

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 10, 2006
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Whalen,
Attorneys Pringle and Hall and Engineer Kosenski.

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. Curley offered a motion to suspend the regular order of business, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Public Hearing of 2006 Budget of the Special Improvement District

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

06-69 Mayor McKenna read “A RESOLUTIONI ADOPTING 2006 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT.”

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Mr. Menna arrived at 5:40 p.m.

WORKSHOP

Tower Hill Avenue Traffic Study

Mr. Kosenski asked if the discussion could be tabled until after the Public Works Committee Meeting.

Mr. Bifani said that would possibly be by the next meeting.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from The Company of Dance Arts for a raffle license.

Mr. Bifani offered a motion to approve the requests, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from the Red Bank Arts and Antique District to hold annual Farmer’s Market on Sundays from May to October from 9 a.m. to 2 p.m. in the Galleria Parking Lot and the Santa Express and parade down Monmouth Street to Broad Street to coordinate with the downtown tree lighting on November 24, 2006, pending approval of the Special Events Committee.

Mr. Menna offered a motion to deny the request, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ORDINANCES – First Reading

2006-16 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, “ADMINISTRATION,” SECTION 2-36, “POLICE DEPARTMENT” ADDING SECTION 2-36-13, “SPECIAL LAW ENFORCEMENT OFFICERS.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

2006-17 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

2006-18 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI(1), "LOW AND MODERATE INCOME HOUSING," SECTION 11A-11, "MANDATORY AFFORDABLE HOUSING FEES AND AN AFFORDABLE HOUSING TRUST FUND."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

2006-19 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VI, "ALCOHOLIC BEVERAGE CONTROL," SECTION 6-7, "REGISTRATION OF EMPLOYEES."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

2006-20 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XIX, "STREETS, SIDEWALKS AND SANITATION," SECTION 19-6, "OBSTRUCTING SIDEWALKS AND STREETS," AND ADDING NEW SECTION 19-14, "TEMPORARY WASTE OR REFUSE CONTAINERS OR DUMPSTERS."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

2006-21 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, "PLANNING AND DEVELOPMENT REGULATIONS," SECTION 25-3.4, "FEES."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

2006-22 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER BH:XVII, “FEES,” OF THE BOARD OF HEALTH CODE OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for April 24, 2006.

ORDINANCES – Public Hearing & Final Adoption

2006-14 Mayor McKenna read “AN ORDINANCE ESTABLISHING A CAP BANK.”

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 Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy

NAYS: Curley

There being five ayes and one nay, the public hearing was declared closed.

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy

NAYS: Ernst, Curley

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

2006-15 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER XX, “WATER AND SEWER,” SECTION 20-8 “SEWER CONNECTION FEES” AND SECTION 20-9 “WATER CONNECTION FEES.”

Mayor McKenna 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. Menna.

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

RESOLUTIONS

06-70 Mayor McKenna read “A RESOLUTION SUPPORTING *CLICK IT OR TICKET* SAFETY BELT MOBILIZATION.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: Ernst

There being five ayes and one nay, the resolution was declared approved.

06-71 Mayor McKenna read “A RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-72 Mayor McKenna read “A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 4, CHANGE ORDER NO. 2 AND FINAL RELATED TO THE CONTRACT WITH LUCAS BROTHERS, INC. FOR THE 2004 ROAD IMPROVEMENT PROGRAM.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

06-73 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE REGARDING RICHARD VILLAR, 52 RECKLESS PLACE, BLOCK 60, LOT 27.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-74 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN EXTENSION OF AN INTER-LOCAL SERVICES AGREEMENT WITH THE BOROUGH OF TINTON FALLS REGARDING STORAGE AND SALE OF IMPOUNDED MOTOR VEHICLES.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-75 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM DESIGN WORK FOR THE 2006 ROAD PROGRAM.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-76 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM A TRAFFIC STUDY ON TOWER HILL AVENUE.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-77 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

06-78 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,516,452.70.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

EXECUTIVE SESSION

06-79 The Attorney read a resolution to adjourn to executive session to discuss personnel, contract negotiations, litigation and library.

Mr. Bifani offered a motion, seconded by Mr. Curley to adjourn to executive session to discuss personnel, contract negotiations, litigation and library. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

ADJOURNMENT

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk