

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 25, 2007
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Murphy.

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.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

Presentation by Two River Council of Mayors to Ex-Mayor Edward J. McKenna, Jr.

Mayor Gerald Tarantolo was joined by other Mayors from the Two River Council of Mayors to present an award to Ex-Mayor Edward J. McKenna, Jr. for all the years he was involved with the Two River Council of Mayors. Mayor Tarantolo said Ex-Mayor McKenna was one of the founding members of the organization and served as Chairperson numerous times. All of the Mayors in attendance said they would miss Ex-Mayor McKenna and thanked him for serving on the Two River Council of Mayors from 1991 to 2006.

Ex-Mayor McKenna thanked the group for the award and attending the meeting. He said it was an honor to work with so many talented individuals and said he would miss them.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

WORKSHOP

MAYORAL APPOINTMENTS

Mayor Menna appointed Daniel Murphy to RiverCenter as Citizen Representative for a term expiring 12/31/07.

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

Councilman Curley said that Mr. Murphy is a wonderful person but he would like to see a resident appointed to this position.

Mayor Menna said Mr. Murphy was one of the founding members of RiverCenter, he said that he is a life long member of this community and that he not only has a business but is also a resident.

ROLL CALL:

AYES: Bifani, Lee, DuPont

NAYS: Curley, Cangemi

There being three ayes and two nays, the appointment was declared approved.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Cangemi said that the Shade Tree Commission is doing a wonderful job and now that we have passed an ordinance to deal with our trees, Mike Olimpi will be named as the Code Enforcement Officer to make sure people are following the ordinance regarding trees. She also said that she is pleased to announce the hiring of a new Code Enforcement Officer and said his name is Ed Araujo and that he is bilingual with a great deal of experience and that he joined the Construction Department last Monday.

Mayor Menna thanked Councilwoman Cangemi for her report and said that he spent some time walking the streets with Mr. Araujo and Mr. Woods to check on various problems and he was impressed at how familiar Mr. Araujo was with the problems. He said he will be a great addition to the Code Enforcement Department and said that we will go block by block and correct these problems and improve the quality of life for our residents.

Councilman Curley reported that today was the opening day of the summer camp program for the Borough and it was held at the Primary School and said it runs from 9:00 to 3:00 on a daily basis and there is after care until 5:00 and the children are fed breakfast and lunch and the camp will run until August 17, 2007. He said that there are 25 counselors and Bob Evans and Tomora Young have done a wonderful job coordinating the program. He also reported that this Wednesday is Volunteer Night and it will be coordinated with the special needs dance being held at the Elks and that Jazz in the Park will start this Thursday.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Brookdale Community College Foundation for raffle license.

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request from Boulder Blimp Company for temporary installation of a 20-foot cold-air inflatable Slurpee cup at the 7-11 located on the corner of Maple Avenue and West Front Street from June 29, 2007 to July 16, 2007, pending approval of the Building Department and the Chief of Police.

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request from Laurel Tracey Gallery and RiverCenter to hold The Red Bank Artwalk at local galleries throughout Red Bank on Saturday, July 14, 2007 from 6:00 p.m. to 9:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request for membership to the First aid and Rescue Squad of the Red Bank Volunteer Fire Department/First Aid Squad from Wayne McKelvin, James Bruno, Lori DeFazio and Shean Opie.

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

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

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

ORDINANCES – First Reading

2007-28 Mayor Menna read “AN ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF RED BANK, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 (RED BANK PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY.”

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

Public hearing and final adoption scheduled for July 9, 2007.

2007-29 Mayor Menna read “AN ORDINANCE AMENDING CHAPTER III, POLICE REGULATIONS, SUBSECTION 3-9.12, “NOISE DISTURBANCES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

Public hearing and final adoption scheduled for July 9, 2007.

ORDINANCES – Public Hearing & Final Adoption

2007-26 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CORRECTING THE CONVEYANCE OF AN ACCESS AND DRAINAGE EASEMENT UPON CERTAIN PORTIONS OF THE BOROUGH OWNED PROPERTY KNOWN AS BLOCK 29, LOT 22.01 TO RIVERWALK COMMONS, L.L.C.”

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

Mr. DuPont offered a motion to close the public hearing, seconded by Ms. Cangemi.

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

2007-27 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XI, BUILDING AND HOUSING, SECTION 11-6.3, “REGISTRATION” AND SECTION 11-6.6, “AMENDED REGISTRATION FORM.”

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

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

RESOLUTIONS

07-152 Mayor Menna read “A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES 2007/2008.”

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-153 Mayor Menna read "A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY 93 SHREWSBURY, L.L.C., BLOCK 40, LOTS 1 & 17."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-154 Mayor Menna read "A RESOLUTION REGARDING THE BOROUGH OF RED BANK REPORT OF AUDIT FOR THE YEAR ENDED DECEMBER 31, 2006 AND CORRECTIVE ACTION PLAN REQUIRED BY FEDERAL OMB CIRCULAR REFERENCE NUMBER A-133."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-155 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 RELATED TO THE CONTRACT WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE 2005/2006 ROAD PROGRAM."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-156 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM DESIGN WORK FOR THE 2007-2008 ROAD PROGRAM AND OTHER PROJECTS."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-157 Mayor Menna read "A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-016-008."

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

07-158 Mayor Menna read “A RESOLUTION PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-033-009.”

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

07-159 Mayor Menna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2007/2008.”

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

07-160 Mayor Menna read “A RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$7,391,000 IN PRINCIPAL AMOUNT.”

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-161 Mayor Menna read “A RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER/SEWER UTILITY BONDS OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$6,385,000 IN PRINCIPAL.”

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-162 Mayor Menna read “A RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$13,776,000 AGGREGATE PRINCIPAL AMOUNT FO GENERAL OBLIGATION BONDS, SERIES 2007, CONSITING OF #7,391,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT BONDS, SERIES 2007 AND \$6,385,000 AGGREGATE PRINCIPAL AMOUNT OF WATER/SEWER UTILITY BONDS, SERIES 2007, OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE.”

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

07-163 Mayor Menna read "A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES 2007/2008."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, Cangemi

NAYS: None

ABSTAIN: DuPont

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

07-164 Mayor Menna read "A RESOLUTION AUTHORIZING THE MAYOR, BOROUGH CLERK AND THE CHIEF FINANCIAL OFFICER TO EXECUTE AN ESCROW AGREEMENT WITH THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING AND AN APPROVED BANK OR DEPOSITORY INSTITUTION RELATING TO AFFORDABLE HOUSING DEVELOPMENT FEES."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

07-165a Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,798,427.72."

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

ROLL CALL:

AYES: Bifani, Curley, Lee, DuPont, Cangemi

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman DuPont said that on July 7, 2008 we are having a 3-on-3 Tournament at Count Basie Park. He said the Pilgrim Baptist Church is sponsoring this event with our Parks and Recreation Department, the YMCA, The Red Bank Family Resource Center and the Bethel Christian Center and said that it is for all ages 18-years-old and younger. He said that he has applications if anyone wants to play and it is for both boys and girls.

Councilman DuPont asked the Mayor if we would be doing a resolution supporting the Regional Contribution Agreements because he knows there is talk of eliminating them and Red Bank has benefited from this program.

Mayor Menna said we would put it on the agenda for the next Council Meeting.

Councilman DuPont said that Kathy Horgan and the Environmental Commission have sat with him to discuss the big problem with plastic bags flying around the Borough and there are alternatives for them. He said that

he saw a special about how plastic bags are filling up our landfills and these bags fly around and get caught in the trees and he would like to see the Environmental Commission speak to RiverCenter and Foodtown about the elimination of using plastic bags. He said that there are biodegradable alternatives bags that could be used and thinks we should look into that.

Mayor Menna said the City of San Francisco is the model for the type of technology that food markets should be using in terms of eliminating the plastic bags. He said it is a special bag and they have adopted a city wide ordinance and a lot of other cities are following them and thinks it is a good idea and we should look into this and see if we could come up with something.

AUDIENCE

David Prown – 44 Hillside Place – thinks that Danny Murphy is a great choice to serve on RiverCenter. He also said that the 3-on-3 Tournament is opened to all kids and not just Red Bank kids and said there is a \$5.00 fee and you are guaranteed two games and you get a tee-shirt and a Gatorade and that it would start at 8 a.m. and they estimate that approximately 200 kids would participate and that if it rains it would be moved to the Salvation Army facility. He said that on Monday there would be free tennis lessons for kids ages 5 to 15 in Marine Park and said that he is one of the instructors along with numerous Red Bank residents and rackets would be provided to the kids and it is an 8-week program. Mr. Prown asked if there was any discussion about the sale of the Count Basie Learning Center.

Mayor Menna said that there is no update right now and we will be talking to our Borough Attorney but nothing has changed since the bid was not entertained by the Members of the Governing Body.

Mr. Prown said that it is a perfect location for a community youth center and said that it is a building that is ready to go. He asked what the relationship is with the Borough and the First Aid Squad building on Spring Street because he would like access to their sign because this would be an excellent way to communicate to our residents.

Mayor Menna said that the First Aid Squad meets the last Thursday of every month and the President of the First Aid Squad is Peter DeFazio and they would probably put your request on the agenda. He also said that this building is owned by the First Aid Squad and not the Borough.

Councilman Curley said that we also need a marquis here at Borough Hall because people have a hard time locating the building.

Mr. Prown said he knows a family that received funding from the Neighborhood Preservation Program for much needed repairs to their home and they are very happy with the program and now they are able to stay in town. He said there should be more advertising about this program.

Mayor Menna said Councilman Bifani has been a very active part of this program since he has been on Council. He said unfortunately we can not advertise our success because we are dealing with confidential information regarding individuals and their income.

Councilman Bifani said that we have distributed approximately \$2.5 million dollars worth of funding to residents that could not afford to make necessary repairs to their homes.

John Hutton – Fisher Place – said that he was here last year a couple of times about the metered parking around the Marine Park Tennis Courts and was told the problem could be solved by the use of Smartcards for parking. He said that he has done a survey and is finding out that people have trouble using the cards and do not even know where to buy them.

Mr. Sickels explained the process and said he has been working with RiverCenter to have the cards available for sale in some of the stores and banks.

Mayor Menna said that we will get this information out in our newsletter and will look at other alternatives to educate the public on where to purchase and how to use the cards.

Councilman DuPont suggested the information be placed on our website.

Gene Melody – 17 Leroy Place – said that he is a teacher at Brookdale Community College and that he would be bringing some students to the next meeting to introduce them to political science.

Fred Boynton – P.O. Box 2074, Red Bank – said that he would be bringing professional fighting to the Red Bank Middle School on July 21, 2008. He said that he would like to see all of the Members of the Governing Body sitting ringside and would also like to introduce everyone. He said it would be nice to support these young kids and anticipates that it would be a nice show.

Mayor Menna thanked Mr. Boynton for all of his hard work putting this program together and said that he would see him there.

Attorney Pringle left the meeting.

Councilman DuPont left the meeting due to conflict with executive session discussion.

EXECUTIVE SESSION

07-165b The Attorney read a resolution to adjourn to executive session to discuss property acquisition.

Ms. Lee offered a motion, seconded by Mr. Curley to adjourn to executive session to discuss property acquisition. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Bifani, Curley, Lee, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Bifani, Curley, Lee, Cangemi

NAYS: None

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

ADJOURNMENT

Ms. Cangemi offered a motion, seconded by Ms. Lee to adjourn the meeting.

ROLL CALL:

AYES: Bifani, Curley, Lee, Cangemi

NAYS: None

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

Respectfully submitted,

Carol A. Vivona