

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 12, 2005
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Engineer Kosenski and Attorney Pringle.

ABSENT: Mayor McKenna, Councilman Bifani and Chief Financial Officer Whalen.

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.

SUSPEND REGULAR ORDER OF BUSINESS

Mr. Curley offered a motion to suspend the regular order of business, seconded by Ms. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-220 Council President Menna read “A RESOLUTION COMMENDING THE RED BANK PRIMARY SCHOOL ON ITS NOMINATION AS A BLUE RIBBON SCHOOL.”

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

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Council President Menna presented the resolution to Dr. Krewer.

Dr. Krewer thanked the Council for the resolution and said he would like to take time to recognize the hard work of his staff at the Primary School. He said the Primary School is one of nine schools named as a Blue Ribbon School in the State.

The Members of the Governing Body said that it was a pleasure to work with Dr. Krewer and congratulated him on his new position and thanked him for working so hard to improve our school system.

05-171 Council President Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPERTIES LISTED ON THE HISTORIC PRESERVATION COMMISSION’S 2004 ANNUAL REPORT.”

George Bowden, Chairperson of the Historic Preservation Commission, said that over the last two years 76 homes have been listed on their Inventory List. He said that this year he had been asked to respond to inquiries from property owners that were listed on the Inventory List. He said seven homeowners contacted him and two wrote letters to the Borough Clerk. He said that he explained the criteria used by the Commission to create the list and said some individuals wanted their properties taken off the list.

Council President Menna asked if there were any questions.

Philip SanFilippo – 225 Broad Street – said that he is requesting that his property be excluded from the list because 55 percent of the building was built in 1984 and at that time the entire building was renovated.

Mr. Bowden said it is a very handsome building and said the building has already been removed from the list.

The Members of the Governing Body discussed the criteria involved for being placed on the Inventory List and thanked Mr. Bowden and all of the members of the Historic Preservation Commission for all of their hard work.

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

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

Mr. Murphy offered a motion to resume the regular order of business, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

WORKSHOP

NJDOT Improvements to Route 35, Maple Avenue, West Front Street & White Street

Mr. Sickels said that Resolution No. 05-219 is on the agenda supporting the proposed improvements recommended by the NJDOT or the project known as the Route 35 quadrangle. He said the Route 35 quadrangle is the intersections of Maple Avenue, White Street and Water Street and Maple Avenue and West Front Street and is part of the Circulation Study. He said the State is recommending that a traffic signal be installed at the intersection of Maple Avenue and White Street, softening of the curb lines and re-striping of the lanes and arrows directing traffic.

The Members of the Governing Body discussed the plan and said they would like to see a better flow of traffic in this area and also voiced their concerns about pedestrian safety in this area.

Council President Menna said that there should be further discussion with the Police Commissioner and other Borough Officials before we support the plan.

The Members of the Governing Body agreed that the plan should be discussed further before their support is given to the State.

Developers Disclosure Ordinance

Mr. Pringle explained the Ordinance No. 2005-57 and all the changes that were made during the last few months.

Councilwoman Beck said this ordinance puts developers into two categories, major and minor and states that they must disclose their political contributions to give the public confidence that their projects are being approved on merit only. She said she is recommending the ordinance be introduced tonight.

Mr. Pringle said the State would be adopting a similar ordinance soon and there might have to be some modifications to comply with the State Statute.

The Members of the Governing Body discussed the legality of implementing the ordinance and being compliant with the Municipal Land Use Law.

Council President Menna suggested Assemblywoman-Elect Beck look at amending the Municipal Land Use Law to allow political contributions to be disclosed as part of the application process when they are appearing before the Planning or Zoning Board.

Councilwoman Beck suggested that the ordinance be added to the agenda and introduced tonight.

Councilman Murphy said Councilwoman Beck has worked very hard on this ordinance and that he is very familiar with the ordinance because he is part of the Council Committee that worked on the ordinance with Councilman Bifani but is a little concerned about introducing it tonight because Councilwoman Lee and Councilman Curley are not familiar with it.

Councilwoman Lee and Councilman Curley said they would like to introduce the ordinance tonight.

The Members of the Governing Body agreed to add the ordinance to the agenda for introduction.

Borough Rezoning

Councilwoman Beck said that the Council Committee that discussed several changes to the zoning map to help to protect residential areas of town has been given their suggestions to T&M Associates for their comments.

APPROVAL OF MINUTES – June 27, 2005

Mr. Murphy offered a motion to approve the minutes, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

There being five ayes and no nays, the minutes were declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that Linda Rohleder and Joellen Lundy have resigned from the Environmental Commission. She said she wanted to thank and commend them for their many years of hard work. She said the Environmental Commission is looking for new members.

Councilwoman Lee reported that telephone calls from Santa have been made by the Parks and Recreation Department.

Councilman Murphy reported that he had attended the graduation of Probationary Patrolman Watson and that he would be starting soon.

Councilman Curley reported that New Jersey American Water Company has expressed an interest in purchasing our water utility and said that a representative wanted to schedule a meeting after the New Year.

Councilman Menna reported that it is the first time in 130 years that the Fire Department has been in existence that there will be an African American Fire Chief. He said that Noel Blackwood has been elected to serve as Second Deputy Chief, Patrick McSorley as First Deputy Chief and Larry Brooks as Fire Chief for 2006.

COMMUNICATIONS AND PETITIONS

Council President Menna read a request from The George Sheehan Classic to hold the George Sheehan Classic event on June 9-10, 2006, and also use of Marine Park for various activities, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy

NAYS: Curley

There being four ayes and one nay, the request was declared approved.

Council President Menna read requests from The Community YMCA and Jersey Shore Jazz & Blues Foundation for raffle licenses.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING

Steve Fitzpatrick – 32 Chestnut Street – asked if Ordinance No. 2005-57 will cover the developer's professionals.

Mr. Pringle said there are contribution limits of \$400 and stated that any elected officials also have to disclose any contributions over \$400 but the developer's professionals are not covered in the ordinance.

Councilwoman Beck said that our original pay-to-play ordinance coupled with this ordinance provides checks and balances.

Mr. Fitzpatrick gave several examples of developer's professionals wheeling money into local campaigns.

Mr. Pringle said that we must follow all regulations imposed by the Municipal Land Use Law and until the State changes this legislation we cannot cover all issues.

Mr. Fitzpatrick said what if the developer gives money to his professionals and they give it to the campaign.

Mr. Menna said that is illegal and a felony.

Mr. Fitzpatrick asked if a development company could submit an application to one of the Boards on behalf of the property owner.

Mr. Menna said that the Municipal Land Use Law permits this.

Mr. Pringle said that not only can they make application on behalf of a property owner but the developer can sell the property after they receive the approvals and then we don't know who owns it.

Mr. Fitzpatrick asked if the contract for sale is public record.

Mr. Pringle said that it is not and that the approval runs with the land and not the owner.

ORDINANCES – First Reading

2005-52 Council President Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.6, “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING” AND SECTION 7-3.9, “PERMIT PARKING IN DESIGNATED AREAS,” SCHEDULE XIX, “RESIDENTIAL PARKING DISTRICT NUMBER TWO.”

Mr. Murphy 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 December 29, 2005.

2005-53 Council President Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 10.12, “REGULATIONS CONTROLLING CENTRAL COMMERCIAL-2 DISTRICT.”

Mr. Curley 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 December 29, 2005.

2005-54 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC," SECTION 7-3.3, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS," SCHEDULE I, "PARKING."

Mr. Murphy 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 December 29, 2005.

2005-55 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XIX, "STREET, SIDEWALKS AND SANITATION," SECTION 11, "MANDATORY RECYCLING."

Ms. Beck 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 December 29, 2005.

2005-56 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO JCP&L TO ENTER UPON CERTAIN BOROUGH OWNED PROPERTY TO INSTALL AN ELECTRICAL TRANSFORMER."

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy

NAYS: Curley

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

Public hearing and final adoption scheduled for December 29, 2005.

2005-57 Council President Menna read "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II, "ADMINISTRATION," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO LIMIT CONTRIBUTIONS BY VENDORS AND TO REQUIRE CONTRIBUTION DISCLOSURE STATEMENTS AND CONFLICT DISCLOSURE STATEMENTS IN APPLICATIONS FOR MAJOR ZONING VARIANCES, WAIVERS AND EXCEPTIONS."

Ms. Beck 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 December 29, 2005.

ORDINANCES – Public Hearing & Final Adoption

2005-51 Council President Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI, BUILDING AND HOUSING, SECTION 11-6.14, “MAXIMUM NUMBER OF OCCUPANTS: POSTING,” AND SECTION 11-6.16, “VIOLATIONS - PENALTIES.”

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

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, 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 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.

RESOLUTIONS

05-211 Council President Menna read “A RESOLUTION HONORING ARLENE HOLIDAY.”

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.

05-212 Council President Menna read “A RESOLUTION ENDORSING THE BOROUGH HOUSING PLAN ELEMENT AND FAIR SHARE PLAN AND PETITIONING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING FOR SUBSTANTIVE CERTIFICATION.”

Ms. Lee 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.

05-213 Council President Menna read “A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM DESIGN WORK FOR THE 2005 ROAD PROGRAM.”

Ms. Lee 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.

05-214 Council President Menna read "A RESOLUTION AUTHORIZING KAPLAN, GAUNT, DESANTIS, L.L.C. TO PREPARE BID SPECIFICATIONS AND TO RECEIVE BIDS FOR CERTAIN REPAIRS TO THE RED BANK PUBLIC LIBRARY REQUIRED BY THE AMERICANS WITH DISABILITIES ACT."

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

ROLL CALL:

AYES: Lee, Murphy

NAYS: Beck, Menna, Curley

There being two ayes and three nays, the resolution was declared defeated.

05-215 Council President Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT #05-2 ONE (1) VACUUM STREET SWEEPER WITH BROOM."

Ms. Beck 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.

05-216 Council President Menna read "A RESOLUTION AMENDING RESOLUTION NO. 05-120 ENTITLED "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MONMOUTH AND RIVERCENTER, INC. REGARDING THE PURCHASE AND INSTALLATION OF PEDESTRIAN COUNTDOWN SIGNALS AT CERTAIN INTERSECTIONS WITHIN THE BOROUGH OF RED BANK."

Ms. Beck 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.

05-217 Council President Menna read "A RESOLUTION AUTHORIZING AGREEMENT FOR CODIFICATION SERVICES WITH GENERAL CODE PUBLISHERS CORPORATION."

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: Beck

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

05-218 Council President Menna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO APPLY FOR AND TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A MUNICIPAL STORMWATER REGULATION PROGRAM."

Ms. Beck 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.

05-219 Council President Menna read "A RESOLUTION SUPPORTING THE PROPOSED IMPROVEMENTS RECOMMENDED BY THE NJDOT FOR THE PROJECT KNOWN AS THE ROUTE 35 QUADRANGLE."

Mr. Murphy offered a motion to table the resolution to December 29, 2005, 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 tabled.

05-221 Council President Menna read "A RESOLUTION APPOINTING FRANCES A. PASTORIZA AS DEPUTY COURT ADMINISTRATOR."

Ms. Beck 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.

05-222 Council President Menna read "A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY SETTING TIME AND PLACE OF SPECIAL MEETING."

Ms. Beck 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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-223 Council President Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,129,453.52."

Mr. Curley 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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Thomas Williams – 85 Locust Avenue – said that the Locust Avenue Nature Area is not complete and that the design does not serve the neighborhood and that one member of the Environmental Commission used the project to get her college degree. He said he is not pleased with the project at all and the Environmental Commission did not do what they said they were going to do and that he is very disappointed and that Councilwoman Beck did not attend very many meetings.

Councilwoman Beck asked Mr. Williams how long he served on the Environmental Commission.

Mr. Williams said three years.

Councilwoman Beck said that Mr. Williams participated in the discussions about the park and said the park has come a long way because of the all of the members of the Environmental Commission and that his personal feelings about a member of the Environmental Commission should not be part of a Council Meeting and should be discussed amongst the members of the Commission.

Mr. Williams said that he did try to speak to the members of the Commission and his views were not always reflected in the minutes.

EXECUTIVE SESSION

ADJOURNMENT

Ms. Beck offered a motion, seconded by Mr. Curley 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