

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 10, 2005
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Murphy.

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. Curley.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

Check Presentation by Assemblymen Panter and Morgan for NJDOT Grant

Assemblyman Morgan presented a check to the Borough for road repairs.

05-176 Mayor McKenna read “A RESOLUTION HONORING JOHN J. DRUCKER AS FIRE PREVENTION INSPECTOR OF THE YEAR.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

The Members of the Governing Body thanked and commended Mr. Drucker for being an outstanding individual and working so well with all the people he has to deal with on a daily basis.

Mr. Drucker thanked the Members of the Governing Body for their kind words and said it is an honor to serve 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. Curley.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

WORKSHOP

Ordinance Amending the Central Commercial-2 District

Councilman Murphy said we had discussed adopting an amendment to the Central Commercial-2 District at this meeting but would like it carried until the next Council Meeting.

MAYORAL APPOINTMENTS

Mayor McKenna appointed Barbara Nevius to the Shade Tree Committee.

Ms. Beck offered a motion to approve the appointment, seconded by Mr. Curley.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck said she has been working on the Developer’s Disclosure Ordinance with Mr. Pringle and Mr. Hall and hopes to have a draft of the ordinance soon.

Councilwoman Lee said there are some great things happening in the Parks and Recreation Department and said that all of the programs are expanding.

Councilman Curley said that the 2005-2006 Road Programs were discussed in the Finance Meeting last week and hopes that it will get underway soon. He also thanked Assemblyman Morgan for the grant for the road program.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from RiverCenter to provide horse and carriage rides from November 27-December 18, 2005 from 2-6 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, Bifani, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold annual Holiday Tree & Town Lighting on November 25, 2005 with a rain date of November 27, 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, Bifani, Curley

NAYS: None

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

Mayor McKenna read a request from The Community YMCA for a raffle license.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

Mayor McKenna read a request from Ray Catena Lexus of Monmouth to display cars in the parking lots of Teak, Executive Sound and Circles Bike Shop on October 28 and 29, 2005 from 6 p.m. to 10 p.m., pending approval of the Police Chief and the Borough Administrator.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

ORDINANCES – First Reading

2005-47 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 10.9, “REGULATIONS CONTROLLING THE NEIGHBORHOOD BUSINESS DISTRICT.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, 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 24, 2005.

ORDINANCES – Public Hearing & Final Adoption

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 opened the public hearing and asked if anyone would like to speak.

Les Hathaway – 44 Ambassador Drive – asked if the flag pole would be repaired.

Mayor McKenna said that it would be repaired.

Mayor McKenna asked if anyone else 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. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, 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 Ms. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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.”

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. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, 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. Bifani.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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.”

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, Bifani, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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, “ILLCIT CONNECTIONS,” AND NEW SECTION 20-4.12, “STORM SEWERS – IMPROPER DISPOSAL OF WASTE.”

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, 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. Bifani.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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."

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. Lee.

ROLL CALL:

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

NAYS: None

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

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

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, Bifani, 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. Bifani.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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."

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. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, 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.

Councilwoman Beck said that at the last Zoning Board meeting when the Metrovation project was being discussed the subject came up about their obligation for affordable housing and they said they would not be building these units on this site but would look to build them off-site. She asked if they could build these units off-site.

Councilman Menna said that he thinks the units should be incorporated in the project that is being heard before the Board and thinks it is the intent of Mount Laurel housing that this be done within the project and not segregated from the project. He said the Governing Body should send out a clear message that we want affordable housing created within the project.

Councilwoman Beck said that she reread the ordinance and believes it is the intent of the ordinance for the housing to be built within the project but would like a clarification from the Borough Engineer.

Mr. Kramer said that it is the intent of the ordinance for the affordable units to be built within the site but there is a section that states at the discretion of the Governing Body these units could be built in a residential zone if the Members of the Governing Body choose this alternative.

Mr. Pringle said that the waiver to build units off-site could only be approved by the Members of the Governing Body because under certain circumstances such as development of an office building there is an obligation for affordable housing for this type of building but it would not be able to be provided within the site so it would have to be built off-site. Mr. Pringle said that he believes that the way the ordinance is written only the Mayor and Council could waive the units being built off-site and that he would send a letter to the Boards stating this.

Councilwoman Beck asked Mr. Kramer if we have any sense of our outstanding obligation.

Mr. Kramer said that we did generate some numbers at the last meeting of the Planning Board and we came up with the following estimate. He said the Borough has approximately 31 existing residential units of low and moderate incomes that need to be rehabilitated, a projected residential growth share to produce 37 new construction affordable dwelling units and a projected non-residential growth share of also 37 dwelling units and said the total fair share housing units would be total of all three and that would be 105 units over the next 10 years ending in 2014.

The Members of the Governing Body discussed the formula for fair share housing and stated that they thought the number was high because the Borough already has a lot of affordable housing compared to other municipalities in the area.

Mr. Kramer said he would send documentation to the Members of the Governing Body supporting the formula.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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."

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. Lee.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

05-168 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING SALE OF PERSONAL PROPERTY."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-169 Mayor McKenna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A CONSENT TO RIVER DEVELOPMENT CO., L.L.C.'S APPLICATION FOR ACCEPTANCE OF A PROPOSED SEWAGE CONVEYANCE SYSTEM."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Curley

NAYS: None

ABSTAIN: Beck

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

05-170 Mayor McKenna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING 223 MAPLE AVENUE, BLOCK 100, LOT 9."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-171 Mayor McKenna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPERTIES LISTED ON THE HISTORIC PRESERVATION COMMISSION'S 2004 ANNUAL REPORT."

Mayor McKenna said that he has received several calls from property owners that do not want their properties on the list.

Councilman Menna said that he would like to table the resolution until he made sure that all of the property owners were aware that there properties were going to be on the Historic Preservation Commission Inventory.

Councilman Curley said the Historic Preservation Commission did a great job and they should be commended.

Councilwoman Beck asked Councilman Menna to draft a letter to all the property owners informing them that their property is on the list.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-172 Mayor McKenna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM A PRELIMINARY INSPECTION AND CONDITION ASSESSMENT OF THE MARINE PARK BULKHEAD."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-173 Mayor McKenna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PREPARE BID SPECIFICATIONS AND TO RECEIVE BIDS FOR CERTAIN REPAIRS TO COUNT BASIE PARK."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-174 Mayor McKenna read "A RESOLUTION AUTHORIZING THE MAYOR AND CHIEF FINANCIAL OFFICER TO EXECUTE AN ESCROW AGREEMENT WITH THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING RELATING TO THE REGIONAL CONTRIBUTION AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND MANALAPAN TOWNSHIP."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-175 Mayor McKenna read "A RESOLUTION COMMEMORATING 125TH ANNIVERSARY OF INDEPENDENT ENGINE COMPANY NO. 2."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

05-177 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO FORWARD A COPY OF ORDINANCE NO. 2005-45, AN ORDINANCE 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. Bifani offered a motion to approve the resolution, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

PROCLAMATIONS

Mayor McKenna read a proclamation proclaiming October 9-15, 2005 as Fire Prevention Week.

PAYMENT OF VOUCHERS

05-178 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,620,566.37.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

EXECUTIVE SESSION

05-179 The Borough Attorney read a resolution to adjourn to executive session to discuss potential litigation and property acquisition.

Mr. Bifani offered a motion, seconded by Mr. Curley to adjourn to executive session to discuss potential litigation and property acquisition. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

ADJOURNMENT

Mr. Menna offered a motion, seconded by Mr. Bifani to adjourn the meeting.

ROLL CALL:

AYES: Beck, Lee, Menna, Bifani, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona