

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 12, 2007
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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.

Mayor Menna said before beginning the workshop he would like to, on behalf all of the Council, express warm congratulations and best wishes to Council President Lee on her reelection, as well as Councilwoman Cangemi and her reelection, and also to the incoming Councilwoman-Elect Kathy Horgan.

WORKSHOP

Ordinance Requiring Use of Recyclable or Reusable Shopping Bags

Mayor Menna said that Councilman DuPont in the past has talked about looking into an ordinance that would mandate or require the use of recyclable or reusable shopping bags for certain types of establishments as part of the Green Initiative. He said that he thinks since this is a rather major initiative it should be discussed before we actually start talking about what language we should put in this ordinance and he said he has read a lot of them from various cities throughout the country and said it might be helpful for us as a Governing Body to consider at least the broad ramifications and what types of businesses would be encompassed in this particular ordinance and the types of retail establishments or if we think we should really move forward with this.

Councilman DuPont said he appreciates this item being put on the agenda and workshop and said as everyone knows he has been pushing this only because he was in his office and there was a plastic bag that he could not get out of a tree and he could not get it out for months and it was an eyesore. He said that coming to look at more on this issue that cities spend up to 17 cents per bag for disposal costs and has asked Mr. Watson and Mr. Mason to provide him with some information as to how much it costs our Borough to dispose of these plastic bags and said he has made reference to the fact that 14 of these petroleum based bags could drive a car 1 mile and it takes 70% more global warming gases to make a paper bag than a plastic bag. He said that he has spoken to Mr. Azzolina that owns Foodtown and said that they have started putting reusable bags around the store and said the Environmental Commission has asked them to put containers in the store where people could bring back the plastic bags to be reused or disposed of properly. He said this ordinance says that we are trying to promote the use of reusable bags or recyclable plastic bags and it does have some enforcement and penalties in it and does have a request that stores use recyclable paper bags and/or compostable plastic bags. He said that he was just speaking to our Borough Attorney and Mr. Pringle said that maybe with respect to any fines collected from this ordinance we could designate them to certain groups like the Senior Center or Parks and Recreation. He said the purpose of this is to generate discussions and he brought it up a few months ago and some of the Borough businesses have taken some of our suggestions and The Grove has started this campaign "One Bag at a Time" and Foodtown has placed the reusable bags for sale in their store and he thinks that we can do more and Councilwoman Cangemi and the members of the Environmental Commission will have some comments and would like more discussion on this because it is costing our municipality a lot of money to dispose of these plastic bags.

Councilwoman Cangemi said that she is looking forward to discussing this with Councilman DuPont because she has been working with a number of businesses and RiverCenter about this, along with the Environmental Commission. She said that Foodtown hopes to in the next week have the recycling containers at the store so people could bring their bags back and the problem with that is that is a sanitary issue, people bringing bags with germs and said they had a problem with this in Toms River because people were throwing dirty diapers in the bin. She said they are working with their coop to come up with something and hope to have it by the beginning of the week. She said they are trying to fast track this for their Red Bank store and are allowing people to use their Green Points to purchase reusable bags. She

said that some of the concerns that we have run into our multifold and we are trying to work out some of the answers with the Environmental Commission and with the merchants and said the cost of a recyclable bag that will be broken down and would be compostable is about 9 cents over the cost of a plastic bag.

Councilman DuPont said that it is his understanding that a plastic bag costs less than a half of a penny.

Councilwoman Cangemi said the other bags cost about a dime and she thinks that is because the demand is very high and the supply is very low and said she thinks the industry is still catching up so we are looking at something that could potentially drive food costs up. She said the other thing is that we need to address the issue coming forward and the Environmental Commission will be meeting with RiverCenter to discuss selling reusable bags with the Red Bank Centennial logo because we have to reduce the use of plastic bags with the least financial impact to our merchants and our residents. She said that Foodtown and RiverCenter have asked to meet with the Environmental Commission to come up with some creative solutions that will not be cost prohibitive to shoppers or merchants.

Mayor Menna said that he is grateful for both of their comments and he thinks that everything is well thought out and said he did have some discussions a few months ago with our neighboring Mayors and the response from at least two of them that our adjacent to Red Bank has been rather favorable and some other Mayors have not joined in on the idea at this particular time. He said that he really thinks if we do something we should definitely encourage everyone to join us because otherwise we defeat the purpose and he was hoping that whatever we do we do a bare minimum or band aid approach starting off small and then taking it from there but certainly the food service establishments should be included but he also thinks that convenience stores would have to be included in this. He said that right now looking at our downtown you really have a mixed use, some of the retailers have very nice paper bags that have their own logos on the bags and have a nice design motif and said that this has to be discussed by RiverCenter and we should get more of their comments.

Councilman Curley said that his concern is the fact that we are dealing with this on a local level and obviously plastic bags do not blow around in a boundary base and he would hope that Councilman DuPont could use his influence with the State to pass a statewide regulation. He said it is useless to restrict these in Red Bank alone because bags could be blowing in from anywhere and that is like putting a band aid approach on a corroded hemorrhage and said that it is not going to do the job and what we really need to do is pass a resolution and request the State of New Jersey to put restrictions on the use of certain types of plastic bags.

Councilman DuPont said that he thinks that the plastic bags he is referring to are the ones he's seen the Foodtown label on them and this is much more than a plastic bag issue it is a State issue but it does cost this Borough 17 cents to get rid of these bags and the taxpayers are asking us to save money and said that we have to do that and also make a dent in the greenhouse emissions as well as reduce our tipping fees. He said that it is a beginning and he would like to hear input from RiverCenter and he does not want this to be reviewed as simply a band aid approach and said this is real money for our taxpayers and every little bid helps.

Councilwoman Cangemi said that Councilman DuPont is absolutely right and one of the issues in terms of disposal and disposal costs is that they are so light that it takes such a vast quantity of bags to make it worth somebody dealing with the recycling issue so we really need to come up with a comprehensive approach. She said people that bring them in from out of town are still going to be a problem so the Environmental Commission needs to work with recycling to find a way to do that and said that she is working on recycling with some other issues as well. She said that we are doing the CFL Initiative for compact fluorescent lights and working with recycling because it is one drop of mercury per light bulb, but if we all change five lights that we are asking to go to it's a lot of mercury so we are working on some of those issues together.

Councilman Curley said that earlier when Councilman DuPont spoke before he had a further statement and thinks we need a resolution going to the State requesting that this be done and said that he agrees with his concerns but he just thinks it is a band aid approach and said that he thinks we are being injurious to our local businesses as far as profits are concerned and said that he talked about tax dollars but we have to look at the other side of the equation and that is what people are paying out in dollars and cents when they are checking out of a food store line and that's why he really thinks if Councilman DuPont could use some of his influence on a State level and said he would be very happy to support a resolution at this dais.

Mayor Menna said that this could be done here.

Councilwoman Lee said that she thinks we can start something in Red Bank that could spread and we have the type of business district that would be interested in promoting this effort for the good of the whole world and we can start it here.

Councilman Curley said by passing a resolution to send to the State we would get a band wagon going in the State of New Jersey and thinks we are not going to start something in our 1.75 miles.

Mayor Menna said that he concurs with what Councilman Curley said that we certainly should advise the State that this needs statewide attention and national attention. He said that we should put a resolution on the agenda supporting a statewide initiative and at the same time he said that he thinks that the idea that we should start locally and small and see where it goes is a good one, but we should not abandon the current ideas we have and suggested that Councilman DuPont and Councilwoman Cangemi, representing both finance and environmental concerns, come up with some ideas for the Governing Body to take a look at and start working on it and see what ideas they come up with.

Councilman DuPont said that he has just discovered today that the Borough of Clayton in Gloucester County has hit upon a strong motivator to recycle and that is there is a recyclable bank and basically how it works is a waste hauling firm will pay residents up to \$35 per month based on the amount of their recycling and said they have saved the town over \$11,000 in landfill costs and residents in the first nine months of the program cashed in over \$400,000 in credits. He said that if we could think about this recyclable bank it appears that cash is a great motivator for recycling and said he would give a copy of this information to Mr. Sickels and Councilwoman Cangemi. He said that while he is on his protection of the environment there is a resolution that he would like to offer regarding endorsing the U.S. Mayor's Climate Protection Agreement and basically that agreement throughout the United States is being endorsed by the United States Mayors urging the Federal and State Governments to enact policies and programs to meet or beat the target of reducing global warming pollutions to 7% and then below 1990 levels by 2012 and ask that at the next meeting that it be offered on the next agenda and again it is in hopes that not only is this conjunctive with the environment but also a betterment of business practices and said that there is a signature page that the Mayor has to sign after the resolution is passed.

Mayor Menna said that this has already been signed and was initiated by the Environment Commission and if you look on the last page of the correspondence you will see that Red Bank is listed as one of the participants but the Council should also do a resolution supporting this.

Preservation of Thomas Fortune House

Mayor Menna said this matter is actually a resolution and will be discussed when we approve the resolutions.

APPROVAL OF MINUTES – May 16, 2007

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

ROLL CALL:

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

NAYS: None

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

APPROVAL OF MINUTES – June 11, 2007

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Curley reported that David Prown and the Kiwanis Club are going to be doing their calls from Santa and there would also be time to meet Santa on December 15, 2007 from 1 P.M. to 3 P.M. at the Senior Center and also said our parks are in decrepit condition and our park equipment and it has gone on for a long time and he would like to bring this to fruition and would ask the Members of Council to review the information that Mr. Evans has supplied to us not only from the program he presented at the last Council Meeting but to look at the additional information. He said that all three companies that have sent information are all in the state contract program and if any Member of Council would like to go out to bid we could certainly do that but it will take a longer period of time but he just wants everyone to know that everything has been sanctioned under State Contract.

Councilman DuPont said that he concurs with Councilman Curley and said when we had our Finance Committee Meeting last Thursday Mr. Mason did advise him that there is \$38,000 in the Monmouth County Improvement Authority Account.

Councilman DuPont said that Councilman Curley has been requesting the usefulness of zero based budgeting through the Finance Committee and at a meeting with the Board of Education he found out they do zero based budgeting and said he is going to meet with the Board of Education's Chief Financial Officer to understand their process and see if it would work in the Borough. He also said that Mr. Mason has sent a memorandum to all the departments supplying a budget preparation worksheet for 2008 and that budget preparation worksheet is requesting supporting forms and also requesting that the Department Heads complete the sheet filling in personnel expenses and capital requests and these forms are being used in other municipalities and now we are beginning to understand some of the requests and the expenses of each department and hope to have a response back as soon as possible. He said we received a dividend check from the Joint Insurance Fund for \$65,737.87 that was received last week. He said that Mayor Menna sent a letter to the Borough Administrator on October 29, 2008 saying there were unauthorized Parks and Recreation functions at some of the municipal parks and there were no fees documented and said he was just trying to look for that accounting.

Mayor Menna said that his letter indicated that in the past there had been some unauthorized use of our public parks. He said these were not Parks and Recreation functions but individuals having weddings in Riverside Gardens Park with chairs and various other impediments in our parks and he just wanted to make sure that the message went out to all of our Department Heads that any use of the parks other than legitimate Parks and Recreation events and programs have to be approved by the Mayor and Council, specifically when you are putting 300 chairs in Riverside Gardens Park on a Friday afternoon and people are saying how is this private wedding taking place in our public parks, and also said he received a call from the caterer saying that they had two weddings planned for 2008 and they were mad at him and he told them it was never approved by the Council and asked how they could cater someplace that they did not even own. He said that he just wanted the message to go out clearly that only the Mayor and Council can approve events at our parks that are not sponsored by the municipality and certainly restaurants cannot cater private weddings in our parks.

Councilman DuPont said that it is referenced that this has occurred on a number of occasions and he guesses Mr. Mason has not received any fees.

Mr. Sickels said that he has met with the Parks and Recreation Director and reviewed our existing ordinance with regard to the use of the parks and he has also, at the Mayor's urging, reminded all Department Heads about those same ordinances and that no park can be used for anything other than the normal recreation sporting activities without Council permission. He said that he has been in contact with the Auditor and is waiting for his final report with regard to review of the Parks and Recreation receipts.

Councilman DuPont said that in regards to the Marine Park restroom renovations, he did speak to Mr. Mason regarding the grant and the supplying documentation has been forwarded on to the State so we can get the \$25,000 for the Marine Park restroom renovations.

Councilman Curley said that regarding the zero based budgeting he wanted to thank Councilman DuPont for crediting him and said that he appreciates that and found out from talking to the Board of Education their budget did come in under cap. He said that when he held Councilman DuPont's position of Chairperson of the Finance Committee he wanted to offer a program that was set forth by the Monmouth County Board of Freeholders and we sent paperwork out to all the Department Heads requesting that all expenses be verified and unfortunately he only received half of them back because he does not believe the Administration was in favor at that time of zero based budgeting.

Mayor Menna said that at two Council Meetings ago he said he does not see any harm in doing zero based budgeting.

Councilman Murphy said the annual Police Auction held on November 3, 2007 produced \$11,575 from the sale of used equipment and \$7,820 from the sale of impounded vehicles for a total net of \$19,395 that goes back into the general fund and said we are in conjunction with shared services with Tinton Falls as far as towing cars and keeping them on their site in Tinton Falls. He said that we also have received a grant for \$5,000 from the State for paying overtime to Police Officers to check drivers for driving while intoxicated during the holidays. He also said that there is another program we are looking at called the Whale Program and said it is in conjunction with the Kiwanis Club of Greater Red Bank along with the Rumson-Fair Haven Bank. He said what Whale actually means is that "we have a little emergency." He said that it is an identification program that if a vehicle is in an accident and there is a baby seat or car seat in the back there is a tag that is on that seat to identify that child and to give medical information about any allergies or medical history to the volunteers that are responding to the accident. He said the sticker goes right on the baby seat and there is also a small sticker that goes on the window that lets the volunteers know that the information is available for them. The Police Department has a program to show parents how to put the baby seat in the car in a proper fashion and we handle that at no charge and

we are going to start to push the issue of having this identification on the baby seats and thinks it is a great safety feature.

Councilwoman Cangemi said through the Shade Tree Commission 100 Cool Cities trees have been planted and they worked very hard in finding the right locations, finding the right trees and getting the work done.

Mayor Menna said that on a personal note he knows all of us sometimes banter quite a bit here at this table but he said he thinks we are all friends at the end of the day and on behalf of all of us he wanted to express our condolences to Councilman DuPont on the death of his father who was a long time veteran.

Mayor Menna also said wanted to say how wonderful it was to see so many people at the Veterans' Monument yesterday and he has an enormous amount of gratitude to every Veteran. He said he went back to school last week and received an invitation from the Middle School to attend their infusion class in terms of bilingual infusion classes and said he was absolutely thrilled about the work the kids are doing at the Middle School. He said the Red Bank Educational Program is exciting and said our kids are our future and said he attended a Chinese class and thought there would be 10 or 20 children but found out close to 200 children are participating in the class. He said the Red Bank School System has made tremendous progress and we have to get the word out that we are on the cutting edge and just need a little more time, support and enthusiasm for what the teachers, students and parents do.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from the Red Bank Area CROP Walk to hold the 28th Annual Red Bank Area CROP Walk for the Hungry on Sunday, October 19, 2008, pending approval of the Special Events Committee and the Chief of Police.

Mr. Bifani offered a motion to approve the request without lawn signs in open public space, seconded by Mr. DuPont.

The Members of the Governing Body discussed the conflict with the Crop Walk walking one way while the Halloween Parade was going the other way and asked the Special Events Committee to make sure these events are not held on the same day next year.

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from RiverCenter for installation lights in the trees in the White Street parking lot starting November 1, 2007 and to remain up until January 15, 2008.

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

Councilwoman Cangemi said that some of these trees are very fragile and asked that Mike Olympi review the plan before the lights are put up.

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from RiverCenter for free holiday parking for all of the downtown meters in the White Street, English Plaza and all other Eastside parking lots in the RiverCenter District from December 17, 2007 through December 27, 2007.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from the Westside Community Group for use of the park located at Shrewsbury Avenue and Drs. James Parker Boulevard for the annual winter holiday and tree lighting event on Saturday, December 1, 2007 from 4:00 to 5:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from the United Methodist Church Learning Tree Preschool to hang a banner on Broad Street from January 3, 2008 to February 9, 2008 to advertise their open house to be held February 9, 2008.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from The George Sheehan Classic to hold the George Sheehan Classic event on June 13-14, 2008, and also use of Marine Park for various activities, pending approval of the Special Events Committee.

Mr. DuPont offered a motion to table the request pending comments from the public, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

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

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

Mayor Menna asked if anyone would like to speak.

Kenneth MacRitchie – 2 Manor Drive – he said the George Sheehan Classic is a wonderful idea to have this foot race but his problem is the matter of time and place. He said it really fouls up the whole downtown area for one Saturday a year and also some of the residential areas. He said that he would like to recommend alternate locations like the County Park System or if they want to do it in Red Bank bring it to an end at Eastside Park and said that he does not want to see the foot race cancelled entirely but just wants to see it relocated.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna asked if there were any comments from the Council regarding this race.

Councilman Murphy said that they moved this race from August to June and he was told by the Police Chief that the event has grown a lot over the last few years and the Police on that day as well as the night before use a lot of manpower and he knows the event was started quite a few years ago to promote Red Bank and as the years have gone by it has escalated and our concern on the Special Events Committee is that when they get to Marine Park we like to get it back in the same condition it was in when we gave it to them. He said they are pretty good about this but we still have our crews cleaning up after them. He said it is time and money and he asked that the Special Events Committee to take into consideration a little more detail on how the race is run and who is providing security because he has heard about people getting changed in the parking lots and not having enough port-o-johns. He said the event has gotten big and we need to have better management of it.

Mr. Sickels said that what he can suggest is that we have representatives of the race come to the next meeting and outline their plans prior to taking action, but historically the race was run in Asbury Park and it came to Red Bank to bring people to the town and to provide an attraction for people that may have not normally come to town. He said that being a non-profit they normally give any profits to local charities and the streets are normally opened by 10:00 A.M. and it starts at 8 A.M. and they are totally off Broad Street by 11:00 A.M. He said that they pay for the clean-up and also bring in a landscaper to do a professional restoration of whatever attention the park needs. He said that as far as the date they have to fit into a national calendar for similar events that bring a certain level of racer. He said he thinks the Committee should come to a Council Meeting to answer any questions.

Councilman Curley said that it is always a wonderful morning to sleep in if you can but unfortunately he can't because his telephone rings off the hook. He said he has had phone calls from people that can't get to work and have come across some very rude police officers that were not Red Bank Police Officers and said that we have Police Officers that come in from outside of the community and they are rather blunt to people. He said that it literally shuts the town down and said he voted against this event previously and does not think it benefits us and has store owners who have called him on that morning and said that it doesn't do anything for them and another concern is when is all of our work going to start in Marine Park and he asked Mr. Sickels if he had a date.

Mr. Sickels said that he did not know a date yet and asked the Borough Engineer if he had any updates.

Mr. Kosenski said the permits have been applied for with the Department of Environmental Protection and he was told that we can expect them any day.

Mayor Menna said that he spoke to the Chief of Staff of the Commissioner and will be having a meeting with him this week.

Mayor Menna read a request from The George Sheehan Classic to hold the George Sheehan Classic event on June 13-14, 2008, and also use of Marine Park for various activities, pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2007-39 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY REPEALING ORDINANCE NO. 2007-17 REQUIRING BEER KEGS TO BE REGISTERED PRIOR TO SALE."

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, 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 November 26, 2007.

2007-40 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-5, “ONE-WAY STREETS,” SCHEDULE VI; SECTION 7-6.2, “STOP INTERSECTIONS,” SCHEDULE VIII; AND SECTION 7-3.3, “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS,” SCHEDULE I.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, 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 November 26, 2007.

2007-41 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY SETTING SALARIES FOR THE RENT LEVELING BOARD SECRETARY AND HUMAN RELATIONS ADVISORY COMMITTEE SECRETARY FOR THE YEAR 2007.”

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, 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 November 26, 2007.

ORDINANCES – Public Hearing & Final Adoption

2007-38 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.”

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 Mr. Murphy.

ROLL CALL:

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

NAYS: None

There being six 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: Bifani, Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

RESOLUTIONS

07-228 Mayor Menna read “A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING THE DUBLIN HOUSE, 30 MONMOUTH STREET, BLOCK 31, LOT 15.04.”

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

ROLL CALL:

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

NAYS: None

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

07-229 Mayor Menna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

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

ROLL CALL:

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

NAYS: None

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

07-230 Mayor Menna read “A RESOLUTION ACCEPTING THE RESULTS OF A TRAFFIC INVESTIGATION AND REQUESTING THE PROMULGATION OF A TRAFFIC REGULATIONS ORDER FOR APPROVAL BY THE COMMISSIONER OF TRANSPORTATION TO PROHIBIT STOPPING OR STANDING ON MAPLE AENUE BETWEEN GOLD AND MONMOUTH STREETS.”

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

ROLL CALL:

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

NAYS: None

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

07-231 Mayor Menna read “A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRSUT BY RIDER FOR THE RED BANK 100TH ANNIVERSARY IN ACCORDANCE WITH N.J.S.A. 40A:5-29.”

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

ROLL CALL:

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

NAYS: None

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

07-232 Mayor Menna read “A RESOLUTION AUTHORIZING TRANSFER OF 2007 CURRENT FUND AND WATER UTILITY APPROPRIATIONS.”

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

ROLL CALL:

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

NAYS: None

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

07-233 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH ELECTRICAL DESIGN AND CONSTRUCTION CORPORATION (EDC) FOR IMPROVEMENTS TO THE TOWER HILL AND CHESTNUT STREET WELLS."

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

Councilwoman Cangemi said the covered diameter extension was the needed change here.

Mr. Kosenski said it was.

Councilwoman Cangemi asked why the change was warranted and asked if it was specified in the bid.

Mr. Kosenski said that his plans were not accurate with respect to this item.

Councilman Curley said that this is a lousy way of doing business and if he made a mistake at his place of business he would have to pay the difference and now he sees an Engineer make a mistake of \$47,000 and said that he does not like change orders because they just add to the costs of the projects and said he is opposed to it and said he would not support it.

Councilwoman Lee said she is opposed to the change order but that does not change the fact that we have to cover this well properly.

Councilman Curley said that someone has to be held accountable for it, not just there it is go ahead and vote for it; and that it's got to be fixed and said there is no accountability and said there was no accountability for the Library project.

Mr. Kosenski said that there is no additional costs to the Borough because if it was actually provided for in his plan that is what we would have paid initially.

Mr. Sickels said that we did review this change with the Public Works Committee and the actual error was probably a typo from 30 to 39 feet, however the specs did call for the contractor to measure the existing condition and verify it.

Councilman Curley said that we are paying officials to make sure there are no typos and this typo is going to cost the taxpayers \$47,000 one way or the other.

Mr. Sickels said that if there was no typo it would cost the taxpayers the same.

ROLL CALL:

AYES: Bifani, Murphy, Lee

NAYS: Curley, DuPont, Cangemi

There being three ayes and three nays, Mayor Menna voted aye to break the tie and the resolution was declared approved.

Councilwoman Lee asked if this was required by Homeland Security.

Mr. Sickels said that it was part of an inspection that was done and this was required because without the cover the well is opened and it must be covered.

07-234 Mayor Menna read "A RESOLUTION AUTHORIZING THE CHIEF OF POLICE, THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DIVISION OF HIGHWAY SAFETY FOR ADDITIONAL DWI PATROL."

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

ROLL CALL:

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

NAYS: None

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

07-235 Mayor Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, EXPRESSING THE OPINION OF THE MAYOR AND COUNCIL THAT THE T. THOMAS FORTUNE HOUSE SHOULD BE PRESERVED AS A HISTORIC SITE.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

07-236 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,855,038.77.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman DuPont said that in our packets there is correspondence from the Rent Leveling Board’s Counsel regarding some rumors that the Colony House was being converted to condominiums and he did speak to Carol, who is the property manager, and she had indicated to him that the building has not been sold and there have been no requests to the town to change the building to condominiums and said that it does not appear that this is accurate and Mr. Anthony’s letter said that they have not taken any steps for this conversion.

AUDIENCE

Steve Fitzpatrick – 96 Hudson Avenue – said these comments are directed to Mayor Menna and to Councilman Curley and said that they are the senior members of their political parties here in Red Bank and if they recall back in the summer he brought up our pay-to-play ordinance and the suggestion that we amend it so that our ordinance would be adopted with the template that they have in Belmar, the issue being that we require all of their donations to be revealed and specifically those donations that fall under the \$300 threshold. He said that when there was an informal pole taken at the meeting everyone agreed to do this except one Councilman and that was well before the election and he was hoping something would take place before then and now the election has come and gone. He went over numbers from the 11-day pre-election reports and said both parties receive the majority of their donation from funding under the \$300 threshold and said that he is waiting for the 20-day post election reports to find out the exact amount of the donations. He said 67% and 80% of donations to the Democratic and Republican parties were hidden from view because they were under the \$300 threshold. He said he hopes Mayor Menna and Councilman Curley go back to their respective parties and talk to their campaign managers and maybe we can amend the 20-day post filing report to reflect all of the contributions and that the Governing Body move forward and amend the ordinance to reflect all contributions.

Bridget McCarthy – 54 Leroy Place – said she would like to know when the library is going to open.

Mr. Sickels said he had asked the librarian to be at this meeting but she is not here. He said that we are in the process of putting the books on the shelves and we anticipate December 1, 2007 and would have a quiet opening and then have an official opening shortly after that.

David Prown – 44 Hillside Place – said that what comes out of this Borough Council is very good and very positive things but we receive newsletters that are delivered after the events are held and thinks there are other ways we can communicate with residents with a lower cost of printing the newsletter. He said a lot of towns are using the reverse 911 system.

Mayor Menna said that Councilwoman Lee would be making a presentation at the next Council Meeting concerning those same issues.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona