

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 8, 2006  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilman Bifani.

**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 Mr. Curley

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-105 Mayor McKenna read “A RESOLUTION HONORING JOHN J. DRUCKER, JR. AS FIRE PREVENTION INSPECTOR OF THE YEAR.”

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

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

**EXECUTIVE SESSION**

06-108 The Attorney read a resolution to adjourn to executive session to discuss potential litigation.

Mr. Murphy offered a motion, seconded by Mr. Curley to adjourn to executive session to discuss potential litigation. Minutes to be made public in 180 days.

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

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

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

2006-25 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII, “TRAFFIC”, SUBSECTION 7-4.1, “TRUCKS OVER FOUR (4) TONS EXCLUDED FROM CERTAIN STREETS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

Public hearing and final adoption scheduled for May 22, 2006.

06-103 Mayor McKenna read “A RESOLUTION OPPOSING APPLICATION FOR AMENDMENT TO THE MONMOUTH COUNTY SOLID WASTE PLAN BLOCK 97, LOTS 30.01 AND 30.02, RED BANK, NEW JERSEY.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-106 Mayor McKenna read “A RESOLUTION DENYING ZONE CHANGE REQUEST BY RED BANK RECYCLING, BLOCK 97, LOTS 29, 29.02, 30.01, 30.02, 56, 56.01, 56.07 AND 63 THROUGH 69.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

## **RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

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 McKenna read a request from Central Jersey Blood Center to hang a banner on Shrewsbury Avenue from August 1 through August 27, 2006 to advertise their 2<sup>nd</sup> Annual Rock 'n Roll up Your Sleeve Blood Drive to be held at the Two River Theatre on August 26, 2006.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read requests for membership to the Navesink Hook & Ladder Company of the Red Bank Fire Department from Todd Ferguson and Matthew DePonti.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Red Bank Visitors Center to use concession stand in Riverside Gardens Park to distribute information on weekends from June to September.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Red Bank Elks Lodge No. 233 for utilization of Riverside Gardens Park from 6 p.m. to 7 p.m. on Wednesday, June 4, 2006 to perform the Elks Flag Day ceremony, 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, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Red Bank Area CROP Walk to hold 26<sup>th</sup> Annual CROP Walk fro the Hungry on Sunday, October 15, 2006 between the hours of 2 p.m. and 5 p.m., pending approval of the Special Events Committee and the Chief of Police.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read requests for raffle licenses from the Red Bank Elks Lodge #233.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Hudson Advisors, LLC to utilize three (3) parking spaces in front of Ashes for valet parking for approximately three (3) hours, place search light on Mechanic Street and place a 4'x8' banner on Ashes on June 1, 2006 fro approximately three (3) hours, all items approved by the Special Events Committee, subject to approval of Chief Fitzgerald.

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

ROLL CALL:

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

ROLL CALL:

AYES: Lee, Menna, Murphy

NAYS: Ernst, Curley

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

2006-26 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER I, “GENERAL PROVISIONS,” SECTION 1-5.1, “GENERAL PENALTY, PENALTY FOR VIOLATIONS.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

2006-27 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY ACCEPTING AN EASEMENT FOR S.R.A., LLC TO THE BOROUGH OF RED BANK FOR ROAD AND UTILITY PURPOSES.”

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

### **ORDINANCES – Public Hearing & Final Adoption**

#### **RESOLUTIONS**

06-92 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2006 COMMUNITY DEVELOPMENT PROJECTS.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-93 Mayor McKenna read “A 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. Murphy.

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-94 Mayor McKenna read “A RESOLUTION REQUESTING A “DEDICATION BY RIDER” TO THE MUNICIPAL BUDGET FOR SHADE TREE PLANTINGS IN ACCORDANCE WITH N.J.S.A. 40A:5-29.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

06-95 Mayor McKenna read “A RESOLUTION REQUESTING A “DEDICATION BY RIDER” TO THE MUNICIPAL BUDGET FOR COAH FEES.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-96 Mayor McKenna read “A RESOLUTION REQUESTING A “DEDICATION BY RIDER” TO THE MUNICIPAL BUDGET FOR EISNER TRUST IN ACCORDANCE WITH N.J.S.A. 40A:5-29.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-97 Mayor McKenna read “A RESOLUTION REQUESTING A “DEDICATION BY RIDER” TO THE MUNICIPAL BUDGET FOR POLICE OUTSIDE EMPLOYMENT DUTY.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-98 Mayor McKenna read “A RESOLUTION SUPPORTING THE AMENDMENT TO BINDING ARBITRATION STATUTE.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-99 Mayor McKenna read “A RESOLUTION APPOINTING VALERIE BLAUVELT, SHEAN OPIE AND ADELE JOHNSON AS SPECIAL LAW ENFORCEMENT OFFICERS CLASS I.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-100 Mayor McKenna read “A RESOLUTION OPPOSING THE PROPOSED RATE INCREASE BY NEW JERSEY AMERICAN WATER COMPANY.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-101 Mayor McKenna read “A RESOLUTION AUTHORIZING PLACE-TO-PLACE EXPANSION OF PREMISES TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-015-007.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-102 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER’S AGREEMENT WITH RIVER DEVELOPMENT, L.L.C.”

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

06-104 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN ADDENDUM TO THE CONTRACT FOR A TAX REASSESSMENT OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

06-107 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ WITH RETRACTABLE AWNING.”

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: Ernst

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

## PROCLAMATIONS

### PAYMENT OF VOUCHERS

06-109 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,979,005.98.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

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

## OLD BUSINESS

## NEW BUSINESS

## AUDIENCE

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

ROLL CALL:

AYES:           Ernst, Lee, Menna, Murphy, Curley

NAYS:           None

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

Respectfully submitted,

Carol A. Vivona