

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 13, 2008
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Deputy Borough Clerk Borghi, Attorney Pringle, Assistant Attorney Thomas Hall, Engineer Kossenski and Chief Financial Officer Mason.

ABSENT: Councilmen Giannell and DuPont and Borough Clerk Vivona.

Councilman Giannell arrived at 5:45 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.

SUSPEND REGULAR ORDER OF BUSINESS

Mayor Menna noted that there were a number of well deserved promotions on the agenda for officers who have devoted a lifetime of dedication, service and unbridled attention to our residents and visitors. He noted that they have shown unique qualities that have rendered them privileged to be recognized by the Governing Body and residents for promotion.

Police Commissioner Murphy thanked the Mayor and the Police Committee for their support in the promotions. The Commissioner reviewed the career history and achievements of each individual being promoted and what their duties would be under their new title.

08-200 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT LIEUTENANT THOMAS MCDONOUGH TO RANK OF CAPTAIN.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-201 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT LIEUTENANT DARREN MCCONNELL TO RANK OF CAPTAIN.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-202 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT SERGEANT RICHARD MANGOLD TO RANK OF LIEUTENANT.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-203 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT SERGEANT DANIEL BANNON TO RANK OF LIEUTENANT.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-204 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT SERGEANT ELIOT RAMOS TO RANK OF LIEUTENANT.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-205 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT PATROLMAN ERRICO VESCIO TO RANK OF SERGEANT.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-206 Mayor Menna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT PATROLMAN ROBERT SEAN KENNEDY TO RANK OF SERGEANT.”

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

08-207 Mayor Menna read "A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT PATROLMAN ROBERT GANNON TO RANK OF SERGEANT."

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

ROLL CALL:

AYES: Cangemi, Horgan, Lee, Murphy

NAYS: None

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

Each of the officers were sworn in by Deputy Borough Clerk Borghi.

Councilman Giannell arrived at 5:45 p.m.

Mayor Menna noted that the honorees as Police Officers are our best ambassadors and representatives in our community 24-hours a day. They not only protect the residents but are a beacon for all that is good in our community. He noted that the honorees were part of a great tradition of those that went before them.

Police Chief Fitzgerald thanked Mayor Menna, Police Commissioner Murphy, the Police Committee and the entire Council for their continued support over the years. He said the promoted officers were chosen for the records they have had with the Police Department noting that they were very meritorious.

RESUME REGULAR ORDER OF BUSINESS

Councilwoman Cangemi offered a motion to resume the regular order of business, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

WORKSHOP

Councilwoman Cangemi asked if the copy of the bond schedule that the Council had requested would be coming anytime soon.

Chief Financial Officer Mason said that he would email it to all of the Council people within the next week.

APPROVAL OF MINUTES – September 9, 2008

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna appointed James Grampp to the Human Relations Committee as a Regular Member for an unexpired 3-year term expiring 12/31/09.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna appointed Caridad Santiago to the Housing Authority as a Regular Member for an unexpired 5-year term expiring 12/31/08.

Mayor Menna noted that the appointment to the Housing Authority is a statutory appointment and anyone appointed must complete 30-40 hours training and that Ms. Santiago has already completed the training.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Horgan reported that the Human Relations Advisory Committee had attended the Streetfair on September 7th and conducted a resident survey with a questionnaire that contained questions about living in the Borough. She said participants were asked to rate issues such as sense of community, openness/acceptance and bridging cultural differences from one to five and noted that the average was a four which she felt was a very positive result. She also noted that participants came from a broad spectrum of the population. She said most people like the fact that the borough offered a small town neighborhood feel while offering big town resources such as theaters and restaurants. Suggestions for improvements included reducing parking tickets, offering more riverfront public space and the addition of specific businesses. She noted that most participants had not heard of the Human Relations Advisory Committee and the Committee was planning to reach out and piggy back with other organizations such as the schools to build awareness.

Mayor Menna noted that the media outlets had been very favorable about highlighting the activities of the Committee.

