

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 9, 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, Auditor Kaplan 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.

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, Cangemi

NAYS: None

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

2007 Municipal Budget Public Hearing

Mr. Kaplan gave a brief synopsis of the budget and stated that the budget was introduced on March 12, 2007 and advertised in the Courier on March 22, 2007 setting the public hearing for tonight. He said that the budget was sent to the State and they are requiring an amendment to the budget that is on the agenda tonight. He said even with the amendment the budget appropriation remains at \$20,204,078.57 and is well within the cap law.

Mayor Menna thanked Mr. Kaplan, Mr. Mason, Mr. DuPont and all the Members of the Finance Committee for the great job they did putting this budget together. He said we would be holding the public hearing tonight but would not be able to adopt the budget because we are waiting to hear if we are going to get any financial aid from the State.

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

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna said that we would still be reviewing the budget for any possible reductions.

Councilman Curley said that he would really like to see zero-based budgeting and thinks everything should go out to bid especially the insurance. He said that the parking meters should be enforced until 8 p.m., as stated in the ordinance, and the Borough should look at using smaller vehicles that use less fuel and that better logs are kept regarding the use of fuel. He also stated that all Borough vehicles with the exception of the Police Department's unmarked vehicles should have the Borough logo on them and that we should take a look at how all Borough vehicles are being used.

Mayor Menna said that all of the Council Members have discussed the various issues Mr. Curley has addressed

and that currently the Borough is in the process of purchasing vehicles that are more fuel efficient.

Councilman DuPont said that we are aggressively looking at purchasing environmentally friendly vehicles and he has been meeting with the Environmental Commission. He said that the Finance Committee considered every possible way to keep the budget as low as possible and said that we have eliminated positions but we are under contractual agreements with various unions for salary increases. He said he would like to sit down with Councilman Curley to discuss any ideas he might have to keep the municipal budget increase as low as possible.

Councilman Curley said that he knows Councilwoman Lee is working very hard to implement better technology to make departments run more efficiently but is still concerned about the Borough vehicles traveling outside of the County and State. He said we should implement a policy stating that Borough vehicles should not be taken outside of this area.

Mayor Menna said that we should set up a policy about the use of Borough vehicles.

Councilman DuPont said that he would be meeting with Councilwoman Cangemi and Mr. Mason to discuss the budget and invited Councilman Curley to the meeting.

07-89 Mayor Menna read "A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2007 MUNICIPAL BUDGET."

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

Mr. Kaplan said this amendment was required by the State regarding debt service on bonds for the sewer department and would not have any impact on the taxpayers.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, 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, Cangemi

NAYS: None

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

WORKSHOP

NJDOT Improvements to the Broad Street/Newman Springs Road Intersection

07-93 Mayor Menna read "A RESOLUTION APPROVING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S CONSTRUCTION PLAN FOR THE INTERSECTION OF ROUTE 35, NEWMAN SPRINGS ROAD AND NEW JERSEY TRANSIT'S NORTH JERSEY COAST TRAIN TRACKS."

Mr. Kosenski reported that the New Jersey Department of Transportation has been working on improvements to several intersections in the Borough. He said they are currently looking at improvements to White Street, Water Street, Maple Avenue and Front Street and are discussing additional striping and the possibility of another traffic signal at this intersection. He said they are also working on the intersection of Route 35, Broad Street and Newman Springs Road. He said they are talking about placing an island in this intersection so vehicles have a better idea of where to go and also to improve the safety of pedestrians crossing the intersection. He said they are going to improve the intersection by additional striping, sidewalk and curbing improvements and changing the cycle of the traffic signal to allow the traffic to flow better, especially after a train comes through the intersection.

Mayor Menna said that construction of the island would allow for safer pedestrian safety in this area and he thinks all of the improvements are a great idea.

Mr. Kosenski said that all of the improvements would be done at no cost to the Borough.

The Members of the Governing Body discussed the various intersections in the Borough where there are railroad crossings and the various problems.

Councilwoman Cangemi asked that the tracks on Drs. Parker Boulevard be looked at because they are not rubberized.

Mr. Kosenski said that Mr. Frasella is here representing the New Jersey Department of Environmental Protection and asked him when the improvements are scheduled to begin at the intersection of Route 35 and Newman Springs Road.

Mr. Frasella said the final plans were delivered to the NJDOT and the project was put out to bid and that he anticipates construction should begin in mid-August. He said all lanes should be able to be maintained during the construction and that he does not anticipate any detours.

Mr. Kosenski said that the Members of the Governing Body would like to see more landscaping added to this area.

He said that there is not a budget in this project for landscaping.

Mayor Menna asked Mr. Frasella to ask the NJDOT to look at adding some appropriations for landscaping in this area and to also maintain the landscaping that is already in this area.

Chris Haritos, the project manager, said that the landscaping in this area will be protected while the project is underway but the main purpose of these improvements is to promote pedestrian safety and that there is not any money in the budget for additional landscaping.

The Members of the Governing Body discussed their displeasure with the traffic signals at this intersection when a train comes through and the extensive backups.

Mr. Frasella said that the signals would be adjusted to continue traffic flow in this area after a train crosses instead of just going back to the beginning of the signal phase.

The Members of the Governing Body discussed the possibility of timing the signals to coordinate with the train schedules.

Mr. Haritos said that he has met with New Jersey Transit about coordinating the signals with the train schedules and because Red Bank is in the middle of the rail line between New York and Bayhead trying to do this could cause extensive problems with trains backing up in Little Silver and in Red Bank.

Mr. Sickels said that we have been studying this intersection for over ten years and have discussed various solutions and all communities agreed that the only thing that could be done at this time without major construction would be to have the traffic signals improved to allow a better flow of traffic.

Mayor Menna asked if anyone from the audience had any questions.

Les Hathaway – 44 Ambassador Drive – asked how long the construction would take.

Mr. Frasella said the construction would start in mid-August and be completed by October.

Dan Murphy – 11 Bridge Avenue – asked what the purpose of the island is.

Mr. Haritos said that the island is being placed in the intersection to give the vehicular traffic a better sense of the traffic pattern.

Mayor Menna thanked the representatives from the various agencies for attending the meeting.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: Bifani

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

River Street Pump Station Replacement

Mr. Kosenski said that he had distributed a brief report on the condition of the River Street pump station and said that it is a small ejector station that services 12 homes on River Street. He said the pump station has been in

operation for over 30 years and the pressure chamber is deteriorating and there is another pump station in the same condition that services 24 homes on Garfield Place in need of repair. He said he had met with the Public Works Committee and he is recommending that they be replaced with a wet well type pump station at an estimated cost of \$150,000 to \$175,000.

The Members of the Governing Body discussed the various pump stations in town and asked about their conditions.

Mr. Kosenski said all of the other nine facilities are wet wells that are a gravity type system and they are all around 30 years old.

Councilman Curley said that he thought there were recent improvements to the Bodman Place pump station when the State replaced the Route 35 Bridge.

Mr. Kosenski said that the grit collection system had to be moved by the New Jersey Department of Transportation for replacement of the bridge and that was replaced.

Mayor Menna suggested that these items be discussed further with the Public Works Committee and that a detailed report be submitted to the Council.

2005/2006 Road Program

Mr. Kosenski said there is a resolution on the agenda authorizing numerous change orders to the 2005/2006 Road Program and that funding of these items has been approved by Mr. Mason. He said the change orders total \$62,300 and are for sanitary sewer lateral replacements on South Pearl Street, South Prospect Avenue and West Street, replacement of two manholes on West Street and installation of insertion valves to facilitate the replacement of fire hydrants on South Prospect Avenue and Westside Avenue.

Fire Horn on Mechanic Street

Councilman Curley asked for report on the status of the fire horn on Mechanic Street.

Mr. Sickels said that the fire horn on Mechanic Street is connected to Borough Hall by a telegraph line that had been damaged over the winter. He said there have been repairs to the line and he has been hearing the horn recently. He said the Fire Department receives over 600 calls a year and must have another system in place in addition to the radio and pager system and the horn serves this purpose and has been used since the early 1900's. He said that the Ex-Chiefs Association is looking at alternatives to the horn and will be coming to the Council with some recommendations.

Mayor Menna suggested that this matter be discussed with the Public Safety Committee.

APPROVAL OF MINUTES – February 26, 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 motion was declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont reported that the Borough's Financial Statements were scanned and should be on our website soon.

Councilman Curley reported that at our next Council Meeting the Human Relations Committee will be giving a presentation and that the Easter Egg Hunt was held on Good Friday at 12 noon and was generally received well but there was some concern by some individuals that their spouses were working and could not be there and will be reviewed by Parks and Recreation for next year.

Councilman Bifani asked why it was not held on Saturday.

Councilman Curley said the decision was made by Bob Evans to try this date.

Mayor Menna said that with respect for the religious traditions the Easter Egg Hunt should not be held on Good Friday and should be held on Saturday and believes the entire Council is in agreement with him.

Councilman Curley said that he agrees with him and asked the Members of the Governing to look into another marquis in town that would serve for posting notices of the special activities going on in the community similar to the one at the corner of Shrewsbury Avenue and Drs. Parker Boulevard.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Friends of the American Cancer Society of New Jersey for a raffle license.

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

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 Danny's Steak House to place a retractable awning over outdoor café, pending approval of the Zoning Officer and Construction Department.

Ms. Lee 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.

Danny Murphy, owner of Danny's Steak House, said that he wants to request a permanent awning and not a retractable awning and asked if he could withdraw his request.

Ms. Cangemi offered a motion to withdraw Mr. Murphy's request, seconded by Mr. Curley.

ROLL CALL:

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

NAYS: None

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

Mr. Murphy asked what he has to do to be able to place a permanent awning over his outdoor café.

Mr. Hall said that he would need an easement and to contact him for further details because this would have to be done by ordinance.

Mayor Menna read a request from Daniel Roth for membership as an Active Associate to Navesink Hook & Ladder 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, Cangemi

NAYS: None

There being six 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 opened the public comment portion of the meeting, no one appearing he closed the public comment portion.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2007-15 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SUBSECTION 10.4, “REGULATIONS CONTROLLING THE RA RESIDENTIAL ZONE DISTRICT”; SUBSECTION 10.6, “REGULATIONS CONTROLLING CLASS “RB-1” RESIDENSE ZONE DISTRICT”; SUBSECTION 10.8, “REGULATIONS CONTROLLING THE “D” RESIDENTIAL DISTRICT”; AND SUBSECTION 10.16, “REGULATIONS CONTROLLING THE WATERFRONT DEVELOPMENT DISTRICT.”

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 six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for April 23, 2007.

2007-16 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, “POLICE REGULATIONS,” SECTION 3-2, “LITTERING.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for April 23, 2007.

ORDINANCES – Public Hearing & Final Adoption

2007-11 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, “ADMINISTRATION,” SECTION 2-36, “POLICE DEPARTMENT,” SUBSECTION 2-36.4, “RULES AND REGULATIONS ESTABLISHED” AND SUBSECTION 2-36.7, “ORGANIZATIONAL STRUCTURE OF THE POLICE DEPARTMENT AND RESPONSIBILITIES OF COMMAND WITHIN DEPARTMENT.”

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. Curley.

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

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.

2007-12 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" AND 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. DuPont offered a motion to close the public hearing, seconded by Ms. Lee.

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 Ms. Lee.

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.

2007-13 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2007-4 EXPANDING THE SPECIAL IMPROVEMENT DISTRICT."

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. Curley.

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. Curley.

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.

2007-14 Mayor Menna read “AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2007.”

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 Ms. Lee.

ROLL CALL:

AYES: Bifani, Murphy, Lee, DuPont

NAYS: Curley, Cangemi

There being four ayes and two nays, the ordinance was declared adopted on final reading.

RESOLUTIONS

07-90 Mayor Menna read “A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE ACCEPTANCE OF FUNDS COLLECTED AS PERFORMANCE AND MAINTENANCE GUARANTEES FOR LAND DEVELOPMENT AND FOR REVIEW OF DEVELOPMENT APPLICATIONS AND PLANS.”

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.

07-91 Mayor Menna read “A RESOLUTION AUTHORIZING THE TRANSFER OF SEIZED OR ABANDONED PROPERTY TO PROPERTYROOM.COM, INC. FOR STORAGE AND INTERNET AUCTIONING.”

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.

07-92 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 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. Murphy.

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming April 2007 as Child Abuse Prevention Month.

PAYMENT OF VOUCHERS

07-94 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,281,772.40.”

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

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 he would like to thank Mr. Pringle and Mr. Hall for successfully defending an appeal by Monmouth Construction to be awarded a bid for construction at the Library. He said hopefully the construction at the Library will be completed soon by a contractor we feel comfortable with.

AUDIENCE

David Prown – 44 Hillside Place – said that the software used by the Parks and Recreation Department is very poor and their website could be greatly improved. He also asked if the sign at the First Aid building could be used to post information for the residents because it is on a high traveled road.

Mr. Sickels said the sign belongs to the First Aid Department and he would have to ask them.

Mr. Prown said that he read an article in the paper that we received money from Homeland Security and asked what it is for.

Mr. Sickels said it is a security issue and suggested that he speak to Chief Fitzgerald who is sitting in the back of the meeting room.

Mr. Prown said he had some questions about Best Liquors because the hearing is tomorrow night.

Mr. Hall said that this can not be discussed by the Members of the Governing Body.

Mr. Prown asked if anything has been done about implementing some kind of emergency notification system.

Mayor Menna said that Councilwoman Lee’s committee is discussing various ideas.

Mr. Sickels said that the Police Department and the Fire Department are also discussing this and as soon as the Emergency Management Plan is completed they would be making a recommendation.

EXECUTIVE SESSION

07-95 The Attorney read a resolution to adjourn to executive session to discuss litigation and sale of property.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

Mr. DuPont offered a motion, seconded by Ms. Lee 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