

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 9, 2006  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Members Lee and Menna.

**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**

**Navesink River Dredging Committee**

Councilman Curley said that Monmouth Beach has recently formed a committee to discuss dredging the Navesink River and he would also like the Borough to form one. He said he would report back to the Governing Body with any updates.

**Appointment of Neil Burnip**

Councilwoman Ernst said she did not see Neil Burnip's appointment on the resolution of appointed officials.

Mr. Sickels said Neil Burnip is not an appointed official but was hired in 2002.

**MAYORAL APPOINTMENTS**

Mayor McKenna appointed Laura Bagwell to the Environmental Commission for three years to 12/31/08.

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

**ROLL CALL:**

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna appointed Kaye Ernst as Council Representative to the Shade Tree Commission for one year to 12/31/06.

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

**ROLL CALL:**

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Ernst asked about the resolutions awarding purchases under state contract for vehicles that were listed on the agenda and what they were going to be used for.

Gary Watson explained what each vehicle would be used for.

Councilman Curley asked why the vehicles had a lot of extra options on them.

Mr. Watson explained that the vehicles were not ordered with all of the options but that it is part of the State Contract package.

Councilwoman Ernst asked if the trucks that were getting replaced would be taken off the road.

Mr. Watson said that we are buying five vehicles and taking three off the road.

Mr. Whalen said that one of the vehicles that are being purchased is part of the SHARE grant with the Board of Education.

### **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from the Diocese of Trenton to hold their annual march from St. Anthony's Church down Peter's Place to Broad Street to Newman Springs Road on Saturday, February 26, 2006, pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

Mayor McKenna read requests from Nut Swamp School PTA and St. James Grammar School PTA for raffle licenses.

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Pilgrim Baptist Church to waive fees for an application before the Zoning Board of Adjustment for a variance to construct a parking lot, must pay all out-of-pocket expenses.

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read requests from Jeffrey Rivera, J. Stewart Jensen and Cevin Albert for membership to the Navesink Hook & Ladder Company of the Red Bank Fire Department.

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

### **ORDINANCES – First Reading**

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

## RESOLUTIONS

06-09      Mayor McKenna read “A RESOLUTION DESIGNATING THE BOROUGH TREASURER AS THE CERTIFYING AGENT IN CONNECTION WITH THE PUBLIC RETIREMENT SYSTEM.”

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

### ROLL CALL:

AYES:      Ernst, Bifani, Murphy, Curley

NAYS:      None

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

06-10      Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT IN COMMERCE BANK AND TO SIGN ALL PAYROLL CHECKS.”

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

### ROLL CALL:

AYES:      Ernst, Bifani, Murphy, Curley

NAYS:      None

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

06-11      Mayor McKenna read “A RESOLUTION AUTHORIZING CREATION OF CHANGE FUNDS.”

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

### ROLL CALL:

AYES:      Ernst, Bifani, Murphy, Curley

NAYS:      None

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

06-12      Mayor McKenna read “A RESOLUTION DESIGNATING DEPOSITORYES FOR THE BOROUGH OF RED BANK.”

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

### ROLL CALL:

AYES:      Ernst, Bifani, Murphy, Curley

NAYS:      None

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

06-13      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OF ASSESSMENTS.”

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

### ROLL CALL:

AYES:      Ernst, Bifani, Murphy, Curley

NAYS:      None

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

06-14 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT FOR MAKING PAYMENTS IN CONNECTION WITH THE REDEMPTION OF TAX TITLE LIENS.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-15 Mayor McKenna read “A RESOLUTION APPOINTING TERENCE WHALEN AS FUND COMMISSIONER AND VALERIE FERBER AS ALTERNATE FUND COMMISSIONER TO CENTRAL JERSEY HEALTH INSURANCE FUND.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-16 Mayor McKenna read “A RESOLUTION APPOINTING TERENCE WHALEN AS FUND COMMISSIONER AND GARY WATSON AS ALTERNATE FUND COMMISSIONER TO MONMOUTH COUNTY JOINT INSURANCE FUND.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-17 Mayor McKenna read “A RESOLUTION APPOINTING BOND COUNSEL FOR THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-18 Mayor McKenna read “A RESOLUTION APPROVING CASH MANAGEMENT PLAN.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-19 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT WITH COMMERCE NATIONAL RISK CONTROL SERVICES FOR 2006 ALCOHOL AND DRUG TESTING SERVICES.”

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

Councilman Curley said that it costs \$61 per employee.

Councilwoman Ernst asked how many employees were tested.

Mr. Watson said there are approximately 32 employees that were subject to drug testing by federal standards.

Councilwoman Ernst asked what happens if an employee tests positive.

Mr. Sickels said that there is a process that is followed and the report is put in their personnel file.

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-20 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING PURCHASE UNDER STATE CONTRACT – 2006 DODGE DURANGO FOR PUBLIC UTILITIES.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-21 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING PURCHASE UNDER STATE CONTRACT – (3) 2006 FORD F350 TRUCKS FOR PUBLIC UTILITIES.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-22 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING PURCHASE UNDER STATE CONTRACT – 2006 FORD F350 TRUCK FOR PUBLIC UTILITIES.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-23 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING PURCHASE UNDER STATE CONTRACT – 2006 FORD F350 TRUCK FOR PUBLIC UTILITIES.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-24 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING PURCHASE UNDER STATE CONTRACT – POWER AND HAND TOOLS FOR PUBLIC UTILITIES."

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

Councilwoman Ernst said that she did not get the list of items that was supposed to be attached to the resolution.

Mr. Watson said that this is a set of tools that has not been replaced in 15 years.

ROLL CALL:

AYES: Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Ernst

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

06-25 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING PURCHASE UNDER STATE CONTRACT – 2006 DODGE DURANGO FOR THE PARKING UTILITY."

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

Councilman Curley asked why we are replacing a car with a sports utility vehicle.

Mr. Sickels said that when we do collections the van is not always available to carry equipment.

Mayor McKenna said that he had raised some of the same questions and found out that it would have been more costly to replace it with the same kind of car.

Councilman Curley said that he thinks the Parking Utility should be in the purview of the Police Department.

Mr. Pringle said that if it were under the Police Department we would not be able to use electronic ticketing.

The Members of the Governing Body discussed the pros and cons of having a car versus a sports utility vehicle.

Councilman Curley asked if the vehicle would be marked as a Parking Utility vehicle.

Mr. Sickels said that it would.

ROLL CALL:

AYES: Ernst, Bifani, Murphy

NAYS: Curley

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

06-26 Mayor McKenna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING 120 NEWMAN SPRINGS ROAD, BLOCK 97, LOTS 33 THROUGH 37."

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-27 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE AN AMENDED DEVELOPER’S AGREEMENT WITH K. HOVNANIAN PROPERTIES OF RED BANK, INC.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy

NAYS: Curley

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

06-28 Mayor McKenna read “A RESOLUTION AUTHORIZING A FINAL PAYMENT CERTIFICATE, CHANGE ORDER NO. 2 AND ACCEPTANCE OF A MAINTENANCE BOND RELATED TO THE CONTRACT WITH B&B CONSTRUCTION COMPANY, L.L.C. FOR THE MAPLE AVENUE SANITARY SEWER REPLACEMENT PROJECT.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-29 Mayor McKenna read “A RESOLUTION AUTHORIZING THE PURCHASE OF NEW WEAPONS FOR THE POLICE DEPARTMENT.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

06-30 Mayor McKenna read “A RESOLUTION AUTHORIZING EMERGENCY PURCHASE OF GOODS AND SERVICES FOR CERTAIN REPAIRS TO SANITARY SEWERS ALONG SHREWSBURY AVENUE.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

## PROCLAMATIONS

### PAYMENT OF VOUCHERS

06-31 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,030,153.29.”

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

ROLL CALL:

AYES: Ernst, Bifani, Murphy, Curley

NAYS: None

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

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

**EXECUTIVE SESSION**

06-32            The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and property acquisition.

Mr. Bifani offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss contract negotiations and property acquisition. Minutes to be made public in 180 days.

**ROLL CALL:**

AYES:            Ernst, Bifani, Murphy, Curley

NAYS:            None

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

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

**ROLL CALL:**

AYES:            Ernst, Bifani, Murphy, Curley

NAYS:            None

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

**ADJOURNMENT**

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

**ROLL CALL:**

AYES:            Ernst, Bifani, Murphy, Curley

NAYS:            None

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

Respectfully submitted,

Carol A. Vivona