

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 8, 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, Deputy Borough Clerk Borghi, Attorney Pringle, Engineer Ballard and Chief Financial Officer Mason.

ABSENT: Council Members Zipprich and Horgan, Assistant Attorney Hall, Engineer Kosenski 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 declared approved.

Mayor Menna that the following resolution would appoint Pamela Borghi, current Deputy Clerk and a long standing employee, as Borough Clerk. He said he knew he spoke for the whole Council when he said it was with great happiness that they were able to make this formal appointment.

10-66 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF BOROUGH CLERK.”

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

Councilman DuPont said the Personnel and Finance Committee went through the process of interviewing a number of candidates for the position and said one of the points that led to Ms. Borghi’s selection was the fact that she could do two jobs for the price on one, noting that she would continue in her position as Registrar. He also noted that she had knowledge of Red Bank having worked for the Borough for many years. He added that the Committee found her highly competent and motivated. He said another important factor was the fact that she came up with cost saving ideas in both the Registrar’s and Borough Clerk’s offices.

Councilwoman Lewis, who also serves on the Committee, congratulated Ms. Borghi on her appointment and thanked her for her dedication, loyalty and commitment to the Mayor and Council over the past year. She said they looked forward to working with her and incorporating her ideas.

Mayor Menna said, as the person who had known Ms. Borghi the longest, that it was extremely heart warming to be able to make the appointment to an existing employee adding that it rewards someone who had worked diligently and was dedicated to the residents and the Borough. He noted that Ms. Borghi had worked her way up the ladder and reviewed the positions she had held. He credited her with being a team player and noted that the appointment also honors two other individuals who have worked closely with her. He said without Deputy Clerk Bonnie Thomas and Administrative Secretary Doreen Hoffmann as part of the team, the Borough would not have been able to function as well without a Clerk. He said the three are dedicated to the Borough residents, work well together and have worked tirelessly to make the

Borough function. He finished by saying it was the right decision that was long in coming but that it was a win for Red Bank.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna administered the Oath of Office to Borough Clerk Borghi.

Ms. Borghi thanked the Mayor and Council for the opportunity, for having faith in her and promised to do her best.

10-61 Mayor Menna read “A RESOLUTION HONORING MICHAEL LUMISH AS A BLOUSTEIN SCHOLAR.”

Councilwoman Lewis said she knew Mrs. Lumish from her terms on the Board of Education and she said she wanted to congratulate her and Michael on a job well done and wish him well on his future endeavors. She told him he did Red Bank proud and she wished him continued success wherever he went and asked him to come back, stay connected and share his experiences with Red Bank students.

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.

Mr. Lumish thanked the Mayor and Council for honoring him. Mayor Menna told Mr. Lumish it was his achievements that honored all of them and it was they who thanked him.

RESUME REGULAR ORDER OF BUSINESS

Councilman DuPont offered a motion to resume 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 declared approved.

WORKSHOP

No workshop items.

APPROVAL OF MINUTES – February 22, 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

Mayor Menna appointed Muriel DeFazio and Robert J. Bifani, Jr. to the Board of Health as regular members for 3-year terms expiring 12/31/12.

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Lee offered her thanks to the Department of Public Works for their efforts with the recent snow storms and the many problems that came with them. She said she had thanked the members of the Department previously but wanted to do it again adding that the Borough was lucky to have them.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 24th of February where the Acting Director provided a report on the status of the Department and the Count Basie Turf project was discussed. She noted that they had received in excess of 84 applications for the Parks and Recreation Director position and said they were going through the interview process. She said she also wanted to remind everyone that the Boys and Girls Club was having its opening on March 22 from 4 to 6 pm at 138 Drs. James Parker Blvd. She said she hoped for a lot of enthusiasm and interest in the opening of the club and support of the kids of Red Bank. She said the Committee's next meeting would be on Wednesday the 10th.

Councilman DuPont reported that the Finance Committee had recently met and added that Department Heads were going through their budgets as well as public comments regarding ways to increase revenue or cut costs. He said they hope to have a budget discussion in the immediate future. He also reported that the Soles4Souls shoe collection run in conjunction with both the public and private schools had gathered over 7,500 pairs of shoes. He offered his congratulations and heart felt appreciation to all of the Red Bank schools. He noted that it was a beautiful day and that seeing the spirit of the children making a difference was absolutely humbling. He said there would be one more week of collection and that the truck would be leaving on Friday or Monday for delivery of the shoes to Soles4Souls in Nashville. Councilman DuPont said he had asked to ride down on the trip so he could film the warehouse and distribution site for the students so they can see difference their efforts made. He discussed the tremendous outpouring of support and the number of people dropping off shoes. He credited the kids and the public and private school systems for doing a wonderful job. He said the shoes would be going to Haiti and, hopefully, Chile. He said he had spoke with Soles4Souls that morning and said they were astounded at the amount of shoes that were gathered.

Mayor Menna thanked Councilman DuPont for his efforts and noted that several Council members had been on hand to help. Councilwoman Lee said she had several pictures that she would forward for posting on the Borough's website. She also noted that several stores donated new shoes and said about 20 percent of the donations were shoes that were new, in the box. She thanked Councilman DuPont for spearheading the effort and Councilwoman Lewis and Councilwoman Horgan for their participation.

Mayor Menna said he wanted to thank the Borough's Public School System adding that he felt Dr. Laura Morana had gone over the top and credited the public school staff and Board of Education members with making the event a success. He also said, while he was on the subject, that it was not just Soles4Souls that made the schools shine but also the dedication of the administration that had reached such a great level that the Borough would be the focus of a visit later this month from Harvard University when they came to the Borough schools to learn about programs for some of the youngest students. He also noted that a team from the District of Columbia Public School System would be taking notes on some of Red Bank's programs. He said all of this was very positive and noted that he and the Superintendent as well as members of the Board of Education had been in touch with the new Commissioner of Education reviewed some of the discussion that had taken place.

Councilman DuPont said he also wanted to point out that RiverCenter and the local businesses were very supportive and he wanted to personally thank Staples of Red Bank for providing rubber bands used to band to together the shoes in pairs, Manhattan Bagel for providing bagels, Luigi's Pizza providing a pizza lunch and Foodtown for supplies and refreshments. He again noted that all Red Bank schools participated including Red Bank Regional, Red Bank Catholic, St. James, Red Bank Middle School, Red Bank

Primary School and the Red Bank Charter School. He again said he hoped to provide film to shoe participants what their efforts achieved.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Riverview Medical Center for free parking from May 1-May 8, 2010 during the 4th Annual Paint the Town Pink Week.

Councilman DuPont offered a motion to approve the request.

Mayor Menna asked if there was a second. Councilwoman Lee asked for clarification on the request. Mayor Menna said it was a request for free parking for an entire week in May after the Borough had just increased parking rates in an effort to generate revenue.

Councilman DuPont said he wanted to reiterate that, while it was a request for a week of free parking and the Borough was in financial crisis, he thought the event for Breast Cancer Awareness was regarding the number two killer of women and he felt the Borough should step up to the plate and realize that unless we all make an effort to eradicate the disease, there would be many mothers, grandmothers and daughters who pass away. He said he thought the cause was a greater cause than a week of free parking.

Mayor Menna questioned what free parking had to do with the cause. Councilman DuPont said it was his thought that it should be approved.

Councilman Murphy asked what the lost revenue would be. CFO Mason estimated \$9,000 to \$10,000. Mayor Menna said he thought it was mostly a public relations opportunity for the sponsors to put plastic bags on the meters which would then float into the atmosphere. He also noted that most of the events were at night or on weekends, so he didn't know what the nexus was for the request.

Councilwoman Lewis said she did not think they could afford the loss of revenue. Mayor Menna agreed noting again that the Council had just raised the rates. Councilwoman Lee noted that the meters were available without charge on both Saturday and Sunday. She asked if anyone knew if it was just a matter of sponsors wanting to put their logo on the meter.

Councilman Murphy asked if anyone was in attendance that was representing Riverview Medical Center or the event. No one came forward. He said he agreed with Councilwoman Lewis and asked if there was a need for a vote.

Mayor Menna noted that it would fail if there was no second.

There being no second, the motion failed and the request was not approved.

Mayor Menna read a request from Riverview Medical Center for a temporary Pink Line on Broad Street from May 1-May 8, 2010 during the 4th Annual Paint the Town Pink Week.

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

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 the Red Bank Charter School to use the Senior Center for their Spring Dance on Friday, May 14, 2010, pending approval of the Special Events Committee and the Senior Center Director.

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 the Red Bank Charter School for use of Riverside Gardens Park, the concession building and lavatories for their eighth grade graduation ceremonies to be held on Wednesday, June 16, 2010 with a rain date of Thursday, June 17, 2010 from 9:00 a.m. to 8:00 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: Lewis, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from K. Hovnanian Children's Hospital to hold "Runway on the River" at 110 West Front Street on Saturday, May 22, 2010 from 7 p.m. to 12 midnight, pending approval of the Special Events Committee.

Councilman DuPont 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.

Mayor Menna read a request from Kaboom-Fireworks-on-the-Navesink for sole vendor status for Riverside Gardens Park and Marine Park on July 3, 2010, with a rain date of July 4, 2010.

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

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 Red Bank Charter School Foundation, Healing the Children Midlantic, Inc., Jersey Shore University Medical Center Foundation and Red Bank Catholic High School PTA for raffle licenses.

Councilman DuPont 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.

Mayor Menna read a request from Nikeya Miller for membership to the Westside Hose Company of the Red Bank Volunteer Fire Department.

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.

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

Mayor Menna asked if anyone from the audience wished to address the Council on any resolutions or ordinances on the agenda first reading.

No one appearing Councilman Murphy offered a motion to close the public comment portion, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

ORDINANCES – First Reading

2010-12 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER XX “WATER AND SEWER”, SECTION 20-3 “WATER DEPARTMENT” AND 20-4 “SEWER DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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 March 22, 2010.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

10-59 Mayor Menna read “A RESOLUTION AMENDING RESOLUTION NO. 10-53 ENTITLED, “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-025-006.”

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

Councilman DuPont expressed concern because he did not know who the principles were on this license. Mayor Menna explained the license was formerly at Villa Eduardo and was going to a new restaurant at the location known as the PRC building. He said the application had been reviewed by the Police Department and everything was in order. Councilman DuPont noted that he had asked that a list of owners of LLCs be provided to ensure there wasn't a conflict. The Mayor said it had been provided in a report at the last Council meeting. Councilman DuPont said he had not gotten it and noted that his abstention would not affect the outcome.

ROLL CALL:

AYES: Lewis, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-60 Mayor Menna read “A RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-62 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF WINTER SIDEWALK CAFÉ FOR MURPHY STYLE GRILL."

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

ROLL CALL:

AYES: Lewis, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-63 Mayor Menna read "A RESOLUTION TO CANCEL 2010 CURRENT FUND APPROPRIATION RESERVES."

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.

10-64 Mayor Menna read "A REGARDING AUTHORIZING TRANSFER OF CURRENT FUND APPROPRIATION RESERVE."

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

10-65 Mayor Menna read "A RESOLUTION AUTHORIZING APPOINTMENT OF LABOR COUNSEL."

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

ROLL CALL:

AYES: Lewis, DuPont, Murphy

NAYS: Lee

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

10-67 Mayor Menna read "A RESOLUTION REQUESTING REVIEW AND APPROVAL OF A REVISED MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING

PLAN BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING FOR
SUBSTANTIVE CERTIFICATION.”

Councilman Murphy 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.

10-68 Mayor Menna read “A RESOLUTION AUTHORIZING RELEASE OF
PERFORMANCE GUARANTEES AND ACCEPTING A MAINTENANCE
GUARANTEE REGARDING RIVERWALK DEVELOPERS, INC., 30-32 WEST
FRONT STREET, BLOCK 8, LOT 16.”

Councilman Murphy offered a motion to approve 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 approved.

10-69 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF
PERFORMANCE GUARANTEES REGARDING WEP PROPERTIES, L.L.C., 333
BROAD STREET, BLOCK 115, LOT 22.”

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

ROLL CALL:

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

10-70 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO
\$3,226,508.27.”

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

NEW BUSINESS

AUDIENCE

Nancy Adams—Executive Director, RiverCenter—said she wanted to introduce the new Program Manager, Red Bank resident Joyce Selena, to the Mayor and Council. Ms.Adams also passed out information on the upcoming Wedding Walk event and gave details of the event scheduled for March 20.

Mayor Menna thanked Director Adams for bringing Downtown New Jersey to Red Bank for an upcoming event. Ms. Adams thanked him and said she would speak on that later.

She also noted that March was Dine Downtown month and there was a special promotion going on for Tuesdays and Wednesdays for a price fixed meal.

Regarding the Downtown New Jersey organization, Ms. Adams noted that she sits on the board for the lobbying group that had been in existence for about 20 years. She said they have an annual conference and this year it will be on Tuesday, September 28 and will be hosted in Red Bank at the Two River Theater from 3 pm to 6 pm with a restaurant crawl in that area to follow. She anticipated it would draw between 100 and 200 government officials from around the State.

Jennifer Bennett and Dale _____ -- said that they were former Red Bank residents who now resided in Philadelphia. Mayor Menna noted the Council had recently received a letter from them regarding a reunion. Administrator Sickels explained that the matter had been pulled from the agenda because he thought it would be better for them to come to Special Events before the Council acted on the matter. Mayor Menna told them the Borough had their contact information and would be in touch to let them know what had to be done. They expressed their desire to return to Red Bank and reconnect and the quality of education they had received in the Borough.

Kevin Donahue—55 Irving Place—asked if a date had been set for the public budget meeting. Councilman DuPont said there had not and that they were waiting to receive comments from Department Heads. Mr. Donahue expressed concern because time was running short and the coming weeks coincided with Spring Break. Councilman DuPont said they would try not to conflict with Spring Break. Mr. Donahue asked when the budget had to be introduced. CFO Mason said it had to be done by March 31. Councilman DuPont again noted they were waiting for comments. Mr. Donahue said he had heard comments that there wasn't a need for a separate summit, but noted time is now running short. Councilman DuPont said all of the recommendations received from the public were being considered by the Department Heads. Administrator Sickels confirmed that the budget was still being prepared and that there was a meeting with the Department Heads to review the comments that had been suggested. He noted that they had had a meeting that day that cut another \$300,000 from the budget. He also noted that was introduced to meet the deadline would not be the final budget. He said he believed they had held public meetings after introduction so they had a document to work from. Mayor Menna said they said they would have the meetings and they would. Councilman DuPont stressed that the suggestions were being considered.

Mr. Donahue said he also wanted to speak about the proposed zoning change up for public hearing on March 22. He said he didn't want to speak about the merits of a possible change to the Master Plan but was concerned because the Mayor had gone on record as saying they shouldn't discriminate against the YMCA and noted he hadn't heard any such charges. Mayor Menna said that it was a technical, legalistic term and it did not mean a discrimination charge in terms of race or ethnicity. He said he was using it in a land use sense. Mr. Donahue expressed concern that the Mayor had become an advocate for the matter and asked him to sit back and let the process take its course.

Peter Muller—56 Princeton Street, Red Bank (Middletown)—spoke regarding issues with his taxi company. He told the Mayor he had gotten a certificate of occupancy for his office space and presented evidence of the amount of work they were getting. He thanked Zoning Office Barr for assisting him with information on zoning regulations in securing his office. He asked the Mayor how to go about adding more cabs to the roster. Mayor Menna said he would have to forward the request to the Borough Attorney and the Borough Clerk. He also noted that he did not know where the other cab companies stood on the matter. He said there was nothing on the agenda for tonight regarding the matter. Mr. Muller asked how to go about getting it on the agenda. Mayor Menna explained the process noting that it started with a request submitted in writing and asked him to follow up with Mr. Sickels. Mr. Muller complained about the actions of some of the drivers from other companies.

William Poku—90 Bank Street—said he wanted to bring up a matter on behalf of Kim Senkeleski who was unable to attend and expressed concern about the need for public participation in the budget meetings. He said Ms. Senkeleski wanted to make sure they weren't held when it would conflict with Passover or Easter. Mayor Menna said she had already brought that matter up and the Council had pledged to be sensitive to those issues adding that he thought it was common decency.

Mr. Poku also expressed concern about an all Democratic Council and everyone being of one voice. He asked the Mayor to pause after getting a motion and a second to offer an opportunity for questions before calling for a vote. The Mayor noted that the Council is not always of one voice adding that there had been disagreements over two issues at this meeting. He added that the Council can agree to disagree.

Administrator Sickels noted that the Council gets the agendas and resolutions in advance and often address questions in advance.

Mr. Poku noted that that afternoon he had tried to pull up the agenda but was unable to. Mayor Menna and Administrator Sickels said it was posted the previous Thursday.

Mr. Poku brought up the fact that the Council had passed a resolution at the previous meeting in support of Senate Bill 1 to abolish COAH. Mayor Menna noted there had been a change to the bill that day by way of an amendment that he thought would assist Red Bank. Mr. Poku thanked the Mayor for the information and asked him to explain Resolution 10-67. The Mayor said it dealt with a spending plan in terms of COAH and funds that are in the Borough's Affordable Housing Trust Fund. He said the Borough had to certify the funds, which had been done and it had been provided to the Department of Community Affairs and COAH. He added that there was a spending plan that the Borough Engineer had put together regarding infrastructure contributions in conjunction with Cedar Crossing. He said this would confirm the funds that would make Cedar Crossing a reality come from funds which have been generated from either RCA contributions or from contributions made into the Borough's COAH fund.

Mr. Poku said it was his understanding that RCA funds had to be returned. The Mayor said that was not the case adding that the funds were for affordable housing and were going toward Cedar Crossing. He said they would only go back if Cedar Crossing wasn't built, which, he said, would not be the case.

Chris Egri—co-owner of Above All Taxi, 210 W. Front Street—described his taxi company and also asked the Council for information on a way to get more licenses. He noted that one company held the majority and expressed the need for getting more licenses to help run their business profitably. He also noted that he thought a lot of the licenses in town weren't being used but were being held by other companies to prevent a company like his from obtaining licenses. He said he believed Yellow Cab held over 20 licenses but didn't believe they were using all of them. He questioned their intent to possibly hold licenses that were unused to prevent others from using it.

Mayor Menna said they Borough Attorney understood the issue and they would look into it.

Councilwoman Lee asked Mr. Egri if he used environmentally friendly vehicles or if it was in his plan to do so. He said he did not but would like to grow to the point where they could afford to do that. He also spoke of the problems caused for his business and lost opportunities because it was limited to three cars.

Councilman Murphy asked what the charge was for a license. It was noted the it was \$150 which Mr. Egri said was cheap. Mr. Murphy said he thought the Chief of Police did a count every year and determined that there was a car for every license. He said he assumed if someone had 20 licenses, then 20 vehicles were registered. Attorney Pringle suggested he think of it in terms of a "pocket license" and noted that they weren't always registered to a vehicle.

Councilman Murphy asked Mr. Egri where his business was. Mr. Egri told him it was at 210 W. Front Street. Councilman Murphy asked where he parked the three vehicles he had. Mr. Egri said they were always being used and they also had a second office in Eatontown that had ample parking.

Councilwoman Lee asked if each driver was individually licensed. Mr. Egri said they were but the cars belonged to his company. Attorney Pringle asked her to think of the cab license as a medallion that went with the vehicle and noted that there were only so many authorized vehicles. He said over time these rights to the cars get bought up and were not kept with the vehicle and they become "pocketed." He added that the actual number of vehicles out on the street serving the public may be significantly smaller than the number of cab licenses authorized. He added that they had recently addressed the issue in his community of Belmar and he was familiar with it. Mr. Egri noted that they also hold a temporary summer license in Belmar and said it offered an example regarding his earlier statement that the licenses were too cheap. He noted that all of his cars were owned by the company and the drivers were all their drivers and could not work for another company. He added that Yellow Cab many have 25 cars but may have many independent owners and discussed the problems that could result in. He again stressed the need to raise the rates as a means deter the licenses being held without using them.

Mayor Menna expressed his gratitude for Mr. Egri's comments and said they were very informational.

Councilman Murphy suggested offering a break to environmentally friendly vehicles. Mayor Menna said he thought they should look at all of the issues.

Steve Fitzpatrick—92 Hudson Avenue—noted that the Two River Times had run a story last week indicating that the Borough was in litigation with the Community YMCA and asked if that was correct. Mayor Menna confirmed that it was. Mr. Fitzpatrick asked for clarification that the Community YMCA had sued the Borough of Red Bank and, as a result, the Borough had countersued. Mayor Menna said that was correct. Mr. Fitzpatrick noted that Attorney Pringle had recused himself from the matter and Mr.

Bennello had been hired as Special Counsel. He asked if it was possible in the next couple of months for Mr. Bennello to avail himself for a meeting to answer questions. Mayor Menna questioned whether it would be legally or practically prudent for a Municipal Body to have the unmitigated bad sense to discuss its litigation strategy in an open forum before the public and where the press could report it where it could subsequently be used against it in a lawsuit. He added that he thought they had to be very careful in what they said. He said he appreciated Mr. Fitzpatrick's comments and apologized for having one word answers but asked him to understand that there was very little that a public body should say.

Mr. Fitzpatrick asked about a situation where a resident and taxpayer had questions that weren't relevant to strategy but were questions of fact. Mayor Menna said they would not be discussing anything relevant to the litigation and stressed that he was looking out for the interest of all of the residents.

Mr. Fitzpatrick asked CFO Mason asked about the Borough's account for legal services in regard to special attorneys and asked if the billing for those attorneys could be tracked separately. Mr. Mason confirmed that it could. Mr. Fitzpatrick asked if he submitted an OPRA request for the billing records of a particular attorney since a particular time, would he be able to provide it readily. Mr. Mason said he could.

EXECUTIVE SESSION

10-71 The Attorney read a resolution to adjourn to executive session to litigation; formal action to be taken.

Councilman Murphy offered a motion to adjourn to executive session to discuss litigation, seconded by Councilwoman Lewis. 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 recused himself from Executive Session.

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

ROLL CALL:

AYES: Lewis, Lee, Murphy

NAYS: None

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

RESOLUTIONS

10-31 Mayor Menna read "A RESOLUTION CONSENTING TO AN ASSIGNMENT OF A LEASE OF PARKING SPACES IN THE MECHANIC STREET TO WALLACE STREET PARKING LOT."

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

ROLL CALL:

AYES: Lewis, Lee, Murphy

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi