

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 14, 2005
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Beck and Bifani.

Councilwoman Beck arrived at 5:55 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, 2005.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

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

05-190 Mayor McKenna read “A RESOLUTION COMMENDING SERGEANT RICHARD MANGOLD, PATROLWOMAN WENDY TOZZOLINO AND PATROLMAN ASHON LOVICK.”

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna commended and thanked these individuals for saving the life of a Borough resident and said we have the best Police Department in the State.

Monmouth Boat Club

Wayne Deuscher, Commodore of the Monmouth Boat Club, presented a check to Mayor McKenna for \$5,000 for the services they receive from the Borough.

Mayor McKenna thanked the Monmouth Boat Club and said despite the fact that the Monmouth Boat Club is tax exempt they present us with a check each year.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

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

WORKSHOP

Count Basie Park Improvements

Mr. Kosenski said that we had received two bids for the improvements to Count Basie Park and he is recommending that the bid be awarded to Precise Construction. He said the bid came in slightly higher because the price of petroleum products has increased.

LOSAP Deferred Compensation Plan

Mr. Sickels said that the Red Bank Volunteer Fire Department would like to change the company hired to administer the LOSAP plan. He said that Mr. Whalen is recommending that we change from Liberty Financial Group to VALIC.

Councilman Curley asked what the problem was with Lincoln Financial Group.

Councilman Menna said that they did not set up the accounts as required by the Borough.

Councilwoman Lee asked when it would take effect.

Mr. Whalen said that we have to send a copy of the resolution to the Division of Local Government Services and they have to approve the change.

APPROVAL OF MINUTES – April 25, 2005

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor McKenna appointed Tom Williams to the Zoning Board of Adjustment as a Regular Member for an unexpired term to December 31, 2006.

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna appointed Kathleen Horgan to the Zoning Board of Adjustment as an Alternate II Member.

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

ROLL CALL:

AYES: Lee, Menna, Murphy, Curley

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Lee reported that the Parks and Recreation Department presented their annual soccer awards and presented a special award to Mrs. Dougherty in memory of her late husband Richard Dougherty for all of the work he did for the soccer program over the years.

Councilman Menna reported that a letter was distributed to the property owners that are listed on the Historic Preservation Commission's inventory list informing them that their properties are being considered to be added to the list. He also reported that he had attended the funerals of two long-time outstanding members of the Red Bank Volunteer Fire Department, Steve Lucisano and Stanley Moore, he commended both men for all of the work they did for the Borough over their lifetimes.

The Members of the Governing Body also thanked and commended both men for all they contributed to the Borough of Red Bank.

Councilman Murphy reported that Chief Fitzgerald has been auctioning the cars that were impounded in the Borough of Red Bank and has collected \$14,000 from the auction held in May and \$11,000 from the auction held in October and collected \$3,400 in impound fees. He commended Chief Fitzgerald for implementing this program.

Councilman Curley reported that the 2004 tax sale has been completed and that there were 17 bidders on 24 properties and \$102,000 in fees were collected.

Councilwoman Beck arrived at 5:55 p.m.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from RiverCenter to utilize sidewalk signage during the weekends between Thanksgiving and Christmas/Hanukkah to advertise their Holiday Gift Wrapping Station, pending approval of the Code Enforcement Office.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter for free holiday parking for all of the downtown on-street meters in the RiverCenter district from December 17, 2005 through December 26, 2005.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from RiverCenter for Old Monmouth Candies to roast and sell nuts from a cart set up outside of their business at 47 Broad Street between November 26, 2005 through December 23, 2005 on Fridays, Saturdays and Sundays from 12 noon to 4 p.m., pending approval of the Code Enforcement Office.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from LJ's Total Man & Today Woman located at 80 Broad Street to place a canopy under their entrance way and a radio van on Broad Street to celebrate their grand opening on November 19, 2005 from 12:00 until 5:00 p.m., approved by Chief Fitzgerald and RiverCenter.

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

ROLL CALL:

AYES: Beck, Lee, Menna, 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

2005-50 Mayor McKenna read “REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$950,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006, BY THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE BOROUGH TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.”

Mr. Whalen explained the ordinance would allow us to lock into an interest rate and this would save the Borough money.

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

ROLL CALL:

AYES: Beck, Lee, Menna, 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 December 22, 2005.

ORDINANCES – Public Hearing & Final Adoption

2005-48 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF SANITARY SEWER LINES AND INSTALLATION OF FIRE HYDRANTS BY THE WATER/SEWER UTILITY, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

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 Ms. Beck.

ROLL CALL:

AYES: Beck, Lee, Menna, 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 Ms. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

2005-49 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR VARIOUS 2005 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,187,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

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.

Councilman Curley asked if Central Avenue is included as part of the road program.

Mayor McKenna said that we have received an estimate to pave Central Avenue but if we have to pave the roadway to accommodate the wear and tear created by the heavy truck traffic on the road and it will cost twice as much.

The Members of the Governing Body discussed the excessive truck traffic on this road and instructed Mr. Sickels to check the permitted uses of the businesses on this street to see if any of the businesses were in violation of code enforcement regulations and permitted uses for their businesses.

ROLL CALL:

AYES: Beck, Lee, Menna, 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 Ms. Lee.

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

RESOLUTIONS

05-189 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. § 40A:2-51 AND N.J.S.A. § 40A:2-55 IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED \$950,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-191 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AWARDING CONTRACT #05-6 ONE (1) 2005 SEAGRAVE MARAUDER PUMPER 2000 GPM FIRE APPARATUS OR APPROVED EQUAL.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-192 Mayor McKenna read “A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF A MAINTENANCE GUARANTEE REGARDING CHARLES WILLIAMS, 119 SHREWSBURY AVENUE, BLOCK 64, LOT 1.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-193 Mayor McKenna read “A RESOLUTION CANCELING THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) WITH LINCOLN FINANCIAL GROUP.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-194 Mayor McKenna read “A RESOLUTION AUTHORIZING ADOPTION OF A LENGTH OF SERVICE AWARD PROGRAM DEFERRED COMPENSATION PLAN.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

05-195 Mayor McKenna read “A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR CERTAIN REPAIRS TO COUNT BASIE PARK.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-196 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,681,189.81.”

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

OLD BUSINESS

Councilman Curley congratulated Assemblywoman-Elect Beck on her election and said she ran a tenacious campaign and that he is very proud of her. He also congratulated his running mate Councilwoman-Elect Ernst on her election to Council.

NEW BUSINESS

The Members of the Governing Body congratulated Councilwoman Beck on her election to the Assembly and Councilman Curley on his reelection to Council and Kaye Ernst for being elected to Council.

Councilman Curley and Councilwoman Beck thanked them for their kind words.

AUDIENCE

Lenny Calabro – 38 North Prospect Avenue – asked if the LOSAP program lost the interest on the money since the program was never started last year.

Mr. Sickels said that nothing was lost over the last year.

Judy Hathaway – 44 Ambassador Drive – said she would like pedestrian safety signs on Front Street.

Steve Fitzpatrick – 32 Chestnut Street – congratulated Jennifer Beck, John Curley and Kaye Ernst on their election victories and asked what the status was on the developers' disclosure ordinance.

Councilwoman Beck said that we are working on some minor amendments to the ordinance and that it should be ready for introduction at the next Council Meeting.

Mr. Fitzpatrick said property owners and their professionals have given contributions to various Political Action Committees and campaigns and then had applications heard by Boards and also felt that some of the Board Members should have recused themselves.

EXECUTIVE SESSION

05-197 The Borough Attorney read a resolution to adjourn to executive session to discuss contract negotiations and litigation.

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

There being five 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: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Beck, Lee, Menna, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona