

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 13, 2005
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Bifani, Administrator Sickels.

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, Murphy, Curley

NAYS: None

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

Presentation of 2004 Audit

Mayor McKenna said that Mr. Kaplan, our Borough Auditor, is here this evening to present the 2004 Audit and said the document has been submitted to the State Department of Community Affairs, Division of Local Government Services in a timely fashion. He said that on Pages 10 and 11 of the report you will find the comments and opinions from the independent auditors are in good condition and have been met. He said there was a higher than expected surplus of \$1.9 million dollars from the current fund and \$316,000 from the parking utility. He said there were a number of deficits in the water and sewer utility for a number of years but this year is looking good. He also said there was a major transition this year with Bruce Loversidge leaving, who was the CFO for 32 years. He said in spite of the transition Mr. Whalen did a good job, stating that there were only 7 comments for improvements.

Mayor McKenna said that if we would use the surplus we could possibly lower the tax rate 1.2 cents.

Councilman Curley said that there have been comments from the Finance Committee about using the \$200,000 from the Current Fund to help to lower the taxes and also a check from the Monmouth Health Insurance Fund for approximately \$96,000 but agreed that nothing should be done with this money when we receive the check.

Mayor McKenna and Councilman Curley thanked Mr. Kaplan for the wonderful job that he has done on the audit.

Public Hearing for Community Development Block Grant Application for 2006

Jacqueline Flora, an Engineer from T & M Associates, the Borough's engineering firm said that this is an application for a Community Development Block Grant for 2006 funding for demolition of an 80-year-old incinerator at the end of Sunset Avenue in the amount of \$160,000. Ms. Flora said we would be applying for a grant to demolish the old incinerator building located on Borough property at the end of Sunset Avenue. She said this would allow for more open space and development of the area, which fronts the river. She also said that she hopes this is the beginning of a larger project that would allow development of open space and acquisition of some additional properties in the area and that there was a bond ordinance to be introduced tonight for acquisition of additional property in this area. She said tonight would be the final public hearing before the application is sent to the County. She said that our Community Block Grant Representative, John Gurzo is here to answer any questions.

John Gurzo, our Community Development Grant Representative, said that we would be applying for the same grant as we did last year.

Mayor McKenna opened the public hearing and asked if anyone had any questions regarding the application or the project.

Councilwoman Beck asked if we could expect any environmental problems.

Ms. Flora said that this facility has not been used for many years and ground well water testing has been done at this site for quite some time.

Councilwoman Lee asked if this facility could be used for something else.

Ms. Flora said the building is in very bad condition and could probably only be used as opened space, besides being an eyesore for the residents that live in that area.

Councilman Murphy said that he would like to see this as open space.

Mr. Kosenki said this has not been used as an incinerator and there have been monitoring wells there for 15 years.

Mayor McKenna asked if there were any questions, hearing none he closed the public hearing.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

The Members of the Governing Body voiced their concerns about environmental problems in the area but Mayor McKenna said that we have been mandated by the State for some time to demolish the building.

Request from the Red Bank Visitor's Center to Use the Concession Area in Riverside Gardens Park on the Weekends During the Summer

Mayor McKenna introduced Margaret Mass and Danny Murphy representing the Red Bank Visitor's Center.

Mrs. Mass said that the Visitor's Center used the Concession Stand during the Jazz and Blues Festival to distribute information and direct the public to various locations. She said they spoke to hundreds of people and said that it is the perfect site because the park and concession stand are very visible and should be used to its fullest potential. She said she would like to request the use of this facility on weekends because they would not only be of service to people coming to the train station but also be of service to a whole other section of town. She also said that the only way the Visitor's Center would be able to afford a presence in this area would be to use a building that is owned by the Borough.

Mayor McKenna said that he was there numerous times over the weekend and he would like to applaud Mrs. Mass and all of the volunteers that worked there over the weekend because they did a really great job. He also said that he could not believe all of the information that was available to the public and all of the people that asked to use the restrooms because there is a lack of public facilities and having the Concession Stand opened provided access to those facilities.

Mrs. Mass said that they would continue to take care of the restroom facilities and have a three year track record of working with New Jersey Transit and said the concession stand at Riverside Gardens Park is a great place for people to gravitate. She said that it is good to have a presence at the park to help keep an eye on things like they do at the Train Station and thinks they could be a big support to the community in terms of information and said that they handed out a lot of information for the Parks and Recreation Department regarding their various programs. She said that they would be there to help people and said that she looks at this as an experiment and hopes that they can bring some activity there to help people.

Mayor McKenna said that he spoke to Bob Evans and that he said the Visitor's Center was very helpful in getting information out to our residents about the programs the Parks and Recreation Department has to offer and said we could also have information available about all the other programs that the Borough has to offer.

Councilman Curley said that we have tried to lease this building out for commercial use but because there is not a hood there for cooking it is not desirable for a commercial use. He said that he thinks it is a

wonderful use as a satellite location for the Visitor's Center because it will give a presence at the park. He also said that he had made some controversial remarks about the Visitor's Center in the past but he wanted to say that he thinks they are doing a wonderful job. He said his comments were based on the financial standpoint of who was paying for it and does not think the taxpayers should be funding it. He said he would like to thank the Hovnanian Corporation for their donation and dedication.

Councilwoman Beck asked what days the Visitor's Center would use the concession stand.

Mrs. Mass said they would be there during the day on Saturdays and Sundays.

Ms. Lee offered a motion to approve the request for the Visitor's Center to use the facility, seconded by Mr. Murphy.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

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, Murphy, Curley

NAYS: None

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

WORKSHOP

MAYORAL APPOINTMENTS

Mayor McKenna appointed Reginald Banks to the Red Bank Housing Authority.

Mr. Menna offered a motion to approve the appointment, seconded by Ms. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck said that we had talked about the retaining wall and tree that was taken out on Prospect Avenue and the Borough Attorney is pursuing legal action because it was on the Borough's property.

She also said that we had several meetings about waterfront access but the notices were placed in Borough Hall and around town because it was too late to be published in the papers. She said there are going to be additional public hearings and they would be advertised in the papers because we want to receive as many comments from the public as possible.

She also said that on Friday there would be a Code Enforcement Committee meeting and that if anyone has any issues to please contact her and that this passed Sunday at the Belle Haven Nature Area the Environmental Commission seeded the center, completed the mulch and signed off on the interruptive signs and said the park is progressing. She said the Environmental Commission should be commended for all of their work down there.

Councilwoman Lee said that Jazz in the Park was a great success and that we look forward to a very busy summer.

Councilman Menna said that there is a wall next to Mayor McKenna's law office and most people think that wall was built by the Church but, as discussed last night at a meeting held by Preservation Red Bank,

the wall was part of the original Eisner Estate. He said the wall has started to deteriorate and thinks we can work with the Church to restore it to what it was.

Councilman Menna also reported that the status of the membership of the First Aid Squad has been increasing and cutting out a lot of the calls from nursing homes and non-emergency calls has been helping with the response time to emergency calls.

Councilman Murphy said that RiverCenter's Annual Tiki party will be on June 23, 2005 at the Red Bank Elks' Lodge.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Nissan of Red Bank on Newman Springs Road to place three (3) temporary construction trailers during renovations on their site for nine (9) months, pending approval of the Construction Official.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Circles Bike & Skate, 120 Monmouth Street to sue the parking lot at their location for a special event on July 9, 2005 from 5-9 p.m. with a rain date of July 10, 2005.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Central Jersey Blood Center to hang a banner on Shrewsbury Avenue from August 1, 2005 to August 28, 2005 to advertise "Central Jersey Blood Center's 1st Annual Rock 'n Roll Up Your Sleeve Blood Drive" being held at the Two River Theater Company on August 27, 2005 from 10:00 a.m.-4:00 p.m.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from St. Anthony of Padua Parish, 121 Bridge Avenue, to close Herbert Street between Bridge Avenue east to the parking lot for a block party on July 17, 2005 from 7:00 a.m. to 7:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request for membership to Liberty Hose Company of the Red Bank Volunteer Fire Department/First Aid Squad from Albert Burdge.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

ORDINANCES – First Reading

2005-30 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN EASEMENT UPON THE BOROUGH’S RIGHT OF WAY ON CANAL STREET TO GARMANY OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for June 27, 2005.

ORDINANCES – Public Hearing & Final Adoption

2005-25 Mayor McKenna read “AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF RED BANK, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.”

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

2005-26 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER III, POLICE REGULATIONS SECTION 9.11, “PHYSIOGNOMY, PALMISTRY, PHRENOLOGY AND CRAFTY SCIENCES PROHIBITED.”

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

2005-27 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING ORDINANCE NUMBER 2005-16 GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST CABLEVISION OF NEW JERSEY, INC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

2005-28 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER X, PERSONNEL POLICIES SECTION 1.3, “AUTHORITY.”

Mayor McKenna 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: Beck, Lee, Menna, Murphy, Curley

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: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

2005-29 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, “PARKING LOTS AND HANDICAPPED PARKING SPACES” SECTION 8-2.5, “PARKING TIME LIMITS,” SCHEDULE I, “PARKING METER ZONES.”

Mayor McKenna 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: Beck, Lee, Menna, Murphy, Curley

NAYS: None

There being five 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. Curley.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

RESOLUTIONS

05-98 Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2005/2006.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-99 Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES 2005/2006.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-100 Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES 2005/2006.”

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

ROLL CALL:

AYES: Lee, Murphy, Curley

NAYS: None

ABSTAIN: Beck, Menna

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

05-101 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEE AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING ROBERT DUCKWORTH, WILLOW STREET, BLOCK 97, LOTS 19.02.”

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

ROLL CALL:

AYES: Beck, Lee, Murphy, Curley

NAYS: None

ABSTAIN: Menna

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

05-102 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT #05-1 SUMMER FOOD SERVICE PROGRAM.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-103 Mayor McKenna read “A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL LABOR COUNSEL.”

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

ROLL CALL:

AYES: Lee, Menna, Murphy

NAYS: Beck

ABSTAIN: Curley

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-104 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,311,600.46.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Tricia Rumola – 20 Broad Street – discussed an outdoor display program from April until November that would be approved by RiverCenter’s Visual Improvement Committee and the Code Enforcement Department.

Councilwoman Beck said that would be discussed at the Code Enforcement Committee meeting and said the program has been successful and the only problems are when people put out sandwich board signs.

Susan Gaffney – 45 Waverly Place – said it is difficult to walk down Broad Street.

Councilwoman Beck said that there has to be five feet of clearance and that Code Enforcement would have to enforce this especially at night when people expand their items.

Len Calabro – 38 North Prospect Avenue – said his street is in disrepair.

Mayor McKenna said that we are aware of this and trying to repair it.

Mr. Felmus – North Prospect Avenue – said his street is in disrepair and that he would appreciate it if it was paved this year.

Joyce Calabro – 38 North Prospect Avenue – said she has lived on that street for 25 year and it has never been paved. She also said she is thrilled about the Belle Haven Park.

Steve Fitzpatrick – 32 Oakland Street – said he came to Borough Hall to see if the candidates that ran for office in the Primary Election had filed their required reports to the Borough Clerk and there were some missing.

Mr. Hall said he would check on this matter.

Mr. Fitzpatrick said that he would like to comment on resolutions before they are adopted and the way it is set up the public portion of the meeting is not until after the resolutions are adopted.

The Members of the Governing Body discussed this matter and agreed that there should be public comments before the resolutions are adopted and agreed to amend this procedure.

EXECUTIVE SESSION

05-105 The Borough Attorney read a resolution to adjourn to executive session to discuss personnel, pending litigation and property acquisition.

Mr. Murphy offered a motion, seconded by Ms. Lee to adjourn to executive session to discuss personnel, pending litigation and property acquisition. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

There being five 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, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona