

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 25, 2005
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Beck.

Councilwoman Beck arrived at 7:40 p.m.

Councilwoman Lee left the meeting at 10:00 p.m.

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. Murphy.

ROLL CALL:

AYES: Lee, Bifani, Menna, Murphy, Curley

NAYS: None

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

Councilwoman Beck arrived at 7:40 p.m.

Parking Garage

Mayor McKenna said that we have had some very exciting phone calls made to us by several people that are interested in developing a parking garage through a public/private partnership and that he spoke to Councilman Murphy, Chairperson of the Parking Committee, and he spoke to the other members of the Committee and asked Councilman Murphy to speak.

Councilman Murphy said that since the last meeting and all of the publicity about the proposed parking garage there have been several proposals from private builders and developers regarding development of a parking garage. He said he asked them to put their proposals in writing. He thanked Councilman Bifani and Councilwoman Lee for serving with him on the Committee and also thanked all the Council Members and the public for letting him speak at the last meeting about the proposal and then taking the time to absorb the information. He said that he would like to wait and see what proposals we receive in writing.

Mayor McKenna said that a couple of the people that we talked to wanted to incorporate some age restricted affordable housing in the facility and some other interesting ideas and he would like to see these ideas put in writing to decide if it would be the right thing for the Borough of Red Bank. He said there has also been some discussion with our Fire Department to see if any of their needs for a facility could be incorporated in the structure because of structural problems at their current antiquated facilities and said there has also been a lot of misrepresentation of facts that have gone out to the public as far as various issues in this matter. He said that he had received a letter from a resident asking questions about the project and he is going to use this to put together information about the project so that it could be distributed to the community.

Councilwoman Beck said that she thinks there is a suggestion that the meeting be moved to another venue because there are 50 or 60 people in the hallway that cannot participate in the meeting.

Mayor McKenna said that it is not practical to move the meeting to another venue and that we would not be hearing the ordinance on first reading because we are going to wait for written proposals from individuals that have ideas about developing the parking garage. He said Councilman Murphy has talked to the other members of the parking committee and they have agreed to table the ordinance until the proposals are received and they have time to review them.

Councilman Murphy said that he would like to offer a motion to table the ordinance but still believes that Red Bank needs some kind of parking garage because if we do not have one we will constantly deal with the problems of a lack of parking and the problems the lack of parking causes with traffic. He said that he personally feels that we need a parking garage in Red Bank.

Councilwoman Beck said that she is not sure we need a parking garage because some of our parking lots, especially on the eastside are under utilized. She said most residents believe that we should not bear the risk of building a garage and do not like the idea of additional meters as well as the doubling of the fees.

Councilman Curley suggested that any recommendation from the Parking Committee go to a full referendum in the November election.

The Governing Body discussed various options that could be considered and Mayor McKenna said that the parking garage could be a source of revenue to the Borough and help alleviate further tax increases to the residents.

Mayor McKenna said that he is very proud to have a business and be a life-time resident from a multi-generational family of this town and would never gamble with the financial stability of the town. He said that we know we have economic needs and issues that have to be addressed and do not take issues lightly and will listen to every option that is available and will do what is in the best interest of the municipality.

Councilman Curley said one of the big objections he has heard was that the Borough should not be going into the landlord business and that government should not be in any business. He said he does not support any Borough employee being in a property management position.

2005-35 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A PARKING GARAGE BY THE PARKING UTILITY IN, OF AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$11,850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,850,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.”

Mr. Murphy offered a motion to table 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 tabled on first reading.

Presentation to the “Kaboom Fireworks on the Navesink Committee”

Mayor McKenna said the Fireworks were fabulous this year and the Governing Body would like to formally thank all of the Members of the Committee for all of their hard work.

The Mayor presented certificates of appreciation to all of the Members of the Committee.

Mr. Menna offered a motion to hold the Audience portion of the meeting now so that residents in attendance could speak instead of waiting until the end of the meeting, 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.

Mayor McKenna asked if anyone would like to speak.

Tom Fiskin – Readies – 18 Monmouth Street – in favor of a parking garage.

Thomas Cosgrove – 8 Elm Place – not in favor of a garage.

George Bowden – 12 Haddon Park – not in favor of garage in White Street lot.

Bill Neuwit – 41 John Street – in favor of garage but not putting the burden on the taxpayers.

Michael Vivion – 185 Prospect Avenue – not in favor of garage worried about congestion.

Christine Jahnig – 151 Manor Drive – would like to see garage if low-income housing is incorporated.

Jerry Larson – 129 Shrewsbury Avenue – said design of lots should be changed to be more efficient.

Grace Cangemi – 19 Rector Place – not in favor of garage on White Street.

Bill Meyer – 12 Monmouth Street – against garage and overdevelopment.

James Giuta – 58 Elm Place – not in favor of garage too much congestion.

Rich Gladstone – 94 South Street – not in favor of garage too many planning and financial issues.

Bob Thomas – 46 Chestnut Street - not in favor of garage should get additional proposals.

Vince Crapelli – 49 Chestnut Street – against garage, parking could be managed better.

Charles Horowitz – 20 Pickney Road – said employees should not be able to park in White Street lot.

Charles Matches – 48 Throckmorton Avenue – against garage, developers should pay more into parking fund.

Brian Benjamin – 44 Irving Place – tax burden of garage should not fall on the taxpayers.

Bill Brooks – 77 Tower Hill Avenue – everyone knows there is a parking problem and a needs analysis should be done and garage should be designed for valet parking.

Jack Pivnick – 40 Irving Place – said needs more facts about the garage and developers should pay for parking deficiencies.

Steve Fitzpatrick – 32 Chestnut Street – fees collected from developers for parking deficiencies do not cover the actual costs of the parking spaces.

Linda Cohen – 28 Riverside Avenue – residents do not want to pay additional taxes but businesses are very important to the community and there is a lack of parking.

James Miller – 68 Wallace Street – thinks there should be more development on the Westside of Red Bank.

Mary Gilligan – 20 South Street – thinks plans for garage and information should be put on Website.

Kevin Blaine – 213 East Bergen Place – thinks parking garage on White Street would create gridlock in the town.

Judy Hathaway – 44 Ambassador Drive – not in favor of garage thinks more research should be done.

Jennifer Woods – 26 Morford Place – should be put to referendum.

John Ward – 37 Madison Avenue – not in favor, worried about financial risk.

Pat McMorrow – 4 Alston Court – thinks a developer should build the garage.

Joe Carasa – 68 Broad Street – not in favor of garage thinks cost of parking already a lot.

Jennifer Barons – 61 Oakland Street – thinks the percentages used to calculate yearly profit is optimistic.

Jay Herman – 70 West Front Street – in favor of a garage, very passionate about the town.

Douglas Thomas – 46 Chestnut Street – not in favor of garage.

Steve Hecht – 135 Branch Avenue – not in favor of the Borough paying for the garage.

Thomas Williams – 85 Locust Avenue – everyone should have time to read all the information about the garage before making a decision and the parking problem has to be resolved.

Vincent Woods – 66 Broad Street – in favor of garage.

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

Mr. Menna offered a motion to close the public portion of the meeting, 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.

Mayor McKenna said that we are going to keep the process open and continue to receive proposals from developers and discuss different options.

Mayor McKenna introduced David Kaplan.

Mr. Kaplan said that we have received word that we have received \$100,000 in Extraordinary Aid and are here to amend the budget to add this amount to the budget and reduce the amount to be raised by taxation by \$100,000. He said we have also received clearance from the State to adopt the budget tonight.

Councilwoman Beck asked what the tax increase would be.

Mr. Kaplan said it would be 4.28 cents.

Councilman Curley said the budget had the benefit of a \$139,500 refund from the Health Insurance Fund.

Councilwoman Beck asked if we had received any revenues from the hotel/motel tax.

Councilman Curley said we had applied \$200,000 to the general fund.

05-125 Mayor McKenna 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.

05-126 Mayor McKenna read “A RESOLUTION AUTHORIZING ADOPTION OF THE 2005 MUNICIPAL BUDGET.”

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

ROLL CALL:

AYES: Lee, Bifani, Menna, Murphy

NAYS: Beck, Curley

There being four ayes and two nays, the resolution 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, Bifani, Murphy, Curley

NAYS: None

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

WORKSHOP

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from The Red Bank Resource Center to host an Open House Event on Saturday, August 13, 2005 from 9:00 a.m. to 3:00 p.m. They would like to utilize the front and back areas of their building located at 145 Maple Avenue and Leroy Place, which would include blocking off a portion of Leroy Place from the corner of Maple & Leroy to their office parking entrance. This is pending approval of the Chief of Police and the Special Events Committee.

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 Red Bank Catholic High School PTA to hold a merchandise raffle.

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

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 Calvary Baptist Church to have its Fourth Annual Evangelistic Crusade on Wednesday, Thursday and Friday (July 27-29, 2005) at 7:00 p.m. to 9:00 p.m., pending approval of the Construction Official.

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

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

2005-33 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 table 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 tabled on first reading.

2005-34 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC", SECTION 7-3.9, "PERMIT PARKING IN DESIGNATED AREAS", SCHEDULE XIX, "PERMIT PARKING" AND CHAPTER VII, "PARKING LOTS AND HANDICAPPED PARKING SPACES", SECTION 8-2, "METERED PARKING AND PERMIT PARKING", SCHEDULE I, "PARKING METER ZONES" AND SCHEDULE II, "PERMIT PARKING ZONES."

Mr. Murphy offered a motion to table 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 tabled on first reading.

ORDINANCES – Public Hearing & Final Adoption

2005-32 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF A SEWER EASEMENT ACROSS BOROUGH PROPERTY TO THE VISITING NURSE ASSOCIATION."

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, 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 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 final reading.

RESOLUTIONS

05-127 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2005 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS."

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.

05-128 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 105, LOT 1.01.”

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.

05-129 Mayor McKenna read “A RESOLUTION AUTHORIZING GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT.”

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.

05-130 Mayor McKenna read “A RESOLUTION AUTHORIZING AN AWARD OF A CONTRACT TO CARUSO EXCAVATING, INC. FOR THE REHABILITATION OF SANITARY SEWERS ALONG PORTIONS OF 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 approved.

05-131 Mayor McKenna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING 93 SHREWSBURY, L.L.C., BLOCK 40, LOTS 1 & 17.”

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.

05-132 Mayor McKenna read “A RESOLUTION HONORING ABBY HOROWITZ AS HIGHEST RANKING RED BANK SENIOR.”

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.

05-133 Mayor McKenna read “A RESOLUTION AUTHORIZING AN AGREEMENT WITH DR. MICHAEL KAHN OF EMPLOYEE CONSULTING ASSOCIATES.”

Mr. Menna 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 approved.

05-134 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 Mr. Bifani.

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

05-135 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,250,980.78.”

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

AUDIENCE

EXECUTIVE SESSION

05-136 The Borough Attorney read a resolution to adjourn to executive session to discuss contract negotiations and potential litigation; possible action to be taken.

Mr. Menna offered a motion, seconded by Mr. Curley to adjourn to executive session to discuss contract negotiations and potential litigation; possible action to 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. Murphy offered a motion, seconded by Mr. Bifani 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. Bifani 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