

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 26, 2005  
7:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilman Bifani.

**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. Murphy 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.

05-157 Mayor McKenna read “A RESOLUTION HONORING EILEEN BRENNAN-WATTS AS RED BANK LODGE NO. 233 ELK OF THE YEAR 2004-2005.”

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.

Mayor McKenna presented the resolution to Ms. Brennan-Watts.

The Members of the Governing Body commended Ms. Brennan-Watts.

05-164 Mayor McKenna read “A RESOLUTION HONORING REV. DR. DONALD D. WARNER.”

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.

The Members of the Governing Body commended and thanked Rev. Dr. Warner for his many years of service to the Borough of Red Bank.

## **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**

### **Proposed COAH Contribution Ordinance**

Mr. Hall explained the current regulations imposed by the New Jersey Council on Affordable Housing regarding substantive certification and the formula for creating new units of affordable housing for new development in town. He said we would be introducing an ordinance for growth share requirements for residential and non-residential development. He said these ordinances must be adopted before December 20, 2005.

The Members of the Governing Body discussed the ordinances and how they would affect the Borough and future development.

### **Historic Preservation Commission Inventory List**

Councilman Menna said that the Historic Preservation Commission submitted this list for approval in June and all the Members of the Governing Body should have had time to review the inventory list.

Mayor McKenna said that he has received numerous telephone calls from individuals on the list that do not want their properties on the list.

Councilman Menna said that he would like to get the list approved and asked that these individuals contact George Bowden.

### **Parking Garage**

Councilman Curley said that he has written a memorandum to the Parking Committee asking them for an update on any negotiations that are being discussed with private developers regarding construction of a parking garage. He said that the residents of Red Bank are concerned that matters are being discussed behind closed doors.

Mayor McKenna said that Councilman Curley contacted the newspaper before he contacted the Parking Committee and the proper protocol would be to contact the Committee first to ask any questions. He also said that when there are discussions with private developers they ask that their discussions be kept private so their ideas are not taken and used by another developer. He asked Councilman Murphy to report on any updates.

Councilman Murphy said that it has been eight weeks since the ordinance for the parking garage was removed from the agenda and was hoping to have some proposals from private developers by this time but have not received any yet. He said that he is hoping to receive something in the next three or four weeks.

Mayor McKenna said nothing secretive is being done and that he has been talking to individuals that have developed parking garages in other municipalities.

Councilman Murphy said that the Committee has not received anything in writing and once something is received it would be discussed with the members of the governing body.

Councilman Curley said that he has heard a rumor that a firehouse was going to be built in the White Street parking lot.

Mayor McKenna said that there have been numerous proposals for what could be built on this property but there are not any definite plans at this time.

The Members of the Governing Body discussed various ideas for this property.

Mayor McKenna said that when written proposals are received for this project they would be discussed with the Members of the Governing Body and our professionals before they are submitted to RiverCenter and the business community for their comments.

Councilman Curley said that if a parking garage is going to be built it should be voted on by referendum by the residents.

## **MAYORAL APPOINTMENTS**

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

Councilman Menna said that he would like to congratulate Liberty Hose Company for 125 years of service to the community.

Councilman Curley reported that the Human Relations Committee would meet on Wednesday at 6 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from the Jersey Shore Jazz & Blues Foundation to produce Red Bank First Night to be held on Saturday, December 31, 2005, pending approval of the Special Events Committee.

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

### **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**

2005-39      Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND RENOVATIONS TO MARINE PARK WITHIN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$2,826,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,525,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

Mayor McKenna said that we are in the process of drafting preliminary plans for the project.

Mr. Sickels said that we have to do exploratory work on the condition of the bulkhead because there is undermining and the Fire Department cannot use the area to draft water from the river if necessary.

Mayor McKenna said that we are receiving \$1.6 millions dollars in grants to fund the project.

Ms. Lee 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 October 10, 2005.

2005-40 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER V, "ANIMAL CONTROL" NEW SECTION 5-6, "PET WASTE."

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

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 October 10, 2005.

2005-41 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, "POLICE REGULATIONS" SECTION 3-2, "LITTERING."

Mr. Menna offered a motion to adopt the ordinance on first 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 first reading.

Public hearing and final adoption scheduled for October 10, 2005.

2005-42 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XX, "WATER AND SEWER" ESTABLISHING NEW SECTION 20-4.6, "ILLICIT CONNECTIONS," AND NEW SECTION 20-4.12, "STORM SEWERS – IMPROPER DISPOSAL OF WASTE."

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 October 10, 2005.

2005-43 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, "POLICE REGULATIONS" SECTION 3-17, "FEEDING WILDLIFE PROHIBITED."

Mr. Curley offered a motion to adopt the ordinance on first 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 first reading.

Public hearing and final adoption scheduled for October 10, 2005.

Ordinance No. 2005-44 was postponed until after Executive Session.

2005-45      Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI(A), “LOW AND MODERATE INCOME HOUSING” ESTABLISHING NEW SECTION 11A-11, “MANDATORY AFFORDABLE HOUSING FEES AND AN AFFORDABLE HOUSING TRUST FUND.”

Mr. Menna offered a motion to adopt the ordinance on first 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 first reading.

Public hearing and final adoption scheduled for October 10, 2005.

2005-46      Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI(A), “LOW AND MODERATE INCOME HOUSING” ESTABLISHING NEW SECTION 11A-10, “AFFORDABLE HOUSING GROWTH SHARE REQUIREMENT FOR RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT.”

Mr. Murphy 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 October 10, 2005.

#### **ORDINANCES – Public Hearing & Final Adoption**

2005-37      Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR PURCHASE PRICE FOR ACQUISITION OF FIRE PUMPER TRUCK, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$525,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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 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.

2005-38 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER II, ADMINISTRATION SECTION 2-6.4(d), “ORDER OF BUSINESS.”

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

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**

05-158 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASE IN ACCORDANCE WITH RESOLUTION 03-198.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-159 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A RIGHT OF ACCESS AGREEMENT WITH K. HOVNANIAN AT THE MONARCH, L.L.C. FOR THE INSTALLATION OF MONITORING WELLS UPON CERTAIN BOROUGH PROPERTY.”

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

Councilman Curley asked why the project is so large.

Mr. Sickels said that this resolution is not approving the project but to determine if the site needs any remediation because there use to be a cleaner there.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-160 Mayor McKenna read “A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE, CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH LUCAS BROTHERS, INC. FOR THE 2004 ROAD IMPROVEMENT PROGRAM.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-161 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN EASEMENT WITH K. HOVNANIAN PERMITTING THE PLACEMENT OF AN ELECTRICAL TRANSFORMER UPON CERTAIN BOROUGH PROPERTY.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-162 Mayor McKenna read “A RESOLUTION COMMEMORATING 125<sup>TH</sup> ANNIVERSARY OF LIBERTY HOSE CO. NO. 2.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-163 Mayor McKenna read “A RESOLUTION COMMENDING JOSEPH MARTINEZ ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

05-166      Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,067,917.70.”

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

### **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**

Judy Hathaway – 44 Ambassador Drive – thanked the Members of Governing Body for adopting an ordinance amending the agenda to include comments from the audience before the ordinances and resolutions are adopted.

Steve Fitzpatrick – 32 Chestnut Street – said the Governing Body has been working on the pay-to-play ordinance for a year. He said there are still significant political contributions being made in Red Bank by developers and their professionals and money is also being filtered in by Political Action Committees.

Mayor McKenna said that he takes offense to this comment and that our Boards vote on applications on their merits and nothing else. He said that he will work on an ordinance with Councilwoman Beck as long as it is constitutional and that right now we are waiting for a recommendation from the Council Committee that has been working on this ordinance.

Councilwoman Beck said there is legislation being discussed at the State level to limit contributions from developers when they have applications before various boards.

The Members of the Governing Body discussed ways to help regulate contributions made by developers and their professionals and the various methods being discussed at the State and local level of government.

William Meyer – 12 Monmouth Street – said that does not like the way the Mayor speaks to individuals when they come up to speak about their concerns. He also voiced his concerns about various Board Members that he thought should have recused themselves while certain applications were being heard.

Ben Forrest - 16 Locust Avenue – thanked the Members of the Governing Body for expanding the Summer Camp Program. He said this program is very beneficial to the children from our town.

### **EXECUTIVE SESSION**

05-167      The Borough Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

Mr. Menna offered a motion, seconded by Ms. Lee to adjourn to executive session to discuss contract negotiations. 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.

Ms. Beck 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.

**RESOLUTIONS**

05-165 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT FOR A TAX REASSESSMENT OF THE BOROUGH OF RED BANK.”

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

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

**ORDINANCES – First Reading**

2005-44 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION.”

Mr. Curley offered a motion to adopt the ordinance on first 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 first reading.

Public hearing and final adoption scheduled for October 10, 2005.

**ADJOURNMENT**

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