

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 8, 2005
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Council President Menna and Council Members Lee, Bifani and Curley.

ALSO PRESENT: Administrator Sickels, Deputy Borough Clerk Borghi, Chief Financial Officer Whalen, Engineer Kosenski and Attorney Pringle.

ABSENT: Mayor McKenna and Council Members Beck and Murphy.

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

Councilman Curley suggested the audience portion of the meeting be moved to the present.

Councilman Menna said that he was going to offer a chance for public comment after the Council took care of a couple of business matters.

Councilman Curley agreed.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Lee said David Prown had discussed the Mayor's Trophy Game with Parks and Recreation. She urged all citizens to come out for it and asked if it was something that should go through the Special Events Committee.

Administrator Sickels said no.

COMMUNICATIONS AND PETITIONS

Council President Menna read requests from The Friends of Holmdel Open Space, Red Bank Catholic High School PTA, The Children's Cultural Center and Red Bank Catholic High School Booster Club for raffle licenses.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

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

Council President Menna read a request from PlanetConnect, in conjunction with Red Bank RiverCenter and Red Bank Parks & Recreation, to create a new special fundraising event called "A Taste of Red Bank" – scheduled for 1:00 p.m. to 5:00 p.m. on Sunday, 10/16/05 at Monmouth Street. They are requesting permission to sell wine and beer and charge admission to the event. This is pending approval of the Special Events Committee, the Chief of Police, and the Fire Marshal.

Questions arose regarding the closing of Monmouth Street for a second time within a month and also the issue of alcohol consumption was considered a substantial deviation from existing policy.

Mr. Curley offered a motion to deny the request, seconded by Ms. Lee.

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

There being four ayes and no nays, the request was declared denied.

Councilman Menna referred back to Councilman Curley's suggestion to move the audience portion up on the agenda so people would have a chance to speak before votes were taken.

Pat Mazzucca of Globe Petroleum, Central Avenue, appeared and explained that their business has been on Central Avenue since 1929. He complained about the condition of the road. He said the Council has received many letter from them over the past 10 years and he wanted to know where they are on the paving list. He also asked to present a copy of a letter he had received from Mayor McKenna.

Councilman Menna said the Council had already received copies of the letter and was aware of its content.

Mr. Mazzucca said the message of the letter was that they should pay for it themselves. He felt this was embarrassing to a business that had been there for over 75 years. He said the road is in serious condition. He said the roads being paved in town are not in worse condition and are primarily home to properties owned by landlords who aren't asked to pave. He added that they pay property and fuel taxes along with a heavy use tax. He said over the last 10 years they had paid over \$150,000 in road and fuel taxes to the State.

Councilman Menna emphasized that, as Mr. Mazzucca noted, those funds went to the State.

Mr. Mazzucca said he would like to see the guidelines for determining which roads get paved.

Councilman Bifani said the entire Council decides.

Mr. Mazzucca asked why other roads had been chosen over Central Avenue over the last 10 years.

Councilman Bifani said there were many reasons and he added that Globe Petroleum vehicles had contributed to the problem and were asked to contribute based on that but told the town no. He noted that Red Bank Recycling has paved the entire portion of Central Avenue where they were located.

Administrator Sickels noted that the town had similar conversations with Red Bank Recycling and they paved. He noted that Borough streets were not designed to handle vehicles of the weight of Globe's trucks and if they felt the roads were unsafe they should rectify it. He noted that the paving done in town is not designed for their trucks but for residential use.

Councilman Menna noted that we have never asked a property owner to do this.

Councilman Curley said he found the letter from the Mayor to Globe Petroleum insulting and said he was embarrassed as a Council member and taxpayer. He also noted that while Councilman Bifani's statement that the paving decisions are made by the entire Council is true, in the fact that they all vote on the final list that is submitted by a committee, he said there is no input by the entire Council regarding the content of the list.

Mr. Mazzucca said he didn't know why the Borough was against them.

Councilman Bifani said they were not against them.

Mr. Mazzucca repeated his belief that Central Avenue should have been paved before others.

Councilman Menna noted that tonight's Council was a "skeleton crew" and that the Council would get back to him.

Steve Fitzpatrick – Chestnut Street – noted that the Pay-to-Play ordinance on the books is lacking regarding development projects. He said the ordinance does not include a requirement for property owners to submit a disclosure statement regarding political contributions. He said Spring Lake's ordinance has it and he gave a copy to Mr. Menna. Mr. Fitzpatrick asked Ms. Lee if she was familiar with specific developers and outlined the current pay-to-play. He said the burden is on the Council to know who contributed and to be effective it should include disclosure by applicants when they appear before boards. He noted that Ms. Lee would not know if a person was involved with a developer. He then asked for Council comment.

Attorney Pringle noted that each candidate elected to office is required to submit a report regarding contributors and must certify that they know who their contributors are. He said there is a public record of any contribution over \$400.

Mr. Fitzpatrick said it should be incumbent upon the developer to disclose and campaigns are run by the individuals.

Attorney Pringle noted that they must certify that they have looked at the report and know who made the contributions.

Mr. Fitzpatrick urged Council to look at the Spring Lake ordinance and include it to strengthen Red Bank's Play-to-Play.

Councilman Bifani offered a motion to close the public portion, seconded by Mr. Curley.

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

There being four ayes and no nays, the public portion was declared closed.

ORDINANCES – First Reading

2005-36 Council President Menna read "AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2005."

Councilman Curley said he was opposed to any increase for Mayor and Council.

Councilman Menna said he had sympathy for his concerns; however, all of the offices were listed together. He said he has concerns also. He urged Mr. Curley to vote to introduce so they could debate and possibly vote by line item.

Councilman Curley said he was particularly concerned because he felt one person holding three jobs was inappropriate. He said there were people in the room who deserved a raise, but unfortunately they had all been lumped together.

Attorney Pringle noted that a simple majority vote was necessary to introduce.

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

ROLL CALL:

AYES: Lee, Menna, Bifani

NAYS: Curley

There being three ayes and one nay, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for August 22, 2005.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

05-137 Council President Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING THE EXTENSION OF THE GRACE PERIOD ON TAXES."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

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

05-138 Council President Menna read “A RESOLUTION AUTHORIZING WAIVER OF THE TIME LIMITS FOR CONSTRUCTION WORK UNDER SECTION 3-11.4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK WITH RESPECT TO THE REHABILITATION OF SANITARY SEWERS ALONG PORTIONS OF MAPLE AVENUE.”

Engineer Kosenski noted that a contract had been awarded to make repairs to the pipe on Maple Avenue. He said the repair will require a heating process which takes 7 to 10 hours to cure and must be continuous and uninterrupted. He recommended approval of the resolution for the best repair possible.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-139 Council President Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$542,507.63.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Steve Fitzpatrick – Chestnut Street – questioned the fact the work was being done to Maple Avenue after it was just paved.

Engineer Kosenski said he had tried to coordinate the work in advance with one State agency but someone at another State agency authorized the paving. He said the paving will be returned to a condition as good as it is today.

Mr. Fitzpatrick asked what the time frame would be between work and repaving.

Engineer Kosenski said the State would determine once the work is complete. He said within six months and noted that temporary paving had been enhanced also.

Mr. Fitzpatrick asked if the entire width of road would be affected.

Engineer Kosenski said not curb-to-curb, approximately three quarters and they will mill and replace with same-quality pavement.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

There being four ayes and no nays, the public portion was declared closed.

EXECUTIVE SESSION

ADJOURNMENT

Mr. Curley offered a motion, seconded by Ms. Lee to adjourn the meeting.

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

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

Respectfully submitted,

Pamela Borghi