

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 27, 2007
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Cangemi and Assistant Attorney Hall.

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 Mr. Murphy.

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Presentation by Monmouth Boat Club

Todd Edwards, Commodore of the Monmouth Boat Club, said that the Monmouth Boat Club was established in 1879 and they are tax exempt. He said that they recognize that they receive services from the Borough and they would like to present a check for \$5,000 to the Borough.

Mayor Menna thanked Mr. Edwards and said that he really appreciates the check on behalf of all the Members of the Governing Body because the Boat Club has no legal responsibility to pay for services.

2007 Budget

Mayor Menna said tonight we will be authorizing an amendment to the 2007 Municipal Budget as well as adopting the 2007 Municipal Budget. He said that the David Kaplan, the Borough Auditor, and Frank Mason, our Chief Financial Officer, are here this evening to discuss the Budget.

Mr. Mason gave an overview of the budget and explained that each department submits their budget requests that are evaluated and each Department must justify their costs. He said that the cost of recycling and disposal are estimated from the prior year's costs and that it is difficult to estimate this cost. He said health insurance costs have gone up 5.3 percent and salaries have increased because of contractual agreements. He said the average increase in 2006 was \$87 and in 2007 will be \$57 and in 2007 we did not receive extraordinary aid and the debt service was held to a 1 percent increase and anticipated income has increased. He said the budget was introduced on March 12, 2007 and the public hearing was held on April 9, 2007 and the estimated tax bills were mailed out on July 31, 2007 and are due on August 28, 2007. He said that after the budget is adopted Monmouth County will certify our tax rate and the amendment that is being adopted tonight represents 3 grants totaling \$31,700.

Mr. Kaplan said that every municipality in the State is faced with this dilemma of decreasing State Aid and the State has imposed a 4 ½ percent tax levy cap and adds additional restraints every year. He said this was a very difficult budget and the State has approved the adoption of our budget.

Mayor Menna asked any if there were any questions from the public on Resolution #07-182 or Resolution #08-183.

Jim Harris - 97 Mechanic Street – said that he is upset about the revaluation of his home because he has more than doubled and he went to Freehold and filed a tax appeal and received a reduction but it still did not help because his taxes are still very high. He said that he filed with the State and has qualified to freeze his tax rate and said you have to apply every year.

Mayor Menna said that Senior Citizens do not know about filing for the Senior Citizen Protection Act or the Homestead Rebate Act and a qualified Senior Citizen and homeowner would be eligible for both checks. He said there is also a rebate available for Veterans and that we have to get the message out.

Councilwoman Lee said that we could put a link to this information on the website and ask Freda Terry to distribute this information.

Gary Morris – 186 River Street – said at the last meeting we discussed a proposal for a community center and if the Council Members gave up their health insurance benefits there would be \$60,000 that could be used toward the center or the Police Department and said that 5 nights ago on River Street there were gunshots fired and said that he has 5 children in a wooden structure and having an extra Patrolman on the beat would be awesome. He said all of the Council Members could afford to pay for their own health benefits and they should not take the benefits.

Marie Mumford – 52 South Street – said she would like to know exactly what the Council Members are covered for in their health insurance plan.

Mr. Mason said that the plan includes full benefits, medical and dental through the Central Jersey Health Insurance Fund and is the same plan that are offered to the employees.

Councilman Curley said that he and Councilwoman Cangemi have never accepted Borough health insurance as well as Councilwomen Beck and Ernst. He said some of the Council Members feel that it is an entitlement and he resents it as a taxpayer and said it is something that has to change.

Mr. Morris said that some of the Borough employees have to pay for their health insurance but the Council Members do not have to pay anything.

Councilman DuPont said the Finance Committee is recommending that the Council Members pay toward their health insurance because any employees that were hired after 1992 have to contribute towards their insurance. He said that approximately 20 years ago Mayor Arnone decided to give Council Members health insurance benefits in exchange for not getting reimbursed for anything and just receive your minimal salary. He said that in 1992 the policy changed to say that borough employees had to contribute to their health insurance and when the Finance Committee recently met we decided that the policy should apply to the Mayor and Council and will become effective January 1, 2008. He said that he heard the residents comments since February but he wanted to find out the history of this matter and did some research and found out that it costs taxpayers 4 to 6 cents a day for all the compensation and benefits that the Mayor and Council receive.

Mr. Sickels said the policy for providing healthcare benefits to the elected officials goes back to the early 1980's and prior to this time the Members of the Governing Body used to submit vouchers for all of their out of pocket expenses and the Council at that time decided that they would get the same benefits as employees.

Councilman Curley said that we receive a salary of approximately \$3,600 per year and that has certainly covered his expenses and he did not enter this for any support from the taxpayers and did it out of concern for the community. He said that he is not saying that his colleagues are not concerned for the community but this is not a place to make a living from and it is a place to come and listen to your residents and fellow neighbors and do what you think is best for the community.

Val DeFazio – 56 Tower Hill Avenue – asked if the Planning or Zoning Board members receive medical benefits.

Mayor Menna said that they do not.

Mayor Menna asked if anyone else would like to speak, hearing none he closed the public hearing

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-182 Mayor Menna read "A RESOLUTION AUTHORIZING AMENDMENT TO 2007 MUNICIPAL BUDGET."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-183 Mayor Menna read "A RESOLUTION AUTHORIZING ADOPTION OF 2007 MUNICIPAL BUDGET."

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

Councilman Curley said that for years he has been discussing going back to zero based budgeting to rebuild these departments step by step and that way no one person would be given a \$10,000 raise and the employees at the bottom are struggling. He said he voted against our insurance program because we did not go out to bid and said that it is irresponsible and said that he is concerned with the high cost of the parking tickets charged by the Parking Utility and talked about adding hours of enforcement to reduce the costs of the tickets because he has received so many complaints from individuals that received tickets. He said that we have not made a commitment to smaller more fuel efficient vehicles and stated that we did buy 2 smaller vehicles for Code Enforcement but we need to make a full commitment to buying smaller vehicles and said he also talked about developing greater technology in Borough Hall we would be able to save a great deal of money and would need fewer people on the payroll. He said that he had talked about the Public Works Department and the difficulties and insufficient work that is being done, especially in the ground maintenance area and asked that this area be outsourced because he said he thinks we could save a great deal of money there and said that it is deplorable that Members of the Governing Body are receiving health benefits when so many people cannot pay their mortgages. He said that he wants all of our professional to be paid by voucher so they are taken out of the State pension system and said there are too many vehicles traveling outside of the Borough and we have to put a restriction on this and there should be a policy that no vehicles leave the Borough and said the policy should be changed because it is costing us too much money. He said that it is hard to work with people that do not want to make any changes in some of the Borough's policies as well as those on the State level to save money when so many people cannot afford to stay in this State.

Mayor Menna said that all of the Members of the Governing Body know that we have started a number of new initiatives this year and any Council Member as a Department Head is free to start zero based budgeting in their departments, they are free to do so and would like to see if it results in any demonstrable change. He said with respect to the parking tickets there is no prohibition on us for enforcing the parking collection past the allotted time that we have now but if we are going to be expanding the hours we would have to expand our employee pool and that will cost money and he would encourage the Parking Committee to look at this. He also said that if we reduced the fee of a parking ticket from \$38 the people that would be hurt the most from this would be our residents because it would result in a \$200,000 deficiency in that account so the taxpayers would have to make up this loss and by increasing the collection by 2 or 3 hours a night would not make that up. He said that over the last 19 years he has seen a lot of changes in the Department of Public Works. He said Mr. Watson and all of the men and women in that department do a stellar job with what they have to work with because we are an aging municipality with an aging infrastructure and we have managed to reduce manpower in that department by 14 people in the last 4 or 5 years and thinks outsourcing some of the work makes sense and should be reviewed by the Committee. He said we all are concerned about the number of vehicles and there was a Vehicle Review Committee that studied the issue 3 years ago and they came up with recommendations not to change the policy but he would like to see the Personnel Committee come up with a stringent policy of not taking the vehicles out of town and said we are all talking about the same things and have to start to work on them and then have difficult choices. He said the Borough's portion of their tax bill is 25 percent and the County's portion is 17 percent and we do not get many services from

them. He said that we provide a lot of services to the residents and try to improve them at the most economical costs and appreciates everyone comments but we do have a budget to adopt and this is a reasonably prudent budget especially with all the issues we have to deal with in Red Bank.

Councilman Curley said he thinks it is a wrong financial policy to be concerned how much extraordinary aid is going to come from the State Government.

Mayor Menna said that he agrees with Councilman Curley and said we did not get any this year.

Councilman Curley said that when he was Chairperson of the Finance Committee he sent out forms to be filled out by each Department and only half the Department Heads sent them back and said there is not a willingness by the Department Heads or the Administration to make any changes. He also said that regarding the parking meters when there is talk about expanding hours we do not have to add additional personnel but stagger the hours. He said that Mr. Mason said the average increase for taxes was \$57 but his and Councilwoman Cangemi's were much higher and people cannot afford to stay in the town.

ROLL CALL:

AYES: Bifani, Murphy, Lee, DuPont

NAYS: Curley

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

WORKSHOP

APPROVAL OF MINUTES – April 23, 2007

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna appointed George W. Selah to the Construction Board of Appeals to an unexpired 4-year term to 12/31/07 as Electrical Subcode Official.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Curley reported that Parks and Recreation's soccer program begins on September 8, 2007 and said that he would like to thank Red Bank Regional because they are letting us use their freshman field. He also said that we are working on the fall newsletter and next week would be sign up for

basketball and that the Halloween Parade would be held on October 21, 2007 with a rain date of October 28, 2007. He said family day would be September 8, 2007 and the last Jazz in the Park would be this Thursday.

Councilman Murphy reported that the Police Department received an additional \$13,700 from the State for our DWI convictions from the previous year and this money will be used for overtime for DWI patrols and that DARE New Jersey will be setting up a table at 7-11 with the approval of the Council between September 3, 2007 and September 8, 2007 between 9 a.m. to 6 p.m. to sell DARE t-shirts, pencils, notebooks and cups and the money they bring in will be used to offset the costs of the DARE supplies they need during the school year. He also reported the New Jersey Department of Transportation recently approved the no left turn from Harding Road onto Tower Hill Avenue and we are waiting for the County Engineer to advise us where signs could be placed at this intersection.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from St. James Grammar School PTA for a raffle license.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from RiverCenter to close Oakland Street on October 13 & 14, 2007 from 5 p.m. to 11 p.m. for a Dine Downtown kickoff special event, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from the Count the Children Movement to host the “I-Build” “U-Build” “We Build” Community Family Day on September 8, 2007, with a rain date of September 9, 2007, from 1 p.m. to 9 p.m. at Count Basie Park, pending approval of the Special Events Committee.

Mr. Murphy offered a motion to deny the request, seconded by Ms. Lee.

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from Brendan McLoughlin for membership to Relief Engine Company of the Red Bank Volunteer Fire Department/First Aid Squad.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from Chief Fitzgerald to place a table on the sidewalk in front of 7-11 located on the corner of Maple Avenue and West Front Street on September 3, 2007 to September 8, 2007 from 9 a.m. to 6 p.m. to collect funds for the New Jersey Dare Program.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from Riverview Medical Center to hold “Paint the Town Pink” activities in the Borough of heighten awareness of breast cancer and promote the importance of early detection and hang banners on Broad Street and Shrewsbury Avenue from April 7, 2008 to May 12, 2008 and also hang pink ribbons around town from May 1, 2008 to May 12, 008, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

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

Mayor Menna asked if anyone would like to speak, hearing none he closed the public comment.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

ORDINANCES – First Reading

2007-34 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.6 “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for September 10, 2007.

2007-35 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS.”

Mayor Menna said that many years ago some residential homes were removed from the residential zone to the business zone so we are changing those lot and block numbers back to single family homes so the entire street up to the corner lot will be rezoned to single family residents so that individuals that purchase those homes once this change is made will not be able to change them to business use.

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

Councilman Curley asked if this ordinance would be considered spot zoning.

Mayor Menna said it would not because it is contiguous to the rest of the zone and we are making it consistent with everyone else on the street.

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for September 24, 2007.

ORDINANCES – Public Hearing & Final Adoption

2007-33 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.9, “PERMIT PARKING IN DESIGNATED AREAS,” SCHEDULE XIX, “RESIDENTIAL PARKING DISTRICT NUMBER TWO.”

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

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

RESOLUTIONS

07-197 Mayor Menna read “A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR RICHARD & MICHAEL YURA, PROFESSIONAL PHARMACY, 134 BROAD STREET, BLOCK 60, LOTS 13, 14 & 17.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-198 Mayor Menna read "A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY RIVERVIEW MEDICAL CENTER, 48 E. FRONT STREET, BLOCK 27, LOTS 23-25."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-199 Mayor Menna read "A RESOLUTION OPPOSING ASSEMBLY BILL NO. 3959."

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

ROLL CALL:

AYES: Bifani, Murphy, Lee, DuPont

NAYS: Curley

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

07-200 Mayor Menna read "A RESOLUTION OPPOSING THE CLOSURE OF FORT MONMOUTH."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-201 Mayor Menna read "A RESOLUTION AUTHORIZING LEASE AGREEMENTS WITH FIRE AND FIRST AID COMPANIES FOR STORAGE OF VEHICLES AND EQUIPMENT."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

07-202 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 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, Murphy, Lee, DuPont

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

07-203 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,696,780.94."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman DuPont said that Red Bank's Green Initiative has spilled over to the Borough of Shrewsbury and they have written a letter to the Mayor stating that they recognize the importance of improving the environment and global warming and are looking at the impact of using plastic bags as well as other environmental issues.

Mayor Menna said that he received a letter from the Mayor of Shrewsbury.

Councilman DuPont said that he received a letter from Senator Karcher regarding a mini-grant program to empower New Jersey youth and encourage personal responsibility while discouraging violent vandalism and victimization. He said that we could apply for a grant and possibly use it in our Parks and Recreation Department and said there is a deadline of September 10, 2007 and the grants range from \$1,500 to \$3,000.

Councilman Curley said that Mr. Evans already knows about the grant and will be sending in an application.

Councilman DuPont said the State is holding a clean energy conference for municipalities and he hopes to attend it at the end of September.

Mayor Menna said Trisha Rumola will be leaving as Executive Director of RiverCenter and there is a farewell reception for her Wednesday night and said she has given a tremendous amount of her energy and enthusiasm to this town. He said that she always was the first one to volunteer when someone needed help and always came through for us as a town and we wish her well in her endeavors and thank her for everything she has done for Red Bank.

AUDIENCE

Rob Boyle – 165 Branch Avenue – said that he was concerned about the lack of announcement of 2 meetings that were held regarding the community center and asked if these were public meetings.

Councilman Curley said that they were meetings of the Parks and Recreation Committee and other people that are interested in the community center.

Councilman Bifani said that we will be receiving a report from the Committee once they come up with a recommendation.

Councilman Curley said that the Mayor has also been in discussion with outside groups that are interested in working with the Borough and information is still being gathered.

Mr. Boyle asked if there are also discussions with people that are opposed to it.

Councilman Curley said there are discussions with people that are for it and against it.

Mayor Menna said that it is a long range issue and you have to look at it as a simple issue that you are going to have an answer in one or two weeks and both he and Councilman Curley and his department have been meeting with different groups in the area.

Jim Harris – 97 Mechanic Street – said that the Elks Club will be holding a memorial service at Riverside Gardens Park at 7 p.m. to remember those who died in the tragic event on September 11th.

Val DeFazio – 56 Tower Hill Avenue – asked about the status of the left turn from Harding Road onto Tower Hill Avenue.

Councilman Murphy said that it has been approved by the State and we are just waiting to receive direction from the County Engineer on where to place the signs on Harding Road.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, Lee, DuPont

NAYS: None

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

Respectfully submitted,

Carol A. Vivona