

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 28, 2008
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Curley, Murphy, Lee, DuPont, Cangemi and Horgan.

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

SUNSHINE STATEMENT

Mayor 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 1, 2008.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Presentation of Certificates of Achievement to Residents Who Attended Camp Woz

Presentation of Certificates of Appreciation to Borough of Red Bank Volunteer Municipal Court Greeters

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

WORKSHOP

Borough-Wide Yard Sale

Holiday Decorations

MAYORAL APPOINTMENTS

Mayor Menna appointed Paul Peduto to Board of Health as a Regular Member to an unexpired term expiring 12/31/10.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Mayor Menna appointed Natalie McOmber to Board of Health as a Regular Member to an unexpired term expiring 12/31/08.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Mayor Menna appointed Michael Monroe as Chairman of the Construction Board of Appeals.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor Menna 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 12, 2008 with a rain date of Friday, June 13, 2008 from 9:00 a.m. to 8:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Mayor Menna read a request from Red Bank Charter School to use the Senior Center for their Spring Dance on Friday, May 16, 2008, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

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

Mr. DuPont offered a motion to close the public comment portion of the meeting, seconded by Mr. Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

ORDINANCES – First Reading

2008-3 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SUBSECTION 8.27, “SIGNS.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

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 11, 2008.

ORDINANCES – Public Hearing & Final Adoption

2008-1 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SUBSECTION 2.3, “DEFINITIONS.”

Mayor 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: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Final adoption held over until February 11, 2008.

2008-2 Mayor Menna read “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).”

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

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

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

ROLL CALL:

AYES: Murphy, Lee, DuPont, Horgan

NAYS: Curley, Cangemi

There being four ayes and two nays, the ordinance was declared adopted on final reading.

RESOLUTIONS

08-33 Mayor Menna read "A RESOLUTION TO CANCEL 2007 PARKING UTILITY FUND APPROPRIATION RESERVES."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-34 Mayor Menna read "A RESOLUTION AUTHORIZING TRANSFER OF CURRENT FUND & WATER UTILITY APPROPRIATION RESERVE."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-35 Mayor Menna read "A RESOLUTION AMENDING THE 2008 TEMPORARY APPROPRIATIONS."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-36 Mayor Menna read "A RESOLUTION OPPOSING REVISIONS TO THE WRONGFUL DEATH STATUTE."

Ms. Cangemi offered a motion to approve the resolution, seconded by Mr. DuPont.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-37 Mayor Menna read “A RESOLUTION AUTHORIZING EXECUTION OF AN AGGRESSIVE DRIVING ENFORCEMENT GRANT AGREEMENT WITH THE NEW JERSEY DIVISION OF HIGHWAY SAFETY.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-38 Mayor Menna read “A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY 325 ADAMS, L.L.C. (FORMERLY KNOWN AS RIVERWALK DEVELOPMENT), 18-20 WEST FRONT STREET, BLOCK 9.02, LOTS 8 & 9.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-39 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING CROSSON CONSTRUCTION COMPANY, INC., 47 WALLACE STREET, BLOCK 29, LOT 19.”

Mr. DuPont offered a motion to approve the resolution, seconded by Ms. Horgan.

ROLL CALL:

AYES: Curley, Murphy, DuPont, Cangemi, Horgan

NAYS: None

ABSTAIN: Lee

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

08-40 Mayor Menna read “A RESOLUTION DIRECTING THE PUBLIC WORKS DEPARTMENT TO MAKE PLANS FOR A BOROUGH-WIDE YEAR SALE.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-41 Mayor Menna read “A RESOLUTION HONORING 2007 FIRE CHIEF.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-42 Mayor Menna read "A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-43 Mayor Menna read "A RESOLUTION TO CANCEL 2007 WATER/SEWER UTILITY FUND APPROPRIATION RESERVES."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

08-44 Mayor Menna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOARD OF EDUCATION OF THE BOROUGH OF RED BANK TO PROVIDE SNOW PLOWING, SNOW REMOVAL, STREET SWEEPING AND VEHICLE MAINTENANCE SERVICES."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

08-45 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$556,443.07."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Mr. DuPont offered a motion to close the audience portion of the meeting, seconded by Mr. Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

EXECUTIVE SESSION

07-46 The Attorney read a resolution to adjourn to executive session to discuss personnel issues and litigation.

Ms. Lee offered a motion, seconded by Ms. Cangemi to adjourn to executive session to discuss personnel issues and litigation. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Mr. DuPont offered a motion, seconded by Ms. Cangemi to adjourn from executive session.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi, Horgan

NAYS: None

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

Respectfully submitted,

Carol A. Vivona