

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 27, 2008
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Curley and DuPont.

Councilman Curley arrived at 7:35 p.m.

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

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

ROLL CALL:

AYES: Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Presentation by Dorn Family

Presentation of Proclamations to Red Bank's Teachers of the Year

Councilman Curley arrived at 7:35 p.m.

08-114 Mayor Menna read "A RESOLUTION OF GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT."

Councilman Murphy offered a motion to approve the resolution, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

08-115 Mayor Menna read "A RESOLUTION AUTHORIZING THE PREPARATION AND DELIVERY OF ESTIMATED 2008 3RD QUARTER TAX BILLING."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

Councilman Murphy offered a motion to resume the regular order of business, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

WORKSHOP

Union Street Parking – Monmouth Boat Club Request

APPROVAL OF MINUTES – April 10, 2007

Councilman Murphy offered a motion to resume the regular order of business, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi

NAYS: None

ABSTAIN: Horgan

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

APPROVAL OF MINUTES – May 22, 2007

Councilman Murphy offered a motion to resume the regular order of business, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi

NAYS: None

ABSTAIN: Horgan

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

APPROVAL OF MINUTES – June 28, 2007

Councilman Curley offered a motion to resume the regular order of business, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee

NAYS: None

ABSTAIN: Cangemi, Horgan

There being three ayes, no nays and two abstentions, the motion was declared approved.

APPROVAL OF MINUTES – July 9, 2007

Councilman Curley offered a motion to resume the regular order of business, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi

NAYS: None

ABSTAIN: Horgan

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

MAYORAL APPOINTMENTS

Mayor Menna appointed Audrey Olethorp to the Library Board to an unexpired 5-year term expiring 12/31/11.

Councilman Curley offered a motion to approve the appointment, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Mayor Menna appointed Mark Fitzsimmons as Architect to the Historic Preservation Commission to an unexpired 3-year term expiring 12/31/08.

Councilman Curley offered a motion to approve the appointment, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Red Bank RiverCenter and Maria Frangella Foundation for Colon Cancer Research for raffle licenses.

Councilman Curley offered a motion to approve the requests, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Mayor Menna read a request from Sean Murray for membership to Navesink Hook & Ladder Company of the Red Bank Volunteer Fire Department/First Aid Squad.

Councilman Murphy offered a motion to approve the request, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Mayor Menna read a request from Mt. Zion United Holy Church to hold their “Community Outreach” Program on Friday, July 25, 2008 from 6 p.m. to 8 p.m. and Saturday, July 26, 2008 from 12 p.m. to 8 p.m. and to close Tilton Avenue at its intersection with River Street and Catherine Street at its intersection with Leighton Avenue, pending approval of the Special Events Committee.

Councilman Murphy offered a motion to approve the request, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Mayor Menna read a request from Stephen P. DePonti to transfer from Independent Engine Company to Union Hose Company and Matthew J. DePonti and David Covert from Navesink Hook & Ladder Company to Union Hose Company.

Councilman Murphy offered a motion to approve the request, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, 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

Councilman Murphy offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

ORDINANCES – First Reading

2008-11 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, “ADMINISTRATION,” ARTICLE IV, “BOARD, COMMISSIONS, BUREAUS AND AUTHORITIES,” SUBSECTION 2-55, “AFFORDABLE HOUSING DESIGN REVIEW COMMITTEE.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, 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 June 9, 2008.

2008-12 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO TAINA CORPORATION (T/A BUONA SERA RESTAURANT) UPON CERTAIN PORTIONS OF THE BOROUGH OWNED RIGHT OF WAY ALONG MONMOUTH STREET AND MAPLE AVENUE, ADJACENT TO BLOCK 43, LOTS 5 & 6.”

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

ROLL CALL:

AYES: Murphy, Lee, Horgan

NAYS: Curley, Cangemi

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

Public hearing and final adoption scheduled for June 9, 2008.

2008-13 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF A EASEMENT TO STUART PAER ENTERPRISES, L.L.C. UPON CERTAIN PORTIONS OF THE BOROUGH OWNED RIGHT OF WAY ADJACENT TO 25 BROAD STREET, BLOCK 28, LOT 7.”

Councilman Murphy offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, 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 June 9, 2008.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

08-116 Mayor Menna read “A RESOLUTION RELEASING MAINTENANCE GUARANTEES POSTED BY DELFIM RODRIGUES, 8 LEIGHTON AVENUE, BLOCK 71, LOTS 16 THROUGH 19.”

Councilman Murphy offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Curley, Murphy, DuPont, Cangemi, Horgan

NAYS: None

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

08-117 Mayor Menna read “A RESOLUTION APPOINTING MATTHEW EHRENREICH AS A PROBATIONARY POLICE OFFICER.”

Councilman Murphy offered a motion to approve the resolution, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

08-118 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE RED BANK HOUSING CORPORATION AND THE HOUSING AUTHORITY OF THE BOROUGH OF RED BANK.”

Councilman Murphy offered a motion to approve the resolution, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

08-119 Mayor Menna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 115, LOT 21, 335-345 BROAD STREET, RED BANK, NEW JERSEY.”

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

08-120 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH THE STATE OF NEW JERSEY, ACTING THROUGH THE COMMISSIONER OF TRANSPORTATION, REGARDING THE INSTALLATION OF A SEMI-ACTUATED TRAFFIC CONTROL SIGNAL, WITH PEDESTRIAN PUSHBUTTONS AND AREAS OF PRESENCE DETECTION AT THE INTERSECTION OF ROUTE 35 NORTH AND SOUTHBOUND (MAPLE AVENUE AND WATER STREET) AND WHITE STREET.”

Councilman Murphy offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

08-121 Mayor Menna read “A RESOLUTION AUTHORIZING THE RETENTION OF PETER SOCKLER TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF CERTAIN TAX APPEALS FILED BY HOMEOWNERS IN THE NAVESINK POINTE DEVELOPMENT.”

Councilwoman Horgan offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

08-122 Mayor Menna read “A RESOLUTION AUTHORIZING THE RETENTION OF ROBERT GAGLIANO AND PETER SOCKLER TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF TAX APPEALS.”

Councilwoman Horgan offered a motion to approve the resolution, seconded by Councilwoman Cangemi.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming June 2008 as Myasthenia Gravis Awareness Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

08-123 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$510,101.75.”

Councilwoman Lee offered a motion to approve the resolution, seconded Councilman Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Attorney Pringle and Assistant Attorney Hall left the meeting.

Special Attorney O’Connor resided over Executive Session.

EXECUTIVE SESSION

08-124 The Attorney read a resolution to adjourn to executive session to discuss litigation; formal action may be taken.

Councilman Murphy offered a motion, seconded by Councilwoman Horgan to adjourn to executive session to discuss litigation; formal action may be taken. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Councilman Murphy offered a motion, seconded by Councilwoman Lee to adjourn from executive session.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

ADJOURNMENT

Councilman Murphy offered a motion, seconded by Councilwoman Lee to adjourn the meeting.

ROLL CALL:

AYES: Curley, Murphy, Lee, Cangemi, Horgan

NAYS: None

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

Respectfully submitted,

Carol A. Vivona