

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 14, 2008
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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, 2008.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Councilman Murphy gave a brief biography on each individual.

Mayor Menna said it is a great night to be appointing two Officers that come from families that have been in Red Bank for many generations.

Mayor Menna read “A RESOLUTION APPOINTING PROBATIONARY POLICE OFFICERS.”

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

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

NAYS: None

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

The Members of the Governing Body congratulated both individuals and said it is an honor to appoint two Officers that grew up in Red Bank and commended them.

Retirement of Colors of Navesink VFW Post 438

Mayor Menna said the Navesink VFW Post 438 was one of the oldest VFW Posts in the County. He said this Post was formed right after World War II and the Charter goes back to 1922 and it is stated by the Department of Defense, as well as the VFW Charter, that if a Post has less than 25 members it must be consolidated with another Post. He said the Post had to be closed, so two Saturdays ago there was a ceremony and he asked that the Colors not be returned to the National Headquarters and that they be marched one last time at our Centennial Parade on May 17, 2008 and the request was approved. He said the municipality will hold the Colors until the parade and after the parade they will be returned to the National Headquarters.

All of the Members of the Governing Body agreed to hold the Colors in trust until the parade and then return them to the National Headquarters.

Public Hearing Regarding Reallocating CDBG Funding from Red Bank Incinerator Demolition Project to the Reconstruction of Bassett Place

Mr. Sickels said that in 2006 we received a grant from the Community Development Block Grant through Monmouth County and it was the second time we applied for demolition of the incinerator and it was approved. He said the demolition is a requirement from the State by a mandate to close the landfill and the incinerator has been closed for 25 years. He said we were required to do site testing and monitoring before the building could be demolished. The application was approved contingent on environmental testing that was done by the County and due to the results of some of the testing there were some concerns from the County that they could not go forward with awarding the grant for this because they required full site decontamination as part of the project and our project was limited in scope to the demolition of the building itself and we did not have the funding to go forward with complete decontamination of the entire site. He said we met with County Officials and they said they could not go forward with the incinerator project but would reserve the funding for another project we might have ready to go and the Borough Engineer met with the staff of the CDBG funding program and they agreed to allow the funding for a paving project that we had already done some estimates and design work on and felt the best fit would be the paving of Bassett Place. He said Mr. Bucco has a board with some pictures of the condition of Bassett Place and it is basically 310 feet of full roadway reconstruction and curb replacement and 365 feet of water main replacement and other improvements to the sewer system and the estimated cost would be \$120,000 to \$125,000 and the grant money that was approved was \$117,000. He said it is recommended by the Borough Engineer and the Public Works Committee to go forward with this project. He said this is old funding and the County has asked us to move forward with this application as quickly as we can so they can secure these funds and get these funds to Red Bank.

Mayor Menna said that this is a Public Hearing for this application and opened the Public Hearing.

Ben Forest – 16 Locust Avenue - asked if the tower is an immediate danger to the area and said it is not in good repair.

Mr. Sickels said we are meeting with the Department of Environmental Protection and we have identified an additional source of funding through DEP where they would cover the full demolition of the stack as well as any contamination and he also believes we can get this fully funded through another source and we are getting the information together to present to Council.

Councilwoman Lee said that there is no danger of the building falling down and it is actually housing our salt.

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

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

ROLL CALL:

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

NAYS: None

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

Councilman DuPont said that he thinks that it is time for the Borough to step up and take this stack down and knows that Councilman Bifani and Councilwoman Lee have worked on this project for three years. He said this has been going on for quite some time and knows that there might be another source of revenue but right now the Borough needs to consider taking the stack down by itself. He said it is not fair to the neighborhood and asked what the cost would be.

Councilwoman Lee said she has asked the Borough Engineer for a cost to take it down.

Mr. Bucco said it is very difficult to give you a good cost estimate because there are a lot of factors involved with the cleanup because of the outcome of the environmental testing and the costs of the cleanup when the tests come back.

Councilman DuPont said it is time to start the process for removal of this building.

Councilman Murphy said that the Public Works Committee has discussed the guidelines imposed by the State of New Jersey regarding environmental issues and we have to follow their guidelines in order to get a grant for removal of the building.

Mayor Menna said it is a complicated issue because we have to deal with the State guidelines and all he can do is assure that the Public Works Committee, Engineer and Administrator have been working rather diligently on this not only with the County but also the DEP. He said the State is still reviewing what we must do.

Councilwoman Lee said Mr. Kosenski is doing extensive testing and he continues to look at the site and review it for us but one major concern of the Committee is that it will take 2 to 3 years to secure funding before we are able to remove the stack.

Councilman Curley said that we should secure the Engineers to give us an estimate of what it would cost and we would have a figure to discuss and where that funding might be coming from and then assertively go out and get it.

Councilwoman Cangemi said that she has forwarded some information that came to me from the Environmental Commission and believes T&M has already had this about HDSRF Grants.

Councilwoman Lee said we are looking at this grant but our only concern with the grant is the amount of time it would take to secure the grant and the entire site testing and we are not sure how extensive that testing would be and what they actually consider the entire site.

Councilman Murphy said by the time we get the grant and they do testing it might be an entirely different ballgame. He said it is hard to put a figure on this project for this reason.

Mr. Sickels said that the one thing that will help us in the time frame is that we do have the engineering and we do have test results to present as part of the application with the new grant funding.

RESUME REGULAR ORDER OF BUSINESS

Mr. DuPont offered a motion to resume the regular order of business, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Replacement of Marine Park Playground Equipment

Councilman Curley said that he is very excited as well as Councilwoman Cangemi and Councilman Murphy and we have worked very hard to bring our Parks and Recreation projects to the 21st century. We have replaced the playground equipment at Count Basie Field Park through the efforts and hard work of our Parks and Recreation Director, Bob Evans and he should be commended for the fine job that he is doing guiding the department. He said we are presenting a resolution to replace playground equipment at Marine Park and Mr. Evans went out on the State Contract List and found 3 vendors and said we are going with the same company that replaced the equipment at Count Basie Field and he gave us a slight discount and the cost of the project would be \$36,022 for the equipment and installation and said we were able to get some grants and said that he has to commend Stanley Sickels for finding some money that was not being used at Marine Park and said it was originally a DEP grant that was allocated for a pre-fabricated restroom and T&M said that was necessary at this time and Mr. Sickels said that it could be used for a new playground and that was \$25,000 and then received MCIA money for \$10,122 combined with \$900 from our Parks and Recreation Trust Fund and now we have new park equipment and we are all very proud of this and I am going to ask Mr. Evans to describe the equipment.

Mr. Evans said this is a larger playground and it is for children ages 7 to 12 years old and a smaller playground for ages 3 to 5 and then there is the tot lot. He said we would be taking out the sand box and place a tot lot there and will be putting a new fence around the entire area. He said he would like to thank Mr. Watson and Mr. Lynch for all of their help.

Mr. Sickels said that he would like to clarify that we received a volume discount from the vendor on the State Contract price because we recently purchased equipment from them for Count Basie Park.

MAYORAL APPOINTMENTS

Mayor Menna appointed Maylouse Magee to Library Board of Trustees as Non-Voting Emeritus Member.

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

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Red Bank Elks Lodge No. 233, St. Anthony of Padua Church, St. James Grammar School PTA and Two River Theatre for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from St. Nicholas Russian Orthodox Church for procession from their church to Pearl Street to the Navesink River at the end of Maple Avenue on January 19, 2008 at 1 p.m. to bless waters for Russian Orthodox Epiphany.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from the Diocese of Trenton to hold their annual march from St. Anthony's Church on Bridge Avenue to Newman Springs Road on Saturday, March 8, 2008 at 9 a.m., pending final approval by Chief Fitzgerald.

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

ROLL CALL:

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

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

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2008-1 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SUBSECTION 2.3, "DEFINITIONS."

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

ROLL CALL:

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

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 28, 2008.

2008-2 Mayor Menna read “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).”

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

ROLL CALL:

AYES: Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: Curley

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

Public hearing and final adoption scheduled for January 28, 2008.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

08-09 Mayor Menna read “A RESOLUTION DESIGNATING THE BOROUGH TREASURER AS THE CERTIFYING AGENT IN CONNECTION WITH THE PUBLIC RETIREMENT SYSTEM.”

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

ROLL CALL:

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

NAYS: None

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

08-10 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. Murphy.

ROLL CALL:

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

NAYS: None

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

08-11 Mayor Menna read “A RESOLUTION AUTHORIZING CREATION OF CHANGE FUNDS.”

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

ROLL CALL:

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

NAYS: None

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

08-12 Mayor Menna read "A RESOLUTION DESIGNATING DEPOSITORIES FOR THE BOROUGH OF RED BANK."

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

ROLL CALL:

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

NAYS: None

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

08-13 Mayor Menna read "A RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OF ASSESSMENTS."

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

ROLL CALL:

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

NAYS: None

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

08-14 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. Cangemi.

ROLL CALL:

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

NAYS: None

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

08-15 Mayor Menna read "A RESOLUTION APPOINTING FRANK MASON AS FUND COMMISSIONER AND VALERIE FERBER AS ALTERNATE FUND COMMISSIONER TO CENTRAL JERSEY HEALTH INSURANCE FUND."

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

ROLL CALL:

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

NAYS: None

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

08-16 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. DuPont offered a motion to approve the resolution, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

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

08-17 Mayor Menna read “A RESOLUTION APPROVING CASH MANAGEMENT PLAN.”

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

ROLL CALL:

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

NAYS: None

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

08-18 Mayor Menna read “A RESOLUTION AUTHORIZING AN AGREEMENT WITH COMMERCE NATIONAL RISK CONTROL SERVICES FOR 2008 ALCOHOL AND DRUG TESTING SERVICES.”

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

ROLL CALL:

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

NAYS: None

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

08-19 Mayor Menna read “A RESOLUTION AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC. FOR 2008 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER.”

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

ROLL CALL:

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

NAYS: None

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

08-20 Mayor Menna read “A RESOLUTION AUTHORIZING AN AGREEMENT WITH DR. MICHAEL KAHN OF EMPLOYEE CONSULTING ASSOCIATES.”

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

ROLL CALL:

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

NAYS: None

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

08-21 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL LABOR COUNSEL.”

Ms. Lee offered a motion to table the resolution, seconded by Ms. Horgan.

ROLL CALL:

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

NAYS: None

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

08-22 Mayor Menna read “A RESOLUTION APPOINTING BOND COUNSEL FOR THE BOROUGH OF RED BANK.”

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

ROLL CALL:

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

NAYS: None

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

08-23 Mayor Menna read "A RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a."

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

ROLL CALL:

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

NAYS: None

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

08-24 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF WINTER SIDEWALK CAFES."

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

ROLL CALL:

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

NAYS: None

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

08-26 Mayor Menna read "A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK SCHOOL DISTRICT."

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

ROLL CALL:

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

NAYS: None

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

08-27 Mayor Menna read "A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK REGIONAL HIGH SCHOOL DISTRICT."

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

ROLL CALL:

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

NAYS: None

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

08-28 Mayor Menna read "A RESOLUTION WAIVING AFFORDABLE HOUSING DEVELOPMENT FEES FOR FRANK AND EDNA KERSEY, 275 SOUTH PEARL STREET, BLOCK 97.01, LOT 53."

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

ROLL CALL:

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

NAYS: None

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

08-29 Mayor Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY RIVERVIEW MEDICAL CENTER, 48 E. FRONT STREET, BLOCK 27, LOTS 5.01, 1.01, 23-25.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Horgan

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

08-30 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

08-31 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,651,160.98.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

07-32 The Attorney read a resolution to adjourn to executive session to discuss litigation; formal action to be taken.

Mr. DuPont offered a motion, seconded by Ms. Horgan to adjourn to executive session to discuss litigation; formal action to be taken. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

08-21 Mayor Menna read “A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL LABOR COUNSEL.”

Mr. DuPont offered a motion to approve the resolution, pending certificate of compliance, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the resolution was declared approved, pending certificate of compliance.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona