

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 28, 2005
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Beck and Menna.

Council Members Beck and Menna arrived at 7:35 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.

WORKSHOP

Reorganization Meeting

Mayor McKenna said that we have been holding the Reorganization Meeting the first work day after the New Year Holiday and that would be January 3, 2006 at 5:30. He asked the Members of the Governing Body to check their schedules.

Council Members Beck and Menna arrived at 7:35 p.m.

Amendment to Taxi Cab Ordinance

Mayor McKenna said that there has been a request from Yellow Car Company to lower the amount of insurance the company must carry in order to run a taxicab business in the Borough of Red Bank. He said that they have submitted information received from other municipalities in the area similar to Red Bank and the amount of insurance they have to carry is much less. He said that both companies are asking for an increase in fares because of the increased cost of insurance and fuel.

Gary Damanti – representing Yellow Car Company – said the losses over the last 14 years have been minimal.

The Members of the Governing agreed to work on an amendment and asked Mr. Damanti to submit all of the information he has received from other municipalities and their insurance statistics in writing and they would consider the request.

Developer's Disclosure Ordinance

Councilwoman Beck said that there has been a draft ordinance distributed to the Members of the Governing Body but she anticipates some amendments. She said one of the issues is when the developer files their application before one of our Boards she would like them to disclose all political contributions they made but is not sure we can make them do that and that she has been talking to the Borough Attorney about this disclosure. She said the other element is that she would like to see the developer disclose any conflicts of interest they might have as part of the application process. She said this is the first draft only and she would continue to work with the Borough Attorney on this ordinance.

Branch Avenue Residential Parking

Mayor McKenna said that he has received numerous letters from residents on Branch Avenue asking that the residential permit parking area be extended from Hudson Avenue to South Street or Brown Place.

Mr. Sickels suggested that the area possibly be extended to Tower Hill Avenue because every time we extend it the parking problem moves.

Councilman Curley said he would like the residents contacted to find out what they want.

Mayor McKenna said that all residents would be contacted before we introduce the ordinance.

Shrewsbury Avenue Post Office

Councilwoman Beck said she would like a resolution drafted expressing our opposition to the closing of the Shrewsbury Avenue Post Office.

Mayor McKenna said that he has met with five officials from the Post Office and Congressman Pallone regarding the closure of this facility and was told the facility had to be closed because of mold in the building. He said it is a temporary closure and that there is discussion about placing a mobile facility in the vicinity. He said Congressman Pallone has been very helpful in trying to provide another facility in the area because he realizes how many residents in this part of town use the facility.

The Members of the Governing Body all agreed to do anything possible to try and find a temporary facility until the permanent facility is opened.

APPROVAL OF MINUTES – May 9, 2005

June 13, 2005

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck said that T. J. McMahon, one of our local historians, has passed away and she thinks it would be appropriate to honor him with a ceremonial resolution at our next Council Meeting.

Mayor McKenna said Mr. McMahon was an outstanding individual and that we should try and contact someone in his family.

Councilwoman Beck said she would reach out to his cousin.

Councilman Menna reported that the owners of 57 Reckless Place have requested that their property be removed from the Historic Preservation Commission's Inventory List.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from the Monmouth County SPCA to hold their Annual Pet Walk & Fair at Marine Park on Saturday, October 7, 2006, with a rain date of Sunday, October 8, 2006, pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Red Bank Regional Buccaneer Booster Club for raffle licenses.

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

ROLL CALL:

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

NAYS: None

There being six 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

2005-51 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XI, BUILDING AND HOUSING, SECTION 11-6.14, “MAXIMUM NUMBER OF OCCUPANTS: POSTING”, AND SECTION 11-6.16, “VIOLATIONS – PENALTIES.”

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

ROLL CALL:

AYES: Beck, 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 December 12, 2005.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

05-199 Mayor McKenna read “A RESOLUTION AUTHORIZING THE RETAINER OF W.C. PETERS TO PROVIDE EXPERT CONSULTING SERVICES.”

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

ROLL CALL:

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

NAYS: None

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

05-200 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC. FOR 2006 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER.”

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

ROLL CALL:

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

NAYS: None

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

05-201 Mayor McKenna read “A RESOLUTION ADOPTING CHANGES TO AN EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO THE JOB CREATION AND WORKER ASSISTANCE ACT OF 2002, INTERNAL REVENUE CODE SECTION 457 REGULATIONS (INCLUDING CERTAIN PROPOSED REVISIONS), INTERNAL REVENUE SERVICE REVENUE PROCEDURE 2004-56, AND INTERNAL REVENUE SERVICE REVENUE PROCEDURE 2004-12.”

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

ROLL CALL:

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

NAYS: None

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

05-202 Mayor McKenna read “A RESOLUTION SUPPORTING THE *YOU DRINK AND DRIVE, YOU LOSE 2005 YEAR END PROJECT.*”

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

ROLL CALL:

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

NAYS: None

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

05-203 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF A MAINTENANCE GUARANTEE REGARDING 57 MORFORD PLACE, L.L.C. AT 57 MORFORD PLACE, BLOCK 4.01, LOTS 24 AND 25.01.”

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

ROLL CALL:

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

NAYS: None

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

05-204 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF A MAINTENANCE GUARANTEE REGARDING THE SALVATION ARMY, AT 172-180 NEWMAN SPRINGS ROAD, BLOCK 84, LOTS 63 AND 63.01.”

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

ROLL CALL:

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

NAYS: None

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

05-205 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT #05-7 FIREFIGHTING HOSE & EQUIPMENT.”

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

ROLL CALL:

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

NAYS: None

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

05-206 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER’S AGREEMENT WITH UNION STREET VILLAGE, L.L.C.”

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

ROLL CALL:

AYES: Lee, Bifani, Murphy

NAYS: Beck

ABSTAIN: Menna, Curley

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

05-207 Mayor McKenna read “A RESOLUTION APPOINTING CAROL DOWLEN AS COURT ADMINISTRATOR.”

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

ROLL CALL:

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

NAYS: None

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

05-208 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

05-209 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$591,613.62.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Steve Fitzpatrick – 32 Chestnut Street – said there is an 11-day pre-election report that was not filed in the Borough Clerk’s Office by the Democratic Party.

Mayor McKenna said that all reports were filed with the Clerk.

Mr. Fitzpatrick read several amounts that individuals contributed to Democratic campaigns in the Borough of Red Bank by developers and their professionals.

Councilwoman Beck said that we will be introducing the developer’s disclosure ordinance at the next meeting.

EXECUTIVE SESSION

05-210 The Borough Attorney read a resolution to adjourn to executive session to discuss contract negotiations and property acquisition.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona