

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
DECEMBER 22, 2008  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Giannell, DuPont, Horgan, Lee and Murphy.

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

ABSENT: Councilwoman Cangemi and Assistant Attorney Hall.

Councilwoman Cangemi arrived at 5:40 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, 2008.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna noted that there were a number of special presentations at this last Council Meeting of the year.

**Presentation by Parks & Recreation to Super Foodtown**

Mayor Menna noted that Foodtown/FoodCircus and the Azzolina and Scaduto families had been an integral part of the community for as long as anyone can remember. He noted Joe Azzolina's public service as an Assemblyman, veteran and philanthropist especially his devotion and dedication to Red Bank which was evidenced by the sponsoring of so many events through Foodtown. He noted that this year alone, Foodtown has been instrumental in making it possible for the Red Bank Community to take on so much that in extremely trying times would have been very difficult for Municipal Government and tax payers to undertake alone. He added that if it wasn't for the shared corporate responsibility and civic duty that the Scaduto and Azzolina families have toward Red Bank, in all likelihood we would not have been able to successfully undertake so many of our very important programs. He said first and foremost was the Red Bank Centennial, the Red Bank Recreation Summer Series, the Holiday House Lighting, the baseball/softball sponsorship program and Red Bank Summer Camp. He noted that they do so much for individual residents day in and day out including employing so many. He asked Phil Scaduto, on behalf of Foodtown/FoodCircus, to accept a plaque as a token of our appreciation.

Mr. Scaduto thanked the Mayor and Council noting that they are a local family and that they have always had an affinity for giving back to the communities in which they serve. He said it is their pleasure and privilege to do so. He praised the Red Bank Community noting that there was a disaster at their Spirits Unlimited store the night before and commended Red Bank's finest and bravest for their efforts to put out a fire in cold weather, severe winds and toxic fumes.

**Presentation of Home Decorating Contest Award**

Mayor Menna credited the idea for the contest to Councilman DuPont and noted that judging was difficult. He noted that this was the first year and that there were nine entries. He said each of the entries was spectacular and that next year he expects 90 entries. He explained the contest, prizes and how entries were judged. He noted that Foodtown and Prown's Home Improvement had each donated \$100 gift certificates to the first place winner, \$75 each for the second place winner, \$50 each for the third place winner and \$25 each for the fourth place-most likely to blow a fuse-winner. Mayor Menna noted that the spirit, rather than prizes, was what was most important. He pointed out that Councilman DuPont had volunteered the Mayor to offer the first place winner a five course lunch which he would schedule around Valentine's Day. He presented the winners with certificates and Phil Scaduto of Foodtown and David Prown of Prown's Home Improvement presented the prizes. Fourth place/honorable mention went to 88 McLaren Street, the Sickels residence. Third place went to 162 Bridge Avenue, the Hernandez residence. Second place went to 139 Wallace Street, the Garofalo residence. First place went to 53 South Street the Ferreri residence. Both the Ferreris and Garofalos donated their gift cards to Lunch Break.

**Presentation of Proclamation to Julie Baron of Fameabilia**

Mayor Menna said Julie Baron had one of the most spectacular stores in Red Bank and called it a landmark store on Monmouth Street. He said she and her store, Fameabilia, had brought a lot of grace, style and class as well as educational acknowledgement noting that customer's who didn't buy anything would still learn about stories behind the pictures and autographs. He noted that Ms. Baron was retiring and commended her charitable contributions throughout her years in Red Bank. He said he was noting with sadness that they would be closing soon and that he wanted to dedicate this day as the official Fameabilia Corporation and Julie Baron Day in the Borough of Red Bank.

Ms. Baron thanked Red Bank and said it had been a wonderful eight years. She said she was sorry to go but that it was time. She said she always felt proud to be part of Red Bank.

**Presentation to Willie Banks**

Mayor Menna said he also wanted to honor a gentleman who needed no introduction and was known as Mr. Red Bank. He said he was active in a myriad of organizations and spoke of his leadership roles in many of them. He said in addition to his work with the NAACP and the churches, he had also served with distinction on our Housing Authority. He said it is with sadness that Mr. Banks will be relocating to the south in January. He said we would be losing an invaluable colleague and a member of our family. Mayor Menna said, for Mr. Banks many years of service and contributions to the Housing Authority and the Borough of Red Bank, he would like to present him with two mementos which were a Key to City and a paperweight etched with the Borough seal.

Mr. Banks talked about his life in New Jersey, and Red Bank in particular, saying he enjoyed it and had to move for health reasons but would be back to visit his grandchildren. He also said he would miss everybody.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

**WORKSHOP**

Councilwoman Cangemi said that, as much as this was a night when we were looking at the positive things that had happened over the course of the year, she felt the need to make a comment. She noted that at the last meeting she had attempted to introduce an ordinance that would have potentially saved the Borough over \$36,000 per year. She said it was tabled and did not make the agenda because it had not been introduced in Workshop. She said she had been told that ordinances did not go on the agenda if they had not been workshopped. She said for the last thirteen days she had attempted to get the minutes or recordings of the last three months worth of meetings to see if that were really the case. She said she did not receive those from the Clerk's Office. She noted that going forward she would no longer be on Council and that it would be made up entirely by the Democratic Party. She said she had made the request for the minutes both in writing and in person. She cited the example of a water rate ordinance that had been introduced and passed without being discussed in workshop. She pointed out that at the last meeting a taxi cab ordinance has been presented and when members of the Council asked how it had gotten on the agenda, they were told that someone had called the Clerk's Office and wanted it on. She noted that it wasn't even proposed by a member of Council. She said she was greatly disturbed by the fact that when an elected Council person, whether they are out going or not, asked for something to be put on the agenda as an ordinance, it was refused because it has not been workshopped. She said she felt it was because she was in the "wrong party." She added that the fact that someone was able to call up on the phone and get something on for first reading was a little disturbing. She said she was sorry to have anything negative to say at her last meeting. She repeated that it was disturbing and upsetting that she had suggested an ordinance that could have saved the Borough \$36,000 and was rejected because it was not workshopped yet other ordinances had gone through without it. She apologized for failing taxpayers by not coming forward soon enough to have the discussion regarding health insurance for Council members. She also repeated that for thirteen days she had requested something and didn't receive it from the Borough Clerk's Office.

Borough Clerk Vivona said she had put the requested information in Councilwoman Cangemi's packet the previous Thursday.

Councilwoman Cangemi said the request had been made with a due date and that she had been waiting for them for over two weeks. She said she felt it took an inordinate amount of time since she was only looking for the tapes of the meetings noting that she hadn't asked for anyone to do anything above and beyond. She said she just wanted to go back and see if every ordinance is workshopped before it is introduced.

Councilman DuPont asked Administrator Sickels to report at the next meeting why a council person couldn't get the requested information in a timely fashion. He said he felt it was worthy of discussion and we should eliminate any obstacles or barriers to speed up the process.

Councilwoman Cangemi thanked Councilman DuPont and said she hoped in the future they would be able to streamline the process.

## **MAYORAL APPOINTMENTS**

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

Councilman Murphy said that a couple of weeks ago there had been a black out and he wanted to note that within 40 minutes all firehouses were manned, intersections were being manned, DPW was up and running with lights for the intersections and the Police were on board. He said eighty percent of the Police Department that was off came back in to help out. He said he was impressed with the recovery time. He said as soon as they received word from Jersey Central Power and Light about what was going on, it was put out through emergency messaging. He repeated that he was impressed that within about 45 minutes of when the lights went out, Red Bank was manned and in control. He said he just wanted to make everyone aware and commend those who responded in the emergency.

Councilman Murphy also said, as Mr. Scaduto had mentioned, there was an unfortunate incident at his property over the weekend involving a tractor trailer loaded with furniture and home contents. He said the Fire Department arrived to find two wires had come down, hit the truck, sparked and caught the truck on fire. He said power was lost along Newman Springs Road. He said the Fire Department and Police Department responded quickly to contain the traffic as well as the fire. He said it took Jersey Central about 45 minutes to get there and the Fire Department could only try to contain the fire during that time due to the fact that wires and water don't mix. He noted that the Fire Department had assistance from the Shrewsbury and Little Silver fire departments. He said additional personnel was needed to make sure other buildings didn't catch fire in the heavy wind. He said it was a long and cold day and that the service of our volunteers and our Police Department was overwhelming. He said he wanted to recognize the three Fire Chiefs.

Councilwoman Horgan said the Education and Technology Committee was thrilled to announce that there would be a new website in January. She said there was a resolution up tonight to go with a company called C3 Citizens Communications Center. She said if anyone had any questions later on, the principle of the company was in attendance.

Councilwoman Cangemi said she wanted to thank everyone in Red Bank who contributed or participated, particularly Borough employees, in the Project Little Soldier which was an organization founded in Red Bank to provide toys to children of military overseas. She said Red Bank was a great contributor here in the 12<sup>th</sup> Legislative District. She said she was happy to be a part of delivering those toys. She noted that both Councilwoman Horgan and Mayor Menna had been at events run by this organization. She added that it was great to do something for deployed military especially since the organization comes right out of our own town.

Council DuPont reported that the Economic Summit will be on January 27. He said he met with Commissioner Zaro the other day to go over a draft of an agenda. He said they have also filled out their panelists. He said they were very excited about showcasing Red Bank businesses. He repeated that it would be on January 27, 2009 at 7 pm at the newly renovated Count Basie Theatre. He also said that the recent blackouts, as well as the crisis we had, highlighted the fact that we need to discuss a Borough alert system. He noted that the new fire truck was out on the street during the blackout. He offered kudos to Stanley Sickels for his leadership and also to the Mayor.

### **APPROVAL OF MINUTES – October 27, 2008**

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

#### **ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Thomas J. Wade, III for membership to Liberty Hose Company of the Red Bank Volunteer Fire Department.

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

#### **ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from the Nathan J. Williams Craftsmen Club, Inc. to hold a Motor Cycle Rally on May 16, 2009 with a rain date of May 23, 2009 and to close Drs. James Parker Blvd. from 11:00 a.m. to 6:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from HABcore, Inc. for raffle license.

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

Councilman Giannell asked what the purpose for the raffle license was. Mayor Menna explained that anytime an organization wants to sell 50/50s or they are doing a fund raiser party where 50/50s will be sold, under state law they have to apply for a raffle license from the Borough Clerk and then the Mayor and Council have to approve it because it is a game of chance. He noted that they do this routinely.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilman Giannell apologized that he had misunderstood that we had passed the Council report section of the meeting and that he had a report to offer. He said he had been unable to attend that last meeting of the Parks and Recreation Committee but wanted to hand out a prepared report.

#### **PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING**

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

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

#### **ORDINANCES – First Reading**

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

2008-27 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IXX, “STREETS, SIDEWALKS AND SANITATION,” BY ADDING NEW SECTION 19-14, “RECYCLING OF PLASTIC CHECKOUT BAGS.”

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

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2008-30 Mayor Menna read "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, "ADMINISTRATION," SECTION 2-22, "DIRECTOR OF PUBLIC UTILITIES," SUBSECTION 2-22.1, "DIRECTOR OF PUBLIC UTILITIES, CREATED"; 2-22.8, "SUPERVISOR: APPOINTMENTS; EDUCATION AND EXPERIENCE"; 2-22.9, "DIVISIONS AND DIVISION SUPERVISORS' DUTIES"; AND 2-22.10, "SUPERVISORS."

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

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

#### RESOLUTIONS

08-251 Mayor Menna read "A RESOLUTION REGARDING THE 2009 REORGANIZATION MEETING OF THE GOVERNING BODY."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-252 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING CHARLES P. DOREMUS, 222 BROAD STREET, BLOCK 102, LOT 24."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-253 Mayor Menna read "A RESOLUTION RELEASING MAINTENANCE GUARANTEES POSTED BY THE ATLANTIC CLUB, MAPLE AVENUE, BLOCK 99, LOT 15.01."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-254 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING AMERICAN BAPTIST ESTATES OF RED BANK, 20 & 40 RIVERSIDE AVENUE, BLOCK 7, LOT 12.02 & 16."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-255 Mayor Menna read "A RESOLUTION AUTHORIZING TRANSFER OF 2008 CURRENT FUND & WATER UTILITY APPROPRIATIONS."

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

Councilwoman Cangemi asked for clarification on the resolution asked in water was actually being moved out of the water utility. Chief Financial Officer Mason said it did not affect the water utility, that it was just the title.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-256 Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 52, LOT 32, THE PROSPECT HILL APARTMENT COMPLEX, RED BANK, NEW JERSEY."

Council DuPont asked if these were all on the recommendation of our Tax Assessor, our Borough Attorney and the expert we hired. The Mayor confirmed and noted that the analysis was provided to everyone.

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

Councilman Giannell said he had a number of questions on all of them and asked if the Assessor was in attendance. Mayor Menna noted that the Assessor does not usually attend Council meetings. Councilman Giannell noted that the resolution called for a reduction to \$70,000 per unit and he thought the previous assessment was quite reasonable. He said he had questions on how our expert came up with value on some of these because some were based on income and some were not and said the Council people should be able to get answers in advance. Mayor Menna said they were good questions and said he thought if Mr. Giannell took a look at the tax appeal settlement analysis, the decrease in revenue for the Borough would be, essentially, \$732.92. He noted that if it went to tax court, that would be eaten up by attorney and expert fees. Councilman Giannell said he was discussing the tax appeal resolutions as a whole. Mayor Menna said he would recommend that the Council move forward considering it was an approximately \$700 reduction versus arguing in tax court. Councilman Giannell said it was also the loss of taxes paid to the school that would have to be made up so there are other things to consider. He repeated that it was not this one resolution alone that he disagreed with, but there are a couple that he did disagree with. Mayor Menna said they had to deal with them one at a time. Councilman Giannell apologized and said he was speaking of the group as a whole and noting that he had questions on them.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-257 Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 29, LOT 29, 49-53 BROAD STREET, RED BANK, NEW JERSEY."

Mayor Menna asked Councilman Giannell if he had any questions about this resolution. Mr. Giannell said he realized that the actual settlement might not be that significant, but he was, again, concerned with the additional loss of revenue that would have to be made up regarding the school taxes. He said if you look at the amount, roughly eighty percent is lost. Councilman Murphy asked how he figured the eighty percent. Councilman Giannell said the schools take roughly sixty percent of the taxes and the additional loss by reducing the property's taxes must be made up in regard to the school budget. Councilman DuPont said the problem is we would also have to have a defense to the appeal. Councilman Giannell said he understood that.

Attorney Pringle cautioned Council members that if they wanted to discuss rationale, they would need to do so in an Executive Session because it is considered litigation. He noted that while a settlement analysis is provided, it is privileged. He said if Council members have questions or issues about it, they either need to go into closed session to resolve it or be put in touch with the Assessor.

Mayor Menna recommended that they table Resolutions 08-257, 08-258 and 08-259. Councilwoman Cangemi made the motion, Sharon Lee seconded.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the resolutions were tabled.

08-260 Mayor Menna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF FAIR HAVEN FOR TAX COLLECTION SERVICES."

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

ROLL CALL:

AYES: Cangemi, DuPont, Horgan, Lee, Murphy

NAYS: Giannell

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

08-261 Mayor Menna read "A RESOLUTION REQUESTING REVIEW AND APPROVAL OF A MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING FOR SUBSTANTIVE CERTIFICATION."

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

ROLL CALL:

AYES: Giannell, DuPont, Horgan, Lee, Murphy

NAYS: Cangemi

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

08-262 Mayor Menna read "A RESOLUTION ENDORSING THE BOROUGH HOUSING PLAN ELEMENT AND FAIR SHARE PLAN AND PETITIONING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING FOR SUBSTANTIVE CERTIFICATION."

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

ROLL CALL:

AYES: Giannell, DuPont, Horgan, Lee, Murphy

NAYS: Cangemi

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

08-263 Mayor Menna read "A RESOLUTION TO CANCEL UNEXPENDED BOND ORDINANCES."

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

Councilman Giannell asked if the money would go into the General Fund. Mayor Menna explained that would not go for general expenses but would remain in the Capital Fund.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-264 Mayor Menna read "A RESOLUTION AUTHORIZING AMENDED AND RE-STATED AGREEMENT FOR PAYMENT IN LIEU OF TAXES REGARDING RIVERVIEW HOSPITAL."

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

Mayor Menna noted that there was a memo in the Council packet from Special Counsel O'Connor and asked if everyone had a chance to review it. Councilman DuPont said this was a very good agreement between the Borough and Riverview. He added that the payment of \$150,000 had been negotiated over the course of time and demonstrates what a good neighbor Riverview Hospital is. He said they were a good and reliable business partner in the community.

Mayor Menna added that the agreement clearly sets forth that, should there be additional acquisitions by the hospital or any of its subsidiaries, they would agree to a return to the table to pay the Borough the Borough assessed rate on those properties.

Councilman Giannell asked if they had recently bought another property. Mayor Menna confirmed that they had and that is not included in this agreement. He added that that is precisely why he stated that this agreement only included the properties that are attached to the schedule.

Councilwoman Cangemi said there was a lot of not for profits in Red Bank and Riverview Hospital is and continues to be an incredible neighbor. She said for a long time we were simply an outskirt of New York City and that we are much more than that now and Riverview Hospital is a big reason for that. She thanked Councilman DuPont for his work on the agreement in order to keep a great relationship with a neighbor like Riverview Hospital.

Mayor Menna noted that it is a delicate relationship and that we understand all of the issues regarding that relationship. He said ultimately this agreement reflects a balanced approach. He added that some people forget that they are our biggest employer of residents. He said in this age of shrinking hospitals, retrenching medical centers and hospital closures, it behooves us to keep a vibrant center and to help that center remain competitive in the region. He said it says a lot for the Borough as a governing body and as a host community.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-265 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY, THE MAYOR AND THE BOROUGH CLERK TO PREPARE AND EXECUTE A CONTRACT WITH C3 CITIZEN COMMUNICATION CENTER TO PROVIDE WEB DEVELOPMENT AND ELECTRONIC CITIZEN NOTIFICATION SERVICES."

Mayor Menna said he was grateful to the citizen committee as well as to Councilwoman Horgan, who spearheaded that Technology Committee. He said she had had a number of meetings with a number of different entities throughout that State and the region. He said the Committee had recommended that C3 was a good fit for Red Bank and he invited individuals who were not familiar with the services they provide to look at some of the other developmental sites they have had which are state of the art. He said they are in many other places throughout the State including North and Central Jersey. He noted that some of our neighboring municipalities have retained their services with a great degree of success and great cooperation with the company. He said he was grateful to Mr. Carrino for being here this evening and he said he was grateful for the high tech type work he has been doing. Mayor Menna noted that he is well recognized in many different areas of the state. He said this will encompass what we really need for Red Bank noting that it is a state of the art interactive web site. He added that it is our hope that, a year or two from now, we won't have to waste postage money and valuable paper as people can sign on and get their notifications immediately and directly from the web site.

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



Councilwoman Cangemi noted that she is a member of the Education and Technology Committee who has never been to a Technology meeting. She said she was unaware that this was a recommendation of the Technology Committee because she hadn't been to a meeting. She said she doesn't know how it happened or where it happened. She said she was thrilled we had made a move but felt she had been excluded from the process because she was a Republican. She said she could not stand behind this because she didn't know a thing about it and she said she was a little confused as to why she didn't.

Councilwoman Horgan said she had told Councilwoman Cangemi that the Committee was working on it. Councilwoman Cangemi said she was unaware of any Committee meetings and noted no calls were made. She said the Committee never sat down and discussed this. She said she found it a little disturbing that it didn't go out to bid and that the Committee didn't meet. Councilwoman Horgan explained that it did not go out to bid because, under State law, it falls under Arts so it doesn't need to go out to bid. Councilwoman Cangemi said she found that interesting. Councilwoman Horgan also noted that Mr. Carrino has a patent which also gives him an exception. She asked Administrator Sickels to verify.

Mr. Sickels said yes and that they had checked with Local Government Services.

Councilwoman Cangemi asked if that made an exception for why a meeting was never called or an exception for why it didn't go out to bid. Councilwoman Horgan said the exception was regarding going out to bid. Councilwoman Cangemi said she should still have called a meeting of the committee to discuss technology as some point during the twelve months it was out there. Councilwoman Horgan apologized and said she had met several times during the year with Administrator Sickels and others. Councilwoman Cangemi clarified that the Committee had not met. Councilwoman Horgan confirmed that the Committee had not met. Councilwoman Cangemi asked that the minutes reflect that it is not a Committee recommendation but rather that it is a recommendation of Councilwoman Horgan, whose opinion she respects greatly, and Mr. Sickels along with whoever else and the purveyor of the service. Councilwoman Horgan noted that the Mayor was also involved in the last meeting. Mayor Menna confirmed he was involved in the last meeting.

Councilman Giannell said he also had a number of questions. He asked for confirmation that the patent was obtained in November of 2007. Mr. Carrino confirmed that it was. Councilman Giannell asked what specific towns in Monmouth County used the company's services. He responded that they work with Middletown and Fair Haven. Administrator Sickels noted that if Mr. Carrino was going to be speaking he should be introduced for the record but before he came forward Mr. Sickels said he wanted to clarify that specific staff members were tasked with looking at some other web sites in the area, particularly Middletown and Fair Haven. He noted that when they looked at them they found out C3 was the vendor. He said they then met with the staff of Fair Haven and Middletown and asked about their experience and what services were provided. He said they then met with Mr. Carrino and had subsequent meetings with Councilwoman Horgan, the Chair of the Committee. He noted that there was also a citizen representative that was familiar with web sites and technology issues who advised the Committee. He said they then met with the Mayor. He repeated that they had spoken with Joe Valenti of the Division of Local Government Services to first address the issue of public bid regarding the design and development of websites and was told there is an exception. Councilwoman Cangemi asked it that was just for the design or also for the back end. Mr. Sickels repeated that it was for the design and development of websites. He said subsequently there was some input from the public regarding citizen notification and it was noted that Mr. Carrino's product includes a citizen registration notification system which is being utilized in Fair Haven and Middletown. They found out that he has a patent for that system and, therefore, is the sole provider for that service which also has an exception to the bidding laws.

Councilman Giannell said he also knew several people who were considered experts in that field. He asked if we would be replacing the existing website. Mayor Menna, Administrator Sickels and Councilwoman Horgan all said it would be replacement. Mayor Menna added that the system in place was created many years ago and it would not be productive to update and change it. Councilman Giannell asked for confirmation that, since we are replacing an existing site, we do not have to go out to bid. He also asked if it was a non fair and open situation. Mayor Menna said the simple answer is you can put anything up for bid. He said what Councilwoman Horgan was saying was that the proprietary nature of this particular matter is something that you can't compare to something that doesn't have a patent.

Councilwoman Cangemi said she understood that it was one of a kind. Her issue was that it was never taken before a Committee for discussion. She added that it may have a patent but that there may be others out there. She said she takes great issue with that and feels it was done "behind the curtain" and she does not feel comfortable with that.

Councilwoman Horgan said she would like the minutes to reflect that she was formally apologizing to Councilwoman Cangemi and said that it was not her intent to exclude her. She noted that she just wanted to get this through. Councilwoman Cangemi said there were countless opportunities over twelve months to have a meeting and there weren't any. She said it was never discussed in Committee so what it comes down to is that it was never brought to light anywhere other than a private conversation between Councilwoman Horgan, the gentleman with the patent and, a some juncture, the Mayor and some Borough employees. She said she was sure it was an oversight, but nonetheless, it did not look open enough to her.

Councilwoman Lee noted that when the Committee was first conceived, they met often and went through quite a lot of material and vendors. Councilwoman Cangemi agreed. Ms. Lee noted that she had passed that information on to Councilwoman Horgan. Councilwoman Cangemi said she had met with Councilwoman Lee on several occasions and understood it was a complex issue, but said she felt very uncomfortable because she did not feel it was open enough. She said while she appreciated the work that everyone had done and would like to drag our website and technology into this century, she didn't feel this was the way to do it.

Councilman Giannell noted that it was proposed that we hire C3 Citizens Communication Center as a cost of \$2,000 a month and asked how long the contract was for. Mayor Menna said it was a yearly term, but could be cancelled within 90 days. Councilwoman Cangemi asked if there were set up charges. The Mayor said no. Councilman Giannell asked if the Borough would be required to obtain any equipment. The Mayor said no. Councilman Giannell asked how many people will have access to this building. Administrator Sickels said it had nothing to do with our building. Mr. Carrino said it was a software and service and had nothing to do with the local structure. He added that it is also a full emergency communication system with text messaging, emailing and voice phone calls.

Councilman DuPont asked, in light of the recent blackouts and fire, could we have used their service. Mr. Carrino said absolutely and noted that in the recent blackout, Middletown had used voice calling and Fair Haven had used text messaging with great success. Councilwoman Cangemi acknowledged that the first phone call she got during the blackout was from someone in Middletown who let her know about it. She said the system is obviously working in Middletown, but said she just wasn't confident that it was the only one. Mr. Carrino noted that Middletown's population is 70,000 while Red Bank's is 11,000 or 12,000 so there shouldn't be an issue. He also noted that he is also recommending that the Monmouth County Office of Emergency Management look at purchasing the Verizon data for the entire County to use so it is not a cost to each town. He noted that the cost would be the same for a town that it would be for an entire county.

Councilwoman Cangemi asked if it was bilingual. Mr. Carrino said yes it was in several different languages and noted that it was text translated. Councilman Murphy asked Mr. Carrino if he had set up Middletown and Fair Haven's systems. He confirmed that he had. Councilman Murphy asked who else he had set up. Mr. Carrino said he had done it in Nutley, Clifton and several towns in Bergen County. Councilman Murphy asked if it had an emergency management service to it. Mr. Carrino said absolutely and that is where the cost savings is. He added that they could take any one of the five different applications and spend the yearly fee on any one of them. He said the emergency notification system would cost anywhere from \$8,000 to 24,000 a year depending on how fast you wanted to get the calls out. He discussed other aspects of the system including citizen registration and service requests for things like street lights being out. He said it also integrates with a lot of the social networks. He said Nutley has a population of 28,000 and they have fifty percent of their households registered and noted that they shared services with the schools to save costs. He said there are a lot of options and it helps to have everything centrally located in one system. He said separate vendors could have interoperable issues and higher costs.

Councilwoman Lee said she felt that the items discussed by the Committee in previous years did not go to waste and that the information went forward and was used in sorting out which vendor to go with. She said she thought they did a good job.

Councilwoman Cangemi said again that she had a problem with it not being an open enough process. She said she was sure Mr. Carrino had a wonderful system but that there may be others out there with the same system that cost less but she doesn't know that because of the way it was brought up. She said her problem was with the process from this end.

Councilman Giannell said there could be a system that was slightly different and agreed that Mr. Carrino probably did have an outstanding product. Administrator Sickels noted that one of the first things they did was to try and seek out request for proposal solicitations that other towns had used. He said they found that none of the towns had used an RFP or solicitation for this process. He said they then confirmed with Mr. Valenti of the Division of Local Government Services that it was not necessary. He said this was done before they looked at Mr. Carrino's product. He said when they met with Mr. Carrino and started focusing on his product, they met with Middletown. Mr. Sickels noted that their Administrator at the time was very adept at these issues and used to work for the DLGS. They again confirmed that they did not need to go out to bid for website design, but also because of Mr. Carrino's patent and status as the sole vendor.

Councilman Giannell said it could be exempt, but the Governing Body could still decide to go out to bid. Mayor Menna agreed. Councilman Giannell said it may have been correct, but he would have preferred it go out to bid.

Councilwoman Cangemi said she believed whether or not it was exempt from the statute, it should have been brought up in Committee. She said she understands that it is a good system, but she doesn't know if it is the best price for the citizens of Red Bank. Mr. Carrino said he could provide her with an analysis regarding how much things cost and how much money would be saved. She said she understood but that it would be coming from him with no other vendor under discussion. Mayor Menna noted that he didn't believe Councilwoman Cangemi had a problem with the system or the amount but that she was concerned with the methodology used to choose it.

Councilman DuPont said even though the methodology may have been flawed, he felt that since we started this process a year and a half to two years ago that the Borough residents deserved a web site that was user friendly along with the other services that would be offered.

Councilwoman Cangemi said she would like to think that the methodology was just flawed, but again was critical of the fact that a year went without a meeting. She said she thought it was bigger than flawed methodology. She said there was a year of opportunity to take a look at more than one option and if more than one option was examined, she doesn't know about it. She noted that she was appointed by the Mayor to be involved in this process but was not involved in the process and, therefore, has serious questions about it. She said the Borough absolutely deserves a better website than we have and there is no question we need electronic notification but, she said, we also deserve, most importantly, an open process and this has not been an open process. She agreed that she and Councilwoman Lee had met about it when the Committee was initially founded, but it's been a year without a discussion. She added that she has a great issue with the fact that it has not been brought to light regardless of the issues. She said she doesn't understand why it wasn't brought to Committee and said, again, that it was more than a flawed process. She

said it as a process that she, as a Councilperson, felt was not open and she said for the public it has to appear even more so and she has great issue with that.

Councilwoman Horgan assured her that that was not the intention and again apologized. She said she really does think this is the best system and that the Council should continue in the process. Councilman DuPont said, unless the Borough Attorney says they cannot, he thinks they should move forward on this and maybe improve their communications. Councilwoman Cangemi noted that they spent \$25,000 with nobody knowing how it happened except the people who were in the room privately and that's disturbing to her. She said again that she believes in the necessity for an electronic notification system, but criticized spending \$25,000 in a process that's not been significantly open, not only to the public, but to members of Council.

Councilman DuPont asked Attorney Pringle is he had any recommendations on the matter. Attorney Pringle said there was no procedural bar to adopting the Resolution.

Councilman Murphy said he understood what Councilwoman Cangemi was saying, but the issue of the website and electronic notification is something they've been discussing for two years. He added that Councilwoman Horgan was given a task to improve the website. He said the proposed system is a vast improvement over a website nobody seems to be happy with. He said he would be very happy with an emergency system. He repeated that Councilwoman Horgan was given a task through her Committee and she did it. He said, with that, he would move it.

Councilwoman Cangemi again noted that is was a task for the Committee. She said she respected the opinions of Councilman Murphy and Councilwoman Horgan but they knew where she stood. Councilman Murphy said they had heard her opinion and that he respected that and noted that Councilwoman Horgan had apologized and urged the Mayor to move the process.

It was noted that there was already a motion and a second.

Councilman Giannell noted that he agreed that Councilwoman Horgan had done an outstanding job but he thought Councilwoman Cangemi made a good point. He said his point was that a lot more items should be put out to bid. He added that rather than looking for ways to avoid public bid we should look for more ways to put things up for bid. He said he thinks the problem may lie in creating the specs for offering to the general public. He said he would love to see this company with a bid, but noted that he is going to vote no with the recommendation that the Committee should work on creating the specifications.

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: Cangemi, Giannell

There being four ayes and two nays, the resolution was declared approved.

08-266 Mayor Menna read "A RESOLUTION REQUESTING REVIEW AND APPROVAL OF DEVELOPMENT FEE ORDINANCE BY THE COUNCIL ON AFFORDABLE HOUSING."

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

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: Cangemi, Giannell

There being four ayes and two nays, the resolution was declared approved.

Mayor Menna noted that there was one additional Resolution that was not on the agenda.

08-267 Mayor Menna read "A RESOLUTION HONORING MARY GRACE CANCEMI."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

**PROCLAMATIONS**

## **PAYMENT OF VOUCHERS**

08-268 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,181,063.76."

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

### **ROLL CALL:**

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

Mayor Menna called David Prown forward from the audience to make a special presentation. Mr. Prown asked Wanda Holmes to come forward and join him. Mr. Prown noted that earlier in the meeting the Council had recognized the local business Fameabilia which was a store that had recognized historical figures over the years including both local and nation legends. He said one day down the road we would have a Hall of Fame here in Red Bank, and he felt, especially if the kids in Red Bank get to vote, that the first and unanimous nominee would be Mr. Stanley Sickels. He said they wanted to take a moment tonight to thank him for the kids of Red Bank. He asked Ms. Holmes to speak first.

Ms. Holmes said she was the Vice President of the Red Bank, Shrewsbury and Little Silver Pop Warner program. She said she wanted to speak about someone she felt was a pillar in our Community, Mr. Stanley Sickels. She said he has been a jack of all trades and a man with many hats and she would like to thank him for the many years he has served with the program. She said in the years that she has known him, they have been a great team together. She said there have been situations that he has handed to her and trusted her professionalism. She said she was grateful for his fairness. She added that he has always stepped up to the plate and fought for the many things that have been needed for the kids of Red Bank. She said many programs and events would not have been possible were it not for his efforts. She said when there were problems with the Pop Warner Administration, he made it his own personal fight. She said she knows she is not alone when she says to know Stanley Sickels and to be able to work with and for Mr. Sickels has been a complete honor. She said she is glad to know a man who is truly fair to all, a man who understands not only his family's needs but the needs of others and their families as well. She said she would like to say thank you and that she wished all good things for Mr. Sickels and his family in all that you do. She said she remembered a statement that he made a few years back, "Each challenge in life is an opportunity to improve and to learn from the experience." She said that was a very strong statement and she is so glad that he believes in it the way he does. She said without him, many people would not be able to say thank you for all that he has done. She said he is really a great man.

Mr. Prown presented Mr. Sickels with a trophy from the children of Red Bank. He read from the inscription that said "In recognition of ten years of loyal and dedicated service to the Red Bank Buccaneers Pop Warner. Your unselfish commitment and love for the children of Red Bank involved in the program is truly appreciated."

## **AUDIENCE**

Steve Fitzpatrick—92 Hudson Avenue—said that earlier this evening there had been a resolution that dealt with the settlement with Riverview Medical Center. Councilman DuPont clarified that it was not a settlement but a payment in lieu of taxes. Mr. Fitzpatrick said he understood that Mr. O'Connor was the special counsel on that. Mayor Menna confirmed that that was correct. Mr. Fitzpatrick asked why it had gone to Mr. O'Connor. Attorney Pringle said the Riverview is a part of the Meridian System and the Meridian Corporation is a client of his firm. Mr. Fitzpatrick asked if the firm was also a legislative agent and that the represented Meridian. Mr. Pringle said that was correct. Mr. Fitzpatrick asked if John K. Lloyd was the President of the Meridian Health System and Timothy J. Hogan is the President of Riverview Medical Center. Mr. Pringle confirmed that they were. Mr. Fitzpatrick said Mr. Lloyd and Mr. Hogan both serve on the Board of Directors of the Community YMCA. He said this issue goes to the 51 Monmouth Street building and the ongoing negotiations. He added the Mr. Hogan is the Chairman of the Board of Directors and that Mr. Hogan is on it. He said more importantly, Mr. Lloyd was also one of the five founding members of the Children's Cultural Center, the non profit corporation that actually received the building for the \$1 which was the subject of the most recent controversy. He said, in addition, when money was first raised, Meridian Health Systems donated \$60,000 to the start up of this particular project. He said this was noted in the Council minutes of February of 1998. He noted that Mr. Pringle's firm had done an independent report regarding this entire controversy and knowing that there is the possibility of dual representation on his part and, taking into consideration the rules of professional conduct in New Jersey, Mr. Fitzpatrick said he was going to ask that Mr. Pringle and his representation of this matter to cease. He asked that an independent counsel be appointed to review this matter. He said he wanted to raise, for the record, the issue that there is the appearance of a conflict of interest and he would like the Council collectively to take that into consideration and take action.

Mayor Menna asked if he was saying that because John Lloyd and Tim Hogan were members of the YMCA Board, was that the basis for his request. Mr. Fitzpatrick said they were key members of the Board of Directors for the YMCA and they are in a legal dialogue over the matter. He said, as a tax payer and resident of the town, he said he's

not privy to the details and was not privy to the report. He said the Council members have disclosed many times that they are not allowed to speak on it. He said he really believes, as an ordinary knowledgeable citizen, who was somewhat acquainted with the facts that it goes to the core issue that maybe Mr. Pringle's representation on the report that was put out there should be pulled back, set aside and a new counsel should be appointed to review the matter.

Mayor Menna thanked him for his comments.

William Meyer—12 Monmouth Street—said he wanted to second what Mr. Fitzpatrick had said. He said he had looked it over as well and would like to know if there was any type of disclosure of these relationships prior to today either in writing or verbally to the Council and the Mayor. He said he thinks it gives the appearance of a conflict. He noted that he objected to the fact that they have mostly discussed the matter in Executive Session because of "litigation" but that there was no litigation that he knew of. He said he was troubled by a lack of openness and a lack of participation on the part of the public particularly with regard to a building that got out of our hands for one dollar. He said that the building is exceptionally valuable and a historic building. He said he would like to see the report that was done by Mr. Pringle's office, because, in his opinion, based on what he had seen, that the building is our building. He noted that there is a reverter clause in the State statute that was referenced in an ordinance prepared by former Borough Attorney O'Connor. Mr. Meyer explained the intent of the Statute allowing sale for one dollar. He compared the potential loss to the taxpayers to situations at the national level. He said he wanted to note for the record that in reviewing recorded documents he believes there was a revocation of the charitable exception of the Children's Cultural Center and a tax imposed by the IRS. He said shortly after that it merged with the YMCA. He said he would like to see an open process. He said he has spoken to Attorney Hall and, while he will not tell him what is in the report, Mr. Meyer said Mr. Hall has said it is his opinion that the building is not ours or that he disagrees with Mr. Meyer's opinion. Mr. Meyer again stated that the building is ours. He said by selling it, it would make it a commercial building and said the statute says you cannot make it a commercial building and give it away for one dollar. He noted that the original ordinance has the proper statute in there but it was left off as a reference in the deed. He said the other ordinances, in his opinion, violate the State Statute. He said he 100 percent agrees with what Mr. Fitzpatrick said and respectfully requests that we have other counsel in this regard. He added that we need to take a look at the issues possibly with a special committee and private citizens.

Attorney Pringle stated for the record that tonight was the first he was aware of the gentlemen mentioned being members of the YMCA board. He noted that his firm deals with the YMCA's attorney, not the board. He said he has never examined the board to see who its members were or if it had changed over the years.

Mr. Meyers said that, while that may be the case, he felt it didn't change anything.

Mr. Pringle said he was welcome to his opinion, but he didn't want him to think there had been any decision on his part not to disclose anything. He said this is the first time he is hearing it. He noted that his firm does not represent the YMCA.

Mr. Meyer said he felt the State of New Jersey was behind the eight ball when it came to conflicts of interest and again cited national issues in terms of conflicts of interest.

Mayor Menna told Mr. Meyer that he knew Mr. Pringle as well as Mr. Menna did, and that he had the highest confidence in his ethical standards as he was sure Mr. Meyer did. Mayor Menna added that when Mr. Pringle said he did not know they were on the Board of Directors, he believes him because the Board of Directors of the YMCA changes with ever increasing frequency. He said Mr. Fitzpatrick's question has been brought to the floor and he will take it under advisement. He said he would not consider it lightly and that he thought it was an important question to bring to the Council's attention. He said they would be discussing it further as a Council. He noted that a couple of weeks prior, Mr. Meyer had said he had some additional information and if he would like to provide those briefs to him, he would be happy to look at them.

Mr. Meyer said his tax dollars had paid to have a brief done. He said there is no litigation and he has no information because no one will tell him. He again questioned the sale for one dollar and said he did not want to provide the information he had without being able to see what they have.

Mayor Menna said he would be happy to meet with him and show it him.

Mr. Meyer reviewed the history of the transaction and questioned former Mayor McKenna's role as a Vice President of the Children's Cultural Center at the time he signed ordinances regarding the sale. He said he can't get any information on the Center's merger with the YMCA because it is a private document of the YMCA. He said it gives the appearance that we should have special counsel and a citizens committee and that anyone involved in the past should not make any decisions on our behalf. He again said it was our building and we should get it back. He said he and Mr. Fitzpatrick were passionate about this and others should be also. He said he was very disappointed in what he had heard from Mr. Hall in the past and felt if an attorney was looking at it from the other way, he would be working to get the building back..

Councilman Giannell said there were a lot of other people that passionately agreed with Mr. Meyer's position.

Mayor Menna asked if anyone else from the public would like to speak, no one appearing he closed the public comment portion of the meeting.

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilman Giannell said, since this was his last meeting, he would like to say that it has been an honor to be Council member with the people on the board and an honor to work with a lot of the staff. He noted that he has said for years that Red Bank has a first rate staff. He said he deals with a lot of municipal governments and the people here do an excellent job. He noted that he was appointed and had big shoes to fill. He said the one thing this Council has shown is that they can disagree and in productive and constructive manner and some disagreements actually produce compromise. He said he believes the other members have listened to him and he has listened to everyone on occasion. He said he feels they have worked well together and thanked the other Council members for working with him. He wished the best of luck to the incoming Council people and said they will have a good team to work with.

Councilwoman Cangemi said it has been an honor to serve the people of Red Bank and said she has concerns as she leaves. She said her priority has always been taxes and where does the money go. She said she appreciates the efforts of Councilman DuPont and Councilwoman Horgan with their environmental initiative and remain concerned that it does not mention money anywhere in it. She said she hopes we continue to recognize and balance the needs of the individuals in our Borough with the greater good and recognize the keeping our citizenry able to stay should be our priority. She said that she thinks the Council will. She said it's been an honor to serve on the Council. She noted that while they've had their differences, they've also had compromises and some open and positive successes. She said when she first came on the Council and had questions about the budget, Councilman DuPont was good enough to meet with her and go over it line by line. She said she voted against it but noted that it was an open process. She noted the amount work that is done by every member of this Council. She said when someone knocks on your door and asks for your vote, they're not asking you for a favor. She talked about the projects she worked on with other council members specifically Councilman DuPont and Councilwoman Horgan. She said she joined with Council with her dear friend John Curley and said he was the benchmark of what a watch dog does. She said she hoped that she did a fraction of what he did in pointing out things that needed to be brought to light. She said his dedication to service was an example for both sides of the aisle. She commended Councilwoman Lee's work with the Public Works Committee to keep costs down and services up. She praised Councilman Murphy saying he has a hand in everything and noting that he is dedicated to making sure the work gets done. She said she admires the Mayor and hopes he considers her a friend. She said they agree and disagree but his priority is the people of Red Bank. She commended the amount of time, effort and passion that he puts in and said he does it with graciousness. She said the most important thing was working with the Borough employees. She commended the Police and Public Works departments specifically. She recalled several years ago when she worked at the Count Basie Theatre and credited the efforts of Stanley Sickels for keeping her tenure free of any serious incidents. She commended his work with the Borough overall. She noted how many employees and Council members have had long term relationships with the Borough. She said she hopes the incoming Council members have the same experience she had with the Council members and employees.

Councilwoman Lee commended Councilwoman Cangemi's efforts on the Public Works Committee. She said she would come in and take off her Republican coat and get the job done.

Councilman Murphy agreed with Councilwoman Lee. He said he also served with Councilwoman Cangemi on the Public Works Committee and noted how much goes on in that Department. He noted that sometimes decisions have to be made on short notice due to emergencies and said Councilwoman Cangemi understood and helped to get the job done. He said it was a pleasure working with her and that they would miss her.

Councilwoman Horgan said Councilwoman Cangemi was very collaborative and a hard worker. She said she appreciated her efforts to get things done and thanked her for her service.

Councilman DuPont said Councilwoman Cangemi has been an advocate that has caused him to change his thoughts and positions which he felt was good. He added that he felt the dialogue was needed and made things better for the residents of Red Bank. He thanked her and said he would miss her. He also thanked Councilman Giannell for his service.

Mayor Menna said he wanted to thank all of the volunteers and residents for putting up with the members of Council. He said, while sometimes they look like a dysfunctional group, they actually get along rather well and noted that that is what democracy is all about. He said although they have had disagreements on many issues, they've always kept it civil and that's the hallmark of what the residents really want. He credited the members of the Council with their common sense and rationale for the ability to keep things civil. He thanked Councilman Murphy, Councilwoman Lee and Councilwoman Horgan for the work they had done on their committees. He commended the many volunteers including those who serve on committees and the incalculable hours they put in. He called the Fire Department the best in the State. He praised the Press Corps and said, by and large, they appropriately represent what happens at these meetings. He said an informed citizenry is the best guarantee of any democracy functioning. He told the Council members-elect that it would be a rough ride next year but that they would get through it together. He noted former employees in the audience and said it was always good to see them still in our community. He praised the present staff. He commended Councilman DuPont's efforts on the plastic bag ordinance and on the Finance

Committee and noted the tremendous amount of work he has done. He thanked Councilman Giannell for accepting the invitation to join the Council and said he had provided the balance and reasoning they needed on so many discussions. He said he did consider Councilwoman Cangemi a friend and added that she provided grace around the table as well as a zest and a passion. He said it was a pleasure to get to know her. He wished everyone a happy holiday and wished them peace with their loved ones.

#### **EXECUTIVE SESSION**

08-269 The Attorney read a resolution to adjourn to executive session to discuss litigation.

Councilman Murphy offered a motion, seconded by Councilwoman Horgan to adjourn to executive session to discuss litigation. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilwoman Horgan offered a motion, seconded by Councilwoman Lee to adjourn from executive session.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

#### **RESOLUTIONS**

08-257 Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 29, LOT 29, 49-53 BROAD STREET, RED BANK, NEW JERSEY."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

08-258 Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING SUTTON COMMONS, L.L.C., BLOCK 113, LOT 22.01, 165 BRANCH AVENUE, RED BANK, NEW JERSEY."

Councilman Giannell offered a motion to table the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee

NAYS: Murphy

There being five ayes and one nay, the resolution was declared tabled.

Councilman Murphy said he was voting no because we pay professionals to negotiate on the taxes and we will uphold their decision. He also noted that Councilman Giannell was the one who wanted to table and he won't be at the next meeting so the remaining Council members would approve it at that time.

Councilman DuPont agreed and questioned why they didn't vote on it.

Councilman Murphy and Councilman Giannell discussed the issue of second guessing the professionals. Councilman Murphy said there will be many such resolutions coming before the Council in the next year and said it didn't make sense to second guess the professionals.

Mayor Menna noted that there was a motion and a second and the resolution had passed.

08-259 Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING WORDEN-HOIDAL FUNERAL HOME, INC., BLOCK 27, LOT 8.01, 60 EAST FRONT STREET, RED BANK, NEW JERSEY."

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

**ADJOURNMENT**

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

ROLL CALL:

AYES: Cangemi, Giannell, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi