

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 9, 2005  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**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. Menna offered a motion to suspend the regular order of business, 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.

**Presentation by Assemblymen Panter and Morgan of Check for \$25,000 for SHARE Program Grant**

Assemblymen Panter and Morgan were in attendance to present the Borough with a check for \$25,000 for a SHARE Program Grant. Assemblyman Morgan said that this money would be used by the Borough of Red Bank and the Red Bank Board of Education to save money by sharing services for snow removal, street sweeping and general cleaning of the parking lots.

Mayor McKenna thanked Assemblymen Panter and Morgan on behalf of all of the Council Members and the residents for receiving this grant and helping the Borough save money.

**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**

**Historic Preservation Committee Inventory List**

Councilman Menna said that when we adopted the ordinance creating the Historic Preservation Committee the ordinance states that the committee must periodically review the properties and update their inventory list. He said the Council should take a look at the updated list and if there are no objections we would adopt a resolution to update the inventory list. He said the committee as it is set up has a say about the properties that are on the inventory list and would get to comment on an application that would come before the Planning or Zoning Board. He suggested that the Members of the Governing Body look over the list and if there are any questions as to why the properties are being added to the list that could be explained.

**Maple Avenue Sewer Repair Update**

Mr. Kosenski said that the televised inspection of the Maple Avenue sewer lines has been completed from Waverly Place to Bodman Place and he is recommending three repairs. He said that he would like to move forward with this project as soon as possible because the State is going to pave this road in the summer and

they would not be able to open the road after it is paved. He said there is a bond ordinance on the agenda for first reading to pay for the repairs and that he would like to adopt a resolution as soon as possible.

Councilman Bifani said the Public Works Committee has met several times and wants this project to begin as soon as possible because they do not want the Borough to have to pay to have Maple Avenue paved.

The Members of the Governing Body agreed that the project should move forward as soon as possible and agreed to add a resolution authorizing the Borough Engineer to prepare specifications to go out to bid for the project.

### **Draft Cigarette Disposal Ordinance**

Councilman Menna said that this ordinance makes a lot of sense because it makes the owners of buildings responsible for dealing with the disposal of cigarettes outside their buildings.

Mayor McKenna asked that the Members of the Governing Body review the ordinance and if there are any comments to forward them to the Borough Clerk or Councilman Menna.

The Members of the Governing Body discussed their concerns about the number of receptacles that would be in the downtown area and the hazards of putting cigarette butts in trash receptacles.

Councilman Murphy said that he would meet with RiverCenter regarding the proposed ordinance.

Councilwoman Beck asked if there was a standard ordinance used in other downtowns.

Mr. Hall said that he would check with the League of Municipalities.

### **MAYORAL APPOINTMENTS**

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

Councilwoman Lee said that David Prown is in the audience and he would like to give a report.

David Prown – 44 Hillside Place – Red Bank – said the Second Summer Activity Sign-up would be held on May 24, 2005 from 4 p.m. to 7 p.m. at the Red Bank Middle School. He said there would be 19 organizations there informing parents about summer activities available for the children of Red Bank. He said there has been a lot of promotion advertising the event and all of the information has been translated into Spanish. He said that he would also like to place yard signs throughout the town to advertise the event and said these signs are very effective and he would like to put them up this week and remove them on May 25, 2005.

The Members of the Governing Body said Mr. Prown could put up the signs as long as they were removed in a timely manner.

Councilman Murphy said there is a resolution on the agenda authorizing our Police Department the use of the Middletown Township Police Department's firing range.

Councilman Curley asked if there are other ranges available.

Mr. Sickels said that the County firing range was shut down.

### **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read requests from Brookdale Community College Foundation and the American Cancer Society for raffle licenses.

Mr. Menna 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 property owner of 22-24 West Front Street to close Boat Club Court, for construction of a building, from June 6, 2005 to July 1, 2005, reopen for the fireworks on July 3<sup>rd</sup> and July 4<sup>th</sup> and close again until approximately July 15, 2005, pending approval of the Chief of Police and the Construction Official.

Mr. Menna offered a motion to approve the request as long as the road was opened by July 1, 2005, 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.

**ORDINANCES – First Reading**

2005-23 Mayor McKenna read “A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2004-35 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON SEPTEMBER 28, 2004 ENTITLED, “BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE SEWER MAIN ALONG MAPLE AVENUE BY THE WATER/SEWER UTILITY, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF;” TO AMEND THE DESCRIPTION THEREIN, TO INCREASE THE APPROPRIATION THEREIN BY \$945,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$900,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF.”

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

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 May 23, 2005.

2005-24 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 10.12, “REGULATIONS CONTROLLING CENTRAL COMMERCIAL-2 DISTRICT.”

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 May 23, 2005.

**ORDINANCES – Final Adoption**

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

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

ROLL CALL:

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

NAYS: None

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

## RESOLUTIONS

05-86 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING DISPOSAL OF SURPLUS OBSOLETE MUNICIPAL PROPERTY.”

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

### ROLL CALL:

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

NAYS: None

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

05-87 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING “CELEBRATE NEW JERSEY!” MONTH, JUNE 2005.”

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

### ROLL CALL:

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

NAYS: None

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

05-88 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING POLICE USE OF MIDDLETON TOWNSHIP POLICE DEPARTMENT FIRING RANGE.”

Mr. Murphy 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 adopted.

05-89 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING APPOINTMENT OF MARIO GANDELSONAS, AIA, TO PROVIDE LIMITED ARCHITECTURAL SERVICES.”

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

### ROLL CALL:

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

NAYS: None

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

05-90 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING EMERGENCY APPROPRIATIONS IN THE 2005 TEMPORARY BUDGET.”

Mr. Curley 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 adopted.

05-91        Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING THE BOROUGH ENGINEER TO PREPARE BID SPECIFICATIONS AND TO RECEIVE BIDS FOR CERTAIN REPAIRS TO SANITARY SEWERS ALONG MAPLE AVENUE.”

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 adopted.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

05-92        Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO 3,068,951.86.”

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

**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**

Councilman Curley asked if the Borough was doing anything in memory of Richard Dougherty who gave so much to our Parks and Recreation Department.

Mayor McKenna said that he thinks that would be a good idea and suggested that Councilwoman Lee work with our Parks and Recreation Department.

## **AUDIENCE**

Steve Fitzpatrick – 32 Chestnut Street – asked about the process that would have to be taken regarding developers applying for a developer’s application permit and the pay-to-play ordinance.

Mr. Hall said that there is a certificate that has to be filled out and he would have it tomorrow morning.

Mr. Fitzpatrick said that there was a developer’s application permit denied for Mr. Cole on May 6, 2005 and asked if he would have to comply with the new regulations.

Councilman Menna said that he would have to comply.

Mr. Fitzpatrick asked if Red Bank is not a Transit Village why Mr. Cole is saying in a recent newspaper article that we are.

Mr. Sickels said that we looked at how being a Transit Village would benefit Red Bank but at this time have not taken any action and that a developer could not apply to be a Transit Village and said only the Borough could apply for this designation.

Mr. Fitzpatrick said he would like to ask each Council Member for their comments on development around the Train Station.

Mr. Hall advised the Council Members that it would not be appropriate for them to go on record with their comments and would advise them not to respond.

Councilwoman Beck said that she does not agree with Mr. Hall and said the application to become a Transit Village should be looked at very carefully.

Councilman Menna said the Attorney’s advice is sound and he believes it is prudent to make a statement about an application to be speculative and it should not be discussed. He said that he believes we should appoint a Council Committee to review where we are going as a municipality and would like to see something in writing about what it means to be a Transit Village.

Mr. Sickels said that this would be provided.

Mayor McKenna said that Mr. Pringle could explain what it entails because last time it was explained by Gail O'Reilly we were not interested in seeking the designation. He also said that he can not control what the newspapers or Mr. Cole have to say.

Mr. Fitzpatrick asked if there was a conflict of interest presented to Mr. Pringle by a recent application by New Jersey Transit to the Borough.

Mr. Sickels said that Mr. Pringle recused himself and the application is before the Zoning Board not the Council.

Mr. Fitzpatrick said that we should really take a look at becoming a Transit Village because the town already has gridlock and we should not add anymore vehicles.

Mr. Curley said that he thinks we should be very cautious because we are on the verge of losing our identity and that he is opposed to the change of use ordinance because he believes that it is spot zoning. He said that he is also opposed to anymore not for profit or tax exempt organization properties coming to town.

## **EXECUTIVE SESSION**

05-93            The Borough Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

Mr. Menna offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss contract negotiations. Minutes to be made public in 180 days.

### **ROLL CALL:**

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

NAYS:            None

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

Mr. Murphy offered a motion, seconded by Mr. Menna to adjourn from executive session.

### **ROLL CALL:**

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

NAYS:            None

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

## **ADJOURNMENT**

Mr. Murphy offered a motion, seconded by Mr. Curley 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