

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 10, 2007  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Councilwoman Cangemi.

**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**

**Historic Preservation Commission's 2006 Annual Report**

Mayor Menna said that all Council Members have received and reviewed the 2006 Annual Report and said that he has reviewed the inventory list and that all of the structures that are on it are appropriate and that he recommends adoption of the report and asked if any of the Council Members had any comments.

Councilman Murphy said that all of the fire companies are listed on the report and said everyone is aware that these buildings are in need of repair as well as replacement at some time. He asked the Mayor if there would be a problem with construction on any of the buildings if they receive a historic designation.

Mayor Menna said that under our ordinance if any major construction or demolition is done to any structure on the list the Historic Preservation Commission would get a copy of the plans and they would have the right to comment on it.

Councilman Curley said that there is no enforcement power and the Historic Preservation Commission would just make a recommendation.

Mayor Menna said that he is recommending adoption of the list.

Councilman DuPont made a motion to recommend that the report be accepted, seconded by Councilman Murphy.

Mayor Menna said that the next step would be notification to all the property owners that their structure is on the list and they would have the right to object before we actually adopt the report.

**Central Avenue Paving**

Councilman Curley said that we have had numerous discussions about the paving of Central Avenue and said while talking to the Mayor last week they discussed taking a straw vote on how the other Council Members felt about this subject.

Mayor Menna said the issue of Central Avenue has been going back and forth for the greater part of the year and we have had meetings with the Borough Engineer and the property owners on Central Avenue and there is a methodology that has been tentatively agreed in terms of possibly upgrading the street however we still have to have an agreement with the property owners for an added assessment to upgrade the street because of all of the commercial truck traffic on this street. He said the Public Works Committee should meet with the Borough Engineer to discuss the difference of cost for upgrading to the commercial cost of paving versus the residential cost of paving the street.

Councilman Curley said that this has gone on for quite some time and it is a liability issue at this time. He said that Mr. Sickels said there were 2 property owners that objected to an assessment but something

has to be done and everyone on the street should pay for the assessment because an employee that works for a business on this street has been injured and said that he hopes by the next meeting we can make a decision on this matter.

Councilman DuPont said this should be addressed as soon as possible.

Councilman Bifani said that this has already been discussed by the Public Works Committee and we recommended that the Administration meet with all the property owners and get a written report that the property owners all agreed to receive an assessment. He also said that all sites were to be checked to see what their approved use is and make sure everyone is in compliance with their approved use. He said that he believes several of the properties have expanded their original approved use without receiving any approvals from the Planning or Zoning Boards.

Councilman Curley said that it is a responsibility of this Council to get the job done after discussing it for 1 ½ years and if there are any code enforcement issues the owner should receive summonses.

Councilwoman Lee said there has been a business that has expanded to so many vehicles that they can not even park in their parking lot and park on the street and this is considerable wear and tear on the road.

Councilman Bifani said that there is not any money in this year's budget and it would have to be voted on by next year's Council.

Mr. Sickels said that last Friday he had a discussion with New Jersey Transit and other issues have come out from this meeting and there are still some things that have not been resolved. He said he would have a report by the next meeting.

Mayor Menna said that for us to move to the next step it is going to involve expenditure of some public funds including engineering funds and perhaps some legal fees because of the issue of an added assessment and asked the Council if they are in favor of moving forward.

Councilman Curley said that he would like to go to the next step because these people are taxpayers even though they are businesses and said that road has been in terrible condition for decades.

Mr. Sickels said that there are not any funds in this year's budget and it would have to wait until next year.

Councilwoman Lee, Councilmen Murphy, DuPont and Curley said they would like to proceed.

Councilman Bifani said that he would like to abstain because he would not be on Council next year.

Mayor Menna said that there would be a report by the next meeting.

## **MAYORAL APPOINTMENTS**

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

Councilwoman Lee said that we have more information on the website and are expanding it and hope to add some links for the Senior Citizens to the State tax links and to the benefits that are available in our town.

Councilman DuPont said the Technology Committee had met to talk about the possibility of having internet access on Broad Street and in the Parks and had a meeting with Trisha Rumola to discuss this.

Councilman Curley said that the fall soccer program is underway and this weekend we had 15 games and said there were 10 games on Saturday and 5 games on Sunday. He also said Family Day was a huge success and thanked the Westside Community Group and also said that every Thursday from 5 to 8 p.m the UK Elite will be teaching kids how play soccer for the next 6 weeks.

Mayor Menna said that he wanted to thank everyone that was involved with Family Day and said there was an enormous turnout with approximately 300 to 350 attendees and everyone had a great time. He said Habcore celebrated their 10<sup>th</sup> Anniversary last Friday and they said that they are very thankful that Red Bank opened their arms to their outreach mission. He also said the Street Fair was terrific and everyone enjoyed themselves.

## COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from The Two Rivers Antiques Show & Garden Tour Committee to hang a 3'x15' banner on the outside of the Red Bank Armory & Ice Complex from May 6, 2008 to June 8, 2008 to advertise their event and to place 12 real estate signs around town starting the week before the event.

Mayor Menna said that he knows there are some Council Members that are not in favor of placing signs on the street and would like to discuss this.

Councilman Bifani said that all the signs on the poles and on the street create a burden for our Public Works Department and these signs should not be allowed in the public right of way and they should find supporters who will put the signs in their yards. He said that we should let the Special Events Committee know that we are not going to allow these signs and they can pass this information to the groups sponsoring special events. He said the signs have become a nuisance because the signs are being use for so many events and even by stores advertising sales.

Councilman Curley said that there is a restriction on the signs for political campaigns and that he agrees with Councilman Bifani that these signs should not be placed in the Borough's right of way.

Mayor Menna instructed the Borough Clerk to inform them the banner could be put up but the request to place the sign around town is denied.

Mr. Bifani offered a motion to approve the request for hanging the banner but to deny the request for placement of real estate signs, seconded by Mr. DuPont.

### ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

There being five ayes and no nays, the request was declared approved as amended.

Mayor Menna read a request from Jersey Shore Jazz & Blues Foundation for use of Marine Park to hold the 2008 Red Bank Jazz and Blues Festival on May 31, 2008 to June 2, 2008, pending approval of the Special Events Committee and subject to plan revision due to construction in Marine Park.

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

### ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read requests from Red Bank Catholic High School PTA and Red Bank Catholic High School Booster Club for raffle licenses.

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

### ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from Shrewsbury First Assembly of God to hold a humanitarian outreach at Montgomery Terrace on Saturday, October 6, 2007 from 11:00 a.m. to 2:00 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

NAYS: None

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

Mayor Menna read a request from Westside Hose Company of the Red Bank Volunteer Fire Department for use of the White Street Parking Lot to host the 9<sup>th</sup> Annual Red Bank Volunteer Fire Department Car Show on Sunday, June 8, 2008, with a rain date of Sunday, June 22, 2008, from 9:00 a.m. to 4:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from Marguettes Roach for membership in Westside Hose Company of the Red Bank Volunteer Fire Department/First Aid Squad.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

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

Mayor Menna asked if anyone would like to speak, hearing none he closed the public comment.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

**ORDINANCES – First Reading**

2007-36 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO DANLOU PROPERTIES, L.L.C. AND DLMW PARTNERS, L.L.C. (D/B/A THE DOWNTOWN CAFÉ) UPON CERTAIN PORTIONS OF THE BOROUGH OWNED RIGHT OF WAY ADJACENT TO 8-10 WEST FRONT STREET, BLOCK 9.01, LOTS 5 AND 13.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for September 24, 2007.

2007-37 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH’S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for September 24, 2007.

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

2007-34 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.6 “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING.”

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

NAYS: None

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

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

#### **RESOLUTIONS**

07-204 Mayor Menna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-035-003.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-205 Mayor Menna read “A RESOLUTION ENDORSING THE “GREEN ACRES, FARMLAND, BLUE ACRES, AND HISTORIC PRESERVATION BOND ACT OF 2007.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-206 Mayor Menna read “A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY, NEW JERSEY FOREST SERVICE FOR A 2006 COOL CITIES PROGRAM GRANT.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming September 22-29, 2007 as The Community YMCA’s America on the Move Week.

## **PAYMENT OF VOUCHERS**

07-207 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,443,985.05.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

Mayor Menna said that we have a request from a South Street resident that would like the Borough to have a one-day yard sale event and said that he thinks it is a good idea for us to establish a date next year for the whole town to participate in this event.

Councilwoman Lee said the Westside Community Group is also looking in to holding a similar event and said that we should try to coordinate both events.

Mayor Menna said that he thinks it is a great event and we will work on coordinating a date with both groups.

Councilman DuPont said that he would convey this information to his neighbor who submitted the request.

## AUDIENCE

David Prown – 44 Hillside Place – said that when he lived in another town they had a community yard sale and it was a great success and they charged a fee and distributed a map of all locations that were participating in the event.

Councilman DuPont said that we are thinking about doing something similar to this.

Mr. Prown said that he wanted to thank Councilman Curley for talking about the soccer games and said the program has really improved. He also said that if we do not allow signs in the right of way it should apply to everyone even the town and thinks all signs should be on private property.

Mr. Prown asked if he missed the public comment on the Housing Official.

Mayor Menna said that this ordinance was on the agenda for first reading and he asked if anyone would like to speak during the Public Comment on Resolutions and Ordinances on First reading and no one had any comments, he said we would have another public hearing on September 24, 2008.

Mr. Prown said that he was not paying attention and missed it. He asked if this was an existing position or would we be hiring another employee.

Mayor Menna said that this position is currently held by John Gurzo and we had to adopt an ordinance to change the title of his job to be in compliance with State regulations.

Mr. Prown asked if anyone from the Borough was involved with the Red Bank Housing Authority.

Mayor Menna said that Borough residents are appointed to the Housing Authority and they have to go to federally sponsored classes before they can serve on the Board. He said it is suppose to be an independent body imposed by federal regulations.

Mr. Prown said that he would like to speak about the need for a Community Center with all of the activity in Red Bank and said that we need a place where all children feel welcomed and he thinks that should be a Community Center overseen by the Parks and Recreation Department. He said the Community Center should partner with other organizations to share the cost so there would not be a tax burden on our residents. He said we have a building that is up to code and has served children for over 15 years and this could serve as an interim site until we could build a bigger and better Community Center.

Mayor Menna said that we share in Mr. Prown's passion and when there is some information that is concrete in nature we would get back to him but right now there is continuing dialogue with different organizations.

Councilman Bifani and Councilman DuPont said that they are waiting for a report from the Parks and Recreation Committee.

Councilman Curley said that the Mayor is in discussion with different organizations that might want to participate in this endeavor and he thinks the Borough itself cannot finance something of this magnitude and we have to get some outside support.

Councilman Murphy said that there were 5 groups that attended a Council Meeting on this issue and they said they want to participate in a Community Center and thinks we need to question the costs of the operation of this Center and who would oversee it. He said we are willing to help out but said we have to know if we are going to be paying for organizations that are not part of our Parks and Recreation Department. He said he would like more information on this business plan involving 5 other organizations and would like to receive a report from the Parks and Recreation Committee.

Councilman Curley said that we need to know who is willing to be involved in the Community Center and this Council is not going to vote to subsidize a Community Center and said that we need financial help from other organizations because he thinks the tax payers should not incur any additional expenses.

Mayor Menna said that we are all talking about something that is a hypothetical situation and that he had answered Mr. Prown that discussions are continuing and that we are no where near to conceptualizing this plan in an intelligent fashion and we have to know about financing and a planning objective and we also have to know about this in a cultural standpoint, an education standpoint and a financial standpoint. He said we are still in discussions and meeting with various organizations.

Rick Barrington – 74 Westside Avenue – said that he would like to see a Community Center in this town and said he is a Deacon at Bethel Christian Center and they did a survey last year and about what people

wanted and needed in the town and most people said they would like to see a Community Center where the children could go for after school programs

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

#### **EXECUTIVE SESSION**

#### **ADJOURNMENT**

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Respectfully submitted,

Carol A. Vivona