

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 24, 2006
7:30 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, Attorney Hall and Engineer Kosenksi.

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.

2006 Municipal Budget Public Hearing

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

Mr. Bifani offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

Mr. Curley 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.

WORKSHOP

Presentation on Waterfront Access & Open Space Initiative

Application of Red Bank Recycling Proposed Bulky Waste Transfer Facility

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Ashes Cigar Club and Restaurant, 33 Broad Street, to install a retractable awning over their sidewalk café.

Mr. Sickels asked to table the request until the next meeting.

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Union Street Developers to place a construction trailer in seven (7) metered parking spaces for approximately six (6) months, paying all meter fees, approved by the Chief of Police and Traffic. The request was amended to state that the trailer must be removed from June 30, 2006 to July 5, 2006.

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

ROLL CALL:

AYES: Lee, Murphy, Curley

NAYS: Ernst, Bifani

There being three ayes and two nays, the request was declared approved.

Mayor McKenna read a request from RiverCenter to hold Streetlife program on Saturdays from June 3, 2006 to August 26, 2006, pending approval of the Special Events Committee and Chief Fitzgerald.

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold Sidewalk Sale on July 28, 29 and 30, 2006, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold annual Holiday Tree & Town Lighting on November 24, 2006 with a rain date of November 26, 2006, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to have Holiday Horse & Carriage Rides through downtown on Saturdays and Sundays from November 25, 2006 to December 23, 2006, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter to hold entertainment from 12 noon to 3 p.m. on Saturdays for the holiday from November 25, 2006 to December 23, 2006, pending approval of the Special Events.

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

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

ORDINANCES – First Reading

2006-23 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN ACCESS AND DRAINAGE EASEMENT UPON CERTAIN PORTIONS OF THE BOROUGH OWNED PROPERTY KNOWN AS BLOCK 29, LOT 22.02 TO RIVERWALK COMMONS, L.L.C.”

Mr. Bifani offered a motion to table the ordinance on first reading, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

There being five ayes and no nays, the ordinance was declared tabled on first reading.

ORDINANCES – Public Hearing & Final Adoption

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.”

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

Mr. Murphy offered a motion to close the public hearing, seconded by Mr. Curley.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

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

Mr. Murphy offered a motion to close the public hearing, seconded by Mr. Curley.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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.”

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

Mr. Bifani offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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.”

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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.”

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. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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.”

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. Bifani.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

There being five 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. Bifani.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

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

Mr. Bifani offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

RESOLUTIONS

06-80 Mayor McKenna read “A RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY.”

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

06-81 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, Bifani, Murphy, Curley

NAYS: None

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

06-82 Mayor McKenna read “A RESOLUTION AUTHORIZING CHANGE ORDER PERTAINING TO CONTRACT NO. 05-6 RELATING TO A CONTRACT WITH CENTRAL JERSEY FIRE APPARATUS SUPPLY, INC. FOR A 2005 SEAGRAVE MARAUDER PUMPER.”

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

ROLL CALL:

AYES: Lee, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

06-83 Mayor McKenna read “A RESOLUTION AUTHORIZING THE PURCHASE OF RECREATION EQUIPMENT FOR EASTSIDE PARK.”

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

06-84 Mayor McKenna read “A RESOLUTION ESTABLISHING RULES AND REGULATIONS OF THE BOROUGH OF RED BANK PUBLIC UTILITIES DEPARTMENT.”

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

06-85 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM DESIGN WORK FOR WELL AND WATER SYSTEM VULNERABILITY IMPROVEMENTS.”

Mr. Bifani 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.

06-86 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF A MAINTENANCE GUARANTEE REGARDING THE TWO RIVER THEATRE COMPANY, INC., BRIDGE AVENUE, BLOCK 36, LOT 8; BLOCK 37, LOTS 3.02, 3.03, 4, 5, 6, 7, 10 AND 10.01; AND BLOCK 35, LOTS 4, 5, 6 AND 7.”

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

06-87 Mayor McKenna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PERFORM DESIGN WORK FOR IMPROVEMENTS TO THE MARINE PARK BULKHEAD AND RESTROOMS."

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

06-88 Mayor McKenna read "A RESOLUTION AUTHORIZING THE RETAINER OF ROBERT GAGLIANO TO PROVIDE EXPERT CONSULTING SERVICES."

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

Mayor McKenna read a proclamation proclaiming April 28, 2006 as the 134th Anniversary Celebration of Arbor Day.

Mayor McKenna read a proclamation proclaiming May 6-13, 2006 as National Safe Kids Week.

PAYMENT OF VOUCHERS

06-89 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,434,077.48."

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

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

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

EXECUTIVE SESSION

06-90 The Attorney read a resolution to adjourn to executive session to discuss personnel and real estate; formal action may be taken.

Mr. Murphy offered a motion, seconded by Mr. Bifani to adjourn to executive session to discuss personnel and real estate; formal action may be taken. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Ernst, Lee, Bifani, Murphy, Curley

NAYS: None

There being five 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, Bifani, Murphy, Curley

NAYS: None

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

RESOLUTIONS

06-91 Mayor McKenna read “A RESOLUTION ACCEPTING REPORT AND RECOMMENDATIONS OF LABOR COUNSEL IN THE MATTER OF THE CLAIMS OF NEIL BURNIP.”

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

ROLL CALL:

AYES: Lee, Bifani, Murphy,

NAYS: Ernst

Mr. Curley did not participate in the vote.

There being three ayes and one nay, the resolution 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, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona