

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 22, 2006
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Council President Menna and Council Members Ernst, Bifani, Murphy and Curley.

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

ABSENT: Mayor McKenna and Councilwoman Lee.

Councilwoman Lee arrived at 7:45

SUNSHINE STATEMENT

Council President 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 3, 2006.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-106 Council President Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY DENYING ZONING CHANGE REQUEST SUBMITTED BY RED BANK RECYCLING AND WILLIAM DUCKWORTH.”

Councilwoman Lee arrived at 7:45

Council President Menna read the following letter from Congressman Pallone:

Dear Council President Menna:

I understand that the Borough Council is meeting tonight to discuss the threat of an unregulated solid waste transfer station that may be sited near Central Avenue in Red Bank. I am unable to attend this meeting because of votes in Washington, but I would like to express my support for your efforts and inform you of the current situation in Congress.

As you may be aware, I have introduced the Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2006 (H.R. 4821), legislation that would amend federal law to ensure that any new solid waste facilities sited along rail lines be subject to the same local, state, and federal laws as any other such facility. This bill has also been championed by Senators Lautenberg and Menendez.

In addition, tomorrow I will be testifying in front of the House Subcommittee on Railroads, part of the Committee on Transportation and Infrastructure. The Subcommittee is holding a hearing on the impacts that waste transfer stations sited near rail lines can have on residents of New Jersey and other northeastern states.

Unregulated waste transfer stations pose a threat to the environment, to public health, and to quality of life in communities such as Red Bank. Proposals like the one advanced by Red Bank Recycling are based on a misinterpretation of Congressional intent, and it is critical that Congress act to prevent this problem from spreading.

I commend you and other members of the Council for acting quickly on this problem and helping bring it to my attention. I look forward to working together on this important issue.

Sincerely,
Frank Pallone, Jr.
Member of Congress

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Bond Ordinance for Improvements to Count Basie Park

Bond Ordinance for Demolition of Incinerator

Tower Hill Traffic Calming

Sewer Cleaning and Television Inspection Force Account Bid Rejection

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Council President Menna read a request from Bethel Christian Center to close Catherine Street and River Street from Bridge Avenue to dead end on August 19, 2006 with a rain date of August 26, 2006 for Community Block Party, 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, Menna, Bifani, Murphy, Curley

NAYS: None

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

Council President Menna read requests for raffle licenses from Phoenix Productions, Inc., Riverview Medical Center Auxiliary, Inc., Brookdale Community College Foundation and Most Worshipful Prince Hall Grand Lodge.

Ms. Lee 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 requests were declared approved.

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

ORDINANCES – First Reading

2006-24 Council President Menna read “AN 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.”

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

ROLL CALL:

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

NAYS: None

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

2006-28 Council President Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, “POLICE REGULATIONS,” SECTION 3-15, “FEES.”

Mr. Bifani 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 June 12, 2006.

2006-29 Council President Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IV, “GENERAL LICENSING,” SECTION 4-5.9, “FALSE ALARMS.”

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

ROLL CALL:

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

NAYS: None

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

2006-30 Council President Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IX, “LICENSING OF TAXICABS,” SECTION 9-4.3, “PARKING AT TAXICAB OFFICE TERMINAL OR DESIGNATED LOCATION RESTRICTED.”

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

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 June 12, 2006.

2006-31 Council President Menna read “A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2004-23 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON JUNE 22, 2004 ENTITLED, “BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO COUNT BASIE PARK LOCATED ON DR. JAMES PARKER BOULEVARD, IN AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$308,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$250,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$237,000 TO FINANCE PART OF THE COST THEREOF.”

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

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 June 12, 2006.

2006-32 Council President Menna read “A BOND ORDINANCE PROVIDING FOR THE CONVERSION AND DEVELOPMENT OF MUNICIPALLY OWNED LAND INTO A WATERFRONT PARK, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$218,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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

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 June 12, 2006.

ORDINANCES – Public Hearing & Final Adoption

2006-23 Council President Menna 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.”

Council President Menna 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 Ms. Lee.

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

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.

2006-25 Council President Menna 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."

Council President Menna 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, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

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.

2006-26 Council President Menna 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."

Council President Menna 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, Menna, Bifani, Murphy, Curley

NAYS: None

There being six 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. 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 final reading.

2006-27 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY ACCEPTING AN EASEMENT FROM S.R.A., L.L.C. TO THE BOROUGH OF RED BANK FOR ROAD UTILITY PURPOSES."

Council President Menna opened the public hearing and asked if anyone would like to speak.

Ms. Ernst –

Mr. Menna –

Council President Menna asked if anyone else 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. Bifani.

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. Bifani offered a motion to adopt the ordinance on final 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 final reading.

RESOLUTIONS

06-111 Council President Menna read “A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT.”

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

ROLL CALL:

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

NAYS: None

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

06-112 Council President Menna read “A RESOLUTION DENYING REQUEST BY STARBUCKS CORPORATION FOR A SIDEWALK CAFÉ PERMIT.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: Ernst

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

06-113 Council President Menna read “A RESOLUTION AMENDING 2006 MUNICIPAL BUDGET.”

Mr. Curley 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.

06-114 Council President Menna read “A RESOLUTION REJECTING BIDS FOR SEWER CLEANING AND TELEVISION INSPECTION FORCE ACCOUNT PROJECT.”

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

ROLL CALL:

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

NAYS: None

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

06-115 Council President Menna read “A RESOLUTION AUTHORIZING EMERGENCY APPROPRIATIONS IN THE 2005 TEMPORARY BUDGET.”

Mr. Curley –

Mr. Hall –

Mr. Sickels –

Mr. Curley 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.

06-116 Council President Menna read “A RESOLUTION AUTHORIZING A FINANCIAL AGREEMENT WITH HABCORE, INC.”

Ms. Lee 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.

06-117 Council President Menna read “A RESOLUTION ACCEPTING BIDS AND AWARDDING A CONTRACT FOR CERTAIN WORK RELATED TO THE BOROUGH’S WATER AND SEWER CONNECTIONS AND MAINS FORCE ACCOUNT PROJECT.”

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.

06-118 Council President Menna 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 Ms. Lee.

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Council President Menna read a proclamation proclaiming June 2006 as Myasthenia Gravis Awareness Month.

PAYMENT OF VOUCHERS

06-119 Council President Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,273,589.85.”

Mr. Curley 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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Ben Forrest –

Gary Morris –

EXECUTIVE SESSION

ADJOURNMENT

Mr. Bifani offered a motion, seconded by Mr. Murphy 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