

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
AUGUST 14, 2006  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilmen Bifani and Murphy.

**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. Menna.

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

**2006 Budget Amendment 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. Menna offered a motion to close the public hearing, seconded by Mr. Curley.

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-174 Mayor McKenna read “A RESOLUTION AUTHORIZING AMENDMENT TO THE 2006 MUNICIPAL BUDGET.”

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

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-175 Mayor McKenna read “A RESOLUTION AUTHORIZING ADOPTION OF THE 2006 MUNICIPAL BUDGET.”

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

**ROLL CALL:**

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

**Presentation of 2005 Historic Preservation Inventory**

**RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

**WORKSHOP**

**COAH Ordinance Amendment**

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

**COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from Jersey Shore Jazz & Blues Foundation for use of Marine Park to hold the 2007 Red Bank Jazz and Blues Festival on June 1, 2 and 3, 2007, pending approval of the Special Events Committee and subject to construction.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mayor McKenna read requests from Red Bank Catholic High School PTA and the Company of Dance Arts for raffle licenses.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Mayor McKenna read a request from Red Bank Elks Lodge No. 233 for use of Riverside Gardens Park on September 11, 2006 between the hours of 6:00 and 8:00 p.m. to set up and perform an Elks Service in honor of the memory of the victims of 9-11, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four 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**

2006-39 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, “PLANNING AND DEVELOPMENT REGULATIONS,” SECTION 25-8.29.-1, “STORMWATER MANAGEMENT AND CONTROL.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Public hearing and final adoption scheduled for August 28, 2006.

2006-40 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER II, “ADMINISTRATION,” SUBSECTION 2-53, “HISTORIC PRESERVATION COMMISSION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Public hearing and final adoption scheduled for August 28, 2006.

2006-41 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III, “POLICE REGULATIONS,” SUBSECTION 3-9.14, “GRAFFITI” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Public hearing and final adoption scheduled for August 28, 2006.

2006-42 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.9, “PERMIT PARKING IN DESIGNATED AREAS,” SCHEDULE XIX, “RESIDENTIAL PARKING DISTRICT NUMBER TWO.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Public hearing and final adoption scheduled for August 28, 2006.

2006-43 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI(A), "LOW AND MODERATE INCOME HOUSING," ESTABLISHING NEW SECTION 11A-11, "MANDATORY AFFORDABLE HOUSING FEES AND AN AFFORDABLE HOUSING TRUST FUND."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

Public hearing and final adoption scheduled for August 28, 2006.

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

2006-36 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC," SECTION 7-3.3, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS"; SECTION 7-3.4, "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS"; AND SECTION 7-9, "BUS STOPS."

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. Curley.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four 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. Menna.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

2006-38 Mayor McKenna read "AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION," SUBSECTION 2-65, "PAYMENT OF CLAIMS BY BOROUGH" AND SUBSECTION 2-76, "CONFLICTS OF INTEREST" OF THE REVISED GENERAL ORDINANCES 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. Menna offered a motion to close the public hearing, seconded by Ms. Lee.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

There being four 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. Curley.

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

## RESOLUTIONS

06-162 Mayor McKenna read "A RESOLUTION REGARDING THE BOROUGH OF RED BANK REPORT OF AUDIT FOR THE YEAR ENDED DECEMBER 31, 2005."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-163 Mayor McKenna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF A REVISED PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING KEY MOTORCARS, INC., BROAD STREET AND STATE HWY. 35, BLOCK 98, LOT 14."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-164 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR LA PASTARIA, 30 LINDEN PLACE, BLOCK 4, LOT 6."

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

ROLL CALL:

AYES: Ernst, Lee, Curley

NAYS: None

ABSTAIN: Menna

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

06-165 Mayor McKenna read "A RESOLUTION OF GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-166 Mayor McKenna read "A RESOLUTION REJECTING ALL BIDS FOR A CONTRACT RELATED TO THE BOROUGH OF RED BANK'S 2005/2006 ROAD PROGRAM."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-167 Mayor McKenna read "A RESOLUTION ACCEPTING BIDS AND AWARDED A CONTRACT TO INSTALL WATER METERS AND AUTOMATIC METER READ EQUIPMENT UNDER PHASE III OF THE WATER METER REPLACEMENT PROGRAM."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-168 Mayor McKenna read "A RESOLUTION APPOINTING ATTORNEY TO THE HISTORIC PRESERVATION COMMISSION."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-169 Mayor McKenna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 110, LOT 4, 257-279 SPRING STREET, RED BANK, NEW JERSEY."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-171 Mayor McKenna read "A RESOLUTION REJECTING REBID FOR CONTRACT #06-3 ONE (1) 2006 MASON DUMP TRUCK, CENTRAL FAN BELT HYDRAULIC SYSTEM AND SNOW PLOW."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-172 Mayor McKenna read “A RESOLUTION RELEASING PERFORMANCE GUARANTEES REGARDING 61 MONMOUTH STREET, BLOCK 44, LOT 6.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

06-173 Mayor McKenna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING RIVERVIEW MEDICAL CENTER, 48 E. FRONT STREET, BLOCK 27, LOTS 23-25.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

06-176 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$7,207,618.12.”

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

## **OLD BUSINESS**

### **NEW BUSINESS**

### **AUDIENCE**

### **EXECUTIVE SESSION**

06-177 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations, litigation and personnel.

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Curley

NAYS:           None

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

**ADJOURNMENT**

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

ROLL CALL:

AYES:           Ernst, Lee, Menna, Curley

NAYS:           None

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

Respectfully submitted,

Carol A. Vivona