and educates the families. He said it would help the children learn to become good citizens and to read. He noted that he had brought Head Start representatives in a couple of months ago. He noted that if he bought the building, the Borough would get the cash as well as the benefit of the building being back on the tax rolls. He said he also would add 20 to 25 parking spaces as required by our ordinances and allow the church to use the parking in an effort to make the area better for the community. He said he was confused that they were willing to consider a building that they said probably wasn't good enough. He said they could not put in all of the programs that were in the request for proposal. He said assuming they had full and part time employees, he asked where they would park. He spoke highly of the Boys and Girls Club, but said it could only be as good as their facility. He reviewed the problems with dropping kids off. He said he thought his proposal was a "no brainer" and noted that if the Boys and Girls Club fails, they will have lost this opportunity. He said they brought this up two years ago but has had no serious discussion with the Council despite having written letters. He said he is committed to the Westside noting that he has put a lot of money in the building next door. He said he thought the Council was committed to making investments in the Westside. He agreed that a Boys and Girls Club would be good for the Westside, but asked the Council to consider the best use for the building. He continued to review problems with the facility and doubted that the Boys and Girls Club would be able to coop with the YMCA. He said the YMCA serves the community well and is within walking distance.

Councilman Zipprich said he was present in the audience when Head Start representatives came to speak and said he appreciated Mr. Kolber's offer to buy the building but said he was missing how they could make things happen for the kids if they didn't have a building that wasn't costing the Borough any money. Mr. Kolber said it was costing money because the Borough wasn't getting the sale price or the benefit of the taxes. He also pointed out that the Council had acknowledged that it was a dangerous location and that he would make it safer because his suggestion would be for younger kids and there would be an area where they could be dropped off because he would expand the parking. He said he would make the whole area better for the Westside. He said he wasn't sure that a substandard building for the Boys and Girls Club was what the Borough was looking for.

Councilwoman Lee said she felt the Borough had to do something because they can't risk another life. She noted these children are at high risk and referred to events of the past couple weeks. She noted that those kids were 27 and 28 so they were young men and speculated on what might have been if this program had been in place. She said she didn't like the spot but said it was her bargaining chip. She said the question was how much architectural services or money he would give them. She said she would like to see the Thomas Fortune house and surrounding area converted and thought it was an ideal spot. She asked again how much he was willing to put up. She said we want this for our kids and we would like to see some serious negotiation. She understood he didn't bid but she would invite a negotiation to get the Fortune House renovated to what we need while keeping the historic integrity. She said we have to start somewhere and we have to start now. She said we owe it to everyone in the town and particularly the children of the Westside. She talked again about the difficulties she faced as a child in Red Bank to get to facilities and said we need something that's closer. She noted that Mr. Kolber's current building worked at a YMCA when she was a kid. She said she believed the Y offers more programs in the city, but that this Y is gentrified and not interested in the inner city services that Red Bank still needs. She noted that the kids need a home away from home and protection in their own neighborhood. She said if she could have his building back that would be ideal.

Mr. Kolber noted again that they had reached out to the Borough repeatedly over two years and no one had contacted them to talk about it. He feels his recommendation to improve the area has been ignored and he is very unhappy about it. He complained about the way he has been treated. He again said Head Start was a good program. He noted that he grew up in Newark and had to hike to the nearest places to play. He said he is not a stranger to the concerns that they have. He said if kids want to be part of an organization they will hike and if they really want it, we shouldn't make it easy. He said he has been communicating with the Y and noted his philanthropic involvement. He said one of the missions of the Y is that no child with a need will be turned away. He praised its facilities and said they are willing to cooperate with the Borough to bring something bigger and better for the children and teenagers on the Westside. He said he doesn't believe, if the Council acknowledges that the building isn't as good as it should be, that they should go into a building that is substandard for the purposes that they want. He said it is not a little bit, but significantly substandard. He said

he believed the Count Basie Learning Center building was designed for little children under eight or six years old, not for teens. He added that what the Council was considering was not in the best interest of Red Bank.

Councilwoman Lewis said she was in the audience when he made his presentation with members of Head Start. She noted that she was a former member of the Board of Education and some of the information presented was not correct in terms of collaboration with Borough schools. She noted that the curriculum that they support is in direct conflict with the curriculum that is being taught at the Borough schools. She said the Borough schools are planning to expand their preschool program over the next five years so it would be a direct competition. She said she just wanted to say that it would be a conflict for what is currently being proposed for the Borough schools, the Red Bank kids and education system and the Head Start program.

Mr. Kolber compared it to the conflict the Boys and Girls Club would have with the YMCA.

Councilwoman Lewis said in regard to his comment on parking that hopefully there wouldn't be a need because people would walk. She added that if they hired people from the community, they could walk.

Councilman Zipprich asked where else they could put the program. Mayor Menna noted, as did Councilwoman Lee, that for many years the Council had considered many options and noted that it was part of the Master Plan, but none of those options were readily available but were long range plans. Mayor Menna said Fortune House was an interesting scenario and noted that the DEP's historic preservation side was involved. He said there are also a number of African American organizations throughout the State that are interested as well as historic preservation groups. He said a number of different scenarios are germinating at this point in terms of ideas that may solve this problem.

Mr. Kolber noted that he has been reaching out for two years and that, if they had asked him two years ago where else to put it, he might have been able to find something. He said he made a proposal for what he thinks is the best use for that building and in the best interest of Red Bank at the same time.

Councilman Murphy asked if Mr. Kolber had actually made an offer on the building. Mayor Menna noted that the problem is he really can't do that because it is a public building and the only way to get a legitimate offer is for it to be placed in the general public realm in terms of people making offer. Councilman Murphy said that if we legally wanted to sell it that is what we have to do, but it would not stop anyone from walking into the building and putting a proposal on somebody's desk. Mr. Simpson said offers had been made, but no specific dollar amounts because the public process involves having an auction. He added that two auctions were held and they participated in both with minimum floors of \$850,000 that was based on appraisals that the Borough had received. He said the problem was \$850,000 did not even remotely address the real market value of the property so they made an offer to sit down and have a discussion and got no response for two years.

Administrator Sickels reviewed the process noting that they had put it out to bid twice with a minimum bid of \$800,000. Mr. Simpson said he believed it was \$850,000 but both numbers were too high. Mr. Sickels said the Council could put it out with a zero ceiling or, if someone was to make an offer, the Council could use that as a minimum bid. Attorney Hall said that was correct. Mr. Sickels said the fact is they have not received an offer in a dollar amount that the Council could use as a basis for a minimum bid.

Councilman Murphy said he thought it sounded like a cat and mouse game and that, if he wanted a property, he would make an offer. He said he understands the process of putting it out to bid. He said he just wanted to know if a physical bid came in. Mr. Simpson said they had sent a letter certified mail saying that they would be more than happy to purchase the building, buying it at a fair market value. He said if at the subsequent auction, the fair market value is \$800,000 then that is what you get. He added that to start at \$800,000 or \$850,000 is almost a presumption. Councilman Murphy repeated that he would think if they were that interested in the building, they would have made an offer. Mr. Simpson said they followed the procedures that were out there. Mr. Sickels clarified that they could have made the offer, but we couldn't have accepted it without going to bid.

Linda Clark – 207 River Street – said she thought this was sounding like business as usual which was unfair because as Councilwoman Lee had noted we had lost two lives. She said we are moving backward instead of forwards. She said she was with Councilman DuPont, Mr. Prown and a representative from Parks and Recreation and a couple of other people who met with Mr. Taylor and said that she, like Councilwoman Lewis wasn't sold too much on the idea of the Boys and Girls Club in the beginning because of the reputation she had heard. She said she worked with kids from Red Bank, Asbury, Keansburg, Little Silver, Long Branch and Neptune that are facing the same dilemma of having no direction in life. She recalled when Rev. Jackson went into the building and moved bricks by himself to develop it into the Count Basie Learning Center and said the door was flooded with little kids that needed somewhere to go. She said there were church basements where people have had Head Starts and traffic is always going to be an issue in Red Bank. She added that it is always going to be dangerous for the kids, but suggested supervision, police presence or traffic controls. She said she didn't like the idea of talking price to get rid of a place for the older kids to go. She said she wasn't so gung ho on the idea of a basketball court or swimming but they needed a place to assimilate their minds and help them get jobs to look toward the future. She repeated that she wasn't sold at first, but after listening to Mr. Taylor's sincerity, she felt it was something we could all work with together. She noted that she works with the YMCA and the Boys and Girls Club and said there are ways to make things happen. She said if they keep going on and on, it's going to get ugly. She said they were talking about competition with the schools and noted that there were competition with the kids themselves in social and peer groups. She said all of this talking isn't going to do it. She talked about recent events and said it was time to put something in action. She said she was happy to hear that the representative of the Boys and Girls Club was willing to have people from the

Community come in such as Rev. Washington who had offered to donate her time. She said people from Asbury Park have said we need something for these kids before it looks like Asbury Park. She noted the shootings and gangs are already happening. She said kids come to Count Basie Park thinking they are getting away from gangs but they run into them there. She said it is time to do something for the kids and families in Red Bank and added that she is not concerned about the building but she would like to see a corporate donation. She said it was enough politics and these kids needed something yesterday, but she would settle for today.

Janice Volk – part owner of PS 5 – noted that when she was growing up they didn't have a Boys and Girls Club in her town near Buffalo. She said they had a Catholic youth organization and she and her friends joined because it had structured recreation and a big gymnasium where they played basketball, volleyball and dodge ball. She said they had an outlet where they could recreate and get together. She said the building next door will not satisfy these teenagers. She said the reason we have been talking about it for two years is because there is too much doubt. She said they need a place that is going to satisfy their needs which is a larger facility with a pool and gymnasium where they can have competition and learn teamwork and goals, not a place where they can have karaoke.

Peter Noble – 85 Harrison Avenue – noted he is president of the Board of Education in Red Bank and said, like Councilwoman Lewis, has spent many an hour working with our kids. He said they watch the kids with innocent young faces leave the Primary school and they watch the kids with innocent bigger faces leave the Middle School and go home. He said they are trying to keep after school programs in the schools for kids, but that there is only so much that the teachers can do noting that they have a full day and families as well. He said, regarding the youth center, the building is there. He said he also recalled the beginning of the Senior Center when it was behind a garage on Chestnut Street and you couldn't go there when it rained, but it was a start. He asked the Council to look at what they have today. He said he wishes they could have a pool and gymnasium, but there's no place to put it. Right now, he continued, there is a little building available to put in some programs. He said, as far as safety goes, he was a police officer in this town for 15 years and he remembered the bars in that area and he walked the beat in the area. He said, then, it was not a safe area but now there is no bar there and it is a safe neighborhood. He acknowledged that there is a lot traffic in the area, but that there was a lot of traffic on Front Street and Washington when they put in the Charter School. He said they weren't worried about safety then with a psychiatric hospital in the backyard with little innocent children. He said he really had an issue with the comments about safety and stressed that it is a safe neighborhood. He said traffic controls would be easy to take care of. He said he thinks we owe these kids something and this is a start. He said now someone wants to come along and buy the building. He said, if Head Start wanted to come, why it isn't already in there. He said they are trying to put a three year old program into the schools and noted that the Board of Education is trying to do their part to keep the kids educated and busy. He said they ask the Borough to think about it and try and help them a little bit. He said he was privileged to sit on the Community Center Task Force with Councilman DuPont and David Prown. He spoke very highly of Mr. Prown. Mr. Noble said his son used to go to art classes in the building every evening. He said he knew when to drop him off and when to pick him up and that parking was never a problem. He asked, on behalf of the children of Red Bank, to give them something to start with.

Sandra Davis – 18 Shorebrook Circle, Neptune – noted that she has been in this community for 32 years, is a teacher at the Red Bank Primary School and was involved in the renovation of the Count Basie Learning Center with Rev. Foster and Rev. Jackson. She said Rev. Jackson did a remarkable job with the kids. She recalled the motto of Red Bank as the hippest town and noted that she just left planning a funeral for the young man that was killed. She said she knows that these young people need a place and that the superintendent is already doing all she can to take care of the preschoolers. She said they need to target the next age level which is the Middle School children noting that they don't have any place to go. She said that's why the children are getting into gangs and said they need to be in a place where they can be taught positive ways of life. She said this town needs to have a community center. She said she believes in Red Bank and if she didn't, she would be here tonight. She said she believed in everyone sitting up at the Council table and knows that they care about these children. She said we have to take a concerted effort to use that building, acknowledging that maybe it won't offer our children all that they need. She agreed that they needed a place to play basketball or swim, but we don't have that there, but we have a start. She said we need a plan to start and as we go along maybe we can enhance, but it needs to be done now. She said she doesn't want to see another child shot in the community because it's heartbreaking and she begins to ask herself what didn't she do, what didn't we do, to help these children. She said the gang community is everywhere but we want to do something to enhance these children. She said they need a sense of belonging which is why they join the gangs. She said there is a breakdown in the family structure and they are not getting it at home so they go into the street to find that sense of belonging. She said if they have someplace to go, maybe we can reach one child. She said time is of the essence and we need to start now and help these children. She asked them to let the County know that Red Bank is standing up and about to help our children the best that we can. She said she hoped they can get the building started and active to bring programs in to help the young people before it's too late.

NEW BUSINESS

Councilman Zipprich said he wanted to mention that this is the last week of Black History Month and Frank Talk Bistro on Shrewsbury Avenue has been hosting a program all month celebrating Black History Month. He said anyone interested can go to beyondgroupllc.com and see the video production of Ralph Gatta from Johnnie's Jazz Market that is on the website.

Mayor Menna noted that they had heard all comments tonight regarding the Community Center and asked all Council persons to deliberate on them and review their reports. He said if the Council wished to move at either

the following Council meeting or the Council meeting after that in terms of a resolution of the issue, we would entertain whatever appropriate motions at that time. He said he wanted everyone to think about it and said it wasn't a simple solution. He noted that it is a very complex issue and everyone has opinions. He said they try to listen to everyone's opinions and move forward. He again asked everyone to think about what has been heard and to review all of the issues. He said he would be happy to hear individually from Council members and then we will plan appropriately at either the next Council meeting or the one after that. He said there would be a resolution within the next month.

AUDIENCE

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi