

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 27, 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 Mr. Curley.

ROLL CALL:

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

NAYS: None

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

Announcement of Borough's Centennial Logo Contest & Presentation of Certificate Achievement

RESUME REGULAR ORDER OF BUSINESS

Mr. Murphy offered a motion to resume 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.

WORKSHOP

MAYORAL APPOINTMENTS

Mayor Menna appointed Sean Murphy to Parks & Recreation Committee as a Regular Member for an unexpired 3-year term expiring 12/31/09.

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi, Horgan

NAYS: None

ABSTAIN: Murphy

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

Mayor Menna appointed John Lefever to Parks & Recreation Committee as a Regular Member for an unexpired 3-year term expiring 12/31/08.

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

ROLL CALL:

AYES: Curley, Lee, DuPont, Cangemi, Horgan

NAYS: None

ABSTAIN: Murphy

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from RiverCenter to hold the Red Bank Farmers Market on Sundays from May 4, 2008 to October 26, 2008 from 9 a.m. to 6 p.m. in the Galleria Parking Lot, pending approval of the Special Events Committee.

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

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 RiverCenter to hold the Streetlife program on Saturdays from June 7, 2008 to August 30, 2008 from 7 p.m. to 10 p.m., pending approval of the Special Events Committee.

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

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 RiverCenter to hold the Annual Sidewalk Sale on Friday and Saturday, July 25 & 26, 2008 from 9 a.m. to 8 p.m. and on Sunday, July 27, 2008 from 10 a.m. to 6 p.m., pending approval of the Special Events Committee.

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

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 RiverCenter to hold the Santa Express and parade down Monmouth Street to Broad Street to coordinate with the downtown tree lighting on November 28, 2008, pending approval of the Special Events Committee.

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

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 RiverCenter to have Holiday Horse & Carriage Rides through downtown on Saturdays from November 29, 2008 to December 20, 2008 from 1 p.m. to 5 p.m., pending approval of the Special Events Committee.

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

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 RiverCenter to hold Holiday Harmonies on Saturdays from November 29, 2008 to December 20, 2008 from 12 p.m. to 3 p.m., pending approval of the Special Events Committee.

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

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 requests from Bates Lodge #220 IBPOE of W., Inc. and Jersey Shore Jazz & Blues Foundation for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from St. Anthony of Padua Parish to close Chestnut Street from Bridge Avenue east to the railroad tracks on Saturday, March 22, 2008 from 6:30 p.m. to 8:00 p.m. and 9:00 p.m. to 10:30 p.m. for their annual Easter Vigil Service, pending approval of the Chief of Police.

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

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 Kaboom-Fireworks-on-the-Navesink for sole vendor status for Riverside Gardens Park and Marine Park on July 3, 2008, with a rain date of July 4, 2008 Committee.

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

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

2008-5 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXI, STREETS, SIDEWALKS AND SANITATION, BY ADDING NEW SECTION 19-14, “RECYCLING OF PLASTIC CHECKOUT BAGS.”

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

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 March 10, 2008.

2008-6 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XX, WATER AND SEWER, “SECTIONS 20-3, “WATER DEPARTMENT” AND 20-4 “SEWER DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Murphy, Lee, DuPont, Horgan

NAYS: Curley, Cangemi

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

Public hearing and final adoption scheduled for March 10, 2008.

2008-7 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XIII, “PROPERTY MAINTENANCE, SECTION 13-1, “DESIGNATION OF CONSTRUCTION OFFICIAL TO EXERCISE POWERS” AND SECTION 13-2, “INTERNATIONAL PROPERTY MAINTENANCE CODE.”

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

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 March 10, 2008.

ORDINANCES – Public Hearing & Final Adoption

2008-4 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XX, SEWER AND WATER, SECTION 20-4.10, “PROHIBITED DISCHARGE INTO SEWER SYSTEM,” AND SECTION 20-5, “PENALTIES.”

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

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

08-51 Mayor Menna read “A RESOLUTION CONFIRMING APPOINTMENT OF HEALTH OFFICER FOR 2008.”

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.

08-52 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF WINTER SIDEWALK CAFE.”

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

ROLL CALL:

AYES: Murphy, Lee, DuPont, Horgan

NAYS: Curley, Cangemi

There being four ayes and two nays, the resolution was declared approved.

08-53 Mayor Menna read “A RESOLUTION AUTHORIZING PLACE-TO-PLACE
EXPANSION OF PREMISES TRANSFER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1340-33-016-008.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

ABSTAIN: Cangemi

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

08-54 Mayor Menna read “A RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF
FIREWORKS.”

Mr. DuPont 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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

08-55 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO
\$1,260,687.21.”

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

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

07-56 The Attorney read a resolution to adjourn to executive session to discuss litigation.

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