

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
OCTOBER 27, 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, Engineer Kosenki and Chief Financial Officer Mason.

ABSENT: Councilman Murphy.

**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**

Councilman Giannell offered a motion to suspend the regular order of business, seconded by Councilman DuPont.

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

**Presentation of Monmouth Boat Club Donation**

Mayor Menna said the Monmouth Boat Club is a historic building and a wonderful building run by a private organization that maintains it and restores it and has wonderful programs for children as well as adults. He said the membership is kind enough, because they are a part of our town and legally they do not have to pay any taxes, to contribute voluntarily to our tax base. He thanked them and said that they have been doing this for as long as he has been on Council.

Mr. Todd Edwards, Commodore of the Monmouth Boat Club, presented a check to the Borough of Red Bank for \$5,000 for the services that they provide to their facility and said that they know that they are not obligated to do this but feel it is their duty.

**Presentation of Dividend Check by Central Jersey Health Insurance Fund**

Mayor Menna said that there is a member here from the Central Jersey Health Insurance Fund and said that everyone knows that health insurance costs are very high for everyone including our municipality. He said that we are part of the Central Jersey Health Insurance Fund and we pool our resources with other municipalities and we have had this relationship for a long time. He said that because we do so well our actual rating keeps on getting better every year so they express their appreciation by giving us a refund from premiums and said that this year we are getting a refund of \$162,975. He said that our refund in 2006 was \$79,601 and in 2007 it was \$108,455 and said that our rating is good and that we manage our employees and our loss record is excellent. He said that the refund this year represents 6% of our premium and he wanted to thank the Central Jersey Health Insurance Fund and the Joint Insurance Fund.

Mr. Mike Jose, representing the Central Jersey Health Insurance Fund (CJHIF) said the Fund was started in the early 1990's and it was the original idea of shared services and said that Red Bank was one of the original municipalities involved in the CJHIF and has always held a seat on the Executive Board. He presented the check for \$162,975 to Mayor Menna.

Mayor Menna thanked Mr. Jose and also the Board of Directors of the CJHIF.

## **Red Bank Middle School Video Presentation**

Mayor Menna said that we have the most incredibly wonderful talented kids in our public school system and he is pleased that they welcome him in their classrooms and they are the future of our town and the best and the brightest. He said that he is grateful to the Board of Education and the instructors that are here this evening and they want to make a presentation so the rest of the community knows how really exquisite these kids are. He said he should not call them kids because they are really young adults. He introduced John Hurd and asked him to continue with the presentation.

Mr. Hurd introduced the following students; Garrett Sickels, who said that he is here to introduce a short video made by the students of Red Bank Middle School; Khalid Brewington, who said that they are here to show their video entitled "This Year" by students from grades 6<sup>th</sup> to 8<sup>th</sup> and said their advisors were Mr. Pollito and Mr. Hurd; Michelle Reyes, who said that the students participated in all aspects of producing the finished product; Dante Delaney, who said the song was rapped and sung by the students you see here plus others and this process gave us an authentic real world experience in the basics of video production; Anisa Abella, who said that they are here to ask us for our help because they are trying to win a prize for technology worth \$25,000 for our school and we are asking that you to e-mail all your friends to get the vote out; Vince Sapienze, who said that the video you are about to watch is 2 1/2 minutes long and is over 1,000 video takes and over 500 audio takes using digital technology and he said we gave it our best effort so we hope you enjoy it; Muhammed Ors, who said that they spent their enrichment periods and free time making the video the best it could be and said that last year their video entitled "Use Your Tech" was a finalist among 220 international entries and 66 in their category; and Evelyn Lumis, who said that this year the entry pool is even larger and we are hoping to be included in the finalist phase and said so far things have gone well and we have a 3 star rating out of 5 but we need your help and said that on the paper we have distributed is a web address where you can show your support for the children of Red Bank Middle School and said that she hopes everyone enjoys the video.

Mayor Menna said that he just wanted to thank the students that participated in creating this video because they are the best ambassadors we have ever had and said the students did a great job.

Mr. Hurd said that he would like to introduce Chris Sipolito and said that he is a second year teacher at Red Bank Middle School and if there is one genius behind the project it is him because he is talented in music and video and he is gifted in so many areas and we are so lucky to have him at the school and he wanted to introduce him to the community. He said the kids are really what it is all about and when it was all said and done we tried to make them do everything and as things go on kids need much more than Power Point these days and they hope to give them a real education that they can use because they will need a firm grounding in digital technology and said that this process was fruitful for all of them. He thanked everyone for allowing them to give this presentation.

Mayor Menna thanked the parents, teacher, instructors and the Board of Education for turning it all around and said that we are so proud of all of them.

Councilwoman Cangemi reminded everyone to vote for the video.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

## **WORKSHOP**

Councilman DuPont said that what we saw today with the refund of the premium of 6 percent from our Health Insurance Fund was the work of competitive bidding and said we went out to bid and there were no other ones in the market that could really compete with the Central Health Insurance Fund.

Councilman DuPont said that he would really like the Borough to assign someone to start attending meetings being held at Marlboro Township regarding shared services. He said that there is a meeting being held tonight and it appears that over a number of weeks there were 40 participants regarding this and it is very important that Red Bank participates in this. He said we really have to have someone attending these meetings with the whole County because in the next couple of months the economy is

looking like it is going to struggle and said he thinks Red Bank needs to be prepared to participate in finding ways to cut it budget and expenses but also to work with other municipalities in the County.

Councilwoman Cangemi said that she could not agree with him more and said she has been meeting with people from Fair Haven because they actually have a Shared Services Committee of Council and it might be something we could consider going forward just because it has become such a successful way to go for a lot of towns and also thinks someone should be attending the meetings in Marlboro.

Councilman DuPont said that he has sat down with a number of surrounding towns regarding shared services including Public Works and Police and any other shared services possible and are waiting for some feedback from the other towns.

#### **APPROVAL OF MINUTES – December 19, 2007**

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

#### **ROLL CALL:**

AYES: Cangemi, DuPont, Lee

NAYS: None

ABSTAIN: Giannell, Horgan

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

#### **MAYORAL APPOINTMENTS**

Mayor Menna appointed Audra Greene to the Community Center Task Force.

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

#### **ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

#### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Mayor Menna said that we had a busy weekend and said that Lunch Break celebrated their 25<sup>th</sup> Anniversary on Friday evening and welcomed a new director and they are committed to their presence in Red Bank because it is really needed here. He said that last week was just a wonderful week for the Red Bank Volunteer Fire Department and First Aid Squad because on Tuesday there was a ceremony honoring members that have served from 25 to 62 years as members and on Saturday evening Independent Engine Company had a separate dinner for their members who had achieved notoriety for many years of service. He said it is important for the younger members to hear about the many heroes in the department and how they achieved their accolades. He said that it is important to remind them now instead of in the future.

Mayor Menna said that if anyone has not gone to the reopening of the Count Basie Theatre please go and said it is first class and the work that has been done and the rededication Saturday evening just shows what incredibly talented people we have in this state. He said the craftsmen in the project did an excellent job and these are our neighbors and said this is a state of the art performing art center that has been restored to its original grandeur. He said that Wednesday evening there is another opening for all of our residents and everyone should go there and we should all be thankful that they are here.

Mayor Menna also said the Halloween Parade was a great success and thanked everyone for attending and everyone had a wonderful time especially the kids.

## COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Company of Dance Arts and the Meridian Health Foundation for raffle licenses.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from Count Basie Theatre to block off Pearl Street from the intersection of Monmouth Street to the Phoenix parking lot entrance on Saturday, November 8, 2008 for valet parking from 7:00 p.m. to 8:00 p.m., pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from the Westside Community Group to hold the annual winter holiday and tree lighting at the corner park located at Shrewsbury Avenue and Drs. James Parker Boulevard on Saturday, December 6, 2008 from 4:00 to 5:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from St. Nicholas Russian Orthodox Church to hold a procession around the church on November 16, 2008 at 12:30 p.m., pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from David Cassidy for membership to Navesink Hook & Ladder of the Red Bank Volunteer Fire Department/First Aid Squad.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

There being five 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 opened the public comment portion of the meeting and asked if anyone would like to speak, no one appearing he closed the public comment portion of the meeting.

Councilman DuPont offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Cangemi.

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

**ORDINANCES – First Reading**

**ORDINANCES – Public Hearing & Final Adoption**

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 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 DuPont.

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

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

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

**RESOLUTIONS**

08-217 Mayor Menna read “A RESOLUTION RELEASING MAINTENANCE GUARANTEES POSTED BY PITTELLA & CARPENTER, 55 NORTH BRIDGE AVENUE, BLOCK 4.01, LOT 5.”

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-218 Mayor Menna read “A RESOLUTION HONORING DOUG HAVILAND ON HIS 25<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-219 Mayor Menna read “A RESOLUTION HONORING BENJAMIN RIEGELMAN ON HIS 25<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-220 Mayor Menna read “A RESOLUTION HONORING WILLIAM SETARO ON HIS 25<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-221 Mayor Menna read “A RESOLUTION HONORING V. ARTHUR ZIEMANIS ON HIS 25<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-222 Mayor Menna read “A RESOLUTION HONORING LESTER CARBONE ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-223 Mayor Menna read “A RESOLUTION HONORING JOHN “JACK” ENGLAND ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-224 Mayor Menna read “A RESOLUTION HONORING RAYMOND ENGLAND ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-225 Mayor Menna read “A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE.”

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

08-226      Mayor Menna read “A RESOLUTION AUTHORIZING APPLICATION TO THE COUNTY OF MONMOUTH FOR A MUNICIPAL OPEN SPACE GRANT FOR COUNT BASIE PARK.”

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

**ROLL CALL:**

AYES:      Cangemi, Giannell, DuPont, Horgan, Lee

NAYS:      None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

08-227      Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,258,373.66.”

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

**ROLL CALL:**

AYES:      Cangemi, Giannell, DuPont, Horgan, Lee

NAYS:      None

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

**OLD BUSINESS**

**NEW BUSINESS**

Councilman DuPont said that he had brought this up last year put brought it up too late and would like to have a Holiday House Decorating Contest. He said that he knows a number of families in the neighborhood are interested in having this kind of contest. He said that he has a copy of the Old Bridge House Decorating Contest and does not know if we have a Cultural Arts Committee and if we do not he suggested that the Mayor be the judge.

Mayor Menna said that we will look into this and see what we can come up with in the next few days.

Mr. Sickels left at 8:15 P.M.

**AUDIENCE**

David Prown – 44 Hillside Place – said he believes that in 2 days the Requests for Proposals will be received by the municipal government for the community center and asked what the process is on that day and going forward.

Councilman DuPont said the bids were received today and there were 2 bids and he has not seen them yet. He said one was from the YMCA and one from the Boys and Girls Club. He said he would like to go over the bids with the committee to see what was proposed.

Mr. Prown said he thought it would be going to the Mayor and Council for their review and decision.

Councilman DuPont said he would like to set up a meeting with the committee to look at the RFPs and give their own suggestions and comments to the Mayor and Council to review and said he is also meeting about another potential that he is going to discuss with the Mayor and the Borough Administrator.

Bill Meyer – 12 Monmouth Street – said he would like to discuss 51 Monmouth Street regarding the \$1.00 sale and was looking at the deed and there was a Schedule B and the reason he was looking at a Schedule B was because he wanted to find something in the deed that would make it, in his opinion, lawful or applicable to the statute or law. He said that as he understands it you can't give away Borough property and said a \$1.00 deed is nominal. He said that is what brought to his attention that Schedule B was attached to the 5 page deed that he already had and what he noted was that Schedule B is what we most commonly call a survey and someone had written Schedule B on it. He said the point being that

there is nothing in the deed in his opinion that makes it lawful or at least shows that it complies with the applicable statute. He said that he filed an OPRA request and said he got to look at 3 ordinances and 2 of the ordinances were referenced in the deed conveying title to 51 Monmouth Street but curiously the ordinance that he thinks was most applicable was the first of the 3 ordinances. He said Ordinance 1992-29 was not referenced in the deed in fact what was referenced were 2 others that came after that and that was 1999-38 and 1999-42 and said all 3 of those ordinances were signed by our former Mayor. He said that Ordinance 1992-29 makes reference to the applicable statute in compliance with the law and said the statute number is N.J.S.A. 40A:12-21 and said the ordinance is well written and complies with State Law and gives the restrictive uses and purposes and provides for annual reports and provides for a reverter clause and it basically says that if the use ceases it is our building and we get it back. He said that in looking at the other aspects in particular what he believes is the attempt to sell this building for commercial purposes for \$2.5 million dollars and from looking at all of what he has looked at it is his opinion that the building is the Borough's and should have already reverted back to us by operation of law. He said he would like to see the Borough move forward and get the building back and in his opinion it belongs to us and said if there is some reason he is missing here he would appreciate it being brought to his attention and thinks the Borough should make every effort to get the building back.

Steve Fitzpatrick – 92 Hudson Avenue – asked Councilman Giannell about the last time that they spoke about the subject of 51 Monmouth Street Mr. Giannell had just received the report that was prepared by the Borough Attorney and asked him if he had a chance to look at it.

Councilman Giannell said that he has.

Mr. Fitzpatrick asked him when he reviewed the report if there was any discussion about the merger between the Children's Cultural Center and the Community YMCA that took place back in April of 2002.

Mayor Menna said that he would not know anything about any discussions because he was not on the Council.

Mr. Fitzgerald said that is not what he was asking he was asking him if there was anything written in the report distributed by the Borough Attorney about the merger.

Mr. Hall said that he just wants to caution Councilman Giannell that the report is privileged and confidential attorney/client material and he is asking you what is contained in the privileged report.

Councilman Giannell said that it is privileged information and would be discussed in Executive Session.

Mr. Fitzpatrick asked if that would be discussed tonight in Executive Session.

Mr. Hall said that it would not.

Mr. Fitzpatrick said that on the advice of the Counsel he believes that no one can speak on the matter because this is an attorney/client privilege.

Councilwoman Cangemi said that she would love to speak on the matter but we cannot.

Councilman Giannell said there are some things that they could probably talk about but they would have to review this with the attorney.

Mr. Fitzpatrick said that it is really hard at this point to get a gauge as to whether the Mayor and Council are protecting the interest of the Borough taxpayers, like Mr. Meyer eluded to, because we know for a fact that this building was sold for \$1.00 and within the confines of the proper law and any ordinances that Mr. Meyer spoke about that are referenced in the deed would certainly be inoperative because State Law says you could only sell this building for a \$1.00 with the reverter clause and the restricted use of the building. He said that now we know this is not true because the building is assessed at \$1.8 million dollars and it is still listed in the ownership of the Children's Cultural Center, Incorporated. He said that is why he is asking if the Council understood the merger of those 2 entities and said now the building is listed by the Community YMCA for a commercial purpose for approximately \$2.5 million dollars but they are not listed as the property owner. He asked if anyone on the current Council is a member of the YMCA.

Councilman DuPont said that he is a member.

Mr. Fitzpatrick asked when the building was sold for a \$1.00 the corporate officers were listed on their certificate of incorporation and the Vice-President of the Children's Cultural Center was the former Mayor Edward McKenna. He asked Mr. DuPont if he is a partner in the law firm shared with Mr. McKenna

Councilman DuPont said that he is.

Mr. Fitzpatrick also said that Mr. McKenna was the Chairperson of his election campaign when he ran for office.

Councilman DuPont said he was not sure what his exact title was and said he thinks he is the Chairperson of the municipal committee.

Mr. Fitzpatrick asked Councilwoman Horgan if Mr. McKenna was the Chairperson of her campaign.

Councilwoman Horgan said that he was not the Chairperson of her campaign.

Councilwoman Cangemi said that she thinks that Mr. Fitzpatrick is getting his titles mixed up because former Mayor McKenna is the Municipal Chairperson for the Red Bank Democratic Committee.

Mr. Fitzpatrick said that there are documents that must be opened before a campaign can start and he said a depository account must be opened up, the ability to raise money and there is an oath that is taken and there is a Chairperson for that. He asked Councilwoman Horgan again if Mr. McKenna was the Chairperson of her campaign.

Councilwoman Horgan said to her understanding he was not.

Mr. Fitzpatrick then asked Councilwoman Lee and Mayor Menna if he was the Chairperson of their campaigns.

Mayor Menna said he did sign all the reports municipal Chairperson.

Mr. Fitzpatrick asked Councilwomen Horgan and Lee if they received a \$1,200 in-kind contribution from the law firm of McKenna, DuPont and Higgins for campaign advertising.

Councilwoman Horgan said that they may have.

Mr. Fitzpatrick said that as of September 24, 2008 as listed by the New Jersey State Business Gateway Service the Children's Cultural Center which merged back in 2002 said the officers of the corporation are Lawrence Roberts as President and Edward J. McKenna, Jr. as the Vice Chairperson located at 229 Broad Street and asked Councilman DuPont if that is the address of his law firm.

Councilman DuPont said that is correct.

Councilman Giannell said that he is looking into certain things and hopefully we can discuss it at a future meeting.

William Meyer – 12 Broad Street – said that he understands that there is an attorney/client privilege with regards to the litigation with Council and said he believes some aspects of that could be waived if the Council was to waive it. He said that he thinks that in regards to some of the legal issues he would appreciate an opportunity to discuss some of these issues with the Borough Attorney to see what his position is on this and see whether it differs from his and said he had some brief discussions with him.

Mayor Menna said that as an attorney why would you want to discuss what your strategy may be with a possible adversary so that they know what your position is going to be and so he would not recommend that we waive anything.

Mr. Meyer asked Mayor Menna if he was calling him an adversary.

Mayor Menna said that he was not calling him an adversary but there may be adversaries out there on this issue.

Mr. Meyer said that he did not convey his question properly and said that he is not asking for your strategy in terms of negotiations and said that he is more interested in the law and what the circumstances are under the law at this point. He said that is what he would like to discuss with Counsel.

Stephen Hecht – 135 Branch Avenue – said that he is not sure what he just sat through because he knows we are not in a Court Room but it sounded like an examination in a Court Room and what he wants to ask is what is the process and he understands from what he has heard that there are some different opinions as to whether or not who owns 51 Monmouth Street and who can sell it. He asked what is the process the Council has to go through at this point to resolve this issue.

Mr. Hall said that right now we are in negotiations on a number of issues with the YMCA and who owns the building and the status of the reverter clause and there is also a construction claim in excess of a half a million dollars by the YMCA for work that was done on the Fire House attached to the building and said all of these are interrelated so right now our discussions among the Council is what are the legal ramifications and what is our negotiating and what is our legal strategy and that he cannot reveal to anyone other than the client because we do not want to give away our position. He said that when and if we can arrive at a settlement with the YMCA that settlement would be presented to the Mayor and Council and would discuss it in Executive Session to discuss the chances of success and then that settlement document would become a public record and voted on by the Mayor and Council.

Mr. Hecht thanked him for the explanation.

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: None

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

Respectfully submitted,

Carol A. Vivona