

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
OCTOBER 8, 2007  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Mason, Assistant Attorney Hall and Engineer Kosenksi.

ABSENT: Councilman Bifani.

**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, 2007.

**SUSPEND REGULAR ORDER OF BUSINESS**

Mr. DuPont offered a motion to suspend the regular order of business, seconded by Mr. Curley.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-215      Mayor Menna read “A RESOLUTION HONORING RICHARD J. KAPPS OF RED BANK ELKS LODGE NO. 233 ON HIS APPOINTMENT AS DISTRICT DEPUTY (GRAND EXALTED RULER) FOR THE NEW JERSEY SOUTH CENTRAL DISTRICT.”

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

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read and presented the resolution to Mr. Kapps.

Mr. Kapps thanked the Mayor and Council for honoring him on his appointment and said the Red Bank Elks Club was established over 125 years ago and has been located on West Front Street for 45 years. He said the Lodge is currently collecting phone cards to send to the soldiers in Iraq and so far raised over \$5,000 to purchase the cards. He also said that the Lodge has been sponsoring dances for handicapped children with help from the Red Bank Parks and Recreation Department.

**Community Center Proposal**

Councilman Curley introduced the members of the Ad-Hoc Committee that has spent many hours to come up with a few different proposals for a Community Center to be located at the site currently known as the Count Basie Learning Center on the corner of Drs. James Parker Boulevard and Bridge Avenue. He said David Prown has spent countless hours putting the proposals together.

Councilwoman Cangemi said that as a member of the Parks and Recreation Committee we realize the

children of Red Bank are faced with extraordinary problems. She said all of the children come from different backgrounds and need a place to meet and exchange ideas.

Councilman Curley said that as Chairperson of the Parks and Recreation Department he believes that we have come up with some very good ideas for implementing a facility at the Count Basie Learning Center as a Community Center. He said that he and Councilwoman Cangemi, as residents and taxpayers, tried to come up with a plan without spending a lot of money. He said the Ad-Hoc Committee prepared a report with limited spending and they distributed a report to each Council Member. He said that some of the members of this Committee would be explaining different ideas on how to fund a Community Center.

Dr. Diana Salvador – 138 Bodman Place – said that she is a Psychologist that has been involved in this community for 7 years and said she has been involved in a number of organizations that conducted surveys in this town. She said that she wanted to highlight a number of key items from some of the surveys. She said ¼ of our residents are 200% below the poverty level and 80% of our students receive free or reduced priced lunches and the children and their parents said that they do not feel a sense of community. She also said that the Red Bank schools have the second highest drop out rate in Monmouth County. She said that because of the lack of supervised activities the children walk the streets and get involved with drugs and gang activity. She said that when she worked in South Brunswick and they had a Community Center one of the most single important factors of the center was the impact of the children being exposed to a positive role model and they created a lot of affordable youth development programs. She said that she grew up in North Jersey and her parents came from poor families but because of the youth programs that were available to her it helped her make better decisions and shaped her into what she is today and that is why she is an advocate of how valuable a Community Center is to help with the development of the children in Red Bank.

David Prown – 44 Hillside Place – said that we want to make sure every child in Red Bank has the opportunity to receive help in any way possible and continues to be educated. He said that we have good schools but some kids just do not have the drive to participate because of a lack of activities after school that could support the children and provide positive role models to help the children. He said that we have this wonderful facility that children have been using for after school programs for over 13 years. He said Rev. Foster developed this facility and brought the entire building up to code and left us with a building that is ready to be used immediately. He said the Council has tried to sell this facility and did not receive any bids and said we have a working facility that has a history as a learning facility and would be a wonderful facility for our Parks and Recreation Department. He said we should use the facility on a trial basis and partner with other non-profit organizations to help serve the children of Red Bank. He said he knows the major concern is the cost of running the facility but this could be addressed with grants and staffing from other organizations. He said the Committee has come up with 3 different scenarios. He said the first scenario would be to have the Borough partner with an outside organization and this organization would develop programs and provide some staffing but the Borough would be responsible for opening and closing the building, all maintenance and would have to pay for an additional staff person. He said that he estimates these costs to be approximately \$120,000. He said the second scenario would be to have the Borough lease the building to an outside organization for \$47,000 per year and the Borough would not have any responsibility for taking care of the building or staffing. He said the third scenario would be to have our Parks and Recreation Department take responsibility for all aspects of programming, staffing and maintenance of the building. He said he does not think this would be a good idea because we would have to hire additional employees and it would be very costly to the Borough. He said that he feels the second scenario would be the best situation for all parties involved. He said the Borough could enter into a partnership with the Boys and Girls Club, which is a national organization, and has the connections to receive national sponsorships and is very familiar with applying and receiving grants from various organizations. He said the Boys and Girls Club tries to help all young people to reach their fullest potential and their programs help to build character and leadership abilities. Mr. Prown introduced Robert Taylor from the Boys and Girls Club of Asbury Park.

Mr. Taylor said that he is the Director of the Boys and Girls Club in Asbury Park and has been involved with this organization for over 21 years. He said that he has already collaborated with our Parks and Recreation Department by providing a fishing trip to 74 children at no cost to the Borough. He said cost to join the Boys and Girls Club is \$10.00 a year and that no child is ever turned away and when they join they receive a membership card that is provided to enter the facility and is bar coded for safety reasons. Mr. Taylor distributed a packet of information to the Mayor and Council Members about the organization. He said it also works with the Boys and Girls Club in Middletown, the YMCA and the Salvation Army.

Councilwoman Lee asked if the proposed facility in Red Bank would be limited to Red Bank residents.

Mr. Taylor said it would be opened to any children in the area and said the only requirement is that they have to be 6 years old.

Councilman DuPont asked if we would be going out to bid for this project.

Mayor Menna said that we would have to review all of the information given to us tonight before any decisions are made.

Mr. Taylor said that his Board of Directors thinks this is a very good idea and that there is a need for this kind of facility in Red Bank.

Councilman Murphy asked if the facility would be opened 7 days a week.

Mr. Taylor said that they would see what hours would be best for the community. He said the facility in Asbury Park is opened from 4 P.M. to 9 P.M., Monday through Friday and from 12 P.M. to 5 P.M. on Saturday.

The Members of the Governing Body voiced their concern about the absence of Mr. Evans and said they would like to hear what he has to say about this proposal and also take some time to review all of the information received tonight.

Mayor Menna said there are a lot of issues that have to be reviewed about the information and asked all of the Members of the Governing to review the proposals before setting up a meeting with Mr. Evans. He thanked everyone who participated in the presentation.

Mayor Menna asked if there were any comments from the members of the public.

Linda Clark – 207 River Street – said that she would like to commend David Prown and the Committee for gathering all the information and asked Mr. Taylor how many children are involved with the Boys and Girls Club in Asbury Park.

Mr. Taylor said that last year they had 1133 members.

Ms. Clark said that there is a problem in Red Bank because the parents do not want to participate in the programs and think of a Community Center as a babysitter. She said if it is going to be effective we have to get the children involved.

Councilwoman Cangemi said that is one of the reasons that we looked at a national organization that has a proven track record and programs that really help the children.

Celestine Stone – 56 Leighton Avenue – said she would like to get involved in the Committee that has been working on the Community Center and she said she also knows that some of her neighbors want to get involved.

Mayor Menna said that there is a general consensus that the Borough needs a Community Center and the Parks and Recreation Committee will continue to meet regarding this matter. He said this is just the beginning of the dialogue about a Community Center and suggested Ms. Stone contact Mr. Evans about attending a Parks and Recreation Committee meeting. He said this is just the beginning and there will be numerous discussions on this matter.

## **RESUME REGULAR ORDER OF BUSINESS**

Ms. Cangemi offered a motion to resume the regular order of business, seconded by Mr. Murphy.

### **ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

## **WORKSHOP**

### **Library Change Orders**

Councilman Murphy said that he met with Mr. Sickels, Mrs. Kopka and Mrs. Sadel to review the change order for \$8,467 that was presented at the last Council Meeting and tabled until the items were reviewed. He said that after reviewing the items on the resolution it was determined that a number of items should have been included in the base contract and the change order resolution was reduced to \$3,143.

Mr. Sickels said one item that was discussed was the long list of punch list items that had to be completed by the contractor and he directed the architect to send a letter to the contractor to complete the work in 2 weeks or receive a fine for \$500 each day the items were not completed so the Library could be opened.

Mayor Menna thanked Councilman Murphy for taking time out of his busy day to save the Borough a substantial amount of money. He said that he would also like a weekly status report from the Administrator on the progress of the project.

The Members of the Governing Body discussed the need for one individual to manage the project and not just on this project but on any large projects we have in the future. They all also agreed that all change orders on any projects will be reviewed more carefully and not just automatically adopted by the Council.

## **MAYORAL APPOINTMENTS**

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

Councilwoman Lee said that we are continuing to update the website and there are a lot of new items on it.

Councilman Curley said that the sport programs are starting to wind down and the winter sports season will be starting soon.

Councilwoman Cangemi said that the Environmental Commission is inviting everyone to get involved in the Governor's Program and are asking people to change some of the light bulbs in their homes to fluorescent light bulbs and there is also a resolution on the Agenda to adopt integrated pest management as the pest control policy to eliminate the use of pesticides.

Councilman DuPont suggested the use of solar panels on the Municipal Building and said that the Environmental Commission should conduct an energy audit on this building.

Councilwoman Cangemi said that there are a number of properties that are using solar panels and she will talk to the owners and see how they are working out.

Councilman Murphy said that the Fire Department would like to move the Firemen's Memorial from Marine Park to 90 Monmouth Street due to continual vandalism in Marine Park.

Mr. Sickels said the Fire Department would raise funds and pay to move the memorial.

Councilwoman Lee said that she is concerned about the lack of security in Marine Park and would like to see something done to make the park safer.

Mayor Menna said that as part of the renovations that are proposed for Marine Park we are looking into plans to implement security measures day and night to help solve the problem of vandalism in the Park.

Councilman DuPont asked if the playground in Marine Park is still closed.

Councilman Curley said that the playground was closed because it was not in compliance with the ADA requirements and that the playground at Count Basie Field is in the process of being replaced and then we will continue with Marine Park. He said that there is \$38,000 in the budget for these projects.

Mr. Sickels said that Mr. Evans and Mr. Watson came to him after they inspected the parks and found some serious problems and advised him that they should be closed until we bought new equipment.

Councilman Murphy asked when the renovations were expected to begin in Marine Park.

Mr. Kosenski said that they should be ready to start in the spring.

Councilman Murphy asked Mr. Kosenski if the playground would be out of service until the entire project is completed.

Mr. Kosenski said that the construction would not have any impact on the playground area.

Mayor Menna said that he sees our new Director of RiverCenter is here and introduced Nancy Adams. He said that Joan Hamburg did a live taping of her radio program in the downtown area and praised our town.

## COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Episcopal Church Women of St. Thomas Church and St. James Grammar School PTA for raffle licenses.

Mr. DuPont offered a motion to approve the requests, seconded by Ms. Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request for membership to Independent Engine Company of the Red Bank Volunteer Fire Department/First Aid Squad from Anthony Nolin.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request for membership to Liberty Hose Company and First Aid & Rescue Squad of the Red Bank Volunteer Fire Department/First Aid Squad from Michael J. Spratford.

Mr. Murphy offered a motion to approve the request, seconded by Ms. Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

## **ORDINANCES – First Reading**

### **ORDINANCES – Public Hearing & Final Adoption**

2007-35      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS.”

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

Michael Adano – 96 Hudson Avenue – thanked the Council for adopting this ordinance to make sure the street would continue to be residential.

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

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

#### **ROLL CALL:**

AYES:      Curley, Murphy, Lee, DuPont, Cangemi

NAYS:      None

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

Mr. Murphy offered a motion to adopt the ordinance on final reading, seconded by Mr. Curley.

#### **ROLL CALL:**

AYES:      Curley, Murphy, Lee, DuPont, Cangemi

NAYS:      None

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

## **RESOLUTIONS**

07-211      Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH INNOVATIONAL CONSTRUCTION & DESIGN, INC. FOR THE COUNT BASIE PARK IMPROVEMENT PROJECT.”

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

#### **ROLL CALL:**

AYES:      Curley, Murphy, Lee, DuPont, Cangemi

NAYS:      None

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

07-212      Mayor Menna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2007/2008.”

Ms. Lee offered a motion to approve the resolution, seconded by Mr. Curley.

#### **ROLL CALL:**

AYES:      Curley, Murphy, Lee, DuPont, Cangemi

NAYS:      None

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

07-213 Mayor Menna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-214 Mayor Menna read “A RESOLUTION AUTHORIZING CURFEW FOR OCTOBER 30 AND 31, 2007.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-216 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL CONFLICTS COUNSEL.”

Mr. DuPont offered a motion to approve the resolution, seconded by Ms. Lee.

ROLL CALL:

AYES: Murphy, Lee, DuPont, Cangemi

NAYS: Curley

There being four ayes and one nay, the resolution was declared approved.

07-217 Mayor Menna read “A RESOLUTION AUTHORIZING ADOPTION OF INTEGRATED PEST MANAGEMENT AS THE PEST CONTROL POLICY IN THE BOROUGH OF RED BANK.”

Ms. Cangemi offered a motion to approve the resolution, seconded by Mr. DuPont.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-218 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A WATER QUALITY TREATMENT WORKS APPROVAL APPLICATION TO BE SUBMITTED TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN RELATION TO THE SEA LAND MARINA, BLOCK 39, LOT 32.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-219 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE AN ACCESS AGREEMENT WITH K. HOVNANIAN AT MAPLE AVENUE, L.L.C., IN RELATION TO THE BOROUGH OWNED PARKING LOT LOCATED AT THE NORTHERN TERMINUS OF MAPLE AVENUE, BLOCK 8, LOT 1."

Ms. Lee offered a motion to approve the resolution, seconded by Mr. Murphy.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-210 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDERS RELATED TO THE CONTRACT WITH SANTORINI CONSTRUCTION FOR IMPROVEMENTS TO THE RED BANK PUBLIC LIBRARY."

Mr. Curley offered a motion to approve the resolution, seconded by Mr. DuPont.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

**PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming October 7-13, 2007 as Fire Prevention Week.

**PAYMENT OF VOUCHERS**

07-220 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,212,581.79."

Mr. DuPont offered a motion to approve the resolution, seconded by Ms. Lee.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

Mr. Murphy offered a motion to close the audience portion of the meeting, seconded by Mr. DuPont.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

## EXECUTIVE SESSION

07-221      The Attorney read a resolution to adjourn to executive session to discuss property acquisition and pending litigation.

Mr. Murphy offered a motion, seconded by Ms. Lee to adjourn to executive session to discuss property acquisition and pending litigation. Minutes to be made public in 180 days.

### ROLL CALL:

AYES:      Curley, Murphy, Lee, DuPont, Cangemi

NAYS:      None

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

Mr. DuPont left the meeting before the close of executive session.

Mr. Murphy offered a motion, seconded by Ms. Cangemi to adjourn from executive session.

### ROLL CALL:

AYES:      Curley, Murphy, Lee, Cangemi

NAYS:      None

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

## ADJOURNMENT

Mr. Murphy offered a motion, seconded by Ms. Cangemi to adjourn the meeting.

### ROLL CALL:

AYES:      Curley, Murphy, Lee, Cangemi

NAYS:      None

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

Respectfully submitted,

Carol A. Vivona