

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 23, 2006
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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.

WORKSHOP

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from the George Sheehan Classic to hold the George Sheehan Classic event on June 15-16, 2007, and also use of Marine Park for various activities, 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, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read requests from The Community YMCA and. St. James Grammar School PTA for raffle licenses.

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

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

2006-52 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 2.3, “DEFINITIONS.”

Mr. Menna 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 November 13, 2006.

2006-53 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 10.2, "DESCRIPTION OF DISTRICTS" AND SECTION 10.20, "REGULATIONS CONTROLLING AFFORDABLE HOUSING OVERLAY DISTRICT."

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

ROLL CALL:

AYES: Ernst, Lee, Menna, Murphy, Curley

NAYS: None

ABSTAIN: Bifani

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

Public hearing and final adoption scheduled for November 13, 2006.

ORDINANCES – Public Hearing & Final Adoption

2006-50 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" AND SECTION 25-8.19, "MULTI-FAMILY DWELLINGS."

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, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mr. Menna 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.

2006-51 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XVI, "FIRE PREVENTION AND PROTECTION," SECTION 16-8, "ADDITIONAL REQUIRED INSPECTIONS AND FEES REQUIRED BY THE NEW JERSEY ADMINISNTRATIVE CODE," SECTION 16-9, "REGISTRATION; PERMITS; FEES" AND SECTION 16-10, "TECHNICAL AMENDMENTS."

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. Menna.

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. Curley.

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

06-210 Mayor McKenna read "A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT REQUEST TO THE NEW JERSEY FOREST SERVICE FOR A 2006 COOL CITIES CSIP TREE PLANTING GRANT."

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

ROLL CALL:

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

NAYS: None

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

06-211 Mayor McKenna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF MONMOUTH."

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

ROLL CALL:

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

NAYS: None

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

06-212 Mayor McKenna read "A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR CORINTHIAN COVE a/k/a 78 WEST FRONT STREET ASSOCIATES, 78 WEST FRONT STREET, BLOCK 8, LOTS 6 AND 6.01."

Mr. Menna 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.

06-213 Mayor McKenna read "A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF SHREWSBURY."

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.

06-214 Mayor McKenna read "A RESOLUTION RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES POSTED BY PITTELLA & CARPENTER, 55 NORTH BRIDGE AVENUE, BLOCK 4.01, LOT 5."

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

ROLL CALL:

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

NAYS: None

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

06-215 Mayor McKenna read "A RESOLUTION RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCES POSTED BY NOPOCO PROPERTIES, L.L.C., 65 MONMOUTH STREET, BLOCK 44, LOT 5."

Mr. Menna 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.

06-216 Mayor McKenna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 84, LOT 1.01, 100 CHAPIN AVENUE, RED BANK, NEW JERSEY."

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: Ernst

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

06-217 Mayor McKenna read "A RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY."

Mr. Menna 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.

06-218 Mayor McKenna read "A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT RELATING TO THE TOWER HILL WELL PROJECT."

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

ROLL CALL:

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

NAYS: None

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

06-219 Mayor McKenna read “A RESOLUTION RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES POSTED BY WORLD AUTO GROUP/NISSAN WORLD OF RED BANK, 120 NEWMAN SPRINGS ROAD, BLOCK 97, LOTS 33-37.”

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

ROLL CALL:

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

NAYS: None

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

06-220 Mayor McKenna read “A RESOLUTION REAPPOINTING FIRE SUBCODE OFFICIAL.”

Mr. Menna 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.

06-221 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR NEW JERSEY SALES AND USE TAX, PURSUANT TO P.L. 2006, c.44.”

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

ROLL CALL:

AYES: Lee, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

06-222 Mayor McKenna read “A RESOLUTION APPOINTING DALE CONNOR AS TAX COLLECTOR AND AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF FAIR HAVEN FOR TAX COLLECTION SERVICES.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

06-223 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,619,280.33.”

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

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

EXECUTIVE SESSION

06-224 The Attorney read a resolution to adjourn to executive session to discuss personnel and litigation.

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

ROLL CALL:

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

NAYS: None

There being six 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, Lee, Menna, Bifani, Murphy, Curley

NAYS: None

There being six 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, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona