

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 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.

WORKSHOP

Complaints about Parking Tickets

Mayor McKenna said that he had received numerous letters from merchants regarding customers receiving parking tickets in the downtown area. He said that he has appointed a Council Parking Committee consisting of Councilwoman Lee and Councilmen Bifani and Murphy to review the situation and said they would also be meeting with RiverCenter.

Councilman Bifani said that the Council Parking Committee should serve on a permanent basis because there seems to be continuous problems with parking.

Request for Zoning Change from RiverCenter

Councilman Murphy said that RiverCenter has expressed concerns about Banks and Financial Institutions being allowed to occupy space on street level on Broad Street because it creates dead zones for retail space. He said RiverCenter is asking the Governing Body to amend the zoning regulations on Broad Street from Front Street to Harding Road and not allow these uses on the street level to help the retail merchants in this area.

Mayor McKenna said the matter would be reviewed by T & M Associates, Councilwoman Lee and the Planning Board and they would submit a recommendation regarding the amendment.

APPROVAL OF MINUTES – February 14, 2005

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

ROLL CALL:

AYES: Lee, Bifani, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

Councilman Curley arrived at 5:45 p.m.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Curley said the Human Relations Committee has completed the Poster Contest and the students that received awards would be attending the next Council Meeting. He also said that the Finance Committee would continue to work on the 2005 Municipal Budget.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from RiverCenter to hold Streetlife program on Saturdays from June 4, 2005 to August 27, 2005, pending approval of the Special Events Committee and Chief Fitzgerald.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold Sidewalk Sale on July 29, 30 and 31, 2005, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

There being four 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, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold the annual trolley run from Broad Street to the Grove on Fridays, Saturdays and Sundays from November 25 to December 24, 2005, pending approval of the Special Events Committee and Chief Fitzgerald.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold entertainment from 12 noon to 3 p.m. on Saturdays for the holiday from November 26 to December 24, 2005, pending approval of the Special Events Committee and Chief Fitzgerald.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from the Red Bank Arts and Antique District to hold annual Farmer's Market on Sundays from May to October from 9 a.m. to 2 p.m. in the Galleria Parking Lot and the Santa Express and parade down Monmouth Street to Broad Street to coordinate with the downtown tree lighting on November 25, 2005, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from the Jersey Shore Jazz & Blues Foundation to hang banners on Broad Street and Shrewsbury Avenue and 25 light pole banners throughout the Borough from May 23 to June 6, 2005 to advertise their evening, pending approval of Chief Fitzgerald.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Stuart Paer for membership to the Red Bank Volunteer Fire Department/First Aid Squad Fire Police Unit.

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

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

Councilman Menna arrived at 5:48 p.m.

ORDINANCES – First Reading

2005-16 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST CABLEVISION OF NEW JERSEY, INC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, 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 March 28, 2005.

2005-17 Mayor McKenna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II “ADMINISTRATION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, NEW JERSEY.”

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

Councilman Murphy said that he, along with Councilwoman Beck and Councilman Bifani, have worked on this ordinance for over a year and thinks it is a good ordinance, he also thanked Mr. Pringle for his input and expertise.

ROLL CALL:

AYES: Lee, Menna, Bifani, 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 March 28, 2005.

ORDINANCES – Public Hearing & Final Adoption

2005-6 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT.”

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 Ms. Lee.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-7 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XVI “FIRE PREVENTION AND PROTECTION”, SECTION 16-3 “DUTIES OF FIRE MARSHAL”, SECTION 16-6 “APPOINTMENTS, TERM OF OFFICE RENEWAL”, SECTION 16-8 “ADDITIONAL REQUIRED INSPECTIONS AND FEES REQUIRED BY THE NEW JERSEY ADMINISTRATIVE CODE”, SECTION 16-9 “REGISTRATION; PERMITS; FEES” AND SECTION 16-10 “TECHNICAL AMENDMENTS.”

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-8 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II “ADMINISTRATION”, SECTION 2-36 “POLICE DEPARTMENT” ADDING NEW SUBSECTION 2-36-13 “SPECIAL LAW ENFORCEMENT OFFICERS.”

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. Menna.

Councilman Curley asked if the Officers would be armed.

Mr. Pringle said they would not.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-9 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV “PLANNING AND DEVELOPMENT REGULATIONS”, SECTION 15-10.14 “REGULATIONS CONTROLLING BUSINESS/RESIDENTIAL-1 DISTRICT.”

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

Tricia Rumola – 20 Broad Street – thanked the Members of the Governing Body for adopting the ordinance.

Mayor McKenna asked if anyone else 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: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

There being five 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. Menna.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-10 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI “BUILDING AND HOUSING”, SECTION 11-1 “STATE UNIFORM CONSTRUCTION CODE.”

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-11 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XIII “PROPERTY MAINTENANCE”, SECTION 13-2 “BASIC NATIONAL EXISTING STRUCTURES CODE, 1984.”

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: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-12 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII “TRAFFIC”, SECTION 7-3.9 “PERMIT PARKING IN DESIGNATED AREAS”, SCHEDULE XIX “PERMIT PARKING.”

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: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

2005-13 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE MAYOR TO EXECUTE A STATE AID AGREEMENT FOR THE RECONSTRUCTION OF BULKHEADS ADJACENT TO THE NAVESINK RIVER AND AUTHORIZING THE CONVEYANCE OF PUBLIC ACCESS EASEMENTS ACROSS BOROUGH PROPERTY TO THE STATE OF NEW JERSEY.”

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

RESOLUTIONS

05-62 Mayor McKenna read “A RESOLUTION SUPPORTING THE ADOPTION OF S-1990 AND A-2432 AUTHORIZING THE IMPOSITION OF ADDITIONAL FINES FOR OVERCROWDING IN DWELLINGS CONTAINING FOUR OR FEWER UNITS.”

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

Councilman Curley said that it is absolutely necessary to increase the fines the landlords have to pay for overcrowding because all they care about is making money.

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

05-63 Mayor McKenna read “A RESOLUTION AUTHORIZING CONTRACT BETWEEN THE BOROUGH OF RED BANK AND P.B.A. LOCAL #39 FOR THE YEARS 2005 THROUGH 2008.”

Mr. Murphy 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.

05-64 Mayor McKenna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND FINAL FOR IDENTITY AND WAYFINDING, PHASE I.”

Mr. Curley 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.

05-66 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO PROVIDE POLICE OFFICERS AS TRAFFIC DIRECTORS DURING THE INSTALLATION OF AN OVERHEIGHT VEHICLE DETECTION SYSTEM ON THE NEW JERSEY TRANSIT BRIDGE OVER FRONT 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.

05-67 Mayor McKenna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF CASH PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING RIVERVIEW MEDICAL CENTER, BLOCK 11, LOTS 1 & 2.”

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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-65 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,444,527.13.”

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.

OLD BUSINESS

Code Enforcement Notices

Councilman Menna said that in the absence of Councilwoman Beck, who is Chairperson of the Code Enforcement Committee, he would like to talk about some new legislation regarding quality of life violations. He said that under the current BOCA Code regulations you have to give a ten day notice for violations to be corrected. He said that various municipalities in Monmouth County have adopted legislation that states that some quality of life issues would have to be corrected immediately and that this legislation was challenged in court and prevailed. He said the Borough should consider adopting this legislation.

Mr. Sickels said that any violation that is an imminent hazard under the current BOCA Code has to be corrected in 24-48 hours.

Mr. Pringle asked Mr. Menna to fax him the legislation he is talking about and would review it and make a recommendation to the Governing Body.

NEW BUSINESS

AUDIENCE

Linda Cohen – 28 Riverside Avenue – said there is still graffiti in the Gold Street Parking Lot and said that she had brought this to the attention of the Governing Body over a year ago.

Mayor McKenna said that we would look at it tomorrow.

Kathy Lou Colmoran – 67 Oakland Street – said that commuters and teachers from the Charter School are parking on Oakland Street and are not complying with the time-limited parking. She said that she has called the Parking Utility but they are not doing anything to correct the situation.

Steve Fitzpatrick – 32 Chestnut Street – presented a handout regarding the pay-to-play ordinance to the Members of the Governing Body and said that he had been coming to the Council Meetings for over a year and read his recommendations regarding the ordinance to the Governing Body. He also said everything should go out to bid and that Municipal Government should be more accessible to the public and stated his recommendations.

Ms. Cohen said she would like to see the parking garage discussed again.

Mayor McKenna said that he did appoint a Council Parking Committee that is going to review the parking problems and come up with a recommendation.

Councilman Murphy asked Ms. Cohen what her views are on building a parking garage.

Ms. Cohen said that a parking garage is essential for the growth of the downtown.

Jack Pivnick – 30 Irving Place – said that all everyone is talking about are the \$38 parking tickets and thinks a parking garage should be discussed. He said that last time the Governing Body discussed the parking garage the residents did not understand what was going on and should get more involved.

Dennis Hogan – 68 Ocean Terrace – Long Branch – asked if Red Bank had ever taken any property for redevelopment by eminent domain during their revitalization over the last 18 years.

Mr. Pringle said that Red Bank has never done that.

EXECUTIVE SESSION

ADJOURNMENT

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