Councilwoman Lee reported that the library website is www.lmxac.org/redbank. She also noted that the library is reviewing a request for a change in hours and any staff increase that would be required. She said that she had also been asked to extend a notice that the meetings of the Library Board are open to the public and are held at 4:30 p.m. on the fourth Thursday of each month. She also reviewed recent and current exhibits and encouraged everyone to visit the newly remodeled library.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from RiverCenter for installation of holiday decorations by the Borough starting November 1, 2008 and to remain up until January 12, 2009, with the tree lights on Broad Street and Bridge Avenue remaining up until March 31, 2009.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter for free parking at all meters within the Downtown Business District and the Westside Business District on Saturday, December 6, 2008 for the first “Red Bank Residents Appreciation Day.”

Councilman Murphy offered a motion to approve the requests, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Lunch Break to hang a banner on Shrewsbury Avenue from November 1, 2008 to November 30, 2008 and Broad Street from December 1, 2008 to December 31, 2008 to advertise their 25th Anniversary.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Vincent M. Sarullo to become a member of Navesink Hook and Ladder Fire Company.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read requests from Community YMCA and St. Anthony’s Church for raffle licenses.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

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

ORDINANCES – First Reading

2008-25 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-6.1, SCHEDULE VII, “THROUGH STREETS” AND SECTION 7-6.2, SCHEDULE VIII, “STOP INTERSECTIONS.”

Mayor Menna noted that this ordinance had been adopted and forwarded to the State Department of Transportation regarding a four-way stop at the intersection of Bridge Avenue and Chestnut Street. He noted that the DOT has suggested that the ordinance was a proper ordinance and suggested some stylistic additions and this ordinance would accommodate that.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for October 27, 2008.

2008-26 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SUBSECTION 2.3, “DEFINITIONS.”

Mayor Menna explained that this ordinance would amend the definition of professionals to make opening a business easier for some small businesses who currently have to file applications with the Planning or Zoning Boards.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for October 27, 2008.

ORDINANCES – Public Hearing & Final Adoption

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.”

Mayor Menna noted that this is part of an existing bond, not a new bond and that this ordinance just authorizes its issuance.

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

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

There being five 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 Murphy.

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

RESOLUTIONS

08-209 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM FOR CERTAIN UPGRADES TO RESIDENTIAL WATER SERVICE.”

Mayor Menna explained that certain property owners are upgrading their water service as part of this contract. He noted that the property owners are reimbursing the Borough for the work. He said the change order is for the increased cost, however, with the reimbursement it will be a wash.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

08-210 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM FOR REPLACEMENT OF A COLLAPSED SECTION OF THE SPRING STREET SEWER PIPE.”

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

08-211 Mayor Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, NEW JERSEY CONFIRMING THE ENDORSEMENT OF THE CEDAR CROSSING PROJECT AS A COMMUNITY DEVELOPMENT PROJECT.”

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

ROLL CALL:

AYES: Horgan, Lee, Murphy

NAYS: Cangemi, Giannell

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

08-212 Mayor Menna read “A RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY.”

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

08-213 Mayor Menna read "A RESOLUTION RELEASING MAINTENANCE GUARANTEES POSTED BY RIVERSIDE HOLDINGS, L.L.C., 41 & 45 RIVERSIDE AVENUE, BLOCK 6, LOT 7.02."

Councilman Murphy offered a motion to table the resolution, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

08-214 Mayor Menna read "A RESOLUTION AUTHORIZING CURFEW FOR OCTOBER 30 AND 31, 2008."

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

08-215 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM FOR REPAVING OF PORTIONS OF WALLACE STREET."

Mayor Menna noted that the payment for this change order is actually coming from Wallace Street Partners, LLC as they requested that Wallace Street be paved. Since the contract is the Borough's, the change order is required however the cost is covered by them.

Councilman Murphy noted that the check for payment was received that afternoon.

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

08-208 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,648,991.90."

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Councilman Giannell questioned why the check register wasn't received in the packet.

Mayor Menna noted that it usually is and suggested there may have been a problem before this meeting. He said they will make sure it is included for subsequent meetings.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

David Prown – 44 Hillside Place – said he thought that the outreach prior to the recent fire expo with signage and bilingual signage was unprecedented and sent the right message.

Mayor Menna noted that Fire Chief Noel Blackwood was in the audience.

Councilman Murphy agreed that the Department did a great job and had a tremendous turnout.

Administrator Sickels noted the Deputy Fire Marshal Tom Welsh did a lot of work with the Fire Chief on the event and signage.

Mr. Prown reminded everyone that *Meet the Candidates Night* is Wednesday at 7 pm at River Street Commons. He noted it is a terrific event for our town and a good opportunity to get to know the candidates. He also said he enjoyed the promotions and said that we have a very special Police Department. He noted that he had read in the online newsletter that the Community Day would become an annual event. He said he thought this was terrific but suggested that someone reach out to Linda Clark who already has a Community Day to make it into one event.

Mayor Menna agreed that combining the two would reinforce the idea of one town and noted that during the Community Day last May there were several comments that the event should continue.

Mr. Prown also asked about the Mayor's Message that had been mentioned online.

Mayor Menna said he would be doing a weekly message for the website. He noted that the traditional newsletter will still go out. He said he will be doing politically neutral web updates about things going on and that it will be updated weekly or more often should an emergency arise. He hopes that we will eventually be able to offer electronic updates to cell phones but we aren't there yet.

Mr. Prown asked for clarification that the Borough would be going back to the paper newsletter including the one that was recently posted.

Mayor Menna noted that that newsletter had already gone out in the mail. He added that at some point we would like to offer people the option of receiving newsletters electronically but we don't have the mechanism for that yet.

Mr. Prown asked about advertising in the newsletter.

Mayor Menna noted that he had suggested that when he first became Mayor two years ago.

Mr. Prown noted that on the home page of Fair Haven's website there are three mechanisms for clicking on emergencies.

Administrator Sickels noted that Councilwoman Horgan, himself and others had met with Fair Haven and Middletown officials regarding their sites and services and are working with Councilwoman Horgan to come up with a proposal to address some of the concerns mentioned.

William Meyer – 12 Monmouth Street – said he was interested and would like to get some information on the sale of 51 Monmouth Street. He understands that there is some negotiation between the Borough Attorney and others regarding the transaction. He said he doesn't have any background on the transaction, but he finds the sale of a Borough building for \$1 to be curious. He said he went onto the Monmouth County website to pull up the deed and he could only find five pages. He said there was a reference to Schedule B, but it was not recorded. He said he did not find anything that explained the lawfulness of a \$1 transaction. He said it was his opinion that Schedule B might contain information on the Borough's rights to the property. He noted that it is a very historic building and outlined some of its uses. He said he had done further research and pulled State records regarding the corporation that got the title. He said that despite the fact that three or four lawyers were involved, it was quite an oversight that Schedule B was not filed. He noted that the Children's Cultural Center of Red Bank, which was the corporation that got the title, had listed former Mayor Ed McKenna as its Vice President. He said he would like to see a full public hearing in regards to this building and legalities of the sale. He said he would hate to see it used for an inappropriate purpose.

Mayor Menna agreed that the building was historic and an anchor in the community. He said that the Council is sensitive to that. He also noted that any action taken would have to be in a public format. Mayor Menna said the building has always served a public purpose and it should remain a public purpose.

Mr. Meyer said he does not want to see anyone profit from this building and offered his time to audit it. He also asked if he could get information on it right now.

Mayor Menna said he could not give much detail right now and noted that the Borough Attorney would be briefing the Council on it during an Executive Session under Attorney Client Privilege. He added that there will be time for formal action in the future.

Councilman Giannell agreed that there should be a full public hearing.

Mr. Meyer said he would like to see more documentation on the subject and would like to see the Borough get the building back.

Noel Blackwood – Red Bank Fire Chief – thanked the Council Members for coming out and supporting the Fire Expo.

Mayor Menna noted that the Department did a great job.

EXECUTIVE SESSION

08-215 The Attorney read a resolution to adjourn to executive session to discuss attorney client privilege.

Councilman Murphy offered a motion, seconded by Councilwoman Lee to adjourn to executive session to attorney client privilege. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Councilman Murphy offered a motion, seconded by Councilwoman Lee to adjourn from executive session.

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Cangemi, Giannell, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi