

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 16, 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, Deputy Borough Clerk Borghi, Chief Financial Officer Mason, Attorney Pringle, Assistant Attorney Hall and Engineer Kosenski.

**ABSENT:** Borough Clerk Vivona.

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

**ROLL CALL:**

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

**NAYS:** None

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

07-113 Mayor Menna read “A RESOLUTION HONORING TOMORA YOUNG.”

Mayor Menna noted the success of the Rutgers Women’s Basketball team, the Scarlet Knights, and noted that their success would not have been possible without the assistance and leadership of our own Ms. Young, Assistant Director of Red Bank Recreation.

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

Ms. Young accepted the resolution and thanked the council for the acknowledgement. She urged everyone to support Red Bank’s youth because they are the ones who will be up here in the future.

Councilman Curley congratulated Ms. Young on her accomplishments and called her a pivotal part of Red Bank’s Recreation program.

**ROLL CALL:**

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

**NAYS:** None

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

**Presentation by the Navesink River Rowing Club**

Mayor Menna said he had participated in an event the previous Saturday with the Navesink River Rowing Club and said he had invited its members to come before the council to tell of the immense good work the Club does in our own backyard. He commended the group on being environmentally positive in their activities. He also said he was grateful that the club had been able to put together a program available to Red Bank at no cost and applauded them on their efforts to reach out to the youth of the Borough to introduce them to something that was new to most of them.

Kay Valardi, President of the Navesink River Rowing Club, handed out a press kit and noted that on June 23<sup>rd</sup> they will have their first ever boat naming event for the “Spirit of Red Bank.” She reviewed the history of the club that began in 1983 in Fair Haven. She said they lost their home in 1999 and went in search of a spot. They partnered with Ara Hovnanian, a rower with the club, when he offered a spot. They also partnered with Navesink Harbor and Riverview Towers, both of whom offer them spots. She noted that they started the first ever rowing program with CBA and have worked with Red Bank Recreation kids, many of whom had never

been on the river. She said they are considering putting in scholarship seats. She added that most of the club’s adult rowers are from Red Bank. She invited everyone to an open house the following Saturday. She praised the positive aspects of the sport of rowing and gave a brief slide show presentation.

Councilman Curley said he had been on the Zoning Board when the group came before the Board with an application and he asked how the group had grown since that time. She said they had about 98 members at that time and had grown to 247.

Mayor Menna again expressed his appreciation to the group for their efforts to help Red Bank.

**Presentation by the Red Bank Family Success Center**

Mayor Menna introduced representatives from the Red Bank Family Success Center. Jane Stone, Executive Director of the Regional Perinatal Consortium, introduced herself and said her organization was acting as the lead agency for the Center and said that Dr. Ana Monique Osterheld was acting as the Director of the Center. She said they were appearing tonight because there was an opportunity for the Borough to participate by receiving grant funding to support the continuation of the center. She said the Regional Perinatal Consortium had done a needs assessment and found the need for a family support center to coordinate support services. She said they surveyed residents and conducted leadership interviews. She said the State of New Jersey Department of Children and Families had come up with funding for them to open the center. She noted that the center has been holding community events to help residents become aware of their services. She also said the State funding ends June 30<sup>th</sup>, but that there is a grant available. She said the State is requesting more than the traditional letter of support that usually goes with a grant application and that they wanted a memorandum of understanding from a variety of organization including, specifically, the Borough. She reviewed the sample memo including the statement that the Borough would supply the same services to the center’s clients that they would normally provide to any other borough resident and that they would work with the center for publicity and referrals. She listed some of the other cooperating agencies. Mayor Menna said he would ask the Borough Attorney to review the memo and they would get back to them.

**Kids Day America International Proclamation**

Councilman Curley made a motion to move up the Proclamation for Kids Day America International so it could be considered under the suspension of regular business, seconded by Councilwoman Lee.

Mayor Menna asked Dr. Brent Kaiser to come forward to receive the proclamation. The Mayor reviewed the Kids Day America event scheduled for May 19<sup>th</sup> and noted that it was part of a nationwide campaign regarding wellness in children.

Councilman Curley noted that the event will be held at Dr. Kaiser’s office at 170 Broad Street from noon to 3pm.

**RESUME REGULAR ORDER OF BUSINESS**

Mr. DuPont offered a motion to resume the regular order of business, 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.

**WORKSHOP**

**Maple Avenue Parking Recommendations**

Councilman Bifani said that the Parking Committee was recommending that two spaces on the eastern side of Maple Avenue south of Monmouth Street be removed in an effort to help traffic flow especially during left turns. They were not currently metered spaces, so there would be no loss of revenue. He said the committee was looking for opinions and comments.

Councilman Murphy noted that the Parking Committee was asking that Ordinance 2007-20, regarding parking at Globe Court, be tabled until the next meeting so everyone could see a map and layout.

Councilman Bifani said as a note to the Administrator that the Council would need a map anytime there was parking or traffic ordinance was on the agenda. Administrator Sickels said he would be glad to supply that.

**Proposed Amendments to Planning & Zoning Regulations**

Mayor Menna noted that most Council members were familiar with the proposed recommendations for amendments to Planning & Zoning Regulations and that many had been started about three years ago and were finally being codified. He said many of the recommendations flow from a sub committee of the Council. Anyone with any concerns should let Mr. Kozenski know right away. Mr. Kozenski said he would work with

the Borough Attorney to draft an ordinance for consideration at the next Council meeting. Mayor Menna asked for a working document that would highlight what was being taken out and what was being inserted. He said he would prefer that the Council has at least two weeks to review it before it was introduced. Assistant Attorney Hall said he would like to get a consensus of what the council wanted before he drafted the ordinance. Mayor Menna asked if there were any questions for Assistant Attorney Hall or Engineer Kozenski and asked Council members to study the document.

### **Central Avenue Paving**

Councilman Curley asked for an update from the professionals on what has transpired regarding the paving of Central Avenue. He said it needs to be addressed because the street gets worse every day. Mayor Menna said he had met with the professionals and the property owners and said it was a productive meeting. He said that the some of the issues were the types of commercial uses on that street and that he believes the Council had received a letter from the Borough Attorney concerning the legal issues. He said the methodology for working out a cooperative agreement was left open. They did have a number regarding what it would cost and what the differential would be between a commercial grading and residential grading. He noted that they had been in discussion with the property owners regarding a contribution so the rest of the tax payers wouldn't have to pay for the additional cost over and above what the other streets get. Administrator Sickels said they are still waiting for one property owner to let them know if he is willing to contribute toward the cost for the heavier grade paving and hoped to have a resolution shortly.

Councilman Curley said he hoped that the code enforcement issues would be handled separately. Administrator Sickels said that code enforcement would have nothing to do with the road program. He said there may have been confusion over some complaints received through the County Health Department which lead to code enforcement action, but they had nothing to do with the road program.

### **Library**

Administrator Sickels said there has been some change in the construction staff and that they are trying to move construction along. He said that bids had been received for furniture, shelving and carpeting since the last meeting and that today he had received the recommendation for award. There were some legal questions regarding state contract that have been resolved. Several resolutions were added to the agenda regarding these awards in an effort to move construction along. The carpeting award, which must be coordinated with the shelving, was just presented tonight and seven bids ranged from \$40,000 to \$59,000 with the recommendation to award the bid for \$40,000. He said while he could hold this for the next meeting, that would delay the ordering and receipt of the carpet even longer.

Mayor Menna recommended that we move forward on the bids so as not to further delay the reopening. He also said he knew that Council members and members of the public had concerns over the continued closure of the library due to construction. He said he was pleased to report that there is going to be a temporary use and occupancy agreement with a storefront owned by Hovnanian Enterprises for no cost other than a nominal fee for the utilities. He said it should be in place in the next few days and will allow a member of the library staff to receive the public and have telephone and computer hook up from the library to this storefront to accommodate library requests until the library reopens. He said he was very grateful to the senior staff at Hovnanian Enterprises and to Mr. Hovnanian himself and added that the site fit well since it was just two doors down from the library. Councilwoman Lee noted that there will be no reading room available; it would be for pick up only. Councilman Curley said he had relayed the Mayor's statements to the seniors at Red Bank Manor and that they were elated and thanked him very much.

### **Parking Utility Vehicles**

Administrator Sickels noted that, at the last council meeting, a bid was awarded for two electric vehicles for the Parking Utility. A review of the documents revealed a question regarding compliance with the State law for low speed vehicles. The bidder represented that they would comply with the not to exceed 25 mile per hour limit but failed to indicate that it would comply with the minimum 20 mile per hour speed limit. There was also an objection by someone who read the announcement in the newspaper and raised the same issue. He said he had since contacted the low bidder and he confirmed that they do not comply with that State statute requirement. He said he had asked the Borough Attorney to prepare a resolution rescinding that award and authorizing a re-bid for those vehicles and he will ensure make sure the specifications include the stipulation that it must comply with the State statute for minimum speed for low speed vehicles. Assistant Attorney Hall noted that if the Borough had gone forward the vehicles would have been operating in violation of State law.

### **Municipal Court Ruling**

Councilman Curley noted that there had been a ruling in our Municipal Court recently that created a great deal of negative furor. He said he had no knowledge of whether the ruling was correct or not, he was not present. He said he just wanted to assure the public that our judge was a good person of sound mind and that he does a good job, serving us very well over decades. He continued that we have had a couple of very difficult cases brought to us through change of venue and began to give an overview of the cases. Councilman DuPont questioned whether or not the details should be discussed. Councilman Curley said he was just attempting to reassure the public that Red Bank was not a crazy place in light of discussions on a local website. Mr. DuPont questioned the discussion when the appeal process was still available but said he agreed with Mr. Curley's comments regarding Judge Himelman. Mayor Menna said he had received calls from the media and had said it would be inappropriate for him to comment adding that he had every confidence that decisions were rendered

appropriately. Mayor Menna also repeated that neither of the cases were Red Bank cases. Councilman Curley asked Mayor Menna to describe how a change in venue would take place. Mayor Menna said the Monmouth County Assignment Judge makes that decision and the fact that he assigned it to Red Bank instead of an adjacent municipality showed that they had a lot of confidence in our judge.

### **Marine Deployment**

Councilwoman Cangemi said that on behalf of Tricia Rumola of RiverCenter, who couldn't be present, she would like to report that 75 Marines will be leaving from the Armory and deploying to Iraq on May 28<sup>th</sup>. She said RiverCenter had coordinated an effort with Red Bank businesses and organizations who are donating all of the food and volunteers needed for the Marines and their families as we wish them well as they leave for overseas. She said the Marines will be informing them on Saturday of the time of the event and all are welcome and should contact her to get on the list.

### **MAYORAL APPOINTMENTS**

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman DuPont reported that he had met with the Borough Auditor regarding recommendations to our budget and our Finance Department. He said last year we had twelve recommendations that had to be dealt with. He added that this year's audit should be introduced at the next Council Meeting and he commended Chief Financial Officer Frank Mason for his efforts to correct the deficiencies. He commended Mr. Mason, Administrator Sickels and Borough Auditor Kaplan for their work. He added that he understood that in the last 18 years there were hardly ever audits without recommendations and that he believed this year's audit would reflect no recommendations or comments by the Auditor. Mr. DuPont said he wanted to point out a couple of ordinances that were on tonight's agenda. He said one was regarding bonding for the road improvement program that he said Councilman Bifani was probably going to address. He said there were also two ordinances providing for improvement to the water utility and for water main/pump station improvements. He also noted that there had been discussion of the Council members' compensation package. He said the Finance Committee has been doing work on it and have found that with compensation and benefits, they earn four to six cents per day. He noted that there is no reimbursement for expenses such as cell phones, dinners, etc. He said it was his understanding that when this was enacted under Mayor Arnone's administration, the purpose was to eliminate the vouchers for expenses such as those. He also said he understands there has been no salary adjustment for Mayor and Council for four years. He said since 1994, Red Bank has had a policy of contribution toward benefits which is 15% of the total premium of the individual's salary and he added that it was the Finance Committee's recommendation that they apply this to the Mayor and Council also effective January 2008.

Councilman Bifani said the January implementation would give new members a chance to decide if they wanted to participate or not.

Councilman Curley commended Mayor Menna for dropping his health insurance. He noted that the Council received a salary increase two years ago. Mayor Menna noted that it was a cost of living increase. He said he did not get into this to make a living and he did not go to any dinner for which he would need to be remunerated. Councilman DuPont said he called the job of Council member a part time job with full time hours and he felt the salaries were a miniscule cost and that the Borough got its money's worth for their services at four to six cents a day. He added that he didn't understand why the policy wasn't applied to the Mayor and Council from the beginning. Councilman Curley said he felt that in this economy he thought people viewed the Council members as having an elitist attitude by having health care paid for at a time when so many people have no health care. He hoped that they would be able to rescind the policy. Councilman DuPont repeated that the Finance Committee was charged with looking into the policy that had been in effect for thirteen years and that their recommendation was to apply the employee policy to the Council members. He noted that the committee thought the expense was not that great in consideration of the minimal salaries the Council members received for the amount of hours they put in along with the expenses they incurred. He said he agrees it is a public service position and does not believe it represents an elitist attitude. In addition, he noted, the Council has worked to cut expenses by eliminating positions, reduced costs. He noted that he had invited the Council to sit down and go over the budget to find places to cut and encouraged Mr. Curley to continue to look for places to recommend cuts. Mr. DuPont also pointed out that when the committee met the previous year that there were accounts overpaid and underpaid. He said the Finance Committee had done a wonderful job of cleaning up the recommendations from December 2005 and working to present the Borough with a good managed budget with a less than cost of living increase. Mr. Curley again stressed his desire to go to a zero-based budgeting system.

Councilman Curley said he had spoken against health insurance for Borough Council members and votes against the salary increase. He noted that Councilwoman Beck, Councilwoman Ernst, Councilwoman Cangemi and himself had all declined to take the health insurance option. He said looking back at the budget, there were problems that were personnel related that he felt were laid on him during the Mayoral election citing his lack of daily interaction with the office. He said he was extremely dismayed at, and voted against reappointment of, our Borough Auditor. He said he sat on the Committee with Councilwoman Lee and Councilman Menna and that they received the same reports simultaneously and they saw nothing wrong. He added that the Borough was going through difficult times including a reassessment and that people were panicked noting that there are 11 units for sale where he lives. He said he was asking Council to cut wherever they can, even if it is perceived a miniscule area. He told Councilman DuPont that, as a resident and taxpayer, he appreciated the work he has done on the budget and that he felt he had done it with earnestness and

sincerity. Councilman DuPont thanked him and said he was trying to protect the budget while accepting criticisms or recommendations. Mayor Menna said he appreciated their comments but pointed out the problem isn't just a \$50,000 line item in the budget for health insurance but also "Christmas Tree" items such as an emergency vehicle or a couple of extra roads added to the road program. He said they have to discipline themselves to say "we can't do all of this in one year." He said while he understood where Mr. Curley was coming from in a public policy standpoint and where Mr. DuPont was coming from, the real savings would be in the large ticket items. Mr. Curley said he agreed but thought they should set an example for the public. Councilwoman Cangemi said she would like for Councilman DuPont to sit down with her and go over the budget. She added that she has not given up on looking for places to cut and she didn't think anyone else had either. She said people are really suffering and that anyplace they could make a cut was positive.

Councilman Murphy reported that there was a sale of impounded vehicles a couple of weeks ago and that the Borough grossed around \$16,000 which goes into the general fund. He said the "Click It or Ticket" program will start next week, the bicycle patrol was out as of yesterday and three special officers had been hired.

Councilwoman Cangemi reported that it is still planting season and that the Shade Tree Committee has more trees going in on Broad Street this weekend and a couple of trees were planted in the park last week. The Environmental Commission has entered the Clean Power Choice program committing to having 100 residences in Red Bank sign up for the program noting that it costs only \$7 to \$8 a month on your electric bill to use renewable energy sources. She said anyone interested can contact a member of the committee or go to njcleanpower.com. She added that there is another cleanup with the Navesink/Swimming River Group this Sunday, May 20<sup>th</sup> from 12 noon to 3 pm on Carmen Place and Newman Springs Road. She commended the group for their efforts noting this was the third or fourth cleanup this season.

Councilman Bifani had no report.

Councilwoman Lee reported that she had gone on a tour of the library and that it was really coming along quite nicely. She said there had been unexpected demolition in the front which was why they could not accommodate customers but noted that there was an agreement with Hovnanian Enterprises and they would be able to open an office next week.

Councilman Curley reported that the summer Jazz in the Park and Movies in the Park were all set and that Spring sports programs were moving ahead. He also announced that, for adults, the middle school gym was open for athletics from 7 to 9 pm Monday, Wednesday and Thursday at a cost of \$4 per night or \$60 per year with the program running from January to January. He added that registration for summer camp is underway and that the program runs from June 25 to August 17. Applications are available in the schools or at Parks and Recreation. He noted that the program includes breakfast and lunch and a trip to a Blue Claws game. He said this was a unique event because many of these children never get the opportunity to see a professional sporting event. He also said the library and Parks and Recreation were joining together to sponsor a reading program that will be held every morning at 10 am during summer camp. He noted that there will be a Summer Festival program at the Middle School on Tuesday night, May 22<sup>nd</sup> between 4 and 7 pm. He said the Memorial Day program will start at 11 am at 51 Monmouth Street and said that the Colonel from Ft. Monmouth will be joining us. He noted that the Elks did a wonderful job with the sound system.

Mayor Menna thanked Councilwoman Cangemi as well as Boris Kofman and Lou Dimento of the Environmental Commission noting that Red Bank was named a Tree City USA by the National Arbor Day Foundation. He added that Red Bank was one of three towns in New Jersey with that distinction. He noted that yesterday the New Jersey Historic Preservation website had announced the top 10 sites in need of historic preservation and that Red Bank's Thomas Fortune House had been included on the list. He noted that the site was very important to African American culture. He said, while many who grew up in Red Bank knew it as the Vaccarelli Bakery, it was originally the home of Thomas Fortune who was a legendary African American educator and journalist and one of the first African American editors of a major national newspaper. He said the State is very concerned about the site and said that we, as a community, must come out strongly, affirmatively, forcefully, passionately and without retrenchment that the site must and will be preserved. The African American Ministerial Alliance of New Jersey, the NAACP, the African American Legislatures Alliance, as well as the Congressional Black Caucus, will all be generating a massive campaign to see that the site is preserved. He noted that "if we lose this one, we lose the heart of this community." He added that the site can be developed, but the house has to be preserved. He said the town will have to do something in the future to show that it is concerned and serious about the preservation of that part of the site. Councilman DuPont asked the Mayor if he wanted a resolution in that regard. Mayor Menna said he would rather do something more formal at the next Council meeting produced by Councilwoman Lee who is the representative to the Historic Preservation Committee. Councilman Curley noted that Mark Fitzsimmons, of the Historic Preservation Committee, had mentioned to him that it would be interesting to have a statue and possibly a small museum within the structure which, he noted, would be up to the developer. Mayor Menna said he respected all of the opinions and that he had spoken to a lot of individuals interested in the property but that he didn't think they should be indicating what should or should not occur. He said their primary focus should and must be that we all recognize as a community that whatever happens at that site can certainly accommodate our history in regard to the house. Mr. Curley said he just wanted to let the Mayor know that there was public support for his sentiments.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Most Worshipful Prince Hall Grand Lodge for raffle license.

Mr. DuPont 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.

Mayor Menna read a request from Red Bank Area CROP Walk to hold 27<sup>th</sup> Red Bank CROP Walk for the Hungry on Sunday, October 21, 2007 between the hours of 2 p.m. and 5 p.m., pending approval of the Special Events Committee and the Chief of Police.

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

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 Central Jersey Blood Center to hang a banner on Shrewsbury Avenue from July 9-August 12, 2007 to advertise the 3<sup>rd</sup> Annual Rock 'n Roll up Your Sleeve Blood Drive to be held at the Two River Theater Company.

Mr. DuPont 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 the home owners of 31 West Westside Avenue to place a temporary 14' x 56' mobile home on their property for approximately four months while their home is being repaired from damages sustained in a fire on May 9, 2007, pending approval of the Building Department and Planning and Zoning Offices.

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

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**

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**

2007-19 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF RED BANK, ORDINANCE 2006-39, LAND USE AND DEVELOPMENT REGULATIONS, BY AMENDING REGULATIONS FOR THE STORMWATER MANAGEMENT AND CONTROL IN THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH.”

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

Public hearing and final adoption scheduled for May 29, 2007.

2007-20 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.”

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

ROLL CALL:

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

NAYS: None

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

2007-21 Mayor Menna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2007 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,771,425 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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

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 May 29, 2007.

2007-22 Mayor Menna read “A BOND ORDINANCE PROVIDING FOR THE INSTALLATION AND REPLACEMENT, AS APPLICABLE, OF WATER MAINS, FIRE HYDRANT VALVES AND SEWER PUMP STATIONS BY THE WATER/SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,140,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,140,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.”

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

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 May 29, 2007.

2007-23 Mayor Menna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2007 CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.”

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

Public hearing and final adoption scheduled for May 29, 2007.

2007-24 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, PROVIDING FOR THE PLANTING, CONTROL, PROTECTION, REGULATION AND IMPROVEMENT OF TREES UPON PUBLIC HIGHWAYS AND PUBLIC PLACES.”

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

Councilman Curley said it was a wonderful ordinance and commended the Shade Tree Committee for all of their work. He said one of his concerns was first and foremost affordability since there was no mention of money. Secondly, he was concerned about how it would be enforced. He said he knew the burden had been thrown on the Code Enforcement Officers to handle this and since he serves on that committee with Councilwoman Cangemi and Councilman Bifani, he said he was aware of the stresses and strains Code Enforcement is under right now. He said they had been developing a program to go after the unscrupulous landlords regarding overcrowding issues. He asked that, in the future, committees be very cognizant of how we enforce things because they are setting a tremendous burden on people at times. He again noted that he thought it was a wonderful ordinance and worth passing. Mayor Menna said it was a worthwhile ordinance and that the technical issues could be dealt with later.

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 May 29, 2007.

2007-25 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 10.6, “REGULATIONS CONTROLLING CLASS “RB-1” RESIDENCE ZONE DISTRICT”; AND SUBSECTION 10.8, “REGULATIONS CONTROLLING THE “D” RESIDENTIAL DISTRICT.”

Assistant Attorney Hall explained that this ordinance will, in essence, serve to clarify the ordinance in light of changes made through earlier Ordinance 2007-15.

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

ROLL CALL:

AYES: Bifani, Curley, Murphy, DuPont, Cangemi

NAYS: None

ABSTAIN: Lee

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

Public hearing and final adoption scheduled for May 29, 2007.



**ORDINANCES – Public Hearing & Final Adoption**

2007-17 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING CHAPTER VI OF THE GENERAL ORDINANCES OF THE BOROUGH OF RED BANK ENTITLED “ALCOHOLIC BEVERAGE CONTROL” REQUIRING BEER KEGS TO BE REGISTERED PRIOR TO SALE.”

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

Ms. Cangemi asked if there was an enforcement policy in place. Mayor Menna said it was the statutory responsibility of the Police Department. Ms. Cangemi asked what the policy would be toward kegs that had been purchased out of town. Mayor Menna said we can only control those businesses licensed in Red Bank and the purpose is to know who the local businesses had sold the keg to. Attorney Pringle noted that when underage drinkers are found at a party, everyone scatters and no one admits responsibility for the keg. This way it can be traced back to the liquor store where it was purchased to identify who purchased it and then the Police can take appropriate action. He said the goal is to put an end to people buying kegs and giving them to minors and noted that several other towns have similar ordinances. Mr. Pringle noted that in Belmar, they require the keg to be tagged even if it is purchased in another town. Ms. Lee asked if Red Bank could include that. Assistant Attorney Hall said he wasn't sure if that was in our ordinance but that we could amend it if it wasn't.

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

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 Mr. DuPont.

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.

2007-18 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF RECIPROCAL EASEMENTS BY AND BETWEEN THE BOROUGH OF RED BANK AND MERIDIAN HOSPITALS CORPORATION UPON CERTAIN PORTIONS OF PROPERTIES OWNED BY BOTH PARTIES.”

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.

**RESOLUTIONS**

07-108 Mayor Menna read “A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT.”

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.

07-109 Mayor Menna read “A RESOLUTION AWARDING PURCHASES FOR RED BANK PUBLIC LIBRARY UNDER VALID STATE CONTRACTS.”

Ms. Lee 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.

07-110 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER’S AGREEMENT WITH 20 WHITE STREET, L.L.C.”

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

Mr. Curley asked if this resolution had anything to do with Michael Rovere. Assistant Attorney Hall said yes. Mr. Curley said he is a good man.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

ABSTAIN: Bifani

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

07-111 Mayor Menna read “A RESOLUTION REAFFIRMING THE BOROUGH OF RED BANK’S COMMITMENT TO INCLUSION.”

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

ROLL CALL:

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

NAYS: None

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

07-112 Mayor Menna read “A RESOLUTION AUTHORIZING THE REHABILITATION AND PURCHASE OF BOOKSHELVES AT THE PUBLIC LIBRARY.”

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.

07-114 Mayor Menna read “A RESOLUTION AUTHORIZING A USE AND OCCUPANCY AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND K. HOVNANIAN @ MAPLE AVENUE, L.L.C. FOR TEMPORARY LIBRARY FACILITIES.”

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.

07-115 Mayor Menna read “A RESOLUTION RESCINDING RESOLUTION NUMBER 07-104 AWARDED CONTRACT #07-2 FOR TWO (2) PARKING UTILITY VEHICLES, REJECTING ALL PREVIOUS BIDS AND AUTHORIZING THE PREPARATION OF NEW SPECIFICATIONS AND THE SOLICITATION OF BIDS.”

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.

07-116 Mayor Menna read “A RESOLUTION AWARDED CONTRACT #07-3 TO PROVIDE AND INSTALL CARPET FOR RED BANK PUBLIC LIBRARY.”

Mayor Menna noted that it would be not to exceed \$40,000 pursuant to the contract.

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.

Administrator Sickels asked if the Council wanted to approve a memo of understanding for the Red Bank Family Success Center as they were under a deadline. He said he did not see any cost associated with the memo of understanding and that getting the memo was their reason for appearing at tonight’s meeting. Ms. Lee asked if the Center would be servicing people from outside of Red Bank. Mr. Menna said it was stated that they will service residents and non-residents. Mr. DuPont pointed out that they had been told that the Borough Attorney would be reviewing it and they had not objected. Assistant Attorney Hall said he had questions that he didn’t want to ask in public and had intended on calling them. Mr. Sickels said they had contacted him the day after the last council meeting saying they needed it by the 15<sup>th</sup>. He said it was too late. They called back saying they had gotten an extension so they were put on the workshop portion of the agenda for tonight’s meeting.

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming June 2007 as Myasthenia Gravis Awareness Month.

## **PAYMENT OF VOUCHERS**

07-117 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$6,826,494.82.”

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

Administrator Sickels reported that due to the untimely death of our Registrar Sharon Ruddy, the Board of Health had met and appointed Pamela Hughes Borghi as the Registrar in accordance with State Statute.

## AUDIENCE

John Bowers, 288 Route 34, Colts Neck – Mayor Menna said he knew Mr. Bowers was appearing along with several tenants regarding the shopping center. He said he wanted Mr. Bowers to know that he had discussed the situation with Police Chief Fitzgerald and he was aware of the situation as was the Administrator. He said, at Mr. Bowers convenience, they would be happy to meet with him to see what they could do legally. Mr. Bowers said he had heard from the Chief but just wanted to let the Council know what the situation was. He said he was the owner of City Centre and he was present with two of his tenants. He said there is a problem with people loitering and causing damage to tables, spitting on windows, throwing food and trashing the bathroom. He said they had called the police but has been told that Red Bank doesn't have an anti-loitering ordinance. Mr. Bowers said he had offered to hire security people but when they leave the problem returns. He said he was asking the Council to help find a solution. Mr. Menna asked what the hours of the shopping center are. Mr. Bowers said business hours range from 7 am to midnight. Mr. Menna asked if the center had uniform hours. Mr. Bowers said no. Mr. Bifani noted that they need an ordinance; it's not an enforcement issue. Mr. Bowers noted that they clean their property every day and it's a mess on Monday mornings. Mr. Bifani suggested he hire someone to watch the property. He said he would, but he said the feedback he's getting is they can't do anything. He said they call the police and the officers will tell them to move on. Once the police officers leave they return. He said graffiti is also a problem. He offered to have his tenants speak. Mr. Menna said there is a number of ways they can address the situation. He said Mr. Pringle had pointed out that loitering ordinances are constitutionally suspect and need to be carefully tailored. He said he was aware of the problem and had seen it himself. He noted that many of the people were from outside of Red Bank. He said the police department has been very aggressive and filed charges in juvenile court due to their ages. He noted that there have been similar graffiti problems on the newly constructed library. He said the town is looking into security cameras and surveillance systems. He added that quality of life issues are important to everyone around the table and if they need to spend time and resources to do it, they will. He said private property had different enforcement issues and they are dependent on hours of operation. Mr. Bowers said they would be glad to meet with the Council and explain details. Mr. Menna noted that it was a poor reflection of the age we live in that the town is going to be moving the Fireman's Memorial because of continued vandalism. He again noted that the problem was not Red Bank kids, but those from out of town. Mr. Bowers again asked for an ordinance that would give security personnel "some teeth." Mr. Murphy asked what hours the stores were open until. Mr. Bowers noted that Cluck U was open until midnight. Mr. Bowers handed out photos of damages. Mr. Curley asked if there were any loitering ordinances in other communities in the State. Mr. Pringle said there were probably many, however, the courts have struck them down. He said Red Bank may have something on the books, but it may not be enforceable. Mr. Curley said he remembered as a kid seeing a police officer arresting someone for loitering. Mr. Pringle said today they need to be seen committing a crime. He said another problem is enforcing it with one part of the community and not another. Mr. Menna noted that as private property, they had the right to exclude people that were not legitimately doing business there and have them removed. Andrew Il Vento of Cluck U Chicken said he moves them along but they just move across the street. He said it's the same 15-20 kids and that they are not there to spend money. Administrator Sickels asked about enforcing the curfew ordinance. Mr. Hall said it would have to be enforced for everyone. Mr. Murphy noted that they had done curfew enforcement sweeps last year. He noted that the bicycle patrols started yesterday and that should help. Phil Gerimida, owner of White Dove Cleaners, also a tenant reiterated the problems. He said he had been a business owner since 1991 and hadn't seen the problem this bad. The town has grown but this is a big problem. He said he believed the solution was a heavy fine such as \$250 and possibly a higher fine for the second offense. He said he has had graffiti problems with his trucks. He said there are also issues with begging for money. Mark Harry of Elite Hair Studios, also a tenant of the center, said women that work in their store had been propositioned for sex for money when they were taking the garbage out.

Carl Colmorgen, 67 Oakland Street -- Mr. Colmorgen said his concern was with people double parking on Maple Avenue to let people out at Buona Sera Restaurant. He said he was in support of having a loading zone to help alleviate the double parking. Mr. Menna said he thought the Council had approved a loading zone last year. Mr. Colmorgen said his brother, a Red Bank firefighter, had expressed concern that a fire truck couldn't turn that corner in an emergency. Mr. Curley said he had been aware of the problems and said the business had breached both parking and garbage ordinances and was running a discothèque without approval. Mr. Colmorgen said he had appeared previously to complain about garbage cans on the property and that it had been taken care of. He said his concern now was the safety issue. Mr. DuPont noted that the property had been cleaned up as a result of the efforts of Code Enforcement.

Lou Dimento, 9 Alston Court—He said he wanted to publicize the fact that the State is sponsoring the Clean Power program and the Environmental Commission's goal is, as Ms. Cangemi pointed out, to have 100 people sign up. He asked if pamphlets could be placed in Borough Hall near the Finance Office. The Council said that would be fine. Secondly, he noted that a generous resident had donated \$100 toward Compact Fluorescent Lightbulbs (CFLs), but he needed a resolution from the Council to match it. He noted that the Commission had no budget. Mr. Menna said the \$100 is not the issue, it can be taken out of the budget, no resolution is needed. Mr. Dimento asked for clarification. Mr. Menna said there is a methodology in place. Ms. Lee said she had requested that more than \$100 be contributed toward the cause. Mr. Dimento said he also wanted to

report that the Traveling Environmental Fair and Clean Water of Monmouth County had approached the Commission and wanted to volunteer to do an education program with children through the schools. He noted that they had sent a letter to the Mayor which he had forwarded to the Commission. The Commission had recommended that the Council okay the program but funds are needed for expenses. He said they were asking the Council to approve funds of \$250 for a half day or \$350 for a full day. Mr. Menna repeated that approvals were not needed at this level for these types of expenditures. He noted that there is a budget in place that has to be adhered to. Mr. Dimento said he was leaving it up to the Council to approve the program. Mr. DuPont said the Mayor and Council were not against it and that he would talk to the CFO to see what the proper procedure would be and get back to Mr. Dimento at the next meeting. Administrator Sickels said other groups that look to support similar events get sponsorship and suggested Mr. Dimento and the Environmental Commission look into that possibility and present the proposal to the Mayor and Council. Mr. Dimento said the letter had gone to the Mayor and the Environmental Commission thought it was a good idea but they had enough to do. Administrator Sickels said he would be glad to meet with Mr. Dimento regarding concerns such as location, additional needs, etc. Ms. Cangemi said she had concerns because it was actually a program for the schools, she didn't want to step on the Board of Education's toes. Mr. Curley said he agreed with Mr. Sickels and noted that Parks and Recreation and the Human Relations Committee had solicited donations to run a program. Mr. DuPont said that the precedent had been set to fund programs.

Mr. Curley said he wanted to return to the discussion of the problems at that City Center shopping center. He said he wasn't sure what the answer was regarding enforcement of the curfew. Mr. Menna said he had told Mr. Bowers and the tenants that the Police Chief, Commissioner Murphy, the Administrator and, possibly the Borough Attorney, would be happy to meet with them to come up with a solution. Mr. Murphy said he wasn't sure if the ordinances were enforceable on private property. Mr. Bowers said they had signed an agreement to allow the town to enforce. Mr. Il Vento said he didn't think it was just an hours of operation issue. He noted that the problems occur after he closes because his management gets loiters out while the business is open. He said his employees also escort the female employees from the other business when they take the garbage out. Mr. Menna noted that they may not be legally able to force people off the property. Mr. Il Vento said they just ask them to move while they are open. He said once its dark and there are no businesses open is when the problems begin. Mr. Murphy suggested leaving lights on. Mr. Il Vento said they leave a lot of lights on. He said he was referring to store fronts. Mr. Bifani suggested that a security guard should be hired to walk the site after hours.

#### **EXECUTIVE SESSION**

07-118                The Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

Mr. DuPont offered a motion, seconded by Mr. Bifani to adjourn to executive session to discuss contract negotiations. 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 Mr. Murphy 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 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,

Pamela Borghi