

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 27, 2005
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Mayor McKenna, Councilman Bifani.

Mayor McKenna arrived at 8:00 p.m.

SUNSHINE STATEMENT

Council President 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 3, 2005.

WORKSHOP

Maple Avenue Paving

Councilman Curley asked if the Administrator knew if the paving of Maple Avenue was going to be done during the day or in the evening.

Mr. Sickels said that he had originally thought the paving was going to be done at night but because the surface is concrete and they were going to use jack hammers the Police Department decided that it should be done during the day so the residents in that area were not disturbed.

Property Line Dispute on Irving Place

Councilman Curley said that he and a number of other Council Members have received phone calls about a dispute between two property owners about their property lines and the installation of a fence. He said our ordinance states that the fence should be placed adjacent to the property line but often the footings go beyond the property line and suggested the ordinance be made more specific about the exact placement of fences on property lines. He also said that at the present time the property owner can submit a hand drawn sketch of their property and suggested that perhaps a survey of the property should be required.

Councilman President Menna said that this is the third incident this year regarding this problem and other municipalities have various restrictions; but in Red Bank, because of the close proximity of the houses, he suggested that the ordinance be amended to leave at least six inches of space from the property line.

The Members of the Governing Body discussed various problems with different set backs for fences from the property line and agreed that something had to be documented in our ordinances for the placement of fences and the requirement necessary for obtaining a permit.

Mr. Sickels suggested that this be discussed in the Code Enforcement Committee meeting with our Building Inspector present because there are a lot of instances where property owners share the expense of the erection of a fence because of the close proximity of their properties and where existing fences have been erected crossing property lines by previous owners. He said that he would compile information from other municipalities to be discussed at the Code Enforcement Committee meeting on Friday.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Council President Menna read requests from St. Anthony's of Padua Church and the Food Bank of Monmouth and Ocean Counties for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Council President Menna read a request for membership to Liberty Hose Company of the Red Bank Volunteer Fire Department/First Aid Squad from Mark Hardy.

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

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

2005-31 Council President Menna read “A BOND ORDINANCE PROVIDING FOR PURCHASE PRICE FOR ACQUISITION OF REAL PROPERTY FOR BOROUGH WATERFRONT PARK, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$540,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

Mr. Curley said...

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

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 July 11, 2005.

ORDINANCES – Public Hearing & Final Adoption

2005-25 Council President Menna 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.”

Council President Menna opened the public hearing and asked if anyone 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. Curley.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Bifani

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

2005-30 Council President Menna 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.”

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Bifani

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Bifani

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

RESOLUTIONS

05-106 Council President Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES REGARDING 61 MONMOUTH STREET, BLOCK 44, LOT 6.”

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.

05-107 Council President Menna read “A RESOLUTION AUTHORIZING EMERGENCY APPROPRIATIONS IN THE 2005 TEMPORARY BUDGET.”

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.

05-108 Council President Menna read “A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE ACCEPTANCE OF GIFTS, LEGACIES OR BEQUESTS TO THE POLICE DEPARTMENT OF THE BOROUGH OF RED BANK.”

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.

05-109 Council President Menna read "A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE ACCEPTANCE OF FUNDS PURSUANT TO A REGIONAL CONTRIBUTION AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE TOWNSHIP OF MANALAPAN."

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.

05-110 Council President Menna read "A RESOLUTION AMENDING THE 2005 MUNICIPAL BUDGET."

Mr. Menna 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.

05-111 Council President Menna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN AMENDED INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF LITTLE SILVER TO PROVIDE A SHADE TREE ENFORCEMENT OFFICER."

Ms. Beck 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.

Mayor McKenna arrived at 8:00 p.m.

05-112 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING SAMUEL KLEIN AND COMPANY TO PREPARE CONNECTION FEE CALCULATIONS FOR THE WATER AND SEWER UTILITY."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: Beck

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

05-113 Mayor McKenna read "A RESOLUTION REGARDING THE BOROUGH OF RED BANK REPORT OF AUDIT FOR THE YEAR ENDED DECEMBER 31, 2004."

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 approved.

05-114 Mayor McKenna read "A RESOLUTION AUTHORIZING APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE CWA LOCAL 1034, BRANCH 4."

Ms. Lee offered a motion to table 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 tabled.

05-115 Mayor McKenna read "A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2005/2006."

Ms. Lee 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.

05-116 Mayor McKenna read "A RESOLUTION AUTHORIZING APPOINTMENT OF WALLACE ROBERTS & TODD, L.L.C. FOR MASTER PLANNING AND CONCEPTUAL DESIGN AND CONCEPTUAL DESIGN GUIDELINES/STANDARDS AND T&M ASSOCIATES FOR ENGINEERING CONSULTATION SERVICES FOR THE WATERFRONT ACCESS AND OPEN SPACE PLAN."

Ms. Lee 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.

05-117 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 RW @ RED BANK RIDGE, CHAPIN AVENUE, BLOCK 84, LOTS 21, 21.01, 22 AND 22.01."

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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-118 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,251,724.99."

Mr. Curley 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.

OLD BUSINESS

NEW BUSINESS

Councilwoman Lee asked about the status of our Smart Growth Grant.

Councilwoman Beck said that she spoke to Gail O'Reilly about the current status of the grant and said the area to the Primary School had been approved as part of this plan but if we wanted to include the area where we are talking about developing a passive park we would have to petition the State to add this area.

Mrs. O'Reilly said that she had just met with the Department of Community Affairs to give a status report and they said that if we wanted to extend the scope of the work we would have to finish the grant we have now and apply for a new round of funding. She said they were very impressed with our plans.

AUDIENCE

David Prown – 44 Hillside Place – thanked the Parks and Recreation Department for having the Family Day and commented on the various programs that are available during the summer.

Judy Hathaway - 44 Ambassador Drive - thanked the Governing Body for all of the pedestrian yield signs that have been put up throughout the town.

Steve Fitzpatrick – 32 Chestnut Street – asked about the status of implementing the Pay-to-Play ordinance and if all of the forms were available.

Mayor McKenna said that they were.

Mr. Fitzpatrick also asked about the expense of the firm that was hired in Resolution #05-116.

Councilman Menna said this is an amendment to an existing contract.

Mr. Fitzpatrick said that our pay-to-play ordinance is very slow in progressing.

Boris Kofman – 28 Riverside Avenue - said Mike Olympi is doing a terrific job.

Val DeFazio – 56 Tower Hill Avenue – said the paving on Maple Avenue should have been done at night and not during the day.

EXECUTIVE SESSION

05-119 The Borough Attorney read a resolution to adjourn to executive session to discuss litigation, personnel; legal action may be taken.

Mr. Murphy offered a motion, seconded by Ms. Lee to adjourn to executive session to discuss litigation, personnel; legal action may be taken. 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. Menna offered a motion, seconded by Mr. Murphy 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. Menna offered a motion, seconded by Ms. Lee 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

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk