

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 29, 2007
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Bifani.

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 Ms. Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna introduced the Borough Auditor, David Kaplan.

Mr. Kaplan said that he has prepared a presentation entitled Year End Audit Presentation dated December 31, 2006 and has delivered the comprehensive Annual Financial Report and everything has been timely filed in accordance with New Jersey State Statutes and said that on Page 10 and 11 of that report you will find the independent auditor's opinion and said that it is our highest form of assurance that the financial statements are prepared in accordance with generally practiced accounting principles and those statutory provisions required by the Division of Local Government Services of New Jersey. He said he is happy to report that on May 4, 2007 he issued his own qualified opinion on your statutory basis financial statements when they concluded all of their field work. In that same book on Page 12 and 13 there is also a report on internal control and compliance and no instances of non-compliance were found in the audit. He said the audit report is in the same format as last year and the report is a result of numerous meetings, field work, your general ledger and a lot of hard work on everyone's part. He said this year's audit report is a lot different from last year's report, because of the stiff changes made by the Borough to correct procedures, and he is happy to report that there are no comments and recommendations. He said that all of the comments and recommendations in last year's audit were corrected and that is because of Bruce Loversidge and Frank Mason. He said the presentation itself starts with the water and sewer utility and said that the revenues in the utility this year increased \$350,000 to around 5.7 million dollars and generated excess revenues of almost \$824,000 and ended the year with a little more than a million dollars in fund balance, it was self-liquidating which is important because tonight you have ordinances to improve the infrastructure of the utility. He said that \$300,000 from the utility was put in the general fund to help reduce taxation. He said the water and sewer utility had a good year and the parking utility had an increase in revenues of 5 percent to around \$907,000 and generated excess revenues \$200,000 and was also self-liquidating and contributed \$275,000 to the current fund to help reduce taxation and said the parking utility had a good year. He said the current fund which is the main operating fund of the Borough had a budget of \$16.3 million dollars and said there were no over expenditures in this year's budget and that the fund balance in the current fund grew by \$300,000 up to \$1.98 million dollars and said our tax collection percentage was over 97.6 percent, slightly higher than the prior year and that is on a levy of over \$34.1 million dollars. He said the tax balance in the current fund increased by over \$800,000 over the prior year and said what a difference a year makes because last year's audit was one of the worst he has issued in his life and said that for him to do a report with no audit recommendation is unusual and is a credit to everyone that was in the audit. He said that he would like to comment on some suggestions for the future, one is on-line payments, transparency in all related finance matters and keeping the internet updated with finance data, keep the audit without audit recommendations and keep employee moral high. He said he would be more than happy to answer any question anyone has.

Mayor Menna said that on behalf of the residents I really have to thank you, your firm and your staff for your supervision and it's been a very difficult supervision based upon what we basically inherited January 1st. As your report indicates it is unusual for any town not to have an audit comment especially a town the size of Red Bank and said he is the senior member of council and has been around for 19 years and there

has never been a year without any audit comments or recommendations. He said a great deal of thanks goes to Mr. Kaplan when we had a problem and you devoted the time and energy and you gave us the practical advice to try and solve our problems and fortunately every member of this council decided to stick with your advice to produce the type of budget that is reflected in the audit today and said Mr. Kaplan is part of the team and the team is headed by one of the best Chief Financial Officers in the State of New Jersey and that is Frank Mason and said he wanted to thank Mr. Mason for doing such a Herculean job. He also thanked Mr. Kaplan, Mr. Mason's staff and Michael DuPont, the Chairperson of the Finance Committee, and said that he has made sure that we, as elected officials, are informed about what we have to do to put a budget together and also making sure that the over expenditures do not take place. He also thanked all the members of the governing body because we had to make some difficult decisions over the last six months and everyone has been working together to try to bring the finances of Red Bank into the type of shape that is reflected in Mr. Kaplan's report.

Councilman DuPont said that he would like to thank Frank Mason for doing a wonderful job and said the Finance Committee meets on a regular basis and Mr. Mason has provided a great deal of insight, as well as Mr. Sickels, in getting our finances back in order. He said the Mayor took the initiative to eliminate some positions and gave a directive to the Finance Committee to look at any ways to save money for the Borough and this audit demonstrates that, as well as the budget for 2007. He said the Finance Committee would continue to look at cost savings measures any where possible.

Councilman Curley said he had some questions for Mr. Kaplan. He said that on Page 144 we talk about finding ordinances in the capital fund that have cash deficits at the end of the year and asked him to identify those ordinances.

Mr. Kaplan said Ordinances 1998-9, 1999-41 and 2000-25 are for exterior renovations at 51 Monmouth Street, Ordinance 2001-2 is for 2001 Road Improvement Program and Ordinance 2005-31 is acquisition of waterfront park.

Councilman Curley asked about tax liens listed on Page 142 and it states that there were four outstanding tax liens in 2004, and nine in 2005 and 2006 and asked if there are any outstanding at this time.

Mr. Kaplan said he was not sure at this very moment but that there were several outstanding tax liens. He said that he could not tell if they have paid in 2007.

Councilman Curley asked if we are taking any action on them or has the time run out.

Mayor Menna said there are no expiration dates for an in-reim tax foreclosure.

Councilman Curley said we should look at closing these out as soon as possible and said that in 2006 the Council raised the bid threshold to \$29,000 and asked if we would be raising that bid threshold again because he is a strong advocate for competitive bidding and does not want to go up any higher. He also asked what would be criteria for raising the bid threshold.

Mr. Kaplan said the Governor has the right under the statute every two years to adjust the bid threshold for impacts of inflation and if he does you have the right as a Council to go up to that number and said that since we have a qualified purchasing agent your bid threshold was raised to \$29,000 and if we did not have one it would be \$25,000.

Mayor Menna said that he has been a strong advocate of putting most items out to bid and asked if there were any other questions, hearing none, he said there is a resolution on the agenda certifying the annual audit.

07-119 Mayor Menna read "A RESOLUTION OF GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

There being five 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: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

WORKSHOP

Dublin House

Mr. Hall said that there was a copy of the developer's agreement and a resolution approving the agreement for the Dublin House in the meeting packet. He said the Dublin House was approved for certain improvements by the Planning Board on May 9, 2007 and he drafted a developer's agreement that was approved by their Counsel and said the only thing missing in the developer's agreement is insertion of the bond calculations by the Borough Engineer. He said the Dublin House is anxious to get this work underway and the members of the governing body could approve the resolution subject to the insertion of the bond amount and said this is non-discretionary and could not change that amount even if you wanted to. He said that they want to get started so they could take advantage of the summer season and said this is a standard developer's agreement and the only condition worth mentioning is the condition that as part of their approval the Dublin House is going to build a garbage enclosure and put in some ornamental fencing and lighting within the Borough's right-of-way between the White Street parking lot and the back of the Dublin House and what the agreement provides for is that if the Borough ever wants to reuse that right-of-way the Dublin House would have to remove incursions upon request by the Borough. He said the governing body could vote on this tonight subject to the insertion of the bond calculations.

The members of the governing body agreed to adopt the resolution and the Mayor would not sign the developer's agreement until the calculations are inserted.

Temporary Library Facility

Mr. Sickels reported that the Library would be opening a temporary facility at 102 West Front Street and would be up and running tomorrow.

Prohibition of Parking in Front of Buona Sera

Mr. Hall said that he was just informed this afternoon by Lt. McConnell that we have to petition the State for permission to implement this ordinance because it is a State highway.

Mayor Menna said that we would discuss the ordinance but would not take any action until after we received approval from the State.

New Tower Hill Well

Mr. Kosenki said that approximately two months ago we had a discussion about a 45-day extension for the contractor drilling the new well at the Tower Hill reservoir and since that time the contractor has moved along quite expeditiously and the well has been drilled to 800 feet and is planning to install the casing and the screening next week and it is expected that the well development period will be mid to late June as a result, so he will be making a recommendation at the next Council Meeting to grant him an additional 45-day extension of time.

Mayor Menna said that he does not have any problem with that but, based on his discussions with the residents in that area he would like every resident in that area to receive a letter explaining exactly what is going on in that area.

Mr. Kosenki said that his staff met with several of the residents in the area on Friday and he is preparing a notification to advise the residents of the status of the project and the schedule as well as a schedule about cleaning up the area.

Councilwoman Cangemi asked about the status of the road closure in that area because the residents are asking about this.

Mayor Menna said that they will be given a quick answer but we are still trying to resolve some problems.

Mr. Kosenki said that there is one other issue in respect to the well. He said the contractor needs to do insertion of the screen and development of the gravel pack which is at the bottom of the well and that is usually best performed with a continuous operation which provides the best flow of ground water into the well and he is recommending that the Mayor and Council grant a 24-hour/3-day development period that would be June 4, 5, and 6, 2007, at which time he would do this work and the State permit requires a 24-hour pumping test that is tentatively scheduled for June 15, 2007. He said that he is requesting a resolution for extended hours for these times and said that there would be some noise during this period but it must be done for proper operation of the new well.

Mr. Sickels said that there has been discussion of using box trailers or something to buffer the noise.

Mr. Kosenki said that he would discuss this with Mr. Sickels and the contractor.

Light Out in Marine Park

Councilman Curley said that he has received a call from a resident that the light is out at the end of the pier in Marine Park and it has not been operating for a number of years. He said he would like this light replaced because it is a safety issue.

Mr. Sickels said that he would discuss this matter with Mr. Watson and Chief Fitzgerald.

Marine Send Off

Councilwoman Cangemi said that she wanted to thank Mayor Menna, Councilman Curley and Trisha Rumola for attending the Marine send off at the Red Bank Armory and said it was a wonderful event and could not have been done without RiverCenter. She said we had 100 volunteers, mostly from RiverCenter, that showed up to see these men and women off and hope to have just as many when these men and women return in nine months. She thanked everyone that supported this event.

Mayor Menna and Councilman Curley said it was a wonderful event.

Road Program

Councilwoman Lee said that there are a number of residents in attendance to discuss their roads and in the absence of Councilman Bifani she said that she has spoken to the Borough Engineer and said that they would be going out this evening or tomorrow to address their concerns.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that Westside Hose Company would be celebrating their 8th Annual Classic Car Show on June 10, 2007 from 10 a.m. to 3 p.m. in the White Street Parking Lot. He also thanked the Mayor for attending the Fireman's Memorial Service in Marine Park yesterday and said everyone did a great job and it was a great group of people.

Councilwoman Cangemi reported that there was a question that the Shade Tree Commission spoke about with Mr. Kosenski regarding some trees on River Street that were damaged from the road program.

Mr. Kosenski said the contract called for new curbs, as well as sidewalks, and some of the roots were damaged and he looked at those trees and they show no signs of stress and no conclusion has been reached with the contractor as to the replacement of those trees but he will meet with Mr. Olympi to review this matter.

Councilwoman Lee said that there is a purchase order in the works and the Finance Department will be working with the Environmental Commission to purchase light bulbs through the Education and Technology Committee to inform the public about conserving energy and the first hundred will be given out to the public who sign up to participate in the program with JCP&L.

Councilman Curley reported that we had a magnificent ceremony at the Red Bank Elks Lodge in honor of Memorial Day and also honored Stuart Eddington who coordinated the program for 40 years. He also thanked Bob Evans for putting the program together and also that he had a call from a Borough resident that we did not honor the Merchant Marines and he felt slighted and he wanted to apologize to Lee Sandro for not mentioning them. He said that applications can be picked up for summer camp and Mr. Evans is working on a program listing all of the events that will be held at Riverside Gardens Park this summer and that there would be try-outs this Saturday at 2 p.m. at Count Basie Field for the traveling soccer teams. He said Mr. Evans is coordinating the Parks and Recreation Newsletter and it will list all of the events Parks and Recreation are involved in and it has not cost the Borough any money because it is supported through advertising. He said 150 children have already registered for the fall soccer program and the Police Department will also be joining the summer camp trips with the kids and said there is a unique program being offered by the River Rangers showing 20 children the ways of the river.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Visiting Nurse Association of Central Jersey to hang a banner on Broad Street from July 5, 2007 to August 5, 2007 to announce their 95th Anniversary.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Mayor Menna read a request from RiverCenter for free parking at all meters within the downtown business district on Friday, July 27, 2007 and Saturday, July 28, 2007 for the 53rd Annual Sidewalk Sale.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

ORDINANCES – First Reading

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Public hearing and final adoption scheduled for June 11, 2007.

ORDINANCES – Public Hearing & Final Adoption

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.”

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: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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."

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. Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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."

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. Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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."

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, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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.”

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, Cangemi

NAYS: None

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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.”

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. Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

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

Councilwoman Cangemi said that she strongly supports ordinances that reduce density but is concerned that our Planning and Zoning Boards are not complying with these ordinances and wants to make a statement that she is very pleased that the Council is addressing this issue and would like to see our Planning and Zoning Boards take these ordinances very seriously.

Councilwoman Lee said that as a member of the Planning Board these ordinances came through the

Planning Board to the Council.

Councilman Curley said that there has been overdevelopment in this community for many years and said that he has served on both Boards and we have ordinances that are on our books and these ordinances have been overlooked and there have even been attempts by the Governing Body to spot zone and this is illegal in the State of New Jersey and said that he is in agreement with Councilwoman Cangemi that we have to not only pass the laws but make sure they are enforced.

Mayor Menna said that is why he proposed this to put the restrictions in place and send a clear and convincing message from the Governing Body and is convinced that if we do what we are suppose to do and amend the ordinances that we feel were not sufficiently protecting our residential neighborhood. He said that this ordinance is just one of many amendments that he thinks must be made to our Planning and Development Regulations.

Councilman DuPont said that he sat on the Zoning Board for 15 years and said the Zoning Board follows the direction of the Mayor and Council and does not like the comments he is hearing about these Boards. He said that the Planning and Zoning Boards do a wonderful job and these are volunteer Boards and some of the members have been on these Boards for a great deal of time and always follow the direction of the Governing Body.

Mayor Menna said that we have to sit here as a Governing Body and it would be indelicate and undiplomatic of us to second guess decisions where we do not hear all of the testimony and all the witnesses that testified in various cases. He said that is why State law is clear that Governing Bodies should not interfere with the workings of the Planning and Zoning Boards. He said that is why we have to amend the ordinances to give the Boards directions to see how we would like to see the planning schemes go. He said it is our responsibility to change the ordinances and do it responsibly.

Councilman Murphy said that there is a difference between development and redevelopment because Red Bank was built in the late 1800's and we have to deal with certain criteria in this small and compact town. He said the redevelopment of this town over the last 18 years has been successful.

Councilman Curley said that he agrees with Councilman Murphy about the difference between development and redevelopment but when we approve applications where there is so much limited green space that the quality of life is affected. He said some of these recent applications heard before the boards promote extreme overdevelopment. He said that the Mayor said these boards should not be political but he thinks they are but thinks there is good intention because they are citizens that have given a great deal of their time and even before he ran for public office he gave a great deal of time to the Zoning Board. He also said that the ordinance should be followed and any time a variance is granted it should only be for extreme hardship.

Councilwoman Cangemi said that she thinks the ordinances are not being followed and we grant density variances at an alarming rate and that she commends the Planning Board for bringing this before the Council but hopes the boards uphold the ordinances.

ROLL CALL:

AYES: Curley, Murphy, DuPont, Cangemi

NAYS: None

ABSTAIN: Lee

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

RESOLUTIONS

07-120 Mayor Menna read "A RESOLUTION AMENDING THE 2007 TEMPORARY APPROPRIATIONS."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-121 Mayor Menna read “A RESOLUTION AUTHORIZING SETTLEMENT PRIOR TO LITIGATION BETWEEN THE BOROUGH OF RED BANK AND MODULAR SPACE CORP.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-122 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A SECONDED AMENDED DEVELOPER’S AGREEMENT WITH RED BANK CORPORATE PLAZA, L.L.C. (SUCCESSOR IN INTEREST TO SRA, L.L.C.).”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-123 Mayor Menna read “A RESOLUTION APPOINTING FRANCES A. PASTORIZA AS COURT ADMINISTRATOR.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-124 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE RED BANK FAMILY SUCCESS CENTER.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-125 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A RIGHT OF ACCESS AGREEMENT WITH K. HOVNANIAN AT MAPLE AVENUE, L.L.C. FOR THE INSTALLATION OF MONITORING WELLS UPON CERTAIN BOROUGH PROPERTY.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-126 Mayor Menna read "A RESOLUTION SETTING TIME AND PLACE FOR SPECIAL MEETING."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-127 Mayor Menna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER'S AGREEMENT WITH THE DUBLIN HOUSE."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

07-128 Mayor Menna read "A RESOLUTION AUTHORIZING WAIVER OF THE TIME LIMITS FOR CONSTRUCTION WORK UNDER SECTION 3-11.4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK WITH RESPECT TO THE TOWER HILL WELL DRILLING PROJECT."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming May 19, 2007 as Kids Day America/International.

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: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

OLD BUSINESS

Councilwoman Cangemi said that there is some concern from the Shade Tree Commission about the replacement of the curb on Linden Place and they would like Mr. Kosenski to look at this area and see if a planting strip could be put in place.

NEW BUSINESS

Councilman DuPont said that he has received several complaints about the crosswalks on Bridge Avenue and Shrewsbury Avenue.

Mayor Menna said that right now we are undergoing a rather extensive traffic monitoring study for Shrewsbury Avenue and Bridge Avenue and that we are also seeking a new traffic signal at the

intersection of Bridge Avenue and Chestnut Street because of the increased traffic from the closure of Oakland Street. He said that he has also had two meetings with the County Engineer to identify intersections on these roads that would be sufficiently safe for the installation of traffic calming in conjunction with the Borough Engineer. He said the County is studying Shrewsbury Avenue because it is a County road and they are concerned about the use by seniors using the Senior Center.

Councilman Curley said that he would like to see a walkway in front of the Post Office because there was a pedestrian that was recently hit by a car in the area.

Mayor Menna said that the Post Master has been approached about a mid-street crossing but the New Jersey Department of Transportation frowns upon mid-intersection crossing areas so the only logical place would be at Leroy Place and Broad Street and Captain DeFazio will be looking into this.

AUDIENCE

Kathy Horgan – 146 Branch Avenue – she said she wanted to complain to Mr. Curley about his comments about the integrity of the members of the Zoning Board and said they work within the letter of the law and are counseled by our very able Board Engineer, Mr. Kosenski, and said they have the best interest of Red Bank at heart and asked Mr. Curley if he were Mayor would she be on the Zoning Board.

Councilman Curley said that she would not because she is too much of a political insider to the former McKenna group.

Mrs. Horgan said that whatever decision is made by the Board is made objectively.

Councilman Curley said that Mrs. Horgan is relatively new to the Board and there are concerns throughout the town about over development in the town and all that he is asking is to adhere to the ordinances that are adopted.

Mrs. Horgan said that the Board takes their work very seriously.

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: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

There being five 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: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

There being five 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, Cangemi

NAYS: None

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

Respectfully submitted,

Carol A. Vivona