

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 22, 2007
7:30 P.M.**

The meeting was called to order at 7:45 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Murphy.

Councilman Murphy arrived at 7:50 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, 2007.

WORKSHOP

Presentation by Parks & Recreation

Mayor Menna said that Bob Evans, our Director of Parks and Recreation, is here this evening to give a presentation on two new playgrounds.

Mr. Evans said he is here on behalf of the Parks and Recreation Committee and they have been discussing the new regulations for children's playgrounds imposed by the New Jersey Department of Community Affairs. He said the new regulations were supposed to be met by October 15, 2007 and he is here to talk about two proposals, one for Count Basie Park and the other for Marine Park and that both of the play areas are in compliance with the new DCA regulations. He said the committee had reviewed a number of proposals and is in agreement that the best product that would fit into our play areas is from Miracle Recreation. He said that he would like to introduce Bill Gibbons from Mid Atlantic Playgrounds and is a distributor for Miracle Recreations Products.

Mr. Gibbons said there are two proposals for Count Basie Park and Marine Park. He said the one for Count Basie Park is for a smaller area not as large as the one for Marine Park. He said the play area at Count Basie Park will accommodate children from 2-years-old to 12-years-old and described the plan in detail and said it is similar to the play area in Eastside Park because that area was designed by Miracle Recreation. He said both proposals meet all the new regulations and are also ADA compliant. He said the proposal for Marine Park includes two structures, the bigger structure is for children that are older kids from 5- to 12-years-old and the smaller structure is for children 2- to 5-years-old and described the plan in detail and both play areas can be purchased under State Contract. He said that the packets he distributed to the Members of the Governing Body include the pricing, detailed plans, warranty information, liability insurance and the State Contract information.

Mr. Gibbons asked if there were any questions.

Councilwoman Lee asked what type of material the structures were placed on.

Mr. Gibbons said it is placed on Fibar, explaining that it is engineered wood fiber that is triple shredded and that it is ADA compliant.

Mayor Menna asked if his company is the only company that distributes this type of material.

Mr. Gibbons said that there are other companies.

Councilman DuPont asked if the Parks and Recreation Department went out to bid, and if they did not how were they selected.

Mr. Gibbons said Mr. Evans and the Parks and Recreation Committee looked at products from other companies and selected his company and said that his company has already done Eastside Park.

Councilman DuPont asked Councilman Curley if he was involved in the selection of this company.

Councilman Curley said he did see the different selections.

Mayor Menna said that at the last Council Meeting Councilman Curley was saying that we should go out to bid on all the items we purchased and now his Department is not doing this.

Councilman Curley said that this is nothing more than a proposal and we can certainly go out to bid but since the product is under State Contract it is probably the lowest price we are going to get.

Mr. Evans said that he has another proposal at his office from General Recreation.

Councilman DuPont asked if Mr. Evans is recommending this proposal.

Mr. Evan said that he thinks this is the best play area we can get for the amount of money that is being charged.

Councilman Curley said that the Council should have been given all of the proposals to look at before the meeting.

The Members of the Governing Body discussed the closure of the playgrounds and why some of them were left open when there were numerous liability issues.

Councilman DuPont asked if any children were injured during the spring and summer.

Mr. Evans said there were no injuries and he and Mr. Watson put the report together and found a number of problems.

Councilman DuPont asked if there were any repairs that were done after the report.

Mr. Evans said there were some repairs last fall.

Councilman DuPont said he was perturbed that the play areas have to be closed and there should have been more information given to the Council as well as the public so everyone knew what was going on. He also asked Councilman Curley if he knew that there was a proposal to pay half of the cost to place Astroturf on the field at Count Basie Park.

Councilman Curley said there have been discussions but nothing has been put in writing yet. He also said he just took over the leadership of the Parks and Recreation Committee and is trying to do the best he can with parks that have been neglected for decades.

Mr. Evans said that he has met with different contractors about placing Astroturf on the fields and is doing his homework, but did not think this was the appropriate time to speak about it until he received more information.

Councilman Bifani said that we are not voting on anything tonight and should just stay on this topic and we should get comments together and give them to the Director.

Councilman DuPont said he is disturbed because we were supposed to get a report from Mr. Evans three or four months ago and we let our children play on equipment when there were liability issues and he has also received complaints about the lack of meetings held by the Parks and Recreation Committee.

Councilman Bifani said that he is a member of the Parks and Recreation Committee and has never been invited to a meeting and would like to review all of the information and give his comments to Mr. Evans.

Councilman Curley said that Councilman Bifani has been invited to meetings.

Mayor Menna said that Mr. Evans has assured him that he is going to have a meeting with the Parks and Recreation Committee next week and will continue to do so on a regular basis and if there are members that are not attending the meetings they should be replaced.

Library Improvements Project Status

Mr. Sickels said that under Council direction he has prepared a status report and said that the original punch list consisted of 200 items that had to be corrected and now is down to 15 items. He said most of the remaining items consist of a number of inspections and small maintenance items and hopes to be able to issue a temporary certificate of occupancy by the end of the week. He said that attached to his report is a Certificate of Substantial Completion from the architect, Edmund Gaunt, and he is recommending that this be accepted and is estimating that any outstanding work should not exceed \$10,000 and said that this is not a change order but what is left to be billed.

Mayor Menna said that this is not a change order it is just standard items, basically punch list items. He said that one of the newspapers published a private citizen's letter that was critical of one Council Member who actually saved us \$8,000 when the issue of the last change order came up. He said that he was offended by a letter from Gene Goellner making comments about a Council Meeting that he did not even attend saying that the only one overseeing the project was the librarian and shows in his poison pen letter how misinformation gets spread around. He said that our architect and the contractor oversaw the project and that Councilman

Murphy spent six hours of his time meeting with the contractor to go over the items that were listed on the last change order. He said the library is an independent, autonomous body run by a Board of Trustees and this Council did approve the project that was supervised by the contractor and the Board of Trustees and what this Council did at the last meeting was put their feet to the fire and finally get this project completed.

Councilman Curley said he did not read the letter but Mr. Goellner is a citizen and has the right to express his opinion. He said that he also would like to thank Councilman Murphy for taking the time and reviewing this change order but when he sees the number of change orders that have come through on the library it makes him wonder who is watching the project. He said there have been thousands of dollars in change orders and there has not been anyone that has come before the Council to claim responsibility. He said Mr. Gaunt is an architect that is paid exceptionally well and is paid on time and he writes a letter blaming our Library Director for various problems.

Councilman Murphy asked Mr. Sickels what the budget was for the renovations to the library.

Mr. Sickels said he does not know but he does know we are under budget.

Councilman Murphy said that he does not understand how Councilman Curley can say that we are being irresponsible with money when the project is under budget. He said this is a renovation and when renovations are done you always run into unseen problems and that installing the elevator has been a real problem and has been holding up the project.

Mr. Sickels said when we entered into this project there was a 20% contingency because it was a renovation and even with the change orders that we have implemented it is at 11%.

Councilman Curley said that if he had not spoken out at the last meeting questioning the change order it would have gone right through and he commended Councilman Murphy for meeting with the contractor and saving us \$8,000.

APPROVAL OF MINUTES – May 29, 2007

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna appointed Maureen Lowney to the Human Relations Committee as a Regular Member for an unexpired 3-year term expiring 12/31/08.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy said that there was an FBI Crime Index that came out and he knows the Mayor has received some questions. He said the report that came out was from 2006 and if you remember in 2006 we hired two Police Officers instead of three because of the budget. He said the crime was a little high in 2006 but in 2005 we had the lowest crime rate in nine years. He said in 2006 94% of the increase was in three categories and they were in robberies, burglaries and theft. He said so far in 2007 total crime is down 14% compared to the same time last year and said that all categories are down with the exception of burglaries and one person was arrested in June that was responsible for six residential burglaries and fourteen automotive thefts. He said the department experienced manpower shortages in 2006 because of retirements, illnesses and resignations. He said in 2007 we have three new Police Officers and the Chief of Police meets with the Westside Community Group and said that the Police Department is doing a great job.

Mayor Menna said that on behalf of the vast majority of residents in Red Bank he would like to thank Councilman Murphy for meeting on a continuous basis with our Police Chief. He said that he considers Police Chief Mark Fitzgerald to be one of the best Police Chiefs in the State of New Jersey along with all the Members of the Police Department who handle every matter with the utmost professionalism.

Councilman Curley said the he also supports our Police Department but he thinks the Borough has grown in recent years, possibly beyond the capabilities of our local department, and he commended Chief Fitzgerald for doing the best job in the State of New Jersey. He said that we need to ask for additional help from the Monmouth County Prosecutor's Office and the State Police and said he would like to see foot patrols again especially on the Westside.

Councilwoman Cangemi said that she would like to commend the Police Department for doing a fantastic job and working with the Westside Community Group because community policing has worked out very well on the Westside but there are some general concerns because our community has grown very diverse and thinks we should move some educational initiatives forward and one of them in reporting because certain segments of our community do not want to report and that is something we need to reach out and figure out how to do. She commended the Westside Community Group as well as the Police Department.

Councilwoman Lee said that Chief Fitzgerald came to Saint Anthony's Church with the Monmouth County Prosecutor's Office and all the Officers came out in plain clothes and it was a great opportunity for the underserved population to have access to our Police Department and she said she wanted to thank Councilman Murphy and Chief Fitzgerald for putting this program together.

Councilman Murphy said that we received a lot more phone calls from the Hispanic Community and we have made a lot more arrests. He said he was not happy when candidates running for Council come to the debates and say that we need more walking and bicycle patrols and never spoke to the Chief about these ideas and criticized the Police Department for the way they handled the recent shooting. He said that some people that run for Council say anything to get a vote.

Councilwoman Cangemi said that she suggested more walking patrols and more bicycle patrols and said she did receive numerous calls about how the Police Department were investigating the shootings and said she received a phone call from one of the residents whose house was shot at and was very upset about the amount of time it took for the Police to come to his house.

Councilman Curley said that he would like to correct Councilman Murphy because he thinks it is uncalled for to say that Councilwoman Cangemi is out seeking votes and has legitimate concerns because there are people in this community that do not feel safe walking the streets at night. He said that she just wants people to feel safe in this community. He said that he feels confident that Councilman Murphy will be able to resolve this situation.

Councilman Murphy said his only concern was when Councilwoman Cangemi did not even go to speak to the Chief before criticizing the Police Department and said the Chief's door is always open.

Mayor Menna said that he wants to stop the rumor that it is not safe to walk around Red Bank at night and he has never been afraid to walk around in any section of the town at night.

Councilman Bifani said that he attended a meeting with the Director of the Monmouth County Planning Board, as well as our Administrator and our Engineer, regarding our incinerator grant and came to a much better understanding of each others thoughts about the project and agreed to bring a HUD representative up to date on where the grant was and said we do have a Department of Public Works Committee Meeting scheduled and we will try and come up with an alternate plan and the County said they would give us the same \$117,000 if we come up with a resolution to take down the incinerator.

Councilwoman Lee said that she had a report on the communication system and said we do have a number of communication systems running in the Borough. She said the Police Communications System is a separate system, but she is reviewing the contracts we have with different telecommunications companies with Mr. Mason to try and find a suitable system that could connect all of the buildings.

Councilman DuPont said we had a Technology Committee Meeting because the Governor just signed a new law permitting Municipalities and Counties to provide wireless internet services and there is a possibility of getting a contractor to work on providing this service to the Borough.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Tiffany & Co. for usage of three parking spaces located in front of 105 Broad Street for valet parking for their Grand Opening Celebration on Thursday, November 8, 2007 and 1:00 p.m. to 8:00 p.m., pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request from RiverCenter for installation of holiday decorations by the Borough starting November 1, 2007 and to remain up until January 15, 2008, with the tree lights on Broad Street remaining up until March 31, 2008.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request from Riverview Medical Foundation for a raffle license.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

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

David Prown – 44 Hillside Place – asked for a little background on Ordinance #2007-38 and said he believes it is by the New Corner Restaurant.

Mayor Menna said this creates a few spaces with limited time parking so cars can go in and out.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

ORDINANCES – First Reading

2007-38 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.6, “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Public hearing and final adoption scheduled for November 12, 2007.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

07-222 Mayor Menna read “A RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-223 Mayor Menna read “A RESOLUTION APPOINTING HENRY R. PEREZ AS THE BOROUGH’S CERTIFIED ANIMAL CONTROL OFFICER.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-224 Mayor Menna read “A RESOLUTION AUTHORIZING THE NEW JERSEY SPORTS AND EXHIBITION AUTHORITY TO HANG BANNERS ADVERTISING THE BREEDERS’ CUP HORSE RACE ALONG ROUTE 35 ADJACENT TO THE OYSTER POINT AND MOLLY PITCHER HOTELS.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-225 Mayor Menna read “A RESOLUTION AUTHORIZING A CONTRACT WITH MARK WOSZCZAK MECHANICAL CONTRACTORS, INC. FOR IMPROVEMENTS TO CERTAIN WATER MAINS.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-226 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A CERTIFICATE OF SUBSTANTIAL COMPLETION IN RELATION TO THE RED BANK PUBLIC LIBRARY.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

07-227 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,959,107.37.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

OLD BUSINESS

Councilman Curley said that he has received a number of telephone calls from residents of Tower Hill Avenue regarding the no left turn signs from Harding Avenue onto Tower Hill Avenue and asked Councilman Murphy if he had any update on how this matter is progressing because a lot of people are still making the turn.

Councilman Murphy said Captain DeFazio has actually told him that people are moving the cones that are in the road to make the turn and said that police presence would be more visible at this site.

Councilman Bifani said that the County is allowing to have the cones there to make it visible that a left turn is not allowed there anymore but they are not going to let us put in anything permanent in this location once the cones are removed.

NEW BUSINESS

Councilman Curley said he wanted to thank Gary Watson for correcting some confusion on Waverly Place with bulky waste pickup.

AUDIENCE

Sean Murphy – 44 Throckmorton Avenue – said that Councilwoman Cangemi was appointed to her seat but on her campaign signs it says re-elect Councilwoman Cangemi and he does not think that is right.

Councilwoman Cangemi said that she was elected by the Members of the Council and said all the people voted for the Members of this Council.

Mr. Murphy said that he finds the signs very offensive and should be removed because she was not voted to sit on the Council by the voters.

Councilwoman Cangemi said that she is sorry Mr. Murphy feels that way and she apologizes but said she is not going to take down the signs.

Councilman Curley said that she is not misleading anyone because she was voted to be a Member of Council by the other Members of the Governing Body.

Carl Colmorgen – 67 Oakland Street – said he would like to speak about sign pollution because there is a piece of property that is owned by the Borough and it is loaded with fifteen campaign signs and said he does not think Borough Property should be used for campaign signs.

All of the Members of the Governing Body said that they all agreed that campaign signs should not be placed on Borough owned property and directed Mr. Watson to remove signs whenever he sees them on Borough property.

Councilman Bifani said that we are currently working on an ordinance that would prohibit any of these types of signs all year not just at election time.

Ben Forest – 16 Locust Avenue – said that he wants to talk about the playgrounds and being a father of a 7- and 9-year-old child they have gotten a lot of use of the playgrounds around town and said that our facilities need to be upgraded because they get a lot of use.

Steven Hecht – 135 Branch Avenue – said that he wants to talk about safety and law enforcement and said that he is a supporter of our Police Department because we had a false alarm today and it was handled very professionally and the officers were terrific. He said the three issues about individuals being attacked were on the Eastside of Red Bank and real estate people read the websites and we should get information out about the truth of the matter is and not the hysterical way some of the websites write about these things.

Mayor Menna said the message with this situation occurred outside of one of the bars with a large amount of people and our Police Department handled the problems very professionally and calmed the crowd down with minimal problems.

David Prown – 44 Hillside Place – said that he is sorry he is late but wanted to know what Mr. Evans said about partnering with other groups that serve our children.

Mayor Menna said that he did not come to make the presentation on the Community Center but to make a proposal about replacing the playgrounds at Marine Park and Count Basie Park.

Mr. Prown said he thought the Community Center was going to be discussed tonight.

Mayor Menna said the Members of the Governing Body are still reviewing his report and seeking input from other professionals before formulating a comprehensive analysis.

Mr. Prown said that he thinks with the expansion of RiverCenter to the Westside of Red Bank we should consider changing the parade route to go from the Eastside of Red Bank to the Westside of Red Bank instead of just going south and north on Broad Street.

Mayor Menna said that this is a good idea and when he was growing up in Red Bank the parade routes did go from the Westside of Red Bank and finished in the White Street Parking lot to include all sectors of Red Bank.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Respectfully submitted,

Carol A. Vivona