

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 8, 2007  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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**

Mayor Menna said that Ordinance #2007-5 that was on the original agenda has been removed.

**Combs Alley**

Mr. Kosenski reported that the contractor that is working on the Kislins' building has agreed to reconstruct the right-of-way next to the building known as Combs Alley while installing a new drainage pipe and would like permission to start re-construction of the road at 5:30 a.m. instead of 7:30 a.m. in order to expedite the project because the road provides access to the rear entrances to the stores on Broad Street. He said the project should be completed in one week.

Mayor Menna suggested that Kislin's make their parking lot on the corner of Wharf Avenue and Front Street available to the public.

Mr. Sickels said that this site is currently being used as a staging area for the construction project.

The Members of the Governing Body agreed to extend the hours but only Monday through Friday and said all the businesses and residents must be notified. They agreed to add a resolution to the agenda.

**Reduction of Parking Tickets**

Councilman Curley said that he would like to discuss the possibility of reducing the amount of the fine for overtime parking. He said that since we have done away with the Parking Coordinator we should reduce the fine to \$25 and enforce the time to 8 p.m.

Councilman DuPont, Chairperson of the Finance Committee, said that there has only been one Finance Committee meeting and the Committee would like to discuss this matter before there are any substantial reductions.

The Members of the Governing Body said that this should be discussed during the public hearing on the budgets in January.

Councilman Murphy said that the utilities are our strongest assets.

Councilman Curley said that there were a few years when there was a deficit in the water-sewer utility.

Councilman Murphy said that out of twenty years we only had three bad years and that was because of a number of weather related problems.

Councilman DuPont said that he has just taken over as Chairperson of the Finance Committee and would like to review the financial status of the various utilities.

## APPROVAL OF MINUTES – January 1, 2007

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

### ROLL CALL:

AYES: Curley, Murphy, Lee, Ernst, DuPont

NAYS: None

ABSTAIN: Bifani

There being five ayes, no nays and one abstention, the minutes were declared approved.

## MAYORAL APPOINTMENTS

### REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Menna said that he had received a telephone call that was later followed up with a letter from Commissioner Levin informing us that we had receive a grant for approximately \$2.4 million dollars to acquire land for the project we have been calling Cedar Crossings. He said the land is located on Bridge Avenue and Cedar Street and will be utilized for the construction of 30 to 34 units of affordable housing. He also reported that he had attended a meeting of the Two River Council of Mayors on Saturday and our own Borough Attorney Ken Pringle, Mayor of Belmar, was the guest speaker and spoke about consolidation of towns and regionalization of services. He said that Little Silver, Fair Haven and Rumson are currently working on a project that would last for a number of years and that all of the municipalities agreed to discuss regional issues and where there could be consolidation. He thanked Mr. Pringle for giving a presentation of how municipalities in southern Monmouth County worked together to save money and will continue to implement a plan over the next 8 to 10 years. He also reported that there are a number of DARE graduations coming up and that he had the schedule and encouraged all Council Members to attend and that he had attended a recent department head meeting and that all department heads were encourage to start technological advances in their departments.

Councilman Curley thanked Mayor Menna for his appointment as Chairperson of the Parks and Recreation Department and reported that he had a very informative meeting with Mr. Sickels and Mr. Watson regarding the procedures of the department and said there would be a meeting of the entire Council Committee next week.

Councilman Murphy reported that there would be a dinner held for last year's Fire Chief, Larry Brooks, on January 27, 2007 at the Elks' Lodge and that tickets can be purchased for \$35. He also reported that there would be a meeting for the Neighborhood Watch Program being held at River Street Commons on January 9, 2007 at 7:00 p.m. and a meeting of the Westside Community Group would follow at 7:30 p.m.

Councilman DuPont reported that the Finance Committee met and discussed placing the Borough's financial records and Council Meeting agendas on the web so this information is easily available to the public. He said the Committee would be working with the Administrator to get this done.

Mayor Menna said that he would like to discuss this with Councilman DuPont after the meeting because there is a program available that could get information posted on the web almost instantaneously and it has been used very successfully in municipalities in southern Monmouth County.

## COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from St. James Grammar School PTA for raffle licenses.

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

### ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Timothy Constantino for membership to the First Aid & Rescue Squad and Liberty 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, Ernst, DuPont

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**

**Resolution #07-22**

Steve Fitzpatrick – 32 Chestnut Street – said he has some questions about Resolution #07-22.

Mayor Menna said that it is a resolution that is mandated by the Department of Community Affairs regarding the Council on Affordable Housing and thinks Mr. Hall could address it in greater detail.

Mr. Fitzpatrick said that before Mr. Hall responds to it he just has a question. He asked if the resolution states that if there is a shortfall of funding in any of our affordable housing programs, including Cedar Crossings, if the Borough would be responsible for the additional funding. He said we have received a grant for 2.4 million dollars and believes the purchase price of this property is 2.6 million and he asked if the Borough would be responsible for the additional funding to purchase the property.

Mayor Menna said that we have received a grant for \$2,431,300 and this amount was established on the estimated number of units that would be built, he said that we are still in dialogue with the State about the number of units and that the municipality would be responsible for any shortfall.

Mr. Pringle said that the purchase price was approximately \$50,000 more than the grant not 2.6 million dollars.

Mr. Fitzpatrick asked if the State used the Borough's appraisal or did another one.

Mayor Menna said they used our appraisal that was done by Mr. Gagliano.

**ORDINANCES – First Reading**

2007-2 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-10.1, “LEFT TURN PROHIBITION.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for January 22, 2007.

2007-3 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING CONVEYANCE OF AN EASEMENT UPON THE BOROUGH’S RIGHT OF WAY ON UNION STREET TO JERSEY CENTRAL POWER & LIGHT.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for January 22, 2007.

2007-4      Mayor Menna read "AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RED BANK TO AUTHORIZE THE EXPANSION FO THE SPECIAL IMPROVEMENT DISTRICT IN THE BOROUGH."

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

Councilman Curley said that RiverCenter does a great job downtown and commended their staff, but does not think the expansion should take place at this time because of the proposed development in this area and should be postponed for a year or two. He said RiverCenter has been a conduit for rents going up and has heard people say that they could not find a place to rent for their business downtown because the rents are so high. He said this has helped our tax assessments. He said he is concerned about the development of the train station and has not seen a plan or heard any discussions about the rents going up in the proposed expansion area.

Mayor Menna said he appreciates his concerns but there have been a lot of discussions and a public meeting held in the proposed expansion area and overall support from the businesses in this area. He said that he thinks this is the appropriate vision and walked throughout the area and spoke to small and large businesses in this area and found the overall sentiment in this are to be favorable.

Councilman DuPont said that he had attended the public meeting that was held for all of the businesses and residents in the area and the businesses in the area were very supportive and the residents were concerned about being taxed but when they found out they would not be taxed they were not concerned about the expansion and said he is in favor of ordinance.

Councilman Curley said that he is also concerned about aesthetic bricks being used for the sidewalks in this area because there have been many lawsuits that have arisen from the sidewalks in the current RiverCenter district because the sidewalks create a problem for the disabled and elderly.

Mayor Menna said that he is also concerned about this issue and people with disabilities and said we will address this issue as we move forward.

Councilwoman Ernst asked if residential units that are rented out as a business are excluded.

Mayor Menna said that residential units are excluded by state law even if it is an investment.

Councilman DuPont said that Councilman Murphy has been working on this for quite some time as council liaison to RiverCenter and it has been a joint effort.

Councilman Murphy said that he has been working on this for a long time and most businesses are very supportive and that it is a great plan.

Councilman Curley said he does not think it is a bad plan but premature.

Councilwoman Lee said that RiverCenter has been sensitive to the different needs of the areas in their current district and believes they will continue to do this in the proposed area for expansion.

#### ROLL CALL:

AYES:      Bifani, Murphy, Lee, Ernst, DuPont

NAYS:      Curley

There being five ayes and one nay, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for February 12, 2007.

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

#### **RESOLUTIONS**

07-09      Mayor Menna read "A RESOLUTION DESIGNATING THE BOROUGH TREASURER AS THE CERTIFYING AGENT IN CONNECTION WITH THE PUBLIC RETIREMENT SYSTEM."

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

#### ROLL CALL:

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

NAYS:      None

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

07-10 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT IN COMMERCE BANK AND TO SIGN ALL PAYROLL CHECKS.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, Ernst

NAYS: None

ABSTAIN: DuPont

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

07-11 Mayor Menna read “A RESOLUTION AUTHORIZING CREATION OF CHANGE FUNDS.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, Ernst

NAYS: None

ABSTAIN: DuPont

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

07-12 Mayor Menna read “A RESOLUTION DESIGNATING DEPOSITORYES FOR THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, Ernst

NAYS: None

ABSTAIN: DuPont

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

07-13 Mayor Menna read “A RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OF ASSESSMENT.”

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

ROLL CALL:

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

NAYS: None

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

07-14 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT FOR MAKING PAYMENTS IN CONNECTION WITH THE REDEMPTION OF TAX TITLE LIENS.”

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

ROLL CALL:

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

NAYS: None

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

07-15 Mayor Menna read "A RESOLUTION APPOINTING FRANK MASON AS FUND COMMISSIONER AND VALERIE FERBER AS ALTERNATE FUND COMMISSIONER TO CENTRAL JERSEY HEALTH INSURANCE FUND."

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

ROLL CALL:

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

NAYS: None

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

07-16 Mayor Menna read "A RESOLUTION APPOINTING FRANK MASON AS FUND COMMISSIONER AND GARY WATSON AS ALTERNATE FUND COMMISSIONER TO MONMOUTH COUNTY JOINT INSURANCE FUND."

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

ROLL CALL:

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

NAYS: None

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

07-17 Mayor Menna read "A RESOLUTION APPROVING CASH MANAGEMENT PLAN."

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

ROLL CALL:

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

NAYS: None

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

07-18 Mayor Menna read "A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL LABOR COUNSEL."

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

ROLL CALL:

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

NAYS: None

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

07-19 Mayor Menna read "A RESOLUTION AUTHORIZING AGREEMENT WITH COMMERCE NATIONAL RISK CONTROL SERVICES FOR 2007 ALCOHOL AND DRUG TESTING SERVICES."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, Ernst

NAYS: None

ABSTAIN: DuPont

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

07-20 Mayor Menna read “A RESOLUTION CONFIRMING APPOINTMENTS FOR 2007.”

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

ROLL CALL:

AYES: Bifani, Murphy, Lee, Ernst, DuPont

NAYS: Curley

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

07-21 Mayor Menna read “A RESOLUTION APPROVING SETTLEMENT AGREEMENT WITH S.R. WHALEN DEVELOPMENT CORPORATION AND ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY RW AT BELLHAVEN, LOCUST AVENUE, BLOCK 39, LOTS 1 & 2.”

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

ROLL CALL:

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

NAYS: None

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

07-22 Mayor Menna read “A RESOLUTION AGREEING TO INCUR DEBT FOR ANY SHORTFALL IN FUNDING FOR THE BOROUGH’S HOUSING ELEMENT AND FAIR SHARE PLAN.”

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

ROLL CALL:

AYES: Bifani, Murphy, Lee, DuPont

NAYS: Curley, Ernst

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

07-23 Mayor Menna read “A RESOLUTION REQUESTING A “DEDICATION BY RIDER” TO THE MUNICIPAL BUDGET FOR WAYFINDING SIGNAGE.”

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

ROLL CALL:

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

NAYS: None

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

07-24 Mayor Menna read “A RESOLUTION AUTHORIZING TRANSFER OF CURRENT FUND APPROPRIATION RESERVE.”

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

ROLL CALL:

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

NAYS: None

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

07-25 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A WATER QUALITY TREATMENT WORKS PERMIT APPLICATION, STATEMENT OF CONSENT AND AN APPLICATION TO MODIFY AN EXISTING PUBLIC WATER SYSTEM TO BE SUBMITTED TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION IN RELATION TO THE DEVELOPMENT KNOWN AS THE WEST SIDE LOFTS, BLOCK 37, LOT 6.01."

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

ROLL CALL:

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

NAYS: None

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

07-26 Mayor Menna read "A RESOLUTION AUTHORIZING WAIVER OF THE TIME LIMITS FOR CONSTRUCTION WORK UNDER SECTION 3-11.4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK WITH RESPECT TO THE RECONSTRUCTIONS OF COMBS ALLEY."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, Ernst, DuPont

NAYS: None

ABSTAIN: Bifani

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

07-27 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,747,734.75."

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

ROLL CALL:

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

NAYS: None

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

## **OLD BUSINESS**

### **NEW BUSINESS**

### **AUDIENCE**

Melissa Dubrowski – 56 Wallace Street – said that she was awoken Sunday morning at 7:30 a.m. by someone making noise from pile driving and the ordinance says that there is not suppose to be any noise from construction on Sunday morning. She said that she called the police to complain and was told that they had special permission to do this work and wanted to know why.

Mr. Sickels said during the Christmas holiday and while he was on vacation a letter came in from the contractor stating that they had to do some pilings in close proximity to power lines and the power had to be terminated and JCP&L thought this time would be the less evasive time for all involved. He said that the request came in after the last Council Meeting in December and the company performed the work without approval of the governing body. He said that he just found out about this today when the Mayor called to ask why this happened.

Ms. Dubrowski asked why they had to do this work on Sunday morning when the ordinance says they can do it Monday through Saturday.

Mr. Sickels said that the power had to be turned off for 2 hours and they felt this time would have minimal impact on the residents and businesses.

Councilman DuPont asked Mr. Sickels to conduct an investigation and see if a fine should be imposed to the contractor and contact Ms. Dubrowski when it is completed.

Les Hathaway – 44 Ambassador Drive – asked for an update on the construction planned for Marine Park.

Mr. Kosenski said the plans have been forwarded to the State and said he hopes to get a response from the Department of Environmental Protection by March 1, 2007 and start construction later in the summer.

Steve Fitzpatrick – 32 Chestnut Street – said that shortly before the election he asked Mayor Menna why the contributions that are under the \$300 threshold were not listed in the report and that historically the Red Bank Democratic Campaign has always listed those contributions. He also said that they are not listed on the 20-day post election either and said that there is a substantial amount of money listed in this category.

Mayor Menna said that he would be happy to sit down with Mr. Fitzgerald and go over the contributions and said that all the records are in compliance with the State Election Law Enforcement Commission.

Mr. Fitzpatrick said that he thinks there should be an amended report filed so everyone could view the contributions.

Mayor Menna said that he does not think they would amend the report and said the information is with the accountant and treasurer and he would review and talk to Mr. Fitzpatrick at the next Council Meeting.

#### **EXECUTIVE SESSION**

Councilman DuPont and Mr. Mason left the meeting.

07-28            The Attorney read a resolution to adjourn to executive session to discuss litigation.

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

#### **ROLL CALL:**

AYES:            Bifani, Curley, Murphy, Lee, Ernst

NAYS:            None

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

Mr. Murphy offered a motion, seconded by Mr. Ernst to adjourn from executive session.

#### **ROLL CALL:**

AYES:            Bifani, Curley, Murphy, Lee, Ernst

NAYS:            None

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

#### **ADJOURNMENT**

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

#### **ROLL CALL:**

AYES:            Bifani, Curley, Murphy, Lee, Ernst

NAYS:            None

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

Respectfully submitted,

Carol A. Vivona