

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 9, 2003
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor McKenna and Council Members Beck, Hintelmann, Menna, Bifani, Thompson and Curley.

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Loversidge, Engineer Kosenksi, Auditor Kaplan and Attorney O'Connor.

SUNSHINE STATEMENT

Mayor McKenna 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 News, 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 December 10, 2002.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-189 Mayor McKenna read “A RESOLUTION HONORING FLORENCE “BETTI” P. THOMPSON.”

Mr. Menna offered a motion to approve the resolution, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mayor McKenna presented the resolution to Councilwoman Thompson. The entire governing body thanked and commended Councilwoman Thompson for her many years of service and all she has done for the Borough, they all said they were going to miss her very much.

Councilwoman Thompson thanked everyone for their comments and said she is going to miss everyone.

Public Hearing Regarding Renewal of Comcast Cablevision’s Cable Communication Services

Peter Lyden, representing Comcast Cablevision, said that Mr. Clifton was at the last meeting and read the official statement and asked if the governing body wanted it read again. They said they did not.

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

Mr. Menna offered a motion to close the public hearing, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mr. Lyden thanked the governing body for their time and said it is a pleasure to work in Red Bank.

Mayor McKenna said Comcast has been a wonderful partner with the Borough and is very active in numerous special events, including Jazz in the Park. He also said that we do not receive many complaints about the service and that Comcast is very good with news coverage in the Borough and very supportive of the education system. He thanked them for all they do for the Borough.

RESUME REGULAR ORDER OF BUSINESS

Mr. Curley offered a motion to resume the regular order of business, seconded by Mrs. Thompson.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

WORKSHOP

Early Retirement Incentive Review

Mr. Loversidge reported that the State of New Jersey has authorized municipalities to extend an early retirement incentive package to those employees who would be eligible for it. He said there are twenty-three people on the list and he is one of them. He said that he would normally produce a report that would tell the governing body the financial impact to the borough but since he is on the list he would prefer that Mr. Kaplan do it. He said that we have until July 15, 2004 to make a decision on the proposal. He said there is a resolution on the agenda authorizing the Borough Auditor to conduct a cost/benefit analysis.

Mayor McKenna asked if there were any questions.

Councilman Menna said it is a great idea but the services should be put out to bid.

Mayor McKenna said that Mrs. Ferber would supply the information to the Borough Auditor and the cost is not to exceed \$4,000 but could be a lot less.

Mr. Loversidge said the auditor would use junior members of his staff and they are familiar with the employees and our labor contracts. He said he does not think we would realize any savings by going out to bid on this particular project.

Mayor McKenna said that this is a good idea and we should try and save money wherever we can but does not think it would be the case for this particular job.

Councilman Menna said the trend is to consider being more opened minded.

Councilwoman Beck said she would not object to doing a public posting for this item.

Councilman Menna said our residents want us to solicit bids whenever possible.

Mayor McKenna said we are not in a rush and said we should post the job and get a recommendation from the Administrator.

2003 Road Program

Mr. Kosenski said that the 2003 Road Program bids came in higher than anticipated and that the unit prices were very good but the roads had much more damage than originally anticipated. He said that if we go out to bid again the prices could be much higher because of the cost of inflation and said that the price of asphalt has gone up and we could probably expect an increase of five to six percent. He also said

that if we waited to do the repairs on roads that were already deteriorated, the damage could be much worse. He said there are several options: we could adopt a bond ordinance for the additional funding, choose not to work on Canal and Gold Streets or re-bid the project and take out several roads. He said that he would recommend that we proceed with this year's program and make next year's program smaller to balance out the funding. He said that several of these streets have already been put off for several years and are in bad shape.

Councilman Bifani said that he has sent out a picture of Gold Street to members of the governing body and this street is down to the dirt in several spots. He said it would be a mistake to not move forward on this street.

Councilwoman Beck said that she definitely supports the program and said we have to make the road program for 2004 fit in our budget. She said all the roads on the list for 2003 are in dire need of repairs.

Councilman Curley said that at the last council meeting he had some reservations about this year's program but he has met with Mr. Kosenski and thinks it would be in the Borough's best interest to extend the funding and move forward.

Mayor McKenna said he believes this is the best business decision and said there is a bond ordinance on the agenda for additional funding.

APPROVAL OF MINUTES – August 26, 2003

Ms. Beck offered a motion to approve the minutes, seconded by Mrs. Thompson.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that the MetroStars would be holding a soccer clinic in conjunction with our Parks and Recreation Department and the Red Bank Cultural Center on October 18, 2003 from 1 to 4 p.m. at Count Basie field. She also reported that rabies shots would be given out at Independent Fire House, Mechanic Street on October 14, 2003 from 7 to 8 p.m. and that flu shots would be given out on October 29, 2003 at the Red Bank Senior Center in the morning and at Lunch Break in the afternoon.

Councilwoman Thompson reported that she has been privy to a letter written to John Austin from John Kaye, the Monmouth County Prosecutor, stating that he would be the recipient of an award from the Monmouth County Task Force on Drunk Driving. She congratulated Mr. Austin and said she admires him for all he has done for the borough and surrounding municipalities.

Councilman Curley reported that the Historic Preservation Commission is continuing to work on the list of historic sites and is also working with RiverCenter on the rehabilitation of several structures downtown. He said we would be amending the ordinance regarding the appointment of an attorney for the Historic Preservation Commission at tonight's meeting. He also reported that the Human Relations Committee would be meeting in this meeting room on September 24, 2003 at 6 p.m.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read requests from Jason's Dreams for Kids and Nature's Refuge, Inc. for raffle licenses.

Mr. Hintelmann offered a motion to approve the requests, seconded by Mr. Bifani.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mayor McKenna read a request from the Red Bank Alliance to Prevent Alcoholism and Drug Abuse to hold a Family Day Event at Count Basie Park on September 20, 2003 from 3:00-7:00 p.m.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

ORDINANCES – First Reading

2003-36 Mayor McKenna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2003-4 HERETOFORE FINAILLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON FEBRUARY 25, 2003 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2003 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$200,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$190,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF.”

Mr. Bifani offered a motion to adopt the ordinance on first reading, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing and final adoption scheduled for September 23, 2003.

2003-37 Mayor McKenna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2003-5 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON FEBRUARY 25, 2003 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2003 IMPROVEMENTS BY THE WATER/SEWER UTILITY IN, OF AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$200,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$190,000 TO FINANCE PART OF THE ADDITIONAL COST THEREOF.”

Mr. Bifani offered a motion to adopt the ordinance on first reading, seconded by Mrs. Thompson.

ROLL CALL:

AYES: Beck, Thompson, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing and final adoption scheduled for September 23, 2003.

ORDINANCES – Public Hearing & Final Adoption

2003-29 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER BH:XVII, SECTION BH:17-1 “BIRTH, MARRIAGE AND DEATH CERTIFICATES” AND SECTION BH:17-2 “MARRIAGE LICENSES”, OF THE BOARD OF HEALTH CODE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

Mrs. Thompson offered a motion to close the public hearing, seconded by Mr. Curley.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mr. Menna offered a motion to adopt the ordinance on final reading, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

2003-33 Mayor McKenna read “AN ORDINANCE AMENDING ORDINANCE NO. 2002-14 CREATING A HISTORIC PRESERVATION COMMISSION FOR THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

Mr. Curley offered a motion to close the public hearing, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

2003-34 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III “POLICE REGULATIONS” BY ADDING NEW SECTION 3-12 “NURSING HOMES, TRANSPORTATION REQUIREMENTS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH.”

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

Mr. Menna offered a motion to close the public hearing, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mr. Menna offered a motion to adopt the ordinance on final reading, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

2003-35 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY FIXING COMPENSATION OF THE FIRE SUB-CODE OFFICIAL OF THE BOROUGH OF RED BANK FOR THE YEAR 2003.”

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

Mr. Curley offered a motion to close the public hearing, seconded by Mrs. Thompson.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mr. Menna offered a motion to adopt the ordinance on final reading, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

RESOLUTIONS

03-184 Mayor McKenna read “A RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-185 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AUTHORIZING BOROUGH AUDITOR TO CONDUCT COST/BENEFIT ANALYSIS PERTAINING TO EARLY RETIREMENT INCENTIVE PROGRAMS.”

Ms. Beck offered a motion to table the resolution, seconded by Mr. Menna.

Councilwoman Beck said the auditor said himself, in his comments from the audit that we should go out to bid on a number of items including professional services.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-186 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ADA COMPLIANCE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF LOCAL GOVERNMENT SERVICES.”

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

Councilman Bifani said that Mayor McKenna does not get enough credit for the Borough receiving these additional grants because he is well known and respected in state government.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-187 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING TWO RIVER THEATER COMPANY.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-188 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING AGREEMENT WITH COMMERCE NATIONAL RISK CONTROL SERVICES FOR 2003 ALCOHOL AND DRUG TESTING SERVICES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-190 Mayor McKenna read “A RESOLUTION AUTHORIZING CAPITAL BUDGET AMENDMENT NO. 1 TO 2003 MUNICIPAL BUDGET.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

PROCLAMATION

PAYMENT OF VOUCHERS

03-191 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,905,600.89."

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

OLD BUSINESS

Fixing Hearing Date on Disciplinary Appeal

Mr. O'Connor advised the governing body that Mandy Steele, the attorney representing Fred Boynton, is here this evening to set a hearing date for an appeal of a disciplinary action taken against Mr. Boynton. He said the hearing officer had been Mr. Trotta and Mr. Boynton was found guilty and given a five-day suspension without pay. He said that on behalf of the employee Ms. Steele has filed an appeal and also filed some motions. He said it would be appropriate to dispose of the motions at the hearing. He said that he has told the governing body that the hearing time before the hearing officer was approximately 12 to 16 hours and the amount of time required for the hearing would be similar and that he would like to set a date for some evenings or Saturdays. Ms. Steele agreed with the estimated hearing time and said that she would be able to start at 6 p.m. during the week but would prefer not to have the hearing on Saturdays because that is her Sabbath; she also mentioned that there are several Jewish holidays coming up.

Mr. O'Connor said Ms. Steele mentioned that there were a couple of items that the hearing officer did not sustain and some that he did but the governing body would hear all items and not just those sustained. He asked Ms. Steele if there were any motions that would have to be decided before the hearing.

Ms. Steele said there should be discovery, timing and due process and if it is thrown out because of due process, there will not be a hearing.

Mr. O'Connor said Ms. Steele could write a memorandum about the dispute about discovery. He said we have never had a disciplinary hearing like this before and we provided discovery that he did not think there was a requirement to provide and that Ms. Steele would disagree with this. He said that he thinks it is something the Mayor and Council would have to take evidence on and briefs to decide. Mr. O'Connor said he is not sure that there is right to appeal this kind of decision to the governing body and the language in our ordinance allows appeals to the governing body but it seems that the appeal provision was provided to protect employees that were not members of unions. He said that if you are a member of the union, the requirement is to grieve it through the grievance process and then it would be taken to PERC. He said that he just wanted to alert Ms. Steele that we are going to research this matter further and with notice to her there might be some action to dismiss the appeal. He suggested that she might want to consider, just to cover all bases, filing a grievance as an alternative to this appeal and said she could do that without any prejudice to the appeal.

Ms. Steele said the ordinance is very clear and it does not mention union or non-union employees. She said that if the hearing officer hears the case and there are more than two days suspension, the employee has the right to appeal to the governing body.

Mr. O'Connor said that he has been involved with governing bodies for over 35 years and he has never heard of an employee that is a member of a union having the right to appeal before a governing body.

Ms. Steele said that nothing about this hearing is normal.

Mr. O'Connor said that we recognize the problem of our supervisory employees belonging to the same union and he thinks the day will come when the Mayor and Council seek to modify that. He said that a few years back that a request was made to separate the union to two groups and that it was looked at disfavorably by PERC. He said that as a result of this hearing and the testimony that developed there would be more important proof to bring to PERC about the problems of the supervisors and employees belonging to the same union.

Ms. Steele said that this is a grievance and that if you went to PERC they would not have the authority to do the discipline on this and it is clearly a grievance between the union and its members. She said this is a violation of the constitution and the bylaws of the union.

Mr. O'Connor said that you can get the feel of the number of hours and rulings that it is going to take by the governing body because of the distance between positions that were presented on behalf of the case and those defending the case. He said that having said all that he wonders if the governing body has any sense of what nights or Saturdays they would like to hear the case.

Mayor McKenna said that he was not privy to all the facts of this hearing and because it involves a long-term employee of the Borough, he wonders if we should get a clarification from the Superior Court asking if the governing body is the correct body that should be hearing this case. He asked Mr. O'Connor if we could get this on some kind of declaratory action.

Mr. O'Connor said that he thinks we could.

Mayor McKenna said that if this is our responsibility and if we have to hear it we will but frankly he said that he has done some labor law cases over the years and to expect lay people to be fact finders and render a legal opinion is very weird. He said that he has been on Council since 1987 and Councilman Hintelmann since 1975 and we have never heard anything like this before. He said that he just wants to make sure we are doing the right thing and if we have to hear it, we will do our job. He said that he thinks we could get a pretty quick ruling from the Superior Court.

Ms. Steele said that she does not think the court could give a legal opinion.

Mayor McKenna said we are just trying to help the procedure along, whatever it is supposed to be but want to make sure we are doing the right thing and wants to make sure Mr. Boynton gets a full and fair hearing. He said there might also be a problem with people wanting to recuse themselves from the hearing.

Mr. O'Connor asked how the governing body would like to handle setting up a hearing date in the event the governing body is going to hear the case. He said that he would research the information further and would contact Ms. Steele.

Mayor McKenna asked if Council Members were available on September 29 or 30, 2003.

Most Council Members said they were available but in the event they were not Mr. O'Connor asked Ms. Steele if they could read a transcript.

Ms. Steele said they could.

Mayor McKenna said we would set these two dates aside and proceed from there.

Councilman Curley said that as September 11th approaches we should keep the victims and their families in mind and take a stroll down to the memorial at Riverside Gardens Park.

Mayor McKenna said that Pilgrim Baptist Church would be holding a ceremony on September 11th at 7:30 p.m., the Trinity Episcopal Church would be holding a ceremony at the same time and the County would be holding theirs at 10 a.m. at Scenic Drive in Atlantic Highlands.

NEW BUSINESS

AUDIENCE

David Prown – 44 Hillside Place – extended best wishes to Councilwoman Thompson and told the governing body about the low percentage of children that participate in the sports programs at Red Bank Regional. He said that there is going to be a summit next week at Red Bank Regional to try and figure out why the percentage is so low. He said he would be putting the information in the mail after the summit.

Mayor McKenna said that he coordinated a girls' soccer team for girls in 7th and 8th grade last year.

Mr. Prown said that we need more parents like Mayor McKenna and have to get more parents involved with the programs in this town.

Councilwoman Thompson said there are deep sociological problems in this community and you have to get the parents to participate and monitor their children.

Mr. Prown said that this is a great first step and that the Regional School has to reach down and our Parks and Recreation Department has to reach up because the children stop participating before they get to the High School.

Warren Frost – 117 Leonard Street – said there were false allegations filed against Fred Boynton.

Fred Boynton – 112 Leonard Street – appeared before the governing body.

Mr. O'Connor asked Mr. Boynton if he conferred with his attorney about speaking to the governing body.

Mr. Boynton said that he had. He said that after the disciplinary hearing he has been given unsafe vehicles to drive. He said he is 48 years old and can not pick up heavy items and there are guys that have just started that are getting brand new vehicles to drive. He said he was criticized for using his borough vehicle for personal use and said there are numerous other borough employees that use their borough vehicles for personal use and do not get criticized. He said he just wanted to be treated like anyone else.

Mr. Boynton said that he plans to retire at the end of this year and has filed his retirement papers with the State.

Councilwoman Thompson said that Mr. Boynton has been very loyal to the Borough but right now he is very angry and needs to step back and look at the situation and see why everything has happened and how it could be made better.

Mayor McKenna said that Mr. Boynton knows that we all have a lot of respect for him.

Mr. Sickels said the governing body did authorize the purchase of a new vehicle and that we have been taking steps to address the issue. He said that we have even borrowed a truck from another municipality.

Mr. Boynton said that he did get a truck to drive today.

Mayor McKenna said if Mr. Boynton has to be on restricted duties he would need a medical certificate.

Mr. Boynton said that he writes letters to Mr. Sickels and he does not respond to them.

Mr. Sickels said that all of the letters go through the proper channels.

Chris Cole – One Fisher Place – presented a plaque to Councilwoman Thompson and said that she was a pleasure to work with and an inspiration to all she touched.

Robert Clark – 50 Leighton Place – put in several applications for employment with the Borough and was never contacted.

Mayor McKenna said that we hire Red Bank residents whenever possible.

Mr. Sickels asked Mr. Clark if he had a CDL driver's license.

Mr. Clark said he did not.

Mr. Sickels said we only have openings for drivers right now.

Mr. Clark said he wants to get a march together to let people know what's going on in this town.

Mayor McKenna instructed him to contact Chief Fitzgerald.

EXECUTIVE SESSION

ADJOURNMENT

Mrs. Thompson offered a motion, seconded by Mr. Menna to adjourn the meeting.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona