

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 12, 2006
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Lee and Bifani.

Councilman Bifani arrived at 5:45 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 Mr. Murphy.

ROLL CALL:

AYES: Ernst, Menna, Murphy, Curley

NAYS: None

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

Budget Amendment Public Hearing

Dave Kaplan said that tonight is the public hearing on a minor budget amendment.

Councilman Bifani arrived at 5:45 p.m.

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, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

WORKSHOP

Red Bank Recycling – Monmouth County SWAC Application

Mercantile Licenses

Sewer Cleaning and Television Inspection

MAYORAL APPOINTMENTS

Mayor McKenna appointed Edward Zipprich to the Historic Preservation Commission.

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from St. Anthony's Church to close Herbert Street from Bridge Avenue East on Sunday, July 16, 2006 from 7 a.m. to 7 p.m. to hold their annual parish picnic/block party, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read requests for raffle licenses from HABcore, Inc. and The Count Basie Theatre.

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Calvary Baptist Church to place a 30'x60' tent in their parking lot next to their Education Wing from July 12 through July 14, 2006 in order to hold their Fifth Annual Tent Revival, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

Mayor McKenna read a request from The Two River Theater to use their parking lot to hold a fundraising event called “A Taste of Red Bank” to benefit the Monmouth County Arts Council on August 19, 2006, with a rain date of August 20, 2006, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Menna, 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

2006-24 Mayor McKenna 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. Menna offered a motion to adopt the ordinance on first reading, seconded by Mr. Murphy.

ROLL CALL:

AYES: Ernst, Menna, Bifani, 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 June 26, 2006.

2006-33 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 19-1, “EXCAVATIONS AND OPENINGS IN STREETS.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, 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 June 26, 2006.

2006-34 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN ACCESS EASEMENT UPON CERTAIN PORTIONS OF THE PROPERTY KNOWN AS BLOCK 29, LOT 26 FROM RIVER DEVELOPMENT, LLC.”

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

ROLL CALL:

AYES: Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

Public hearing and final adoption scheduled for June 26, 2006.

ORDINANCES – Public Hearing & Final Adoption

2006-28 Mayor McKenna 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.”

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. Bifani.

ROLL CALL:

AYES: Ernst, Menna, 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. Menna.

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

2006-30 Mayor McKenna 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.”

Mayor McKenna opened the public hearing and asked if anyone would like to speak.

Mr. Murphy offered a motion to continue the public hearing until the next meeting, seconded by Mr. Menna.

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

There being five ayes and no nays, the public hearing was declared continued until the next meeting.

Mr. Murphy offered a motion to table the ordinance on final reading, seconded by Mr. Menna.

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

2006-31 Mayor McKenna 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 ADDITIONAL COST THEREOF.”

Mayor McKenna opened the public hearing and asked if anyone would like to speak.

Councilman Curley asked Mr. Sickels if we are in jeopardy of losing the grant for these improvements.

Mr. Sickels said that if these improvements are not completed soon we would lose the grant.

Mayor McKenna asked if anyone else 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, Menna, 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: Menna, Bifani, Murphy, Curley

NAYS: Ernst

There being four ayes and one nay, the ordinance was declared adopted on final reading.

2006-32 Mayor McKenna 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.”

Mayor McKenna opened the public hearing and asked if anyone would like to speak.

Mayor McKenna asked if anyone else 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. Curley.

Councilwoman Ernst asked if it was going to cost \$230,000 just to demolish the building.

Mr. Kosenski said that is just the cost of demolition.

Councilman Curley said the New Jersey Department of Environmental Protection said we have to demolish the building.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

06-120 Mayor McKenna read “A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE 2006-2007 PARK MAINTENANCE PROJECT.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-121 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT #06-4 SUMMER FOOD SERVICE PROGRAM.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-122 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT #06-6 ELECTRICAL SERVICES.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-123 Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2006/2007.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-124 Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES 2006/2007.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-125 Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES 2006/2007.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-126 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT #06-5 SUPPLY & DELIVERY OF ALUMINUM SULPHATE.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-127 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT #06-5 SUPPLY & DELIVERY OF LIQUID CHLORINE AND HYDRATED LIME.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-128 Mayor McKenna read “A RESOLUTION APPROVING AMENDMENT TO THE CASH MANAGEMENT PLAN.”

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-129 Mayor McKenna read “A RESOLUTION REAPPOINTING WILLIAM HIMELMAN AS MUNICIPAL COURT JUDGE.”

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

Councilman Bifani asked about how the replacement Judges were compensated when Judge Himelman was not available because it was not listed in the resolution.

Councilman Menna noted that Judge Himelman was working for \$1 per year. He said it was because the judge was a longstanding son of Red Bank and had sat on the bench for 30 years. He said Judge Himelman was happy with the arrangement.

Councilman Curley asked if the Judge had officially announced his retirement. Councilman Menna said he had already retired and was coming back because, like many retirees, he did not want to be idle. He said, out of consideration to the municipality, he was willing to come back for \$1 per year and that you could not get a better deal.

Mayor McKenna agreed that it was amazing when the Judge had said he was willing to do that and noted that it would save the Borough at least \$20,000 per year for the remainder of 2006 and, if he was willing to do it going forward, it was save \$40,000 to \$50,000 per year. Mayor McKenna said it was an incredible gesture on his part and, when he had asked him why he was doing it, Judge Himelman had said that he loved Red Bank and loved being the Borough's Municipal Court Judge. Mayor McKenna said he agreed with Councilman Menna that the Borough was very fortunate.

Councilman Curley asked if, as part of the agreement, the Borough would be paying his health benefits.

Councilman Menna said the Borough would not be paying for those benefits. He said since Judge Himelman was retired and over the age of 70, his health benefits were picked up by the State.

Councilman Curley said \$1 per year and no health benefits was unbeatable.

Councilman Bifani again asked what the Borough would do to cover the position when the Judge was not available.

Councilman Menna said Judge Himelman would be making the appropriate arrangements himself.

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

06-130 Mayor McKenna read "A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE BOROUGH'S SEWER CLEANING AND TELEVISION INSPECTION FORCE ACCOUNT."

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

06-131 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,402,051.67."

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

EXECUTIVE SESSION

06-132 The Attorney read a resolution to adjourn to executive session to discuss settlement of legal matters, personnel, litigation and property acquisition.

Mr. Menna offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss settlement of legal matters, personnel, litigation and property acquisition. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

ADJOURNMENT

Mr. Curley offered a motion, seconded by Ms. Ernst to adjourn the meeting.

ROLL CALL:

AYES: Ernst, Menna, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona