

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 22, 2008
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Cangemi, Giannell, DuPont, Horgan and Lee.

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Attorney Pringle, Assistant Attorney Thomas Hall and Engineer Kosenksi.

ABSENT: Councilman Murphy and Chief Financial Officer Mason.

Councilman Murphy arrived at 7:38 p.m.

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the 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, 2008.

WORKSHOP

Community Center RFP

Councilman DuPont said that there are a number of residents from the Committee that worked on this project and said he wanted to thank Peter Noble, David Prown, Sean Murphy, Beth Garrity and Linda Clark for their efforts and said that they have been meeting since the Mayor appointed them in February or March for the purpose of determining whether Red Bank needed a Community Center and if so, what format. He said what they did for the past 6 months is to go through the process of starting at the beginning and deciding if a Community Center is the right thing for Red Bank and all of the members of the committee thought it was a good idea. He said that with respect to the Community Center they would like to use Count Basie Learning Center and once we move from the position as to whether there was a need we then had to determine a program and said that they wanted to create a program that was helpful to the Community and that included having a social area, an educational area for tutoring and computer technology, job search, college preparation and a peer group. He said there would also be another area for the fine arts including drama, dancing, painting, vocal and arts and crafts and said they also want to promote nutrition, health screening, aerobics and personal hygiene and a social area that would be quieter for reading and studying and a group area with a television and a karaoke room. He said they also want to have special events such as snow day activities, theme parties for sporting events and holiday programs. He said they started out building from there and as part of this we asked Bob Evans to come up with some costs saying this is a blueprint of what we would want as a Community Center and what is going to be the costs. He said the purpose of this Committee was basically for fact finding and information to come back to the Mayor and Council and said what they have done is created a Community Center business plan and that plan is available for anyone and we also asked Bob Evans to have a Community Center expense overview. He said that they are going to compare our costs for a Community Center to be run by the Borough versus having it run by a third party vendor. He said Bob Evans has come up with a cost of around \$95,000 if the Borough was to run it and we were unable to get definite estimates from a private vendor because we did not have any authority to receive proposals. He said now we have presented the Mayor and Council requests for proposals for professional services to run a Community Center so the Mayor and Council can weigh what it would cost to be run by the Borough and what it would cost to be run by a third party vendor or if the Mayor and Council want to have a Community Center at all. He said it was the commitment of the Committee that they did believe that we had a need for a Community Center but it does come down to costs and there are some costs and decisions to be made. He said the Mayor and Council have all received the Community Center Business Plan and an overview of how much it would cost for the Borough to run the Community Center. He said the next step would be to authorize the Request for Proposals to go out so there could be a comparison of costs. He said that he wants to express his appreciation to David Prown, Peter Noble, Sean Murphy, Beth Garrity and Linda Clark and all the members. He said Bob Evans did a great job by giving the Committee information and supplying it to them so they could understand it and said the rough estimate for a third party vendor would be anywhere between \$50,000 to \$75,000 but that has not been able to be verified because we were not able to provide our RFP to third party vendors. He asked the Mayor and Council to authorize them to go out for RFPs so we could have additional information on the cost of a Community Center. He said there is a need and the Committee has developed a very nice Community Center Business Plan.

Mayor Menna thanked everyone on the Committee for the report and said this particular phase of the exploratory work is a continuation of your due diligence and exploratory endeavors and said the only way we are going to find out what this is going to cost is if we get legitimate bona fide proposals. He said we are not going to be stuck to those proposals or necessarily to an implementation of a Community Center and said all this does is continue the ongoing homework that the Committee has started and to try to get some facts and figures and then we will determine after we get real legitimate facts and figures what if anything we are going to do and said he is supportive of putting this out for proposals.

Councilwoman Cangemi said the Committee did a great job and she has a couple of questions. She asked if the RFP is requiring that the organization that comes in to bid is already in existence.

Councilman DuPont said they were going to provide it the YMCA, The Boys' and Girls' Club and any other vendor that would be interested because we would like to get as many responses as possible.

Mayor Menna asked if everyone was in favor of receiving Request for Proposals.

The Members of the Governing Body said they were all in favor of receiving proposals.

Draft Commercial Garbage & Waste Requirements Ordinance

Draft Illicit Connection Ordinance

Draft Improper Disposal of Waste Ordinance

Mayor Menna said that Mr. Sickels is going to give a brief report on the mandates that are required by the County Board of Health that would put some of our ordinances regarding waste requirements as well as connection ordinances and disposal of items in compliance with NJDEP regulations and our Stormwater Management Plan.

Mr. Sickels said that we have several changes to the Board of Health ordinances with regard to Commercial Garbage and Waste Requirements Ordinance, the other is the Illicit Connection Ordinance and the third is an Improper Disposal of Waste Ordinance. He said these ordinances were sent to him by Sandra VanZant who is the Health Officer for the Monmouth County Regional Health Commission and is in the audience tonight. He said these amendments will help the Borough address non-point sources of pollution that may or may not find their way into our storm sewers and then into our waterways. He said he has just received them this past week and he has forwarded these to Mr. Watson, our Borough Engineer and our Borough Attorney to review because we think some of these things may be addressed through our Stormwater Management Ordinance or our local ordinances already and hopefully we will iron out any duplication and come back to the Council at the next meeting with a recommended ordinance for introduction and adoption to tie up any loop holes in our ordinances when dealing with non-point sources of pollution.

Mayor Menna said that these ordinances come recommended by the Monmouth County Regional Health Commission and we are members of the Health Commission and they have also been approved by the Department of Environmental Protection. He said if there are no objections we will move forward with this.

APPROVAL OF MINUTES – November 26, 2007

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

ROLL CALL:

AYES: Cangemi, DuPont, Lee, Murphy

NAYS: None

ABSTAIN: Horgan, Giannell

There being four ayes, no nays and two abstentions, the minutes were declared approved.

APPROVAL OF MINUTES – December 5, 2007

Councilman DuPont offered a motion to approve the minutes, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Cangemi, DuPont, Lee, Murphy

NAYS: None

ABSTAIN: Horgan, Giannell

There being four ayes, no nays and two abstentions, the minutes were declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Lee said that the Borough Yard Sale went off very well and we had about 117 houses participating and it was very successful and we hope to have this event again next year and hope that it will continue to grow. She said she wanted to thank Mr. Watson and his staff who orchestrated it internally and all the residents that participated.

Mayor Menna said that Audrey Oldoerp deserves absolute kudos for suggesting it and implementing it and our Public Works Department also did a great job and we had a great turnout.

Councilwoman Lee said that the Department of Public Works will be doing some flushing again and it is another warning to the Red Bank water customers that the Red Bank Water Division will be performing fall hydrant flushing in the area October 6th through November 7th and we will be operating between the hours of 7 p.m. and 3 a.m. She said you may have discoloration and a slight to intense chlorine smell and asked that they let the tap water run for a sufficient time to clear it and it may take 2 to 3 minutes.

Councilwoman Cangemi said that she just wants to make residents aware of the fact that if you run your hot water when they are flushing it may also affect your hot water tank. She said that this is a necessary project and we all have talked about how frustrating it is but it has to be done and seems to get a little better every year.

Councilwoman Lee said that we will be having a paper shredding event and this is a gift from the Monmouth County Freeholders working with the Borough of Red Bank and said we will be shredding private papers on location with the mobile truck at the Red Bank Recycling Center at the end of Sunset Avenue on November 15th from 9 A.M. to 1 P.M. and they are limiting it to 100 pounds of paper per individual.

Councilwoman Cangemi said the Shade Tree Commission is almost done planting trees around town and if a tree is planted around your yard we are asking that residents help with watering it. She said we have a good survival rate because people are helping us all around town and we appreciate it. She said that Saturday there was an incident at 92 Wallace Street and she wants to commend our guys for responding quickly because we had a partial foundation collapse and a stop work order has been issued and we are working to deal with the structure. She said that she has to commend Mr. Sickels who came in and really took care of things at the site and has worked to make sure the neighbors are safe while we work on figuring out exactly where this situation is going to go from here and what penalties will be assessed and what we can do to help rectify the situation.

Councilman Giannell said that the meeting of the Parks and Recreation Committee has been change from October 24, 2008 to November 1, 2008.

Councilman DuPont said that he met with Senator Beck today regarding asking the Board of Public Utilities to do an energy audit here in town to save some money and to also ask them to help us get some grants for the solar panels.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Jersey Shore Jazz & Blues Foundation to change the requested dates for use of Marine Park on May 31, June 1 and June 2, 2009 to June 5, 6 and 7, 2009 to hold the 2009 Red Bank Jazz and Blues Festival, pending approval by the Special Events Committee.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read requests from Red Bank Catholic High School PTA, Red Bank Catholic High School Booster Club and Rumson Women's Club for raffle licenses.

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

ROLL CALL:

AYES: Cangemi, Giannell, 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 Little Kraut to place two (2) tents, 25'x60' and 16'x32', on their property for the months of October and November to celebrate Octoberfest, pending approval of the Construction Official and the Fire Marshal.

Mayor Menna said that Mr. Bornemann has been celebrating Octoberfest for many years and said he wanted to congratulate him on the Little Kraut's 40th Anniversary.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mr. Bornemann said that the request has been here for over a month and asked why it took so long.

The Borough Clerk said that she had called his attorney several times to find out the size and plans for the tents and just received that information last week.

Mayor Menna said the fax of the plans from Prestige Party Rentals is dated September 16, 2008 and that was last week.

Mr. Bornemann asked if he could have a permit and if he has a wedding next week would he be able to get a permit.

Mr. Sickels said that this is not new to him and we cannot act on a permit without the details and plans and said we just received the plans September 16, 2008 and this is the first meeting since we received the information.

Mr. Bornemann said that the Borough should be more business friendly and asked if he could put the tents up now.

Mr. Sickels said that he has to get a permit from the Building Department and Fire Marshal's Office before he can put up the tents.

Mayor Menna read a request from Parker Family Health Center to amend their previous request to include placing a 10'x20' tent in the parking lot of River Street Commons, 49 Catherine Street, from Friday, October 3, 2008 to Monday, October 6, 2008 to hold a party on Sunday, October 5, 2008 from 5 p.m. to 7 p.m., pending approval of Chief Fitzgerald, the Construction Official and the Fire Marshal.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Mayor Menna said that before we have any comments from the public he would like to announce that with respect to Ordinance 2008-20 commonly called the plastic bag ordinance there is going to be a motion to table the ordinance.

2008-20 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IXX, "STREETS, SIDEWALKS AND SANITATION" BY ADDING NEW SECTION 19-14, "PLASTIC CHECKOUT BAGS PROHIBITED."

Councilman DuPont offered a motion to table the ordinance on final reading, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna asked if anyone would like to comment on any of the ordinances and resolutions on the agenda.

Steve Fitzpatrick – 92 Hudson Avenue – said that 08-198 is a resolution authorizing the Mayor and Borough Clerk to execute a Developer's Agreement with Metrovation Anderson, L.L.C. and in reading the resolution on the board outside it refers to something being annexed hereto and it is not there.

Mayor Menna said it is Title 39 dedication and they have received approvals at some point in time from one of our Boards. He said if the project is ever built they are requesting that our Police Department enforce the motor vehicle regulations and code on their property.

Mr. Fitzpatrick asked if the Council is fully aware of this agreement.

Mayor Menna said that everyone has received a copy of the Developer's Agreement in their meeting packet.

Mr. Fitzpatrick asked if those conditions are part of the Developer's Agreement and if they are available for public inspection at this time and if not when would they be.

Mayor Menna said that Mr. Fitzpatrick is welcomed to have his copy and said that it is available to the public.

Mr. Fitzpatrick asked where the conditions would be in the agreement.

Mayor Menna gave Mr. Fitzpatrick his copy and said they are in the agreement

Mayor Menna asked if anyone else would like to speak, no one appearing he closed the public comment.

Councilman DuPont offered a motion to close the public comment, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

ORDINANCES – First Reading

2008-24 Mayor Menna read “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.”

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

Councilwoman Cangemi said that she would like a copy of the bond schedule so that we have some idea of what is coming on and what is coming off. She said she knows this work is important but she would like some financial idea of what is going on.

Mayor Menna said Mr. Mason is not here tonight but he would make sure she gets it by the next Council Meeting.

Mr. Kosenski said that Mr. Mason is on vacation and when he comes back they will sit down and discuss this.

ROLL CALL:

AYES: Cangemi, Giannell, 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 October 13, 2008.

ORDINANCES – Public Hearing & Final Adoption

2008-22 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, “ADMINISTRATION,” SECTION 2-36.7, “ORGANIZATIONAL STRUCTURE OF POLICE DEPARTMENT AND RESPONSIBILITIES OF COMMAND WITHIN DEPARTMENT.”

Mayor Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

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

ROLL CALL:

AYES: Cangemi, Giannell, 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 Councilman DuPont.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2008-23 Mayor Menna read “AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2008.”

Mayor Menna said that this ordinance is giving all non-union employees that are not subject to any collective bargaining an across the board raise of 3.5 percent. He said this is the last year we will be doing this and said we have adopted an Administrative change that mandates that beginning in 2009 everyone will have an evaluation by their supervisor. He said the Personnel Committee will evaluate the Administrator, the Administrator will then review the performance of all Department Heads, all Department Heads will review the performance of Supervisors, and all Supervisors will evaluate the performance of all non-union employees who are regular employees but not Supervisors. He said for the first time we are going to have this review process which has never existed in the Borough. He said that this will mean that all non-union employees that are not subject to a collective bargaining agreement may not necessarily have the same rate of increase that has traditionally been the case but in order for us to implement this we really need a very neutral type of system that is uniform for all employees. He said that this has been suggested by our Labor Counsel to avoid any litigation.

Mayor Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Councilwoman Cangemi said that she commends the Mayor for moving to a different system of fixing compensation rates and fixing raises across the board but this is a terrible year for people in the private sector and for private sector businesses and said she does not know of any businesses that are giving across the board raises this year. She said that she is not saying that our employees do not deserve a raise and many of them do but with the private sector falling behind we should not give across the board raises.

Councilman Murphy asked Councilwoman Cangemi if she is saying that we should not give any raises.

Councilwoman Cangemi said that is what she is saying and unfortunately that is what they have been forced to do in her business.

Councilman Giannell said that he concurs and he said he looks at some of the salaries and there are some salaries that could go up and some that he thinks are pretty good and was hoping that we could discuss this further and put it off until the next meeting because he would like to see what the raises were for the past 5 years because he has pulled the CPI rates and thinks we should try and fix raises by some kind of fixed rate like the CPI rate. He asked if there were any programs tied to the CPI rate.

Mayor Menna said the only thing we have tied to the CPI rate has been our Rent Leveling Board ordinance that ties increases to the CPI.

Councilman Giannell suggested doing something comparable to the Rent Control ordinance in terms of the increases.

Mayor Menna said that he respects Councilman Giannell's comments but he is not necessarily sure that if we had been doing things in a certain way and all of sudden changed it during the year it could expose us to an unfair labor practice charge. He said what he is saying is that we actually put them on notice saying it is going to be a different way next year and so expectation of previous years is not there. He said that he is open to any suggestions that make it neutral and fair.

Councilman Giannell said he thinks it is very difficult but our Senior Citizens cannot afford to pay their taxes when they are on Social Security and when we have these increases at the Borough level it obviously affects our tax rate. He said that practically everyone he knows is making less today than they were making last year and he would like more time to study this.

Councilman DuPont said that he can appreciate what Council Members Cangemi and Giannell are saying but we have cut from our workforce and eliminated positions or combined positions and we have reduced our operating budget. He said that we have also asked our employees to do more and have been stretching dollars. He said the budget process was a thorough one and he knows that a few departments had asked for increases and he thinks our Borough employees are doing a wonderful job and the raises are less than the cost of living and we have to promote our employees. He said that he knows the real estate and mortgage world are crumbling and employees on Wall Street are suffering but he also knows that from Red Bank's position the Finance Committee as well as the Mayor and Council have implemented a number of steps to reduce our expenses and are asking employees to do more. He said that he would not be voting for this unless the recommendations of the Personnel Committee were in place and said that we should start doing employee evaluations and have to hold our employees accountable and said we have policies for a reason and they need to be enforced and implemented and he hopes this serves as a wake up call that raises of this nature will not be occurring in the future.

Councilman Giannell said that Councilman DuPont does make some good points but one of the reasons he is asking for a little bit of time on this is because he wants to know what other Council Members think about putting some of these positions out to bid. He said that if you take a part-time job and someone is making \$47,000 when you include health benefits, payroll taxes and contributions to the pension this job turns out to be an \$80,000 job.

Mayor Menna said that some of these positions are statutory tenured positions and no matter what increase everyone else gets they have to get that increase. He said that in addition to which there are certain other positions on this list that because of State law those individuals have tenured rights and you cannot put out those positions to bid once they get tenured and most of them are tenured.

Councilman Giannell asked if the Registered Public Purchasing Specialist is a statutory position.

Mayor Menna said you have to have a Purchasing Specialist and it is a statutory position.

Councilman Giannell said that we already have a Purchasing Agent and asked why we need a Purchasing Specialist.

Councilman DuPont said that Mr. Mason is getting certified as a Purchasing Specialist and has been going to school the last couple of months and we will not have to pay anyone from outside because the prior administration was paying someone \$15,000 for a part-time job and this is a \$10,000 savings.

Mayor Menna said we were sharing an employee from Tinton Falls and she was getting \$15,000 from us.

Councilman Giannell asked if the Chief Financial Officer is going to be taking this job over when will he have time for the additional work.

Councilman DuPont said that we are asking our employees to work harder and put in extra hours because we are not hiring additional employees and he will not be getting overtime. He also said that this ordinance was introduced two weeks ago and Mr. Mason and all of the Department Heads were available to answer any questions.

Councilman Giannell said he would like to put this off until the next meeting and said he has to agree with Councilwoman Cangemi that a lot of people are suffering financially and this is not a good year to give employees raises. He asked if the COAH Representative, Community Development Representative and the Neighborhood Preservation Representative are required by law.

Mayor Menna said that all of the positions are required by law.

Councilman DuPont said that Senator Beck is having a seminar about the new COAH regulations and our COAH Representative will be there for this hearing on October 30, 2008.

Mayor Menna said there is already a motion and a second and asked for a roll call vote.

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: Cangemi, Giannell

There being four ayes and two nays, the ordinance was declared adopted on final reading.

RESOLUTIONS

08-191 Mayor Menna read "A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-192 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PREPARE BID SPECIFICATIONS AND TO ADVERTISE FOR RECEIPT OF BIDS FOR SPRING STREET PHASE TWO AND THE LOCUST AVENUE SEWER EXTENSION PROJECTS."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-193 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTIONFOR THE 2007/2008 ROAD PROGRAM."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-194 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A WATER QUALITY TREATMENT WORKS APPROVAL TO BE SUBMITTED TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN RELATION TO THE LOCUST AVENUE SEWER EXTENSION PROJECT."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-195 Mayor Menna read “A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE REPLACEMENT OF THE TOWER HILL BOOSTER PUMP AND DEHUMIDIFIER AND FOR THE BODMAN PLACE COMMUNITOR.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-196 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER’S AGREEMENT WITH METROVATION ANDERSON, L.L.C.”

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

08-197 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSEPTION ESCROW REGARDING FOOD PROPERTIES, INC., 56 NEWMAN SPRINGS ROAD, BLOCK 97.01, LOT 44.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-198 Mayor Menna read “A RESOLUTION AUTHORIZING CAPITAL BUDGET AMENDMENT NO. 1.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming October 2008 as Breast Cancer Awareness Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

08-199 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,285,734.16.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Mayor Menna said that we have finally come up with a solution for the intersection of Bridge Avenue and Chestnut Street where we will be implementing four-way stop signs and assuming that they will be a success he said that we will probably move to another four-way stop intersection on Bridge Avenue by River Street Commons to slow the traffic down even more on Bridge Avenue. He said that we will start looking at a number of other intersections in town to try and increase traffic calming in town and said we want people to visit Red Bank but we want them to go slow. He said another problem is Front Street and this is a County road but a study has shown that if you go through Fair Haven on River Road the speed limit is 30 miles per hour until you get to Hance Road and then it changes to 35 miles per hour and people start speeding and it remains at this speed until you get to Spring Street in Red Bank and then it becomes 25 miles per hour. He said the difficulty is that we have a lot of school age children on River Road where the speed limit is 35 miles per hour and they have difficulty crossing the street and thinks we should send a letter to the County requesting that the speed limit be 25 miles an hour from our downtown area to the Fair Haven border and we should make an effort to slow people down and give the kids a chance to cross the street. He said that we have yield to pedestrian signs all the way up to Spring Street and from that intersection to the Fair Haven border there are no yield to pedestrian signs or painted crosswalks. He said that a lot of people say that it is a County road and we cannot do that but Fair Haven has them on River Road and thinks we should look into this and make it a uniformed 25 miles per hour throughout the town and said he would talk to the Mayor of Fair Haven to see if he would like to make the speed limit 25 miles per hour in Fair Haven. He said another problem is Pinckney Road and said the residents on that street would like the speed limit to be 25 miles per hour because of the presence of so many little children.

Councilman DuPont said that there was legislation passed last year making available money for the yield to pedestrian signs. He said that we should really look into slowing traffic down on the major access roads because residents are really concerned about this.

AUDIENCE

David Prown – 44 Hillside Place – asked if the pump station that was mentioned tonight serves any other towns.

Mr. Kosenski said that it just serves Red Bank.

Mr. Prown said that at the Red Bank Community Day this past Saturday Doug Lang was one of the four recipients from the Count the Children Movement and he wanted to congratulate him and said he is a great guy. He asked if anyone knew when Meet the Candidates Night and the Council on Affordable Housing meetings would be held.

Councilwoman Cangemi said Meet the Candidates Night would be held on October 15, 2008.

Mayor Menna said Senator Beck would be holding the COAH Meeting on October 30, 2008 in this building.

Councilwoman Cangemi said that the COAH regulations have changed and this meeting will be an overview of all of the changes and said they would be discussing the impact on municipalities.

Mr. Prown asked when the Committee Meeting will be held Chaired by Pastor Porter.

Mr. Kosenski said there is a meeting being held tomorrow Chaired by Pastor Porter regarding Cedar Crossing.

Mayor Menna said that it is being held at the Housing Authority.

Mr. Prown said he would like to thank the Council for approving the Request for Proposals for the Community Center and thanked Councilman DuPont for inviting Bob Evans to be on the Committee because the Committee is composed of citizens and we need some expertise from a professional. He also asked if the parade would be held this Friday night with Red Bank Catholic and Red Bank Regional High Schools.

Mayor Menna said that it is still being held at 6:00 p.m.

Mr. Prown asked if there is any news on the Emergency Notification Plan.

Councilwoman Lee said that she and Councilwoman Horgan are working on it.

Mayor Menna said that Councilwoman Horgan has been sending him a lot of information on the progress and said we have used a lot of free talent from our own residents that are familiar with the technology.

Councilman Murphy said that a few years ago we got together with a number of surrounding municipalities for a tower at the top of Tower Hill for AM emergency radio and they backed out at the last minute. He said that Mr. Mason said that there might be funding available in the amount of approximately \$45,000 to implement this but the last time we talked about this there was discussions about AM radio being phased out. He said they also discussed a number of other alternatives.

Mr. Prown said that whatever technology we implement it will not cover everyone and all of the surrounding municipalities use AM radio for emergencies.

Councilman Murphy said that the Council will get together and discuss this again.

Councilwoman Lee said that they discussed using cell phones but during storms cell phone towers go down and it would be hard to keep up with all of the cell phone numbers.

Mr. Prown said that a number of towns and the schools use the phone system with success and that we have to do something.

Councilman DuPont said that he and Mr. Mason spoke about putting the antenna up for emergency use and we could also lease out the antenna for other uses and potentially generate some revenue.

Steve Fitzpatrick – 92 Hudson Avenue – said he listened to the presentation about the turf field at Count Basie Park and asked if we owned the entire field.

Mayor Menna said that the Board of Education owns most of it and under an agreement with the Borough and the Board of Education there is an agreement to make sure it stays opened for open space and we lease it for a dollar a year.

Mr. Sickels said we have a long-term lease with the Board of Education and we sublease part of it to Red Bank Catholic any improvements or grants we receive we modify the lease agreement to cover the life of the improvement.

Mr. Fitzpatrick asked if we received an annual fee from Red Bank Catholic.

Mr. Sickels said that we do increase the amount with any improvements.

Mr. Fitzpatrick asked if the applications that were filed with Green Acres and the State for the turf field were filed by the Borough of Red Bank.

Mr. Sickels said that the Borough filed the applications.

Mr. Fitzpatrick said that Red Bank Pop Warner uses the field a lot and asked if Little Silver and Shrewsbury participated with Red Bank Pop Warner.

Mr. Sickels said that these towns are part of Red Bank Pop Warner.

Mr. Fitzpatrick asked if Red Bank would be expanding there use if we improve the field.

Mayor Menna said that if the State monies come through and if Red Bank Catholic does not substantially make up the difference we are not in any financial position to pay for this type of improvement to the field.

Mr. Sickels said that if we make this improvement the field could be used all year because we only use it for Fall sports at this time and said this application is only for the football field and not the baseball fields.

Mr. Fitzpatrick asked if this money could be used for repairs.

Councilwoman Cangemi said this money could only be used for improvements that we applied for.

Mr. Fitzpatrick asked if Pop Warner contributes any money for the improvements.

Mr. Sickels said that they do not and the maintenance on that field is \$46,000 to \$50,000 per year and thinks the cost would be cut in half if we had a turf field.

Mr. Fitzpatrick asked if there is a savings could it be used for repairs of the other fields.

Councilwoman Cangemi said that we discussed this and if we had the turf field it would impact the entire area because we would be able to rest some of the fields and use the turf field.

Mr. Fitzpatrick asked Mr. Hall how we stand with the Children's Cultural Center.

Mr. Hall said that we are still negotiating a settlement and he cannot comment on it.

Mr. Fitzpatrick asked when negotiations would be finished.

Mr. Hall said he cannot comment on this at this time.

Mr. Fitzpatrick asked how many parties are involved in this settlement.

Mr. Hall said that he is only negotiating with the YMCA.

Mr. Fitzpatrick asked who is representing the YMCA.

Mr. Hall said James Payone from Freehold.

Mr. Fitzpatrick said the Children's Cultural Center is still listed as the owner and they were absorbed by the YMCA in 2003 and asked if Mr. Hall is privy with that agreement.

Mr. Hall said that he does not know all the details of their agreement.

Mr. Fitzpatrick asked if Mr. Hall knew anything about a potential sale.

Mr. Hall said that he cannot comment.

Mr. Fitzpatrick asked if Councilman Giannell received a copy of the report that was given to the Council Members in the Spring.

Mr. Hall said that he is not commenting on any of the conversations he had with any Council Members.

Mr. Giannell said something was e-mailed to him and he has not read it and he would like to discuss this at the next meeting.

Mr. Fitzpatrick asked if the Children's Cultural Center still had a vested interest in this property.

Mr. Hall said that he does not know.

William Meyer – 12 Monmouth Street – said that there are a number of developments that are ready to be built by the train station.

Mayor Menna said that there is not any construction going on by the train station and in this real estate market he does not see anything being done.

Mr. Meyer said that if they get built a lot of the approvals do not have the required setbacks, do not have open space and do not have recreation areas for the children living in the complex. He said that in one project it was asked where the children would be playing and the developer said that they would just walk down to Marine Park and the children should have an area to play and not have to walk down Front Street to Marine Park.

Mayor Menna said that when he was growing up he lived in an apartment on Monmouth Street and did not have anywhere to play and he had to walk to the park and he thinks it made him a better person because he would have to deal with people along the way.

Mr. Meyer said that a lot of the developments are by the train station and hopes the children will not be playing on the train tracks and said that the zoning regulations require open space for the children to play.

He said that there is also going to be traffic problems with all of these additional units and we are going to have a big problem along the road.

Les Hathaway – 44 Ambassador Drive – asked about the status of the bulkhead project in Marine Park.

Mr. Kosenski said that we are told by the Department of Environmental Protection that they have concluded the funding request and said they will be scheduling a meeting in October with the Mayor and said they will start construction this winter. He said it is a State project and they are going to put it out to bid.

Ed Zipprich – 229 River Road – said that he believes Red Bank should have a vision about our future and we should have a plan for clean energy based on the commitment by the Mayor signing the Climate Protection Agreement and we should address our environmental concerns so we will not betray our children's future and said he is making these comments based on his involvement with the Master Plan Review Committee. He said that everyone sitting on the Council should make a commitment to look into the future and plan now and we invest in renewal energy sources like solar panels and said the Environmental Commission started with energy efficient fluorescent bulbs. He said the Master Plan should look into the future and go green.

EXECUTIVE SESSION

ADJOURNMENT

Councilman DuPont offered a motion, seconded by Councilwoman Cangemi to adjourn the meeting.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Carol A. Vivona