

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 13, 2006
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor McKenna and Council Members Ernst, Lee, Curley.

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Whalen, Attorney Hall and Engineer Kosenksi.

ABSENT: Councilmen Menna, Bifani and Murphy.

Councilman Menna arrived at 5:40 p.m.

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, 2006.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Ernst, Lee, Curley

NAYS: None

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

Councilman Menna arrived at 5:40 p.m.

Verizon Cable Franchise Public Hearing

06-53 Mayor McKenna read “A RESOLUTION APPROVING THE 2006 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four 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. Menna.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

WORKSHOP

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read requests from the Red Bank Elks Lodge #233 and St. James Grammar School for raffle licenses.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mayor McKenna read a request from the Red Bank Charter School to use the Senior Center for their Spring Dance on Friday, May 12, 2006 instead of Friday, May 19, 2006, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mayor McKenna read a request from the 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 Tuesday, June 13, 2006 with a rain date of Wednesday, June 14, 2006 from 9:00 a.m. to 8:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mayor McKenna read requests for membership to Westside Hose Company of the Red Bank Fire/First Aid Department from Matthew Brown and John Oakley.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mayor McKenna read a request from St. Anthony of Padua Parish to close Chestnut Street from Bridge Avenue east to the railroad tracks on Saturday, April 15, 2006 from 7:00-8:30 p.m. and 9:30-11:00 p.m., for Easter Vigil services, pending approval of the Fire Marshal.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

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

ORDINANCES – First Reading

2006-12 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, “POLICE REGUALTIONS,” SECTION 3-2, “LITTERING.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for March 27, 2006.

2006-13 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.3, “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS,” SCHEDULE I, “NO PARKING.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for March 13, 2006.

ORDINANCES – Public Hearing & Final Adoption

2006-8 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR VARIOUS 2006 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,149,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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: Ernst, Lee, Menna, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

2006-9 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR THE REPAIR AND REPLACEMENT OF SANITARY SEWER LINES AND INSTALLATION OF FIRE HYDRANTS BY THE WATER/SEWER UTILITY, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.”

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: Ernst, Lee, Menna, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

2006-10 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR VARIOUS FACILITY IMPROVEMENTS BY THE WATER/SEWER UTILITY, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$2,425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,425,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.”

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. Menna.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

2006-11 Mayor McKenna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, “ADMINISTRATION,” SECTION 2-37.1, “FIRE DEPARTMENT OFFICERS,” AND SECTION 2-37.6, “GENERAL RULES AND REGULATIONS.”

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: Ernst, Lee, Menna, Curley

NAYS: None

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

Mr. Menna offered a motion to carry the ordinance to March 27, 2006, seconded by Mr. Curley.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four ayes and no nays, the ordinance was declared carried.

RESOLUTIONS

06-55 Mayor McKenna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING SRA, L.L.C., WEST FRONT AND PEARL STREETS, BLOCK 34, LOTS 3, 4, 5.01, 17, 20, 21, 22, 23 AND 24.”

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

ROLL CALL:

AYES: Lee, Menna

NAYS: Ernst, Curley

There being two ayes and two nays, Mayor McKenna voted aye to break the tie and the resolution was declared approved.

EXECUTIVE SESSION

06-58 The Attorney read a resolution to adjourn to executive session to discuss litigation.

Ms. Lee offered a motion, seconded by Mr. Menna to adjourn to executive session to discuss litigation. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mr. Menna offered a motion, seconded by Ms. Lee to adjourn from executive session.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

RESOLUTIONS

06-54 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER’S AGREEMENT WITH RIVER DEVELOPMENT, L.L.C.”

Mr. Menna offered a motion to table the resolution, seconded by Ms. Lee.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-56 Mayor McKenna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER'S AGREEMENT WITH K. HOVNANIAN SHORE ACQUISITIONS, L.L.C."

Mr. Menna offered a motion to table the resolution, seconded by Ms. Lee.

ROLL CALL:

AYES: Lee, Ernst, Menna, Curley

NAYS: None

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

06-57 Mayor McKenna read "A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER'S AGREEMENT WITH PALATIAL HOMES."

Mr. Menna offered a motion to table the resolution, seconded by Ms. Lee.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

06-59 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,998,588.63."

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

ROLL CALL:

AYES: Lee, Menna, Curley

NAYS: None

ABSTAIN: Ernst

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

EXECUTIVE SESSION

06-60 The Attorney read a resolution to adjourn to executive session to discuss personnel.

Mr. Menna offered a motion, seconded by Ms. Lee to adjourn to executive session to discuss personnel. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

ADJOURNMENT

Mr. Menna offered a motion, seconded by Ms. Lee to adjourn the meeting.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona