

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 24, 2007
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Council President Lee and Council Members Curley, Murphy, DuPont and Cangemi.

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

ABSENT: Mayor Menna and Councilman Bifani.

SUNSHINE STATEMENT

Council President Lee 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.

WORKSHOP

Dividend Check from the Central Jersey Health Insurance Fund

Mr. Sickels said that we have received a check from the Central Jersey Health Insurance Fund for \$108,455 and that it amounts to a 4.8 percent refund from the \$2.4 million premium. He said the Borough of Red Bank was instrumental in forming this organization with 16 other municipalities to pool our insurance resources for a savings for the Borough and because the municipalities formed the Fund there is no profit component and after they set a reserve for next year they distribute a dividend to each municipality.

Councilman DuPont said this is evidence of why we did not receive bids from other insurance companies because they could not compete with the Central Jersey Health Insurance Fund.

Mr. Mason said that when he spoke to other insurance companies and they heard we were in the Central Jersey Health Insurance Fund they would not even give a quote because they knew that could not compete with them.

Councilman Curley said that he had asked to solicit bids for insurance and is not aware of any bids being taken for insurance.

Councilman DuPont said that in April, Mr. Mason said that he had spoken to a number of insurance companies and they said that they could not compete with our Health Insurance Fund or Joint Insurance Fund and did not submit any bids.

Councilman Curley said that he had asked for written bids instead of verbal bids because he does not think it is a good business practice.

Mr. Mason said that he does have written quotes for health insurance and he would give them to Councilman Curley.

Central Avenue Paving

Councilman Curley said that he had requested at the last meeting that we get a serious plan put together to industrialize paving on Central Avenue so it can handle the traffic and he had requested those figures to be given tonight. He said that this has been going on for 12 years and we need to get a plan put together because there is a great liability because a woman has already been injured because of the disrepair.

Community Center

Councilman Curley said that he would present a plan for the Community Center in 2 weeks.

Finance Department Zero Based Budgeting

Councilman Curley read a quote from Red Bank Green regarding how our new Superintendent of Schools, Laura Morano started with zero based budget when the amount of their budget exceeded the allowed cap and then started the process again with zero based budgeting and actually ended up reducing the amount of the budget and saved our taxpayers money.

APPROVAL OF MINUTES – March 15, 2007

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

MAYORAL APPOINTMENTS

Council President Lee appointed Alison Hayes to the Rent Leveling Board as an Alternate Member for a 2-year term expiring 12/31/08.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Cangemi said she has a report from the Environmental Commission that she would like to read into the record. She said they have been working on the issue regarding plastic bags and reusable plastic bags and recycling and the Environmental Commission has reached out first to Foodtown with the hopes of discussing this issue with other businesses in our community. She read a letter written to Mr. Azzolina, the President of Food Circus, it said “Dear Mr. Azzolina, the Red Bank Environmental Commission is trying to reduce the number of disposable plastic and paper bags that are polluting our environment. To this end we are encouraging plastic bag recycling and also switching to reusable durable bags. We thank you for providing very affordable durable bags and we are writing this letter to also request that you implement a recycling program which allows your customers to return old plastic bags to your Foodtown store in Red Bank to be recycled. The Environmental Commission greatly appreciates your many contributions to our community and we believe that providing a recycling program for your customers would be another valuable benefit to our town.” She said there were also some other solutions that are being offered and Foodtown has already started selling durable reusable bags. She also reported that the Shade Tree Commission’s Tree Inventory is available on the web and Boris Kofman did a wonderful job as well as all the members on the Shade Tree Commission.

Councilman Curley said the Parks and Recreation Department has started basketball and indoor soccer registration and said that they will run until Thanksgiving. He said on October 21, 2007 at 2 p.m. the Halloween Parade will take place and there will be a rain date of October 28, 2007 and the Veterans’ Day Service will be on November 11, 2007 at 11a.m. on Monmouth Street at the memorial.

Councilman DuPont said Councilwoman Cangemi with the Environmental Commission will be working with all of the Borough Offices to work in a Green like manner to save energy and also recycle and hopefully the Environmental Commission will give us some leadership with this.

Councilwoman Cangemi said the Environmental Commission has put together a list which we will be providing to anyone that is interested in the Borough of Green cleaning supplies and ways and means of obtaining them and hope to present it to the Borough so the Borough could start implementing this program.

Council President Lee asked if there could be a link on our website.

Councilwoman Cangemi said that we will do that and said they are also working on a pesticide free program for all of our parks.

COMMUNICATIONS AND PETITIONS

Council President Lee read requests from the Company of Dance Arts, the Community YMCA, and St. Anthony’s Church for raffle licenses.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Council President Lee read a request from Red Bank Men's Club, Inc. to refurbish the "Welcome to Red Bank" sign at Coopers Bridge at no cost to the Borough.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Council President Lee read a request from Hudson Wealth Management for valet parking in front of Ashes Cigar Club and for the use of search lights from 6:30 p.m. to 9:30 p.m. on October 4, 2007 on Mechanic Street, approved by Chief Fitzgerald.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Council President Lee read a request from Carl Colmorgen for membership to the Fire Police Unit of the Red Bank Volunteer Fire Department/First Aid Squad.

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

ROLL CALL:

AYES: Curley, Murphy, 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

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

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing

2007-35 Council President Lee read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS."

Council President Lee opened the public hearing and asked if anyone would like to speak.

Michael O'Donald – 96 Hudson Avenue – said that he was also speaking for his 2 neighbors that are directly impacted by this ordinance and that are happy that this is finally going to solve a lot of fear about commercial development and keeping the street all residential.

Lee Sanderson – 95 Hudson Avenue – said it is the right thing to do and improve the quality of the neighborhood and preserve it for many years to come.

Councilman Curley asked why the ordinance could not be adopted this evening.

Council President Lee said that the ordinance has not been approved by the Planning Board because they cancelled their meeting.

Council President Lee asked if anyone else would like to speak, no one appearing she closed the public hearing.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Final adoption scheduled for October 8, 2007.

ORDINANCES – Public Hearing & Final Adoption

2007-36 Council President Lee read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO DANLOU PROPERTIES, L.L.C. AND DLMW PARTNERS, L.L.C. (D/B/A THE DOWNTOWN CAFÉ) UPON CERTAIN PORTIONS OF THE BOROUGH OWNED RIGHT OF WAY ADJACENT TO 8-10 WEST FRONT STREET, BLOCK 9.01, LOTS 5 AND 13.”

Council President Lee opened the public hearing and asked if anyone would like to speak, no one appearing she closed the public hearing.

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

ROLL CALL:

AYES: Curley, Murphy, 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 Mr. Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

ABSTAIN: Cangemi

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

2007-37 Council President Lee read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH’S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.”

Council President Lee opened the public hearing and asked if anyone would like to speak, no one appearing she closed the public hearing.

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

ROLL CALL:

AYES: Curley, Murphy, 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 Mr. Murphy.

Mr. Curley said he just wanted to make sure there was not an additional salary associated with this ordinance.

Mr. Sickels said the ordinance specifically states that there is no salary increase at this time.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

RESOLUTIONS

07-208 Council President Lee read "A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-209 Council President Lee read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING ROBERT W. DUCKWORTH, 11-13 LEONARD STREET, BLOCK 75.04, LOTS 31.01, 32, 33 AND 34."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi

NAYS: None

ABSTAIN: DuPont

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

07-210 Council President Lee read "A RESOLUTION AUTHORIZING CHANGE ORDERS RELATED TO THE CONTRACT WITH SANTORINI CONSTRUCTION FOR IMPROVEMENTS TO THE RED BANK PUBLIC LIBRARY."

Councilman DuPont asked if the project was still within the budgeted amount.

Mr. Mason said that we are still within the budgeted amount.

Councilman Curley said that he has some concerns regarding this resolution because of all of the change orders and said that the residents are really upset about it. He said there have been window parts lost and then the need for new windows, the Librarian making changes at her own discretion and items being added that were not on the plans. He said that this project has not been managed very well and there has been no one overseeing the project.

Councilman DuPont said that perhaps at the next meeting we could have a presentation on how we stand on this project because the residents really want to see the Library opened again because it is way over due.

Mr. Sickels said he would have a presentation at the next meeting.

Councilman Murphy said that he agrees with Councilman Curley about the poor management of this project.

All the Council Members agreed that they would like to have an explanation about all of the changes.

Council President Lee said that she would like to see the Library Director and Architect at the next meeting.

Councilman Curley offered a motion to deny the adoption of the resolution, no one seconded the motion.

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

ROLL CALL:

AYES: Murphy, Lee, DuPont, Cangemi

NAYS: Curley

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

PROCLAMATIONS

Council President Lee read a proclamation proclaiming October 2007 as Breast Cancer Awareness Month.

PAYMENT OF VOUCHERS

07-211 Council President Lee read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,263,055.00.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

John Tyler – 69 Leighton Avenue – asked Mr. Sickels if he authorized painting the soccer fields yellow?

Mr. Sickels said that he discussed it with Mr. Evans and Mr. Lynch about striping the football and soccer fields and said that when striping the field for multiple uses most other towns use yellow.

Mr. Tyler said the fields were in terrible condition for his soccer game on Sunday and when he spoke to Mr. Evans about re-striping he said he had to talk to you.

Mr. Sickels said that Mr. Evans is the Director of Parks and Recreation and if he thought the fields should have been re-striped he should have instructed Mr. Lynch to do so.

Councilman Curley said that he had a discussion with Bob this afternoon and he asked him to set up a meeting to discuss a long term program to improve the fields.

Mr. Sickels said that we have to set up a permit program because the fields are used by groups at all hours of the night and the fields do not get any rest.

Mr. Tyler suggested that the Council have a meeting with the residents on how we can improve the fields because compared to other towns are field are in terrible condition.

Councilman Murphy said that when he was Chairperson of the Parks and Recreation Committee we discussed the possibility of putting Astroturf on the football field and said it was over \$650,000. He said there are 4 Pop Warner teams and Red Bank Catholic High School that play on the field. The field takes a lot of wear and tear and he said he was not aware that we could keep unauthorized groups off the field at night because this definitely adds to the poor condition of the fields. He said that 3 years ago we re-sodded and put in a new sprinkler system and Red Bank Catholic replaced the track.

Councilman Curley said that this will be discussed at the Parks and Recreation Committee meeting tomorrow night because there are a lot of maintenance problems at the field. He said we have to look at fundraising efforts and sponsorships to try and save the taxpayers money for these major improvements.

Mr. Tyler said that they are still having problems with Best Liquors. He said that people are hanging out in their cars and he has to ask them to turn the music down. He said they are also littering and dealing drugs. He said that he would like to have every member of the Council come over to his house and watch the activity that is going on there and maybe they could come up with some ideas of what can be done to stop this activity.

Councilwoman Cangemi said that the Borough of Red Bank has done everything possible about the violations but the State of New Jersey, Division of Alcoholic Beverage Controls, keeps on postponing the hearing.

Council President Lee said that she used to live at 73 Leighton Avenue and is aware of what goes on there but we have done everything we can do and are waiting for the State.

Councilman DuPont said there was a meeting a couple of weeks ago regarding the time it has taken the State to hear the appeal from Best Liquors and have asked our Borough Attorney to contact the State and ask for an expedited appeal. He said that Councilman Murphy has instructed the Police Officers to respond to any complaints in that area as quickly as possible but you have to call because we cannot be there 24 hours a day.

Councilman Murphy said that if residents complain about problems in the area and the Police do not respond to let him know about this. He said he will check with the Police Department to see how many calls were received about the problems in this area and check to make sure they were taken care of.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Respectfully submitted,

Carol A. Vivona