

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
FEBRUARY 14, 2005  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**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, Murphy, Curley

NAYS: None

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

**Swearing in of Fire Officials**

Chief: Joshua Schmidt

First Deputy Chief: Larry Brooks

Second Deputy Chief: Patrick McSorley

The Borough Clerk issued the Oath of Office to all of the Fire Chiefs.

The Mayor and Council commended and thanked all the members of the Fire Department and their families for their dedication to the Borough and the Fire Department.

**Presentation of Check to Women's Club of Red Bank by Assemblymen Panter and Morgan**

Assemblyman Morgan said it is a pleasure to present this check for \$20,000 to the Red Bank Women's Club for restoration of their building. He said that he and Assemblyman Panter try and help organizations whenever possible with historic preservation and also said that he has wonderful memories of this town.

Assemblyman Panter said that he is happy to present this check to the Women's Club and also said he has worked with all of the Council Members on various projects and helped to get a grant for the Library for \$100,000.

Christina Hartman, President of the Women's Club, said the money would be used for exterior renovations and thanked Assemblymen Morgan and Panter for the check.

**Public Hearing of 2005 Budget of the Special Improvement District**

05-40 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH ADOPTING 2005 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT."

Mayor McKenna 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 Mr. Bifani.

**ROLL CALL:**

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

NAYS: None

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

Mayor McKenna thanked the representatives from RiverCenter for attending the meeting and said that they do a wonderful job.

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

ROLL CALL:

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

NAYS: None

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

## **RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

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

NAYS: None

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

## **WORKSHOP**

### **Tower Hill Avenue Time Limited Parking**

Mr. Sickels said that Mr. Burnip has completed the survey of the residents on Tower Hill Avenue to see if they wanted time limited parking on their street and a majority of the residents want it on Tower Hill Avenue from Branch Avenue to Spring Street.

The Members of the Governing Body discussed the Borough's time limited parking ordinance and agreed to introduce an ordinance implementing time limited parking on Tower Hill Avenue at the next Council Meeting.

### **Increase in Parks & Recreation Fees**

Councilwoman Lee said that the Parks and Recreation Department would like to increase the fees for their programs to non-residents and decrease the fees to residents of the Borough.

Councilman Bifani said that the Council Committee for Parks and Recreation Department had met and discussed the fact that a lot of non-residents are participating in the programs and that they should be paying more because they are not taxpayers.

Councilwoman Beck asked if the fees would be going down for residents.

Councilman Murphy said that there would be a small increase in some programs to residents.

Councilman Bifani said that there was a proposal for software from Jungle Laser that the Parks and Recreations Department could use to track who is using our programs and said that this could be implemented at no cost to the Borough if we added \$1.00 to every fee.

### **Change of Zoning Request Ordinance**

Councilman Curley said that we had discussed adoption of an ordinance setting a procedure for a property owner to request a change of zoning on their property. He said that he feels this is absolutely unnecessary and would lead to blatant overdevelopment and is concerned that this would be a means to bypass the Master Plan. He said that we have a Planning Board and Zoning Board that have the power to grant variances and feels that we are opening Pandora's Box for large developers.

Mr. Pringle said it was his suggestion to adopt an ordinance to set up a procedure for these types of requests. He said the request for a change of zoning does not request the Master Plan to be changed and would not change the way the Planning or Zoning Boards does business. He said the request would be sent to the Borough's professionals and they would come back to the Governing Body with their recommendations. He also said the cost of the professionals working on the request would be paid for by the property owner and the Borough would not have to be responsible for their fees.

Councilwoman Beck said that she spoke to Mr. Pringle about the concerns that she and Councilman Menna had and still believes we have a Master Plan that should be followed and this ordinance would allow for piecemeal changes. She said if the Governing Body thinks certain zones should be changed they should have a Master Plan review. She said we should look at the whole town and make changes and believes the town is becoming over developed.

Councilman Menna said that the Planning Board should appoint a committee to review the Master Plan since it has not been done in excess of 6 years and they should submit their recommendations to the Governing Body.

Mr. Pringle said a Master Plan review is very costly and this could be accomplished by doing a Master Plan Reexamination.

Mayor McKenna said that we did a new Master Plan in 1995 and since that time there have been two reexaminations of the Master Plan. He also said that he thought the proposed ordinance being discussed was a good idea because it defined a procedure and also made the applicants pay our professionals for all of the work they had to do to review the application to make a recommendation to the Governing Body.

Councilman Curley said that Mayor McKenna seems to know a lot about the project that the developer is requesting a change of zoning and asked him if he represents Mr. Cole.

Mayor McKenna said that he represented him years ago.

Mr. Pringle said that there is nothing secret or sinister about the proposed ordinance stating that it simply creates an orderly process and makes the developer pay our professionals.

Councilwoman Beck said that she is not in favor of introducing the ordinance and thinks the applicants should go to the Zoning Board instead of circumventing it.

Mr. Pringle said it does not circumvent the process. He said the process is spelled out in the Municipal Land Use Law and this process must be followed.

Councilman Curley said that there are a lot of variances issued by the Zoning Board of Adjustment and this is allowing overdevelopment.

Mr. Pringle said that when there is not a process there are a lot of variances issued and that they should be limited and the Master Plan should be changed.

Mayor McKenna said the request for a zoning change is being totally mischaracterized and the only thing this ordinance does is create logical reasonable steps and pay for our professionals so the taxpayers are not paying for their services.

Councilman Menna said that he had written a two-page memorandum to Mr. Pringle addressing his concerns.

Councilwoman Beck asked Mr. Pringle if he had copies of ordinances from other municipalities besides the one from Ocean Township.

Mr. Pringle said he did not but would get them if the Members of the Governing Body wanted him to. He also asked the Members of the Governing to let him know about any of their concerns.

## **MAYORAL APPOINTMENTS**

Mayor McKenna appointed Kevin Moss to Zoning Board of Adjustment as Alternate #3 for term expiring 12/31/06.

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

**ROLL CALL:**

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

NAYS: None

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

Mayor McKenna appointed William Matsikoudis to Zoning Board of Adjustment as Alternate #4 for term expiring 12/31/05.

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

**ROLL CALL:**

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: Beck

There being five ayes and one nay, the appointment was declared approved.

Mayor McKenna appointed Diane Zuchnik to Human Relations Advisory Committee as Alternate #2 for term expiring 12/31/07.

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

ROLL CALL:

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

NAYS: None

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

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

Councilwoman Beck reported that the Environmental Commission had met with Chief Fitzgerald to discuss safety concerns for the Locust Avenue Nature Area and that the Shade Tree Commission is finalizing their forestry management plan. She also reported that the Code Enforcement Department is finalizing their budget.

Councilwoman Lee reported that the Parks and Recreation Department is working on implementing on-line registrations to make it easier for the residents to register their children for programs offered by the Department and make all of the programs more accessible and fun.

Councilman Menna reported that the Historic Preservation Commission is working on updating their Historic Preservation Inventory List. He also said that the Red Bank Volunteer First Aid and Fire Department Committee are working on a comprehensive review of the Department. He also reported that the Shrewsbury First Aid Squad would be celebrating their 40<sup>th</sup> Anniversary and he wanted to congratulate them and thank them for responding to calls in the Borough of Red Bank.

Councilman Murphy reported that the RiverCenter Visual Improvement Committee would like to place some decorative bicycle racks in the downtown area and said that the request would be reviewed by Chief Fitzgerald. He also said that Chief Fitzgerald is in the process of reviewing and updating all of the handicapped parking spaces and loading zones to still make sure they are being used. He said that the areas that are not being used will be deleted from the ordinance.

Councilman Curley said that the Poster Contest sponsored by the Human Relations Committee has been completed and the Finance Committee held its last departmental budget hearings. He also said that he had attended a discussion on Black History Month at the Elks and thanked the Mayor for appointing Diane Zuchnik to the Human Relations Committee.

## **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from St. James Grammar School PTA for raffle license.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from the Red Bank Volunteer Fire Department to place banner on Broad Street from August 22-September 12, 2005 to advertise Street Fair.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Red Bank Charter School for use of Riverside Gardens Park, the concession building and lavatories for their eighth grade graduation ceremonies to be held on Thursday, June 16, 2005 with a rain date of Friday, June 17, 2005 from 9:00 a.m. to 8:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Diana DeFazio for membership to the First Aid & Rescue Squad.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Michael DePonte for membership to Liberty Hose Company.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Lanfrank & Belfer Communications to hold Special Oscars Event on Sunday, February 27, 2005 in conjunction with the Two River Film Festival at Red Restaurant and use of the sidewalk for two red carpets (6'x20' and 6'x28'), parking spaces in front of the restaurant for valet parking from 2 p.m. to 11 p.m. and use of the Municipal Parking Lot off Wallace Street for parking, pending approval of Chief Fitzgerald and Stanley Sickels.

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

ROLL CALL:

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

NAYS: None

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

#### **ORDINANCES – First Reading**

2005-3 Mayor McKenna read “AN ORDINANCE OF THE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS, CHAPTER XXV, SECTION 7.1(a)(1), “GUARANTEES AND IMPROVEMENT PROCEDURES, PERFORMANCE GUARANTEES.”

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for February 28, 2005.

2005-4      Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE POLICE REGULATIONS, CHAPTER III, SECTION 10.1, “DRUG-FREE ZONE MAP.”

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

ROLL CALL:

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

NAYS:      None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for February 28, 2005.

2005-5      Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY SETTING SALARIES FOR THE BOROUGH ATTORNEY AND ASSISTANT BOROUGH ATTORNEY.”

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

ROLL CALL:

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

NAYS:      None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for February 28, 2005.

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

2005-1      Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC”, SUBSECTION 7-7 “LOADING ZONES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

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

ROLL CALL:

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

NAYS:      None

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

Mr. Murphy offered a motion to adopt the ordinance on final reading, seconded by Mr. Bifani.

ROLL CALL:

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

NAYS:      None

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

2005-2      Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKINGS SPACES”, SUBSECTION 8-2.8 “RESTRICTED PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

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

ROLL CALL:

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

NAYS: None

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

Mr. Murphy offered a motion to adopt the ordinance on final reading, seconded by Mr. Bifani.

ROLL CALL:

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

NAYS: None

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

**RESOLUTIONS**

05-38 Mayor McKenna read “A RESOLUTION HONORING 2004 FIRE CHIEF.”

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

ROLL CALL:

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

NAYS: None

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

05-39 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY REGARDING MOSQUITO EXTERMINATION COMMISSION 2005 AERIAL SURVEILLANCE AND TREATMENT PROGRAM.”

Ms. Beck offered a motion to approve the resolution, 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 approved.

05-41 Mayor McKenna read “A RESOLUTION AUTHORIZING CONTRACT FOR DOG WARDEN SERVICES WITH THE BOROUGH OF LITTLE SILVER.”

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

ROLL CALL:

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

NAYS: None

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

05-42 Mayor McKenna read “A RESOLUTION REAPPOINTING WILLIAM HIMELMAN AS MUNICIPAL COURT JUDGE.”

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

ROLL CALL:

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

NAYS: None

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

05-43 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE BOROUGH ENGINEER TO CONDUCT ENGINEERING AND PLANNING SERVICES FOR IMPLEMENTATION OF MUNICIPAL STORMWATER REQUIREMENTS.”

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

ROLL CALL:

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

NAYS: None

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

05-44 Mayor McKenna read “A RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE GUARANTEE FOR 16 PINCKNEY ROAD, BLOCK 115, LOT 21.01.”

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

ROLL CALL:

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

NAYS: None

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

05-45 Mayor McKenna read “A RESOLUTION AMENDING RESOLUTION NO. 05-30 ENTITLED “A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL SERVICES AGREEMENT WITH THE RED BANK BOARD OF EDUCATION FOR A JOINT SNOW PLOWING, SANDING, STREET-SWEEPING AND VEHICLE MAINTENANCE PROGRAM.”

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

ROLL CALL:

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

NAYS: None

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

05-46 Mayor McKenna read “A RESOLUTION AMENDING RESOLUTION NO. 05-31 ENTITLED “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.”

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

ROLL CALL:

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

NAYS: None

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

05-47 Mayor McKenna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF CASH PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING LA PASTARIA, 30 LINDEN PLACE, BLOCK 4, LOT 6.”

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

ROLL CALL:

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

NAYS: None

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

05-48        Mayor McKenna read “A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK REGIONAL HIGH SCHOOL DISTRICT.”

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

ROLL CALL:

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

NAYS:        None

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

05-49        Mayor McKenna read “A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK SCHOOL DISTRICT.”

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

ROLL CALL:

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

NAYS:        None

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

05-50        Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, CANCELING RESOLUTION NO. 04-231 AUTHORIZING AN EMERGENCY APPROPRIATION.”

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

ROLL CALL:

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

NAYS:        None

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

05-52        Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY FIXING FEES AND CHARGES UNDER CHAPTER XVIII “PARKS AND RECREATION”, SECTION 18-6 “FEES AND CHARGES” OF THE REVISED GENERAL ORDINANCES.”

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

ROLL CALL:

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

NAYS:        None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

05-51        Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,729,317.88.”

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

ROLL CALL:

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

NAYS:        None

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

## OLD BUSINESS

### Pay to Play Ordinance

Councilwoman Beck said that the Council Committee working on the Pay-to-Play Ordinance has met and the ordinance should be ready for introduction at the next Council Meeting.

## NEW BUSINESS

### AUDIENCE

Steve Fitzpatrick – 32 Chestnut Street – said he was surprised the Council Meetings were changed to Monday and thanked the press for reporting this and their coverage of the town in general. He asked Mr. Pringle who the attorney was that put in a written request for a change of zoning and asked what developer he is working for.

Mr. Pringle said that attorney is Richard Brodsky and the developer is Terranomics.

Mr. Fitzpatrick said he is a believer in opened government especially in these times when there are a lot of political problems in the State. He also asked Mr. Pringle, Mayor McKenna and Councilman Menna if there are any members of their firms that have worked for other municipalities.

Mr. Pringle told him what municipalities his firm works for.

Mr. Fitzpatrick asked him what developers he represents.

Mr. Pringle named numerous developers.

He asked Mayor McKenna what municipalities he or any members of his firm work for.

Mayor McKenna told him what municipalities his firm works for.

Mr. Fitzpatrick asked Mayor McKenna if he or any members of his firm work for any developers that are doing work in Red Bank.

Mayor McKenna said that he does not represent any developers that are doing work in Red Bank. He said he does a lot of applications regarding the Land Use Law in surrounding municipalities and said that he is representing a developer that has a 66 unit application in Shrewsbury.

Mr. Fitzpatrick said that Mr. DuPont is Mayor McKenna's partner and also Chairperson of the Red Bank Democratic Party and represented a developer in Long Branch.

Mayor McKenna said that he is his partner and is not Chairperson of the Red Bank Democratic party and did represent a developer in Long Branch.

Mr. Fitzpatrick asked Councilman Menna what municipalities he works for.

Councilman Menna told Mr. Fitzpatrick what municipalities he works for and said that he does not represent any developers for towns that he represents but represents individuals building single family homes in towns where he does not work.

Mr. Fitzpatrick talked about the Pay-to-Play ordinance and the regulations and asked about their donations to political action committees.

Mayor McKenna said that he believes he has the right to give to any organization that he wants to and as long as the contributions are legal he does not have a responsibility to explain to anyone why he is contributing to a particular candidate or political action committee.

Mr. Fitzpatrick said he asked the question because it is in the public domain and relevant because on the same day Mr. Pringle gave a contribution to a political action committee the same committee gave a donation to the candidates running for Council in Red Bank.

Mr. Pringle said his donation was to a fundraiser being held at the Breakers and has been attending this same fundraiser for quite some time.

Mr. Fitzpatrick said that he has seven towns that he has collected the E-Lect Reports from for the last six years. He said that there are numerous developers that have active development going on and are contributing money to these organizations. He said that Pay-to-Play really should be implemented and the whole system really needs to be looked at.

Ben Forest – 16 Locust Avenue – said that he thinks \$38 for a parking ticket is too expensive.

Mayor McKenna said that he has asked Mr. Burnip to do an analysis on the impact of reducing the fine and said that when the tickets were \$14 people would park their cars in key parking places all day long and did not care if they received a ticket.

Mayor McKenna left the meeting.

**EXECUTIVE SESSION**

05-53            The Attorney read a resolution to adjourn to executive session to discuss litigation.

Mr. Menna offered a motion, seconded by Ms. Beck to adjourn to executive session to discuss litigation. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS:            None

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

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

ROLL CALL:

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

NAYS:            None

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

**ADJOURNMENT**

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

ROLL CALL:

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

NAYS:            None

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

Respectfully submitted,

Carol A. Vivona