

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Borough Clerk Vivona

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

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

ROLL CALL:

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

NAYS: None

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

Historic Preservation Commission 2006 Inventory Public Hearing

Mayor Menna noted that the Historic Preservation Commission was formed in 2006 and had presented a list of properties with historic significance. He noted that the list included only two private residences.

Bill Faust, Property Chairman of First Presbyterian Church, 255 Tower Hill Avenue, questioned the need for a Historic Preservation Commission and suggested issues could be addressed by the Zoning Board. He noted that the Church did not want to be included in the inventory.

Mayor Menna explained that, unlike other more strict communities, the Red Bank Commission was loosely formed. He said the Red Bank ordinance states that if a property is on the list it is a historically significant structure and that prior to demolition the Historic Preservation Commission should be notified and that the Commission had the right to be heard. He added that if the Planning Board received an application for expansion the Commission would be notified and would, again, have the right to be heard. He also noted that the Commission could not compel the Board to deny the application. He added that many applicants have found the process favorable with many finding that the plans suggested by the Commission are better.

Mr. Faust said he felt much more comfortable after listening to the Mayor. He said the Church shares the same values and noted that the congregation would not allow any significant work to be done on the Church.

Commission Member George Bowden said that he had heard that the Fire Department did not want the Borough Firehouses included on the list.

Mayor Menna said he had heard that also.

Administrator Sickels noted that a letter from the Red Bank Fire Department Executive Council had been attached to the resolution and that they were asking that four firehouses (Independent Engine Company, Liberty Hose Company, Union Hose Company and Westside Hose Company) be excluded from the list and it was noted that Relief Engine Company was part of the former Borough Hall. Mr. Sickels explained that there was concern that the designation may impede the process to obtain a new facility.

Councilman Murphy noted that people have concerns about the list as shown by the letter. He said he felt people should be better informed of the guidelines.

Mayor Menna, said no matter what, public notice would have to be given anyway. He said the only addition is that the Historic Preservation Commission must be notified.

Mr. Bowden said the facilities on the list are part of the historic fabric of the Fire Department.

Mr. Sickels again noted that the Fire Department members had expressed concern that the inclusion would possibly prohibit the consolidation of companies in a new facility.

Mayor Menna asked for Council comments.

Councilman Curley said he knew Mr. Bowden to be an even handed individual and agreed that the properties were part of the historic fabric. He agreed that the committee should be noticed.

Councilwoman Lee said she would vote yes.

Councilman Bifani said he would support the Fire Committee and if the letter requested the properties not be included, he would vote no or move the resolution without the properties included.

Councilman Murphy said he would vote no.

Councilman DuPont said he would vote no.

Councilwoman Lee said she would consider voting for demolition notice only. She said if there was adequate recourse for the properties, she would vote yes.

Councilman Curley noted that he had served on both the Planning and Zoning Boards and had never had a problem. He said it is nice to have the information brought forward.

Councilman DuPont said he thinks if the Fire Committee fully understood the intent of the resolution, they may reconsider. He said he voted no because he felt the Fire Department representatives had the need for more information.

Commissioner Murphy said he would rather give it an additional two weeks to give the Fire Companies some more information and have the Chief confer with the fire houses. He said that is why he is voting no.

Administrator Sickels said the companies got the letter regarding the resolution after their November meetings had been held so they couldn't discuss it. He said he felt a little more time might be beneficial.

Mayor Menna noted that the Fire Department had been his home for 18 years and that it had his complete support. He said he just didn't see a conflict and that he thinks the houses meet the criteria. He said he would vote for inclusion.

Commission Murphy said he just wanted to be courteous to the Department.

Councilwoman Lee said she wanted to add Mt. Zion House of Prayer to the list.

Mayor Menna asked if it met the criteria.

Councilwoman Lee said it was older than St. Thomas so it should be included.

Councilman Curley asked Chief Blackwood if he thought the firehouses should be included.

Chief Blackwood reviewed the discussion that had taken place at the Fire Department's Executive Council meeting but noted that it had not been discussed by the individual companies. He requested that the resolution be tabled so they could have a chance to discuss it.

07-245 Mayor Menna "A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPERTIES LISTED ON THE HISTORIC PRESERVATION COMMISSION'S 2006 ANNUAL REPORT."

Councilman Curley offered a motion to approve the resolution without the firehouses being included, seconded by Councilman Murphy.

ROLL CALL:

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

NAYS: None

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

Presentation by New Jersey American Water

Ben Daniels, Communications Manager, introduced himself to the Council. He said his company was offering sponsorships such as donating bottled water to a special event or making a donation to a charitable organization. He said he would need the request on letterhead and he would pass it on. He noted that the company was scheduled to go public later this year, but the IPO was tabled pending a change in market conditions. He said if he could be of any other assistance, the town should feel free to contact him.

Councilman DuPont noted that the kids at the Borough's Parks and Recreation events could use bottled water.

Mr. Daniels said he would leave his card with Councilman DuPont.

Montgomery Terrace

Mayor Menna said he would like to bring forward an item not on the agenda due to the fact that many people were in attendance. He said all of us were affected by the unfortunate events on Montgomery Terrace and since the event all sectors of the community have tried to come together. He asked members of the public and press to understand that the Members of the Governing Body cannot discuss in public or private any of the details of the investigation or its conclusions. He noted that they are having internal meetings on a daily basis and said that local authorities, the Monmouth County Prosecutor and other county, state and national agencies are involved. He said while he could not get into specifics, he wanted to address some concerns, fears and policy issues that have been going on for some time. He said he has always been a strong supporter of public housing. He noted that the Red Bank Housing Authority has had a history of cooperation since before the incident and has been holding meetings to address how to better serve the community. He said he cannot stress how important the relationship is between the Housing Authority, the Municipal Staff and the Police Department. He outlined his initiative and ideas to improve the situation: 1) the Police Department has approved a plan to hire more dispatchers which will help fill voids in police manpower and allow more officers out on the road; 2) they will work aggressively with the Housing Authority regarding trespassing complaints for non-residents or non-invitees; 3) the Housing Authority will work to orient all tenants with officers, family and staff; 4) the Housing Authority will begin scheduling monthly meetings beginning January of 2008 rather than twice a year; 5) they will institute a neighborhood watch; and 6) the Police Department has submitted a request for four additional officers with two new and two to replace retirees.

Mayor Menna said after meeting with the Police Commissioner, he believes the program will be a success. He also noted that two Special Officers have been brought back for the holiday season to augment the force. He said he is convinced we are doing everything possible to maintain the community. He said we are grateful for the cooperation we have been getting from people from all sectors. He said the cooperation and dialogue was a positive sign. He noted that the Human Relations Advisory Committee was instrumental in helping with the grief and anger of some of the residents. He noted that overcrowding is still an issue, but said we have done a great deal of work in reducing the problem. He said effective in January, names of property owners convicted of overcrowding will be published with their addresses. He said we want their neighbors to know who they are and called them a "cancer on the community." He pledged to enforce no trespassing/loitering including on private properties who want the police to enforce. He said he is asking New Jersey Transit to install a higher level of lighting at their property. He said he has also requested the Sheriff's Department to return with their program to turn in weapons with "No questions asked." He noted the town is trying to be responsible while being proactive.

Mayor Menna said an ongoing issue this Council has dealt with is the fact that, with the best enforcement and best housing, many are lacking a family circle. He said there is no overnight quick fix. He said we are looking toward creating a broad-based facility where family values and community interest can be centered. He said the building has been a question, but he said the time has come for the community to earnestly look at the rearing process of many of our young people. He added that we as a Red Bank family have to pull together and come up with a solution. He said he is seeking to create a Community Center Task Force to implement the vision, goal and practical planning of a Community Center. He said it should be kept out of the political arena and would include Council Representation, Community Activists and Stakeholders.

Mayor Menna asked Council Members to comment.

Councilman Murphy said a dispatcher has been hired and is currently training. He said two patrol officers are back on duty. He noted that normally, the Department waits for individuals to officially retire before replacing them, but approval has been given to go ahead and hire two additional officers in January to bring the force back up to a full crew. He noted that the public had given the Department leads and has received an overwhelming response. He also noted that Chief Fitzgerald and Captain McCarthy were on hand tonight to answer questions.

Councilman DuPont asked if there was a hotline.

Administrator Sickels said they could use the main number or 732-450-9704 for an anonymous tip.

Councilman Curley reviewed the recent Human Relations Advisory Committee meeting that had accepted members of the community who had felt they had no where to turn and had directed them to turn out at tonight's Council Meeting. He added that, unfortunately, Red Bank has become a much bigger town and has turned into a small city. He called for a reevaluation of police procedures. He commended Mayor Menna on his remarks and said the community needs to work together. He called for funding for more officers and a Westside substation.

Comments were then opened to the public.

Linda Clark, 207 River Street, said she had attended the Human Relations Advisory Committee and other meetings regarding this issue. She said she feels residents have been living with crime for years noting a murder at Locust Landing and another on Broad Street. She said there have been blogs and comments on the Community Center issue and noted that another resident had made the point that there had been shooting in

Newark and now here. She said there has been meeting after meeting and asked what was going to be done about it. She said there are employment issues, health care issues, illegal immigrant issues and it brings a lot of frustration. She said it is not just a police problem. She said there is a lot of racism. She asked if the Count Basie Learning Center wasn't a good location for a Community Center, what else has been looked at. She noted that she had asked Councilwoman Lee during her candidacy when the Center might be built and she was told five years. She said a lot of kids could be dead by then. She noted another problem is that when people report incidents to the police, the police respond to their door and the neighbors know they were the ones who made the call. She said this makes it so they don't want to make the call. She asked Mayor Menna when the Community Center Task Force would be in place.

Mayor Menna answered January 1 and added that he hoped for a concrete plan within 30 to 60 days. He said he couldn't speculate on their recommendation, but said it must be viable and productive.

Ms. Clark asked if it would be similar to the Senior Center.

Mayor Menna said it wouldn't be that complicated.

Ms. Clark said she had heard comments that the Community Center was "never going to happen" and said that was hard to hear. She added that she didn't think additional police or a substation was the answer. She said that would take funds away from recreation. She noted that there are a lot of facilities in Red Bank not being used by Red Bank families.

Councilman DuPont said he didn't think it would be a complicated issue for the task force to discuss. He said he grew up with a community center and he had his own ideas.

Councilwoman Cangemi said she was familiar with the St. Anthony's program and had kept in touch with the Boys and Girls Clubs and noted that the organizations always need volunteers.

Councilwoman Lee said KidsBridge and the YMCA were great examples of what community centers could do. She said the Count Basie Learning Center was the wrong spot and the wrong people.

Ms. Clark said it all comes down to money. She said Red Bank is now known as "Little Soho" and families are being pushed out to Long Branch, Asbury Park and farther south.

Celestine Stone, 56 Leighton Avenue, said she was also at the Human Relations Advisory Committee meeting. She said that was the first time she had heard of the committee and said she felt the same as Ms. Clark. She said she does not believe the town should have to pay for a police substation, but felt the Housing Authority should take care of the area. She said most Montgomery Terrace residents don't like the administration of the property and noted that she has yet to see them reach out to the residents. She noted that diversity in the Red Bank School system is increasing. She said there is no "hands on" assistance for black families like the interpreters provided for other groups. She said it has gotten to the point that she feels her child is being pushed aside. She said free English classes are offered, but if she wants to learn Spanish she has to go to Brookdale and pay. She said Redbankgreen.com had helped her become more informed.

Mayor Menna asked if she was getting her information from the articles or the blogs. He said he felt the reporting was fair but questioned what he called "anonymous comments left by faceless individuals."

Ms. Stone asked Mayor Menna to consider appointing people to the task force that have children or an interest in children and asked if she could volunteer.

Mayor Menna said yes and asked her to forward her information to the Borough Clerk.

Ms. Stone asked for more details on the Sheriff's weapon's amnesty program.

Mayor Menna explained that it was an existing program that gave people a chance to turn in illegal weapons. He added that if the weapons are found by police, there is a mandatory prison term.

Ms. Stone asked if they gave money for the weapons.

Mayor Menna answered, "Sometimes."

Patty Whyte, 127 Westside Avenue, said she is the Chair of the Human Relations Advisory Committee and has lived on the Westside of Red Bank for 12 years. She said she appreciated what the Mayor said and believed it was heartfelt. She said she thinks one of the problems is that residents feel the Council and Police don't care. She noted that Red Bank is a small community and more like a family. She said she feels the police need to demonstrate that they care. She added that people don't feel safe in their homes and that the issue needs to be addressed. She also described the Human Relations Advisory Committee Inclusive Communities Project and noted that all towns that belong are given a sign to put up.

Mayor Menna noted that the request to install the sign was on tonight's agenda.

Ms. Whyte said she appreciated it and offer to help.

Freddie Boynton, P.O. Box 2074, Red Bank, said he had several issues about the town. He said he had called Mayor Menna and thanked him for returning his call. He noted that he had called Administrator Sickels six

times, but had not gotten a call back. He said he felt he shouldn't have to call the Mayor to get to him.

Administrator Sickels asked when the six calls were mad adding that he had one message from when he was out of town. He said he was aware Mr. Boynton had called yesterday and apologized for not getting back to him.

Mr. Boynton said he had also left a message for Public Works Supervisor George Lynch, but he said he never got the message. He questioned the staffing at Public Works. He said another issue he had was regarding helping the Borough children. He said he felt the Council Members got voted in and then turned their backs. He said the Council Members need to look out for the people in this town.

John Ross, 66 Leighton Avenue, inquired about the RCA program. He said he understood it was money that came in from other towns but wanted to know if the funds were for building affordable housing or to help existing homes such as those owned by seniors. He wanted to know if the screening process looked at information other than economics such as citizenship.

Mayor Menna explained the program and how it has been used.

Mr. Ross asked if felons or non-citizens were eligible.

Mayor Menna asked the Borough Attorney if he knew if citizenship was required.

Attorney Pringle said he wasn't sure but noted that most applicants are long standing home owners. He added that the property must have some violation and had probably fallen into disrepair.

Administrator Sickels gave more information on the program and how it works including the need for code violations to qualify for funding.

Attorney Pringle said he wasn't sure if felons, etc. were eligible, but he would look into it.

Councilman Bifani suggested that Mr. Ross call Program Coordinator John Gurzo for more information and also explained the areas targets by the program.

Councilman Curley noted that it was a rigorous financial process.

Councilwoman Cangemi asked if the program was for multiple or single dwellings and was referred to Mr. Gurzo for program specifics.

David Prown, 44 Hillside Place, said he was extremely moved by the comments tonight and said the Mayor was especially poignant. He said he felt the Mayor and Council faced some real difficulties in dealing with the issues facing the town and said the comments offered were very real, candid and sincere. He also commended Ms. Clark and Ms. Stone for their comments and said he felt they got to a new place tonight.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Councilman Bifani asked about a change order for the work being done on Harrison Avenue to include a water line up to Eastside Park.

Councilman Curley said the work was not complete.

Councilwoman Cangemi said the issue needed to be clarified on whether or not it needs to be approved.

Engineer Kosenksi said a service connection is possible with an old 3/4 service connection from an old house but that is would be insufficient.

Councilman Bifani said the issue needs to be on the next agenda to get the work done now to save money.

APPROVAL OF MINUTES – June 21, 2007

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Curley reported that he has reviewed the Recreation policies and procedures regarding personnel and he sees vast improvement in the Department. He also reported that Recreation Basketball starts Friday and Calls from Santa will begin on Tuesday. He saluted David Prown for his work with the Red Kettle Classic. He also thanked Councilmen Murphy and DuPont for their assistance.

Mayor Menna apologized for the fact that he couldn't make it.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from the Human Relations Committee to place an Inclusive Community sign in Veterans Memorial Park.

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

Councilman Bifani said he would vote in favor of the request, but thought the sign could be better.

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 the Red Bank Elks Lodge No. 233 for raffle license.

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

ORDINANCES – First Reading

2007-42 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER V, “ANIMAL CONTROL,” SECTION 5-1.6, “LICENSE REQUIRED, FEES [DOGS],” AND SECTION 5-3.3, “LICENSING REQUIREMENTS [CATS].”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for December 19, 2007.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

07-246 Mayor Menna read “A RESOLUTION AUTHORIZING TRANSFER OF 2007 CURRENT FUND APPROPRIATIONS.”

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

ROLL CALL:

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

NAYS: None

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

07-247 Mayor Menna read “A RESOLUTION AUTHORIZING AN EXTENSION OF A DEVELOPER’S AGREEMENT WITH THE VISITING NURSE ASSOCIATION OF CENTRAL JERSEY, BLOCK 3, LOTS 2.01, 2.02, 4.01 AND 9.”

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

Councilman Bifani said he felt it was too much time.

Administrator Sickels said the project also involved site restoration.

Councilman Bifani said it was okay.

ROLL CALL:

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

NAYS: None

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

07-248 Mayor Menna read “A RESOLUTION AUTHORIZING A CONTRACT WITH A DAMAGES EXPERT FOR LITIGATION CONTEMPLATED BY THE BOROUGH.”

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

ROLL CALL:

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

NAYS: None

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

07-249 Mayor Menna read “A RESOLUTION REQUESTING REVIEW AND APPROVAL OF DEVELOPMENT FEE SPENDING PLAN.”

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

ROLL CALL:

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

NAYS: None

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

07-250 Mayor Menna read “A RESOLUTION AUTHORIZING PURCHASES/ EXPENDITURES IN ACCORDANCE WITH RESOLUTION NO. 03-198.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming December 8, 2007 as Reverend Dr. Dwight Crist Northington Day in the Borough of Red Bank and added that Reverend Northington was a dynamite community leader and man of faith and said he brings people together everyday.

PAYMENT OF VOUCHERS

07-251 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,423,294.35."

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

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 DuPont noted that Councilman Curley had promised a report on fees and usage for Parks and Recreation and asked for an update.

Councilman Curley said there had been an increase in ball field fees.

Councilman DuPont referenced correspondence from the Mayor regarding the leasing of Riverside Gardens Park in which he had requested an accounting of fees that had been received.

Councilman Curley said he had had a meeting about that yesterday afternoon.

Administrator Sickels said an audit report had been received and they had met with the auditors to review it. He noted that there were some issues that they were looking to address and make changes to the procedures. He said they found two fees that were charged that were not in accordance with the ordinance adding that one fee is in the process of being returned, while the other has already been returned. He noted that they were each \$50.

Councilman Bifani said it was a good meeting and that he felt the full Council should get the report.

Councilman Curley said it was forthcoming.

NEW BUSINESS

AUDIENCE

David Prown, 44 Hillside Place, said he appreciated the Council's response to the Red Kettle Classic with just 2 or 3 days notice and he added that it was a great night. He thanked everyone for their support and noted that all of the participants got certificates and t-shirts. He said next year the admission for each school will require four hours on the kettles. He noted that he is also collecting Christmas trees for re-gifting. He said he is collecting them in his store's showroom.

EXECUTIVE SESSION

ADJOURNMENT

Councilman Curley offered a motion, seconded by Councilwoman Cangemi 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,

Pamela Borghi