

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Beck.

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: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Police Commissioner Murphy read a biography on Dennis Kerr.

05-26 Mayor McKenna read “A RESOLUTION PROMOTING BOROUGH OF RED BANK POLICE DEPARTMENT PATROLMAN DENNIS KERR TO THE RANK OF SERGEANT.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Sergeant Kerr thanked the Mayor and Council for his promotion.

Mayor McKenna said that we have the best Police Department in the State and said it is a great tribute to Sergeant Kerr that there are so many people here for his promotion. He said it is an honor to have him on our Police Force.

Chief Fitzgerald thanked the Mayor and Council for their support. He said that he wanted to congratulate Sergeant Kerr on his promotion and said it is well deserved because he is a great member of the department.

The Members of the Governing Body also congratulated and commended Sergeant Kerr.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna instructed the Borough Clerk to put it in the minutes that after everyone left the meeting that was in attendance for Sergeant Kerr's promotion, after excluding the Members of the Press, Municipal Officials and representatives from RiverCenter there were six residents in attendance.

WORKSHOP

Pay-to-Play Ordinance

Mayor McKenna said that because Councilwoman Beck is not in attendance maybe Mr. Pringle can give us an update about the ordinance.

Mr. Pringle said that he would submit his comments to the Committee and that they would be meeting on February 11, 2005 to review the comments and finalize the ordinance.

Councilman Murphy said that he is looking forward to hearing Mr. Pringle's comments on the ordinance because Belmar has a very good ordinance in place.

Councilman Bifani said the Personnel Committee has changed this year but he would like to keep the Committee Members that have been working on this ordinance in place until this ordinance is completed.

Mayor McKenna said that would be fine because the Committee has been working on this for a long time.

Change of Zoning Procedure Ordinance

Mr. Pringle said that he had recently been contacted by an attorney for a proposed developer on a piece of property inquiring about the process to request a zone change and after reviewing the Borough ordinances found out there is not a provision to request a zone change. He said that many towns have this ordinance and is recommending that the Borough adopt this ordinance and has prepared a draft to be reviewed by the Governing Body. He said the ordinance sets forth a process for a person requesting a change and requires them to fill out an application that asks why the change is requested and if it is a change that is consistent with our Master Plan. He said the applicant must also post an escrow amount so the Borough could recover the cost of their professionals working on this request. He said the ordinance creates an orderly process and then recommendations are made to the Planning Board and the Governing Body as appropriate. He said it does not change anything about the Municipal Land Use Law but sets a procedure and proposes a fee and treats all applicants the same.

Councilman Curley asked if it was ever used as a loop hole to not stay within the realm of the Master Plan.

Mr. Pringle said absolutely not. He said that there were instances when the Planning Board or Zoning Board could not grant use variances in certain instances and this ordinance is very valuable because it creates a common approach that works the same every time someone requests a zone change. He said it is also very helpful to the Members of the Governing Body because our professionals review the change to determine if it is in compliance with the Master Plan before they are asked to review the request and it insulates the Members of the Governing Body from any suggestions that decisions that get made on development are made because of any other reason but the consistency with the town's well thought out Master Plan.

Councilman Curley asked if the application we are talking about has to do with a developer's plans for a change for mixed use.

Mr. Pringle said the ordinance we are talking about does not have any specific developer in mind but creates a process for anyone to ask for a zone change and is the only way it could be done.

Councilman Menna said that he compliments Mr. Pringle for initiating the change because he has been on Council for many years and there has never been anything in place. He said that while serving on Council

for this Administration and the previous Administration there were a number of requests that were heard in a haphazard way and that this sets some kind of regularity if some proposal is made. He said that he has sent Mr. Pringle a two-page memo of his concerns and said that his concerns are how this ordinance would interface with the current requirements of the State Municipal Land Use Law and the autonomy and jurisdiction of the Zoning Board to still have the right to grant or deny use variances. He said he thinks the ordinance as a methodology that is still something we should consider but he does have some concerns about adding some provisions to the ordinance. He said that he just received the ordinance over the weekend and did not have adequate time to review it and would also like to know how other towns handle these types of requests.

The Members of the Governing Body and Mr. Pringle discussed the Municipal Land Use Law and the powers of the Zoning Board granting a use variance for a specific use for a specific piece of property versus rezoning a piece of property.

Mr. Pringle said that he would review Councilman Menna's comments and look at ordinances adopted by other municipalities but thinks it is very important that there be a process for requests for zoning changes so every developer must follow the same process and also pay to have our professionals review their requests so there is not a cost to the taxpayers.

2004 Road Program

Mr. Kosenski said that we had received bids for the 2004 Road Program but bids were rejected because they were too high. He said that he needs authorization to rebid the project because now is a good time to get competitive prices. He said that we are going to take out the traffic calming element that was in the 2004 Road Program because the residents on those streets are not sure what they want yet and put that in the 2005 Road Program.

Councilman Bifani said that our Public Works Department has done some work on Tower Hill Avenue putting up signs and re-stripping certain areas of the street. He said he would like to proceed with the 2004 Road Program without the traffic calming measures because the residents on those streets are still talking about different proposals.

The Members of the Governing Body agreed to move forward.

2005 Proposed Roadway Improvement Program

Mr. Kosenski said the Public Works Committee has discussed working on the following streets as part of the 2005 Road Program: Throckmorton Avenue, Williams Street, Chapin Avenue – Knight Street to the Nursing Home (he said the developer had paved a portion of that street and this would complete it), Munson Street, West Street from West Front Street to Chestnut Street (receiving NJDOT grant), a portion of River Street, Bank Street and traffic calming on Irving Place, Tower Hill Avenue and Spring Street.

Councilman Bifani said Bank Street is supposed to be in the 2004 Road Program.

Mr. Kosenski said that Bank Street is an alternate in the 2004 Road Program and he also needs authorization to do the televised inspection of the sanitary sewer lines under the roads to detect any problems.

The Members of the Governing Body agreed that Mr. Kosenski should start the televised inspections of the utilities to see what work must be done before the roads are paved.

The Borough Attorney said he would prepare a resolution for the next meeting.

Joint Snow Plowing Program

Mayor McKenna said that he would like this item deferred until we discussed this in Executive Session because it involves contract negotiations. He said there is also a resolution authorizing this on the agenda that must be moved.

Appointment of Assistant Borough Attorney

Mayor McKenna said that Mr. Pringle has asked that Tom Hall be appointed as Assistant Borough Attorney.

Mr. Pringle said that Tom Hall has extensive experience in municipal government and would be appointed at no additional cost to the Borough.

Councilman Curley said that now that we have a new Borough Attorney on retainer through our payroll he would like the Members of the Governing Body to discuss either in the open meeting or in executive session what agreements we have with all of our attorneys and what is included in these agreements so we are not making ridiculous requests and creating a greater burden to our taxpayers.

Mayor McKenna said that the Borough has always been very fortunate to be provided with excellent legal advice at a low cost but we could review this.

New Parks and Recreations Department Program

Mayor McKenna read a letter written by a Borough resident thanking Bob Evans for starting a new program for the developmentally delayed, autistic and physically disabled youth of the Borough three years and older. The letter said that Mr. Evans asked the Red Bank Elks to hold a dance for these individuals at their facility and got local businesses to donate refreshments and said there was one dance held already and another scheduled for January 29, 2005 from 6 to 8 p.m. Mayor McKenna said that it is a wonderful program and thanked everyone that participated in it.

Snow Removal

Mayor McKenna thanked the employees from our Public Works Department and all of the business owners for doing such a great job removing the snow after the last snow storm this past weekend.

Proposed Changes to the Intersection at Route 35, Broad Street and Pinckney Road

Mr. Sickels said that on December 14, 2004 the New Jersey Department of Transportation held a public hearing about proposed changes to the Route 35 and Broad Street intersection. He said they proposed two one-way lanes going southbound on Maple from Wikoff Place and two one-way lanes going northbound on Broad Street and then making a left on Wikoff Place and making a right to continue on Maple Avenue northbound. He said that at the meeting there were many residents and business owners opposed to the plan and also said the Fire Department is opposed to the plan because it creates two more turns to respond to a fire call.

Councilman Menna said that the Fire Department is opposed to this change and that all Fire Houses met to discuss this with the Chief and the Chief wrote a very well thought out letter opposing the change.

Mayor McKenna said that everyone he has talked to is against this change and that there is a resolution on the agenda opposing it.

APPROVAL OF MINUTES – October 26, 2004, November 9, 2004, November 23, 2004,
December 9, 2004, December 14, 2004, December 23, 2004

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

ROLL CALL:

AYES: Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Lee

There being four ayes, no nays and one abstention, the minutes were declared approved.

APPROVAL OF MINUTES – January 3, 2005

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor McKenna appointed Margaret Brown, Joseph Martinez and Marjorie Lowe to the Senior Center Advisory Committee.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna appointed Patricia Whyte to the Red Bank Human Relations Advisory Committee as Alternate Member #1 for a three year term expiring December 31, 2007 and Kathy Horgan as Full Time Member for an unexpired term expiring December 31, 2006.

Mr. Curley offered a motion to approve the appointments, seconded by Mr. Murphy.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Menna reported that there would be a dinner held next Saturday honoring Ex-Fire Chief Alan Soden, Jr.

Councilman Bifani reported that he would like to apply to Monmouth County for a Community Development Block Grant one more time for funding to demolish the old Borough incinerator at the end of Sunset Avenue and might have something ready for the next meeting.

Councilman Murphy reported that there would be a memorial service held for Pete Knight, a retired member of the Police Department, on January 30, 2005 at 10:30 a.m. at the Mausoleum at Fairview Cemetery. He also reported that since adopting the towing ordinance last spring the Police Department has collected \$9,339. He also said that there was a letter from RiverCenter in the meeting packet asking that blade signs be allowed on Front Street so that when shoppers walk down Broad Street and look down the street they can see what kind of businesses are in this area. He said Mrs. Barr said they were prohibited in this one area.

Trisha Rumola, representing Red Bank RiverCenter said that Mrs. Barr said that this is the only area in town where they are not allowed.

Councilman Bifani said that he thought we were going to allow blade signs when we prohibited the use of sandwich board signs to keep the pedestrian right-of-way clear.

After a general discussion the Members of the Governing Body agreed that the blade signs should be permitted in this area.

Councilman Murphy said that he would speak to Mrs. Barr about amending the ordinance.

Councilman Curley said that he wanted to thank the Members of the Governing Body for appointing new members to the Human Relations Commission. He also reported that the Finance Committee has been holding budget meetings with the various departments working on the 2005 budget and that he would like to thank Councilwoman Lee for attending the meetings and said her attendance has been very helpful.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from The Company of Dance Arts for a raffle license.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Cruisin' with the Oldies to hold Cruisin' with the Oldies Weekend on May 20-22, 2005 and to place banners on Broad Street and Shrewsbury Avenue from April 25 through May 23, 2005, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

05-27 Mayor McKenna read “RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEE AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING PARKER HEALTH CLINIC/VOLUNTEERS IN HEALTH, 209-211 SHREWSBURY AVENUE, BLOCK 74, LOT 7.02.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-28 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-29 Mayor McKenna read "A RESOLUTION AUTHORIZING CONTRACT FOR DOG WARDEN SERVICES WITH THE TOWNSHIP OF SHREWSBURY."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-30 Mayor McKenna read "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND INTERLOCAL SERVICES AGREEMENT WITH THE RED BANK BOARD OF EDUCATION FOR A JOINT SNOW PLOWING, SANDING, STREET-SWEEPING AND VEHICLE MAINTENANCE PROGRAM."

Mayor McKenna asked that this resolution be discussed in Executive Session and voted on after discussion.

05-31 Mayor McKenna read "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A JOINT GRANT APPLICATION WITH THE RED BANK BOARD OF EDUCATION FOR A GRANT THROUGH THE NEW JERSEY SHARE PROGRAM IN THE AMOUNT OF \$50,000 TO ASSIST IN THE FUNDING OF A JOINT SNOW PLOWING, SANDING, STREET-SWEEPING AND VEHICLE MAINTENANCE PROGRAM."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-32 Mayor McKenna read "A RESOLUTION AUTHORIZING APPOINTMENT OF AN ASSISTANT BOROUGH ATTORNEY."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-33 Mayor McKenna read "A RESOLUTION EXPRESSING THE OPPOSITION OF THE MAYOR & COUNCIL OF THE BOROUGH OF RED BANK TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S PROPOSED "ALTERNATE J" ONE-WAY COUPLING AT THE INTERSECTION OF NEWMAN SPRINGS ROAD, BROAD STREET, WIKOFF PLACE AND MAPLE AVENUE, WHICH IS ALSO KNOWN AS STATE HIGHWAY 35."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-34 Mayor McKenna read “A RESOLUTION AUTHORIZING RE-BIDDING OF 2004 ROAD PROGRAM.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-35 Mayor McKenna read “A RESOLUTION REQUESTING SIX MONTH EXTENSION OF A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FOR REPAIRS AND RESURFACING OF OAKLAND STREET.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-36 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,015,373.44.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Susan Gafney – Waverly Place and Bank Street – said she thought the 2004 Road Program was authorized to be re-bid in August.

Mr. Kosenski said it was not because we were trying to get a consensus from the residents on the streets where we are going to implement traffic calming measures.

Ms. Gafney said that she wants to make sure Bank Street is paved soon and does not understand why it takes so long for the Borough to progress with this work.

Mr. Sickels said that we were trying to get the developer at the end of Bank Street to pay for the paving.

Ms. Gafney said that she does not understand why the Borough cannot pave it and then get repaid by the Developer. She also said that she was very disappointed to hear that Waverly Place is not one of the streets getting repaved in the 2005 Road Program and thought it was suppose to be done in 2005.

Councilman Bifani said that we are doing the best we can to try and make everyone happy.

EXECUTIVE SESSION

05-37 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations with the possibility of formal action.

Mr. Curley offered a motion, seconded by Mr. Menna to adjourn to executive session to discuss contract negotiations with the possibility of formal action. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-30 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND INTERLOCAL SERVICES AGREEMENT WITH THE RED BANK BOARD OF EDUCATION FOR A JOINT SNOW PLOWING, SANDING, STREET-SWEEPING AND VEHICLE MAINTENANCE PROGRAM.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona