

**MINUTES
SPECIAL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 28, 2007
5:00 P.M.**

MAYOR MENNA: Good evening. Welcome to the special meeting of the board council. It is now 5:15 p.m., and this is a special meeting purely to adopt two resolutions. I ask that you join in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

PRESENT BY TELEPHONE: Councilman DuPont

ALSO PRESENT: Borough Clerk Vivona, Acting Borough Attorney Michael Holzapel, Assistant Attorney Hall, representing the Borough of Red Bank, Samuel Reale and John Vassallo, representing Best Liquors of Red Bank, Inc.

EXCUSED: Councilman Bifani

ABSENT: Chief Financial Officer Mason and Engineer Kosenski.

SUNSHINE STATEMENT

Mayor Menna 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 June 22, 2007.

RESOLUTIONS

MAYOR MENNA: All right. We have this evening two resolutions: One resolution is 07-166, which is before the council, and it's a resolution for the Mayor and Council for the Borough of Red Bank revoking the plenary retail distribution license, License No. 1340-44-020-005, consistent with the findings of fact with respect to the charges that are set forth in the resolution that is memorialized as a result of the hearings held in this matter.

07-166 Mayor Menna read “A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RED BANK REVOKING PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1340-44-020-005.”

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

MR. HALL: I would put on the record that the resolution will be amended. The first paragraph --

MAYOR MENNA: We were going to get into that.

MR. HALL: Okay. I --

MAYOR MENNA: So if there's -- there's a motion and a second. Is there any discussion?

(There is no discussion.)

MAYOR MENNA: Seeing no discussion, I believe that there is a need to amend the resolution, and, Mr. Holzapfel, could you just tell us what the proposed amendment would be that I feel should be reviewed in this matter?

MR. HOLZAPFEL: The proposed amendment, Mr. Mayor, pertains to page nine of the resolution. The first paragraph of the following decrinal paragraph Numeral I, "Now, therefore, be it resolved," the amendment, insertion of the language at the beginning of the paragraph that "this resolution shall be effective at 11:59 p.m., on June 30th, 2007," which as we know is the final day of the license term for the 2006-2007 period. The purpose in noting this amendment as a, you know, courtesy to counsel, who has an absolute right to appeal, in light of the fact that it is Thursday the 28th, it does expire on Thursday the 30th, Friday being -- Friday being Friday in the summer time I don't think it would be prejudicial in any way for the revocation to take effect on the final day of the license term, which is this Saturday at 11:59 p.m.

MAYOR MENNA: That's consistent with past practice, in any event. Okay.

With that amendment is there an acceptance of the amendment as set forth on the record by our attorney? In other words, the revocation will take effect at 11:59 p.m. this Saturday evening.

Mr. Murphy offered a motion to accept the amendment, seconded by Mr. DuPont.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

There being five ayes and no nays, the amendment was declared accepted.

MAYOR MENNA: Next we go to resolution number 07-167, and it's a resolution by the Mayor and Council of the Borough of Red Bank denying the renewal of the plenary retail distribution license, License No. 1340-44-020-005, the resolution that is before the Mayor and Council this evening.

07-167 Mayor Menna read "A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RED BANK DENYING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1340-44-020-005."

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

AUDIENCE

Ms. Lee offered a motion to close the audience portion of the meeting, seconded by Mr. Murphy.

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Curley, Murphy, Lee, DuPont, Cangemi

NAYS: None

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

Respectfully submitted,

Carol A. Vivona