

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MARCH 10, 2008  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilwoman Cangemi.

**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. Murphy offered a motion to suspend the regular order of business, seconded by Ms. Horgan.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

Mayor Menna and Councilman Curley presented a Certificate of Appreciation to Melissa Dominach and Bailey Taft.

**Presentation by Monmouth County Engineer's Office, Intersection Improvements, Harding Road & Prospect Avenue**

08-57            Mayor Menna read "A RESOLUTION TO UTILIZE THE THREE YEAR AVERAGE METHOD IN COMPUTING THE RESERVE FOR UNCOLLECTED TAXES."

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

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

08-58            Mayor Menna read "A RESOLUTION TO CANCEL 2007 CURRENT FUND APPROPRIATION RESERVES."

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

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

08-59 Mayor Menna read "A RESOLUTION AUTHORIZING INTRODUCTION OF THE 2008 BUDGET."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

There being five 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. DuPont.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

### **WORKSHOP**

#### **MAYORAL APPOINTMENTS**

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

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Dublin House to place a tent in the rear of their building over patio for St. Patrick's Day festivities, pending approval from the Construction Official.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

Mayor Menna read requests from Jonathan M. Ryan and Timothy A. Knotts for membership to the Red Bank Volunteer First Aid and Rescue Squad.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

Mayor Menna read a request from the Eastern Monmouth Area Chamber of Commerce to hang a banner on Broad Street from July 7, 2008 to July 31, 2008 to announce the celebration of their 80<sup>th</sup> Anniversary.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

Mayor Menna read a request from the Count Basie Theatre for raffle license.

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

**ORDINANCES – First Reading**

2008-8      Mayor Menna 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, “RESIDENTIAL PARKING DISTRICT NUMBER TWO.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

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 24, 2008.

2008-9      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IXX, SANITATION, SECTION 19-10.3, “NONRESIDENTIAL COLLECTION.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

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 24, 2008.

**ORDINANCES – Public Hearing & Final Adoption**

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 carry the public hearing to April 28, 2008, seconded by Mr. Murphy.

ROLL CALL:

AYES:      Curley, Murphy, Lee, DuPont, Horgan

NAYS:      None

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

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.”

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. Murphy.

ROLL CALL:

AYES:      Curley, Murphy, Lee, DuPont, Horgan

NAYS:      None

There being five 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

There being four ayes and one nay, the ordinance was declared adopted on final reading.

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.”

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, Horgan

NAYS:      None

There being five 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: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

**RESOLUTIONS**

08-61 Mayor Menna read “CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2006 COMMUNITY DEVELOPMENT PROJECTS.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

08-62 Mayor Menna read “CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

08-63 Mayor Menna read “A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING MAINTENANCE GUARANTEES POSTED BY R. BIRKENFELD, 46 NEWMAN SPRINGS ROAD, BLOCK 97.01, LOT 45.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

08-64 Mayor Menna read “A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING PERFORMANCE GUARANTEES POSTED BY THE PINSLEY FAMILY LIMITED PARTNERSHIP, 8 EAST FRONT STREET, BLOCK 28, LOT 2 AND BLOCK 10, LOT 1.”

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

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

08-66      Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF CERTAIN CONTRIBUTIONS FOR OFF-TRACT IMPROVEMENTS REGARDING THE K. HOVNANIAN HEADQUARTERS BUILDING, RIVERSIDE AVENUE AND MAPLE AVENUE, BLOCK 7, LOT 17.02."

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

AYES:      Curley, Murphy, DuPont, Horgan

NAYS:      None

ABSTAIN:      Lee

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

08-67      Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 10, LOT 2, 239 SPRING STREET, RED BANK, NEW JERSEY."

Mr. DuPont offered a motion to table the resolution, seconded by Mr. Curley.

AYES:      Curley, Murphy, Lee, DuPont, Horgan

NAYS:      None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

08-70      Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,160,850.33."

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

### **ROLL CALL:**

AYES:      Curley, Murphy, Lee, DuPont, Horgan

NAYS:      None

There being five 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, Horgan

NAYS:      None

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

### **EXECUTIVE SESSION**

07-71      The Attorney read a resolution to adjourn to executive session to discuss property and litigation; formal action may be taken.

Ms. Horgan offered a motion, seconded by Mr. DuPont to adjourn to executive session to discuss property and litigation; formal action may be taken. Minutes to be made public in 180 days.

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

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

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

**RESOLUTIONS**

08-68 Mayor Menna read “A RESOLUTION AUTHORIZING THE RETAINER OF PETER SOCKLER TO PROVIDE EXPERT APPRAISAL SERVICES.”

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

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

**ADJOURNMENT**

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

**ROLL CALL:**

AYES: Curley, Murphy, Lee, DuPont, Horgan

NAYS: None

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

Respectfully submitted,

Carol A. Vivona