

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 11, 2005
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor McKenna and Council Members Beck, Lee, Menna, Bifani, Murphy and Curley.

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Whalen, Engineer Kosenksi, Attorney Pringle and Auditor Kaplan.

SUNSHINE STATEMENT

Mayor McKenna 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 3, 2005.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public Hearing of 2005 Municipal Budget

Mayor McKenna said Dave Kaplan, the Borough Auditor, is in attendance. He opened the public hearing and asked if anyone would like to speak.

Jim Harris – 97 Mechanic Street – said that there are a lot of new ratables in Red Bank but the taxes are still going up. He said they have to go down even if it means cutting out some services.

Judy Hathaway – 44 Ambassador Place – said that she is echoing Mr. Harris' comments and that expenses should be cut because taxes are always going up.

Mayor McKenna asked if anyone else 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: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Councilman Curley said that last year we did take steps to cut expenses and went out to bid on several services. He said that we should have a zero based budget and that there are several positions that should be eliminated. He also said that we should look at selling the water utility because it has been running in a deficit for the last couple of years and that we should get out of the business and focus on government. He also said that enforcement of the parking meters should be extended to 8 or 9 o'clock in the evening.

Councilwoman Beck said that since she has been serving on Council there has been an increase every year and that she has submitted a memo with proposed cuts. She said this Administration should look at cutting the budget and said the Mayor and Council should not accept salaries and health benefits. She said that before we pass the budget she will come up with additional recommendations.

Councilman Menna said that he would also be submitting his ideas for cuts and that all members of the Governing Body should do this. He said all of us vote for expenditures for Fire Trucks and Ambulances

and then some of us vote no on the budget. He said that we need to make cuts across the board and said all Council Members should submit a list of cuts for their departments.

Mayor McKenna said that he has been a member of the Governing Body for 19 years and under his administration there have been no increases or minimal increases. He said some of our Department Heads hold more than one job that results in a savings to the Borough. He said there has been talk of outsourcing some of the Borough services but numerous municipalities have done this only to find numerous problems and then end up doing the services themselves. He said that in regard to the Water Department there were not any increases for 10 years and because of too much rain and then a drought water was not purchased in its normal capacity creating a problem with keeping the utility self-liquidating. He said that sale of the water utility has been explored numerous times, but the bids have been such that it would have created a big increase to the residents. He said that we would continue to discuss any ideas that would not result in an increase in taxes without compromising services.

Councilwoman Beck said that she understands what the Mayor is saying, but there is an ongoing cost of maintaining the infrastructure and thinks it would be beneficial to take a look at what the private sector would offer if we sold the water utility.

Councilman Curley said that in the past three years there has been a \$648,000 deficit in the water utility and this is not beneficial to the residents.

Mr. Kaplan said that tonight is the public hearing on the budget and we would not be able to adopt the budget until we hear about extraordinary aid and that would probably not be until July. He said that the Borough has had minimal increases over the years and compared to other municipalities that he audits the increases have been very low.

RESUME REGULAR ORDER OF BUSINESS

Mr. Menna offered a motion to resume the regular order of business, seconded by Mr. Murphy.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

WORKSHOP

NJDOT Grant FY 2006

George Whelan, from T & M Associates, said that he is recommending that we apply for an NJDOT grant for 2006 for Prospect Avenue from River Road to Harding Road. He said the Borough has been successful in receiving these grants for the last 12 years.

The Members of the Governing Body discussed the fact that residents from North Prospect Avenue have been at numerous Council Meetings about the terrible condition of their street and if possible they would like to see it paved.

Councilwoman Beck asked if all the streets being paved had their water and sewer pipes checked.

Mr. Whelan said the lines are inspected and if necessary they are repaired and if there is a problem with a resident's connection they are also notified so they can repair it.

APPROVAL OF MINUTES – March 14, 2005

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that the Shade Tree Commission would be meeting with JCP&L to look at every tree identified by them to be removed. She said it is the consensus of the Commission that most of the trees could be trimmed and not removed.

Mayor McKenna thanked Mr. Watson and Mike Olympi for responding to complaints from residents about trees being removed in their neighborhoods.

Councilwoman Lee reported that baseball season has started and said that we have to get the young people to participate and said they are also looking for volunteers.

Councilman Curley reported that the poster contest sponsored by the Human Relations Committee has been completed and that the winning posters would be displayed in Borough Hall.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Nicholas Davis for membership to Union Hose Company of the Red Bank Volunteer Fire Department/First Aid Squad.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from James Pierson for membership to Navesink Hook & Ladder Company of the Red Bank Volunteer Fire Department/First Aid Squad.

Mr. Menna offered a motion to approve the request, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read requests from New Jersey Clean Communities Council and HABcore, Inc. for raffle licenses.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from JP Morgan Chase Bank to use their back parking area to celebrate their grand opening on May 7, 2005, approved by RiverCenter and the Special Events Committee.

Mr. Bifani offered a motion to approve the request with the amendment that a sandwich board sign could not be placed on Broad Street, seconded by Mr. Menna.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

ORDINANCES – First Reading

- 2005-18 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER II “ADMINISTRATION”, SUBSECTION 2-53 “HISTORIC PRESERVATION COMMISSION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

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 25, 2005.

- 2005-19 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES”, SUBSECTION 8-2 “METERED PARKING AND PERMIT PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

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 25, 2005.

- 2005-20 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES”, SUBSECTION 8-2 “METERED PARKING AND PERMIT PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

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 25, 2005.

- 2005-21 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC”, SUBSECTION 7-11 “SPEED LIMITS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

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 25, 2005.

2005-22 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV “PLANNING AND DEVELOPMENT REGULATIONS”, SECTION 10.12 “REGULATIONS CONTROLLING CENTRAL COMMERCIAL-2 DISTRICT.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

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 25, 2005.

ORDINANCES – Public Hearing & Final Adoption

2005-14 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER XX “WATER AND SEWER”, SECTIONS 20-3 “WATER DEPARTMENT” AND 20-4 “SEWER DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

Mayor McKenna asked Mr. Kaplan to explain the increase in the water and sewer rates.

Mr. Kaplan said that there had not been an increase in the rates for 10 years. He said there were increases in 2002 and another one in 2003. He said the water meters were replaced and did not generate the anticipated revenue and that there was either too much rain or a drought situation that prohibited residents from watering their lawns. He explained that there were necessary repairs that had to be done and the utility can not run in a deficit so the rates must be increased.

Councilman Curley said that he does not think we should take money from the current fund to support a sinking ship because the money comes from other departments.

Mayor McKenna said the increase is minimal for the average homeowner and said that he hopes there would not be any increases for 5 years.

Mr. Pringle said that we did have the public hearing at the last meeting but if the Mayor wanted to open the meeting to the public that was his prerogative.

Mayor McKenna opened the public hearing and asked if anyone would like to speak.

Jack Pivnick – 30 Irving Place – said that at a meeting held last year the Borough Engineer gave a report on the recently adopted storm water management regulations, he asked if the Borough sold the water utility to a private company would the company buy the utility as is. He also asked if the rates would increase if the water utility was sold to a private company.

Mayor McKenna said that we had looked at numerous proposals in the past and that if we did accept them our Chief Financial Officer said the residents could be subject to a 30 to 40 percent increase and we did not want that. He also stated that the new regulations regarding the storm water management regulations would be a municipal expense.

Mr. Pivnick said he thinks the increase is because of major infrastructure repairs, like the one on Maple Avenue and not the weather conditions.

Mayor McKenna said that it is from both.

The Members of the Governing Body discussed the finances of the Borough and transferring funds from other areas to stabilize the tax rate and the possibility of selling the water utility and the experiences we had in the past when we received proposals to sell it.

Councilman Curley said it should have been sold 15 years ago.

Councilwoman Beck asked the Chief Financial Officer if he could locate the proposals we received when the Borough discussed the sale last time.

Mayor McKenna asked if anyone else would like to speak, no one appearing he closed the public hearing.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mr. Bifani offered a motion to adopt the ordinance on final reading, seconded by Mr. Menna.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy

NAYS: Beck, Curley

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

RESOLUTIONS

05-77 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO DIRECTLY NEGOTIATE THE BEST POSSIBLE PRICE WITHOUT COMPETITIVE BIDS.”

Mr. Whalen said that repairs to the Tower Hill Booster Station were put out to bid numerous times and rejected because the bids came in much higher than the Borough Engineer’s estimate. He said he is proposing that the Borough Engineer act as the General Contractor and negotiate for the best prices for the repairs.

Councilman Curley asked if the Engineer acts as the General Contractor if the prices for repairs would come back to the Mayor and Council.

Mr. Pringle said it would not as long as the Governing Body approved it by a 2/3 vote.

Councilman Menna said that based on the information received tonight it is the right way to go.

Councilwoman Beck said that she is uncomfortable with the proposal and would not support it.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: Beck

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

05-79 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE BOROUGH ENGINEER TO PREPARE APPLICATIONS FOR THE NJDOT GRANTS FOR THE FISCAL YEAR 2006.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-80 Mayor McKenna read “A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND 32-34 BROAD STREET, L.L.C. FOR THE ESTABLISHMENT OF A HANDICAPPED PARKING SPACE.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Bifani

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

PROCLAMATIONS

Mayor McKenna read a proclamation proclaiming June 2005 as Myasthenia Gravis Awareness Month.

PAYMENT OF VOUCHERS

05-78 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,161,754.55"

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Judy Hathaway – 44 Ambassador Drive – asked if pedestrian safety signs could be put up on Broad Street on Sunday in the vicinity of Saint James Church because it is dangerous to cross the street.

Councilman Murphy said he would speak to Chief Fitzgerald about this.

Pat Small – 32 Buena Vista Avenue – Fair Haven – said she wrote a letter about receiving a parking ticket and the conduct of the three employees that work for the Parking Utility.

Brenda Terry – 12 Leonard Street – said the parking limit on Bridge Avenue should be enforced because there are employees from various businesses parking there all day.

Jim Harris – 97 Mechanic Street – asked for an update on the status of the Red Bank Drug Alliance.

Mr. Sickels said that we are trying to reconvene and possibly set up a meeting for next month.

Mayor McKenna said that we want to bring this program back and are looking at revitalizing it.

Vince Burger - North Prospect Avenue – said that the street sweeper has not been on his street since January and that the street is in deplorable condition and he would like to have Public Utilities come and clean it. He said that he pays very high taxes and thinks his street should be paved.

Mayor McKenna said it was an alternate in the 2004 Road Program but did not make it; he said hopefully it would be paved next year.

Warren Tockerman – Heights Terrace – Middletown – said that he is losing a tenant in one of his buildings because of lack of parking and suggested that we make Red Bank more parking friendly. He said Red Bank should look at other ways to raise revenues because many of the streets in the downtown area are in deplorable condition and he knows some of them are state roads but said Borough Officials should get in touch with the State and have them pave them before we lose a lot more businesses.

Mayor McKenna said Maple Avenue and Riverside Avenue are going to be paved in two months.

Amy Smith – 41 Broad Street – thanked the Governing Body for extending the time-limited parking to four hours and asked if the price for parking violations could be lowered because there are a lot of empty stores on Broad Street and people will find other places to shop if they keep on receiving tickets.

Arlene El-Bendary – 7 Tower Hill Drive – said that she is here representing the Board of Directors of the Tower Hill Condominium Association and they would like to dedicate the road to the Borough and asked what the process would be.

Mayor McKenna asked the Borough Engineer to look at the road and see if it is feasible.

Tom Fiskin – 18 Monmouth Street – thanked the Governing Body for expanding the hours for time limited parking and said that he has a letter from Charlotte from Art Forms stating that the parking meters are stressing shoppers out because they cannot leisurely stroll around town because they are worried about getting a ticket. He asked that the price of the tickets be lowered and asked the Borough to address the shortage of long-term parking.

Kathy Lou Colmorgan – 67 Oakland Street – said that she was here last month about the Charter School employees parking cars on the street all day long and said she had given a list of the vehicles to the Administrator.

Norman Seldin – Front Street – said he was born in Red Bank and said the employees that work for the Parking Utility are abusive and people are complaining about the high price of the tickets.

Mayor McKenna said that we have all received complaints about the Parking Enforcement Officers and hopefully this problem should be improving.

Mr. Menna offered a motion to close the audience portion, seconded by Mr. Murphy.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona