

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 23, 2007
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Courier, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2007.

WORKSHOP

Debris at Construction Sites

Councilman Murphy said that he has received several complaints about the construction mess at the triangle on West Front Street and Riverside Avenue that use to be part of the Schwartz property and also the site next to Danny's Restaurant on Bridge Avenue. He said that we have an ordinance regarding construction sites and the placement of screening around them.

Mr. Sickels said that he would have the Code Enforcement Officer look into this matter.

Parking Garage on West Front and Wall Streets

Councilman Murphy asked Mr. Sickels to look at the Developer's Agreement regarding the construction of the new office building and parking garage located on West Front and Wall Streets. He said that he thought the public was going to be able to park in the parking garage during the evening and on weekends.

Mr. Sickels said that he would provide the Members of the Governing Body with the agreement.

Mr. Hall said that they have acknowledged their obligation to provide parking for the public but there are a number of items that must be worked out.

Maintenance of Borough Owned Property

Councilman Curley said that all Borough-owned properties should be put out to bid for outside maintenance and the additional four or five properties should be included because of the various personnel problems expressed by Mr. Watson.

Councilman Bifani said the properties that are being maintained by an outside company have worked out very well and we continue to add additional properties.

Borough Owned Properties at the End of Drs. Parker Blvd.

Councilman Bifani said that the structures that the Borough owns at the end of Drs. James Parker Blvd have been demolished and hopes that demolition of the incinerator will start in the next few weeks and that once we have this area cleaned-up we would start to have meetings with residents to see what kind of recreation areas they would like to see at this site. He said this is the first phase of the open space project and is excited it is moving forward because we have been working on it for a number of years.

Mayor Menna thanked Councilman Bifani for all of the hard work he did on this project.

APPROVAL OF MINUTES – March 12, 2007

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Menna thanked Fred Boynton and the Red Bank Men's Club for participating in the Golden Glove Fights at the Red Bank Middle School. He said that it was a wonderful evening and there were over 450 attendees. He said Mr. Boynton did a great job and put a lot of hard work into this event and said he looks forward to attending it next year.

Mayor Menna said that he is happy to report that the West Borough Post Office reopened last Friday at 10 a.m. He said that once a federal facility closes it is hard to get it reopened but through a lot of hard work by so many organizations and residents it was reopened. He said that this shows that the Federal Government has faith in our community and the Shrewsbury Avenue corridor.

Mayor Menna reported that we were advised by Moody's last week that when we put out for bonds that our bond rating was reaffirmed as an A-2 rating which is one of the highest ratings. He said that he wanted to thank Frank Mason, Dave Kaplan and Michael DuPont, Chairperson of the Finance Committee, for achieving this high rating and praised them for their sound financial management. He said this would enable us to sell our bonds at a very attractive rate.

Councilman Murphy thanked Mayor Menna for appearing at the Post Office last week and thanked him for pressing the Post Office to open as soon as they could. He said the Senior Center is very grateful for the reopening of the Post Office and that Mrs. Terry wanted everyone to know that the Library Express is working really well for the Senior Citizens and they are still going every other week to the Long Branch Public Library. He also reported that there is a resolution on the Agenda this evening for a grant in the amount of \$5,000 to crackdown on driving while intoxicated and this will provide the funding for overtime for the Police Department to enforce this crackdown.

Councilwoman Lee reported on the boxing match she had attended over the weekend and said it was a great success. She also said that she had worked on the Waterfront Development Plan with Gail O'Reilly for over 3 years with John Cash, Josephine Lee, Lou DiMento, Rosemary Kopka, Tom Williams, Kathy Horgan and Sam Ballaco and said that tonight she has a copy of the Red Bank Waterfront Plan for presentation to the Council. She said the plan would be presented to various Borough Boards tomorrow and that there would be a copy available at the Clerk's Office tomorrow. She said that after it is reviewed by the Members of the Governing Body it would be posted on our website and said that this plan should be used when we are creating our future master plan because it shows how the waterfront could be developed to create access for our residents.

Councilman Curley reported that there was a boating program that took place with the River Rangers and this program was for children in 6th to 8th grade. He said the children learned about the river and boating safety and said there is a trip coming up next week to Run Away Rapids in Keansburg for the 120 children that participate in our summer camp program. He said that on August 1, 2007 we would be sending our children to a Blue Claws game and said there was a 3-hour fishing trip that was scheduled for today but had to be postponed because of the weather. He said Chief Fitzgerald and the Police Department were very instrumental in arranging this fishing trip and will arrange to have it rescheduled. He said the Police Department has made arrangements for our summer camp attendees to go to the New Jersey State Police Museum and said Mr. Evans is starting to work on the soccer program.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Red Bank Elks Lodge #233 and C.H.A.S.E. for Life for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Hamilton Jewelers for use of the parking spaces in front of their store for valet parking services on July 26, August 2 and August 16, 2007 from 5:30 p.m. to 9:00 p.m., pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: Bifani

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

Mayor Menna read a request from Frank Harris for use of Count Basie Park on Saturday, September 1, 2007 to hold a fundraising concert entitled “The Old School Jam.”

Mr. Sickels said the Special Events Committee is opposed to this request because they are against placing a large stage in the park because it will cause damage to the area.

Councilman Bifani said they should use Marine Park.

Mr. Sickels said that they are opposed to using Marine Park.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, DuPont, Cangemi

NAYS: None

ABSTAIN: Lee

There being five ayes, no nays and one abstention, the request was declared denied.

Mayor Menna read a request from RiverCenter for use of Riverside Gardens Park on Saturday, August 11, 2007 from 7:00 p.m. to 10:00 p.m. to hold a concert as part of their StreetLife music series, pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold Smart Car special event in front of 30 Broad Street on August 18 & 19, 2007 from 12 noon to 8:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

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

Boris Kofman – 28 Riverside Avenue – said that he has a question about the easement for Count Basie Park.

Mr. Sickels said the County requires this easement because we have secured a grant from Monmouth County for the park and we are doing construction on an area of the park that is owned by the Board of Education. He said we are building a concession stand to replace the one that is there now.

Mr. Kofman asked if the Borough owned the field.

Mr. Sickels said the Borough does not own that portion of the field but has a long-term lease with the Board of Education.

Mr. Kofman asked who maintains the green areas of the park.

Mr. Sickels said the Borough maintains the entire park.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2007-32 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN OPEN SPACE EASEMENT TO THE COUNTY OF MONMOUTH WITH REGARD TO COUNT BASIE PARK.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 13, 2007.

ORDINANCES – Public Hearing & Final Adoption

2007-30 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.3, “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS”; AND SECTION 7-10.1, “LEFT TURN PROHIBITION.”

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

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2007-31 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN ACCESS EASEMENT UPON CERTAIN PORTIONS OF THE BOROUGH OWNED PROPERTY KNOWN AS BLOCK 30.01, LOTS 37, 39, 40 & 41 TO 20 WHITE STREET, L.L.C.”

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

Ms. Lee offered a motion to close the public hearing, seconded by Ms. Cangemi.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

RESOLUTIONS

07-177 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF LITTLE SILVER.”

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

ROLL CALL:

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

NAYS: None

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

07-178 Mayor Menna read “A RESOLUTION AUTHORIZING THE PREPAREATION AND DELIVERY OF ESTIMATED 2007 3RD QUARTER TAX BILLING.”

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

ROLL CALL:

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

NAYS: None

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

07-179 Mayor Menna read “A RESOLUTION SUPPORTING THE *OVER THE LIMIT UNDER ARREST 2007 CRACKDOWN*.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

07-180 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,253,522.77.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman DuPont said that in following up with Red Bank’s attempt to cut its green house emission gases he had spoken to Joe Azzolina, the owner of Foodtown Supermarket, about eliminating or changing the type of plastic bags that are a problem for our environment. He said that he knows that the Mayor has spoken to other municipalities about implementing this plan and said that he found out today that the Grove in Shrewsbury has started to use biodegradable bags and said he hopes to have additional meetings with Mr. Azzolina. He said that he has also set up a meeting with the New Jersey Department of Environmental Protection to see if they have any other ideas how Red Bank can get its greenhouse emissions and reduce its environmental issues. He said that he would like to see the Borough Engineer’s Status Report on the website and has been working with Councilwoman Lee to see if this could be done.

Councilwoman Cangemi said that the Environmental Commission is not only talking about the replacement of plastic bags but also doing an awareness program on all kinds of recyclable products and would like to implement reuse, recycle program. She said they are also meeting with RiverCenter on coming up with a program for reusable cloth bags that could be done as a fundraiser but also have some kind of environmental impact and said she would

like to invite Councilman DuPont to one of the Environmental Commission's meetings because she said they do have some very progressive ideas instead of just changing to biodegradable plastic bags.

Councilman DuPont said he would like to do that and said that he knows the Mayor has taken the initiative in contacting the City of San Francisco regarding their ordinance that was recently passed regarding various proposals in cutting greenhouse emissions and thinks that education is very important because most individuals do not know what steps they can take to reduce the greenhouse emissions.

Councilman DuPont said that he thinks the Mayor and Council would consider adopting a resolution urging the reversal of the closing of Fort Monmouth because of the harm to the local communities as well as the misinformation that the government provided to the local communities about closing Fort Monmouth.

Councilman DuPont said that he had the opportunity to contact Senator Karcher's office and explained to them the importance of her involvement in maintaining the revocation of the liquor license for Bests Liquors and said that he has asked her to send a letter to the Division of Alcoholic Beverage Control asking the A.B.C. to uphold our decision.

Councilman Curley said that he wanted to congratulate Assemblywoman Beck for her door-to-door efforts in getting people out to the public forum and discussion and said that he appreciates the efforts of all of our State representatives.

AUDIENCE

David Prown – 44 Hillside Place – said that he is asking the Governing Body to postpone the sale of the Count Basie Learning Center because it belongs to the taxpayers and it is an ideal location for a community center and it is essentially a turn key operation and once it is gone it is gone forever. He said that before the bids are opened there should be a public hearing or some kind of forum so the taxpayers could be heard and suggested that the Parks and Recreation Department move into the building because the building is ready to use.

Councilman Bifani said that he does not think this is an ideal location for kids because it is a very busy intersection and an ideal location for a community center would be the property that is being developed at the end of Sunset Avenue.

Mr. Prown said this location could be a start because it is ready to go and then we could move it to another location and that this property should not be sold just to provide tax relief.

Mayor Menna said that we are just testing the market and if the building is sold some of the money would be used as seed money for long range plans for future recreational enhancements as well as community needs. He said not all of the money would be used for tax relief.

Councilman Curley said that he does not think we should be selling assets to provide tax relief and said we have many major capital projects that are necessary. He said our firehouses are crumbling and have an infrastructure that is falling and have tremendous financial obligations. He said he is in favor of having an opened forum on what could be done with that site and thinks the public should have input and access to all information.

Mr. Prown said it cost money to buy land and build a building and this is just there waiting for us to try it out.

Councilwoman Cangemi said we are going forward with the bidding process so we can have a discussion that involves the whole equation and if we get a bid that is really substantial we could look at it as genuine seed money for a community center that really serves our children that would have outdoor activities. She said this would give us all the information we need because we do not have to accept a bid.

The Members of the Governing Body discussed what the building might be worth in the market and said it is a very unique property and it would hard to tell what it is worth.

Mr. Prown asked that Council commit to having a public forum before anything decisions are made about the sale of the building.

Mayor Menna said that the whole subject might be moot if the bids come in very low.

Councilman DuPont said that we have the right to open the bids and review them and decide if they are in the best interest for the Borough. He said he thinks a community center would be a great idea but we also have to think about the costs of running a recreation center and does not think this is a good location for this use.

Mr. Prown said the Senior Center is an example of how something started out in a small building and by trial and error progressed into a wonderful facility.

Mayor Menna said that it was not by trial and error but by common sense. He said the Borough was renting a dilapidated completely awful structure from a private developer for a lot of rent and figured out that it made financial sense to bond on a completely new structure instead of paying for something we did not own.

Mr. Sickels said there is grant money we receive to operate the Senior Center and the one thing Mr. Prown has not mentioned is the operational costs of a community center.

Councilman Curley said that he thinks we should have a public forum on this topic because there seems to be a lot of misinformation out there and said for the children of this community we should look into his request.

Councilman DuPont said that he thinks it is a viable request and that the process would allow that to happen and he thinks it is very important to have open discussions as required.

Sean Murphy – Throckmorton Avenue – said that the Governing Body should move forward and see what kind of price we could get for this property because everyone is crying for tax relief. He said that we have so many properties that are tax exempt that everyone in this town carries and that if you get the right price you should move forward.

John Tyler – 69 Leighton Avenue – said that he agrees with Mr. Prown and wants to know where we are going to put the kids that use that building now and asked if they are part of the YMCA or part of Red Bank.

Mr. Sickels said that the YMCA is in discussions with the schools to see if they could run the programs at the schools.

Mayor Menna said that the YMCA confirmed that the children would be accommodated.

Mr. Tyler asked if we have anyone that does mosquito control.

Mayor Menna said that we have a contract with the Monmouth County Mosquito Commission.

Councilwoman Cangemi said that the Code Enforcement Officer has also been inspecting for areas of standing water where mosquitoes live and they are issuing summonses when necessary. She said that if Mr. Tyler sees existing problems to contact Code Enforcement.

Diane Salvatore – 138 Bodman Place – she said over the last 12 months there has been talk about a community center and asked if this topic has been on the agenda.

Mayor Menna said that it has not.

Councilwoman Cangemi said that there have been discussions in certain Council Committees and said the subject was discussed by the Education and Technology Committee.

Councilwoman Lee said that she is concerned about locating parks or a community center close to the water because it requires much more supervision but she does agree with Councilman Bifani that the Count Basie Learning Center building is not located in an area suitable for a community center.

Ms. Salvatore said that the town Council has to make a commitment to create a community center for our children.

Councilwoman Lee said that it is not only the Council that has to make a commitment but the citizens of the town because they are going to be the ones that have to pay for it.

Ms. Salvatore said that there should be a dialogue amongst the community about the sale of the building and selling the building does not send out a good message to the community about the priority of our children.

Councilwoman Lee said that the Waterfront Development Plan is a study and there were numerous public meetings receiving input from various organizations a lot of it concerns recreation for the community and our children.

Councilwoman Cangemi said that we should work on a long range plan and not start off in a sub-standard building but work on a community center that will grow with us as a town and will be affordable to everybody and not create so much cost by doing it once and then doing it again.

Ms. Salvatore said that something has to be done immediately because today is now for our kids and they need somewhere to go and we have to find a building.

Councilman Bifani said all of the ideas are great but we can not spend what we do not have and that he thinks the discussion is premature about where the money is going to go. He said that he thinks the Parks and Recreation Committee should put a plan together for a community center and how much it would cost to operate and what kind of programs would be there. He said that's where it should start.

Councilman Curley said that he has a high regard for Dr. Salvatore and all she has done for the children of Red Bank and thinks that we should open this subject up to a public forum and advertise that forum so people that are interested can come forth and tell us what is on their minds.

Councilman Bifani said that he thinks the Parks and Recreation Council Committee should advertise and host this meeting.

Councilman Curley said that he will have this public meeting.

Mr. Sickels said that he just wants everyone to know that we do not have a community center and that building was the Count Basie Learning Center and the programs that were held there are going to be considered elsewhere and at the time the Center was formed the schools did not have a lot of after school programs that they have now so a lot of the needs have been addressed some other way. He said that is not like we are doing away with a community center we do not have one and what we have now will be a vacant building at the end of August.

Steve Fitzpatrick – 96 Hudson Avenue – asked Mr. Kosenski how the 2-year ban on new sewer connections imposed by the Two River Reclamation Authority on high density residential/commercial projects would impact Red Bank.

Mr. Kosenski said the sewer ban would have an impact on many developments that are before the boards because if an application does not have a permit prior to June 19th they may not be able to connect to the sewer system for approximately 2 ½ years. He said that developers have a right to apply for an exemption from this ban that has to be approved by the Reclamation Authority.

Mr. Fitzpatrick asked if all of the sewer water is treated there.

Mr. Kosenski said that it is.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

07-181 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and personnel.

Mr. Curley offered a motion, seconded by Ms. Cangemi to adjourn to executive session to discuss contract negotiations and personnel. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona