

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
FEBRUARY 26, 2007  
7:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilmen Bifani and Curley and Engineer Kosenski.

Councilman Curley arrived at 7:35 p.m.

**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.

**WORKSHOP**

**MAYORAL APPOINTMENTS**

Mayor Menna appointed Robert Boyle to the Rent Leveling Board as an Alternate Member for a two-year term expiring 12/31/08.

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

**ROLL CALL:**

AYES: Murphy, Lee, DuPont

NAYS: None

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

Councilman Curley arrived at 7:35 p.m.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Lee reported that the Technology Committee has been reviewing the renewal of the contract with the company that updates the Borough's website and is currently in the process of interviewing three companies. She said Bonnie Thomas and Doreen Hoffmann are being cross trained on the current website and they will be updating the site until we secure a contract. She said we are currently updating the website with all of the new information for 2007 and will be posting the agenda on a regular basis and you will be seeing a new and improved website in the next few months.

Councilman DuPont said that we plan on posting all of the applications for the Planning and Zoning Office as well as the Construction Department and the residents will have the ability to check on the status of current applications.

Councilman Curley arrived at 7:35 p.m.

Councilman Curley reported that there would be a Parks and Recreation Committee meeting the last Wednesday of the month.

Mayor Menna said that he has received some very favorable comments about the work the Human Relations Commission is doing and asked Councilman Curley to thank them for him.

Councilman DuPont reported that the Finance Committee has met and discussed the fact that Frank Mason had gone out to bid for health insurance and reported that we would be continuing with our current provider the Central Jersey Health Insurance Fund with a savings of \$270,881. He said we would be having public budget hearings with all of the departments and the Finance Committee on March 6, 2007

and the public is welcomed to attend and ask questions and the budget would be introduced at the Council Meeting being held on March 12, 2007. He said they are also looking into the ability to pay property taxes online and that the Synopsis of the Audit would be available online and welcomes any comments or suggestions from residents that are using the website.

Councilwoman Lee said that the Synopsis of the Audit is already posted.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Red Bank Fire Department Executive Council for use of Broad Street and Monmouth Street on September 9, 2007 for the annual street fair, pending approval of the Special Events Committee.

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

### **ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

Mayor Menna read a request from the Red Bank Fire Department Executive Council to hang a banner on Broad Street in the RiverCenter location from August 27, 2007 to September 9, 2007 to advertise the annual street fair.

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

### **ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

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

### **ORDINANCES – First Reading**

2007-8 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER XX, “WATER AND SEWER,” SECTION 20-8, “SEWER CONNECTION FEES” AND SECTION 20-9, “WATER CONNECTION FEES.”

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

Councilman Curley asked if we had raised these fees last year.

Mayor Menna said that we did.

Councilman Curley asked why we are raising them again because we had a number of complaints last year.

Mr. Mason said that this is only for new applications not existing applications.

Mr. Sickels said that this is the rate for connecting to the water system for new construction.

### **ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for March 12, 2007.

Mayor Menna left the meeting and Council President Lee presided.

2007-9 Council President Lee read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN BOROUGH OWNED PROPERTY TO ADJOINING LANDOWNERS.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for March 12, 2007.

Mayor Menna returned to the meeting.

#### **ORDINANCES – Public Hearing & Final Adoption**

2007-6 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO MARIANI PROPERTIES, L.L.C. (T/A BUONA SERA RESTAURANT) UPON CERTAIN PORTIONS OF THE BOROUGH OWNED RIGHT OF WAY ALONG MONMOUTH STREET AND MAPLE AVENUE ADJACENT TO BLOCK 43, LOTS 5 & 6.”

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: Curley, Murphy, Lee, DuPont

NAYS: None

There being four 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.

Councilman Curley said that when the ordinance was introduced he expressed his concerns about the violations with garbage, parking and the discotheque that is being operated there and he is in opposition in granting any further favors for the business.

Councilman DuPont asked if there was any information as to violations.

Councilman Curley said that they have been discussed over a period of years and even came in with photographs.

Councilman DuPont asked if they exist now and said that he was not aware of any.

Mayor Menna said that Councilman Curley is saying there are continuing violations.

ROLL CALL:

AYES: Murphy, Lee, DuPont

NAYS: Curley

There being three ayes and one nay, the ordinance was declared adopted on final reading.

2007-7 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.3, “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS,” SCHEDULE I, “NO 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: Curley, Murphy, Lee, DuPont

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

## **RESOLUTIONS**

07-53 Mayor Menna read “A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK SCHOOL DISTRICT.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

07-54 Mayor Menna read “A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK REGIONAL HIGH SCHOOL DISTRICT.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

07-55 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH 4 CONNECTIONS, L.L.C. PERTAINING TO THE USE OF THE PUBLIC RIGHT OF WAY FOR THE INSTALLATION AND OPERATION OF FIBER OPTIC CABLES.”

Mr. Hall said that this company is currently under contract to build a fiber optic line for Meridian and the route of the line would go right past Borough Hall and the Borough would have an option to connect to this line for a very low fee of approximately \$500 exclusive of the cost of running the lines from Borough Hall to the loop. He stated the route that the line would go and said that basically we could not withhold our consent without a good reason. He said that 4 Connections has set up an escrow account to pay for the legal and engineering review and that he had written an agreement and the Borough Engineer has approved it.

Mayor Menna asked where the lines would be placed.

Mr. Hall said that it would go from the Garden State Parkway to Riverview Hospital and the lines would come down Rt. 520 to Broad Street then east to Hudson Avenue because there are not enough poles on Broad Street, then west on West Front Street to Maple Avenue back to Rt. 520 and back to the parkway. Mr. Hall said that there was a map distributed in the Council packet.

Mayor Menna said that he is concerned about the lines going through residential neighborhoods and that the residents should be notified.

Councilwoman Lee said the Technology Committee has discussed this project and said the company has been very cooperative and that she is sure that they would give notice to the community.

The Members of the Governing Body discussed the size and the process for installing the lines.

Mr. Hall said the lines are the same size as a phone line.

Mr. Sickels said that Verizon has been installing the same lines all over Red Bank.

Councilman Curley said that he agreed with Mayor Menna and that the public should be notified about what is going on.

Mr. Hall said that we could approve the resolution with the condition that they give notice to everyone.

Mr. Murphy offered a motion to approve the resolution with the condition that the residents be notified about the installation of the lines, seconded by Ms. Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

07-56 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM A PHASE I ENVIRONMENTAL SITE ASSESSMENT AT THE FORMER BOROUGH INCINERATOR AT WEST SUNSET AVENUE, BLOCK 84, LOT 64."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

07-57 Mayor Menna read "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AN AGREEMENT FOR CROSS-LICENSES FOR ACCESS AND PARKING AND FOR CONSTRUCTION OF IMPROVEMENTS TO THE GOLD STREET PARKING LOT."

Mr. Sickels said that the Gold Street Parking Lot was created through a joint effort with the Borough and the private property owners in this area and Red Bank Catholic is involved in the agreement. He said that they are before the Board of Adjustment discussing the construction of a new field house in this area and would like to exchange the seven metered parking spaces that are currently used by the public at the eastern end of the lot for seven metered parking spaces to be constructed behind the Broadway Diner that would be more assessable to the public. He said that all of the individual property owners that are involved in this agreement are in favor of the change.

Mr. Hall said that this is basically a swap of property and the Borough would not be losing any revenue and all of the improvements would be paid for by Red Bank Catholic High School.

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

ROLL CALL:

AYES: Curley, Murphy, Lee

NAYS: None

ABSTAIN: DuPont

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

07-58 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,875,305.57.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

## **OLD BUSINESS**

Councilman Curley said that he had discussed the reduction of parking fines and received a negative response from his colleagues because of a loss of revenue. He said that he would like to reach a compromise and suggested that the employees from the Parking Utility have staggered hours so they could provide enforcement between 4 to 8 p.m. and that is not being done at this time and then look and see where our revenue stream is. He said that he is hoping that we could generate enough revenue so that the fine could be lowered.

Mayor Menna said that the Finance Committee has discussed some of the proposals and we have all been provided with some statistical data and thinks we should look into staggering the hours but should wait until the Finance Committee is finished with the preliminary budget hearings so that we could look at all facets of the operations of the Borough.

Councilman DuPont said that we would be holding public budget hearings on March 6, 2007 and hope to introduce the budget on March 12, 2007 and then could review the situation.

## **NEW BUSINESS**

Councilman Curley said that Councilwoman Ernst left two weeks ago and the Republican Municipal Committee have placed three names before the Council and were submitted to the Clerk's Office on Friday. He said the names are Grace Cangemi, Anthony Tamburri and Steve Fitzpatrick and at this time he would like to endorse Grace Cangemi and stated that she had only lost the last election by 23 votes and thinks she would be a logical choice.

Mayor Menna said that this would not be a long drawn-out process and that he would like to talk to each person and then would make the appointment by the next Council Meeting.

The Council Members said they would like to review resumes on each individual before a decision is made.

Councilman Curley said that he would get that information out as soon as possible.

## **AUDIENCE**

David Prown – 44 Hillside Place – asked if the ordinances are posted in Borough Hall before the Council Meetings.

The Borough Clerk said that they are usually posted on the bulletin board the Friday before the meeting.

Councilwoman Lee said that they would also be put on the website.

Mr. Prown asked about various forms being available on the website and also if we would be taking payments over the internet.

Councilwoman Lee said that we are currently looking into paying taxes over the internet and that you can pay fines over the internet through the Court system.

Mr. Prown asked if outside vendors could be used to work on the Borough's website.

Councilwoman Lee said that we are currently looking at other municipalities' websites and finding ones that we find easy to use and that have good content and then talking to them about who worked on their website.

Mr. Sickels said we would be putting out RFPs to vendors for creation and maintenance of the website.

Mr. Prown asked Councilman Curley about the status of Mr. Evans coaching baseball at the Middle School and asked if he had any additional information.

Councilman Curley said that he does not but just knows that the request had come to the Parks and Recreation Committee and the Committee did not have any problem with this request and gave our blessing.

Councilman Murphy asked if Mr. Evans would be coaching the team after hours.

Councilman Curley said that it would be after his regular hours working for the Borough.

Mr. Prown said Ms. Turnock from the Middle School said this has not been confirmed.

Mr. Sickels said this is a personnel issue and Mr. Evans had asked the Borough for permission to do this and was told he could but it would have to be finalized by Mr. Evans and Ms. Turnock.

Mr. Prown said with regard to the recent power outages that communication and information during this emergency was significantly lacking and said there was talk of implementing a radio station so residents could find out information during emergencies and reverse 911 calls being used to inform residents about what is going on. He said these systems are being used by adjacent municipalities and is disappointed that those mechanisms do not exist in our town.

Mayor Menna said that there would be a meeting with Emergency Management and that the Senior Citizen Center was opened and also made inquiries about people that are homebound.

The Members of the Governing Body discussed this situation and all agreed that a program has to be put in place to deal with such emergencies.

## **EXECUTIVE SESSION**

07-59            The Attorney read a resolution to adjourn to executive session to discuss litigation and property acquisition.

Mr. Curley offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss pending litigation and property acquisition. Minutes to be made public in 180 days.

### **ROLL CALL:**

AYES:            Curley, Murphy, Lee, DuPont

NAYS:            None

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

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

### **ROLL CALL:**

AYES:            Curley, Murphy, Lee, DuPont

NAYS:            None

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

**ADJOURNMENT**

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont

NAYS: None

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

Respectfully submitted,

Carol A. Vivona