

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 26, 2010
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Municipal Clerk Borghi, Assistant Attorney Hall, Engineer Ballard and Chief Financial Officer Mason.

ABSENT: Council Members Zipprich and Horgan, Attorney Pringle and Auditor Kaplan.

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 3, 2010.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna noted that tonight's presentation was very special to him as it involved people he had known very well. He added that those that had lived in Red Bank for a long time will remember a very gracious gentleman by the name of Frank Sole who was an institution on Gold Street and on Monmouth Street. He added that Mr. Sole started Sole's Barber Shop with several family members and said the Council was honoring the fact that it had been operating continuously in the same location for 100 years which was quite an accomplishment.

Mayor Menna read and presented a proclamation proclaiming this day as an official day of recognition and celebration for Arthur Low and Art's Barber Shop in honor of their 100 Year Anniversary.

Mr. Low thanked the Mayor and Council and noted that he was 19 when he started working in Red Bank and said he had seen a lot of changes in the town and that he loved the town.

Councilman DuPont said he had been going to the shop for 25 years and Mr. Lowe gave his son his first haircut.

RESUME REGULAR ORDER OF BUSINESS

Councilman DuPont offered a motion to resume the regular order of business, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

WORKSHOP

No Workshop items

APPROVAL OF MINUTES – July 12, 2010

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Lewis thanked the Police Department and Public Works Department for their support and help on July 17 with the Community Clean Up, an initiative that was part of the National Night Out activities. She also noted that the Parks and Recreation Committee had met on July 21st and the items on the agenda included Summer Camp, the parks, the Summer Series and the upcoming sports activities. She said she also wanted to remind everyone that the next Tuesday, August 3rd, would be National Night Out and activities would begin at Borough Hall at 6 pm with a Community Walk with refreshments and exhibits to follow at Borough Hall.

Councilman DuPont said he had seen a notice in his correspondence that said New Jersey American Water was looking for a 22 percent increase. Mayor Menna said he had not seen the notice. But if that were the case, he continued, the Borough's policy would be to join with other customers and pool their resources for a joint position opposing any rate increase.

Councilman DuPont also noted that the tax bills were mailed out earlier in the day and, in light of the fact that the State wouldn't sign off on the Borough's budget until recently, the grace period has been extended until August 30, 2010.

Councilman DuPont said he had noticed that Cluck U Chicken had desecrated a number of the Borough's signs in the area and asked what could be done about it.

Mayor Menna said he had spoken about the issue before calling for an ordinance to hold the institutions responsible for cleaning up their advertisements. He said he was waiting for Assistant Attorney Hall to provide the ordinance.

Councilman DuPont urged the Governing Body to move forward on the matter noting that all of the signs in the Borough's Veterans Park had had stickers placed on them.

Mayor Menna noted that the problem wasn't just in that location but was affecting many other signs in the Borough.

Councilman DuPont said it had also recently come to his attention that many phones emit radiation and that the levels were disclosed to the FCC but not to the consumer. He said there were a few cities who were eyeing requiring disclosures to the public and said he had asked the Borough Attorney to look into an ordinance requiring cell phone retailer to disclose handset radio frequency emissions.

Councilwoman Lee asked how many cell phone retailers were in the Borough.

Councilman DuPont said he knew there was one or two.

Councilwoman Lee asked noted that disposable phones were sold at locations such as gas stations.

Mayor Menna reported that the Council has recently passed the “no knock” ordinance and, while some thought that it wasn’t a concern these days, he noted that there had been several applications recently for door to door sales. He noted that some salesmen had been requesting to enter people’s homes to review energy services. He called for an immediate mechanism for people to sign up for the “no knock” list including access on the Borough’s website. He added that the form should not include names, but only addresses.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from RiverCenter for free parking in the borough parking lots within the downtown business district on Friday, July 30 and Saturday, July 31, 2010 for the 56th Annual Sidewalk Sale.

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

ROLL CALL:

AYES: DuPont, Lee, Murphy

NAYS: Lewis

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

Mayor Menna read a request to hold “Paddle on the Navesink Day” on Saturday, September 18, 2010 from 11:00 a.m. to 2:00 p.m. at Maple Cove, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Westside Hose Company No. 1 of the Red Bank Fire Department to hold their 100th Anniversary picnic on Saturday, August 21, 2010 and to close Leighton Avenue between Newman Springs Road and West Westside Avenue from 3 p.m. to 11 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: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna noted that the request from Lunch Break to waive the open fire permit fee for their volunteer appreciation picnic to be held in their parking lot had been withdrawn.

Mayor Menna read a request Nicholas Ferraro for membership to Navesink Hook & Ladder Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

There being four 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 noted that the Council would not be considering the Taxi Ordinance for final adoption at this meeting but would be considering it for introduction only. He noted that, upon introduction, it would be advertised and a Public Hearing would be scheduled for August 9. He said individuals were welcome to speak on the issue at this meeting as well.

Gary Damanti—of Yellow Car Company, 101 Oakland Street—handed out copies of two recent news articles discussing the issue and told the Council that he disagreed with many of the points that had been made. He said it would be difficult for companies to “pocket” licenses and said the expense of keeping a car off the road would be too great. He also questioned the need to add licenses noting that business was often slow. He also said the proposed licensing fees would be the highest in the area especially with the suggested incremental increases. He summarized by saying the ordinance addressed problems that did not exist.

Councilman Murphy asked how many cars his company had. Mr. Damanti said Yellow Car, the company he represented, had 26 of which he personally had eight. Councilman Murphy asked how that worked. Mr. Damanti explained that Yellow Car is made up of independent owners. Councilman Murphy asked if the cars were registered to Yellow Car or to the individuals. Mr. Damanti said they were registered to the individuals. Councilman Murphy clarified that Yellow Car doesn’t actually hold any licenses, but individuals contract to operate under its roof. Mr. Damanti said that was the case because the phone number had been in existence and was well known. He noted that the independent owners had to adhere to Yellow Car guidelines in regard to issues such as out of town fares and procedures. Councilman Murphy further reviewed the way that Yellow Car works with independent owners and Mr. Damanti reiterated that while 26 cars operate under their name, no licenses were actually held by the Company but all were held by independent owners.

Assistant Attorney Hall asked what services Yellow Car provided to the individual owners. Mr. Damanti said services included dispatching services for a flat fee. Mr. Hall asked who owned Yellow Car. Mr. Damanti said it was owned by two partners, Andrew Curtin and Alan Davidson. Councilman Murphy asked how much the flat fee was. Mr. Damanti said it was \$260 per car per week again noting that the fee covered the use of the phone number and dispatching services.

Mayor Menna again noted that, should the Council introduce the Ordinance, the Public Hearing would be held on August 9.

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

ORDINANCES – First Reading

2010-28 Mayor Menna read, “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IX, “LICENSING OF TAXICABS.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for August 9, 2010.

ORDINANCES – Public Hearing & Final Adoption

2010-22 Mayor Menna read, “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 25-5.32, “TRAIN STATION DESIGN DISTRICT REGULATIONS,” SECTION 10.14, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-1 DISTRICT" SECTION 10.19, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-2 DISTRICT" SECTION 10.22, "REGULATIONS CONTROLLING THE TRAIN STATION OVERLAY DISTRICT.”

Mayor Menna noted that the Council has received comments from the Planning Board and they would not be able to move forward with the Ordinance at this meeting because it needed to be amended and re-advertised.

Councilman DuPont offered a motion to table the ordinance, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared tabled.

2010-27 Mayor Menna read, “ORDINANCE AMENDING CHAPTER II, ADMINISTRATION, SECTION 2-67 OPEN PUBLIC RECORDS OF THE REVISED ORDINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

Mayor Menna opened the public hearing and asked if anyone would like to speak.

No one appearing, Councilman DuPont offered a motion to close the public hearing, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

There being four 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: Lewis, DuPont, Lee, Murphy

NAYS: None

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

RESOLUTIONS

10-178 Mayor Menna read “A RESOLUTION AUTHORIZING THE EXTENSION OF THE GRACE PERIOD ON TAXES.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-179 Mayor Menna read “A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MONMOUTH STREET CENTERS OF PLACE.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-180 Mayor Menna read “A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PETERS PLACE IMPROVEMENTS PROJECT.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-181 Mayor Menna read “A RESOLUTION URGING CHILD SWIMMING SAFETY.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-183 Mayor Menna read “A RESOLUTION AWARDED CONTRACT TO VISITING NURSE ASSOCIATION OF CENTRAL JERSEY TO PROVIDE PUBLIC HEALTH SERVICES.”

Mayor Menna asked for a motion to table the resolution pending further review.

Councilman DuPont offered a motion to table the resolution, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-184 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 (FINAL) RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE SPRING STREET, PHASE II PROJECT.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

None.

PAYMENT OF VOUCHERS

10-185 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,220,896.17.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

OLD BUSINESS

Councilwoman Lee asked about the status of the purchase of garbage trucks. Administrator Sickels said the consultant need to update the specifications and it would be going out to bid shortly.

NEW BUSINESS

AUDIENCE

David Prown—44 Hillside Place—said he couldn’t agree more with the Council’s position on the stickers being placed on signs. He said he was “pro business” but felt it was crossing a line. He also said, in line of the Council resolution on Child Swimming Safety, he wanted to make them aware of a program he ran called Pool School which involved 30 children who met every Saturday. He said it was funded by St. Anthony’s Social Concerns Committee and the Mason’s. He noted that the YMCA discounts the fee by 70 percent. He said it included 90 minutes of classroom time and 90 minutes of swim time and noted he started the program after he took a group of kids to the beach several years ago and they all said they didn’t know how to swim. He also noted that every child who had 100 percent attendance got a free day at Keansburg Water Park.

Mr. Prown said he also wanted to invite everyone to an event he runs in coordination with Little Silver and Shrewsbury called “Future Buccaneers.” He said the goal is to get the kids thinking about the day they will be together at Red Bank Regional High School rather than wasting their energy fighting against Little Silver and Shrewsbury in sports. He said the program was for incoming 7th and 8th graders and included basketball and soccer. He said the following Thursday would be “Championship Thursday,” would involve both boys and girls teams and would be held at the high school.

EXECUTIVE SESSION

10-186 The Attorney read a resolution to adjourn to executive session to discuss potential litigation

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Councilman DuPont offered a motion to adjourn from executive session, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi