

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 10, 2004
5:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor McKenna and Council Members Beck, Hintelmann, Menna, Bifani, Murphy and Curley.

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Loversidge, Engineer Kosenski and Attorney O'Connor.

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 4, 2004.

WORKSHOP

New Assessments and Court Costs

Mr. Sickels said that we had received a memorandum from Mrs. Holiday advising us that the State would be adding an added assessment of \$3 for every summons issued and that she is advising that we increase our fees to make up the difference. She said Councilman Curley is also recommending we increase the fee.

Councilman Menna said that every municipality he deals with is also increasing the fees.

The Members of the Governing Body agreed that we should amend the ordinance to add the increase and asked Mr. O'Connor to prepare an amendment for the next meeting.

Increase Fees for Unlicensed Dogs

Mr. Sickels said that the Code Enforcement Committee is also asking that the fines be increased for unlicensed dogs. The Members of the Governing Body agreed with the Committee and asked Mr. O'Connor to prepare a resolution for the next meeting.

Complaints from Les Gertrude Apartments

Councilman Curley said that he has had numerous complaints about Les Gertrude Apartments. He said there are problems with inoperable windows and the elevator not working if the doors are not shut properly. He said that if the doors are not shut properly the elevator would not move from that floor and this could be a real problem for senior citizens or disabled individuals.

Globe Court Pocket Park and Code Enforcement

Councilman Curley said that he was walking in the vicinity of the Goble Court Garage on Sunday morning and it was absolutely filthy. He said that he has received numerous phone calls about this area and said the ordinance regarding code enforcement needs to be enforced.

Councilwoman Beck said the Code Enforcement Committee has discussed this area and the hospital would be giving warnings before summonses are issued.

The Members of the Governing Body discussed the possibility of hiring another part-time code enforcement official or changing the existing personnel's schedule in a more efficient matter.

Councilman Menna said that we have to make better use of our existing personnel, extending their hours on the weekends and after hours during the week when they know the Borough offices are closed. He said we would discuss some of these ideas on Friday and would come back to the Governing Body with some of our recommendations.

The Governing Body discussed the idea of changing some of the hours for the employees that work in the Code Enforcement Department. Mr. Sickels said this would have to be approved by the Union.

APPROVAL OF MINUTES – June 5, 2004

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

ROLL CALL:

AYES: Beck, Hintelmann, 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 the Shade Tree Commission held its organization meeting on July 26, 2004 and will have their next meeting on August 16, 2004.

Councilman Hintelmann reported that the Red Bank Police ran a summer police program for residents of Red Bank in conjunction with the Tinton Falls Police Department. He said the students attended 1½-hour sessions for 6½ weeks. He said the program was very successful.

Mayor McKenna said that he attended the graduation from this Police Program and congratulated all of the participants that completed the course and said the program was very successful.

Chief Fitzgerald said he hopes to continue the program in the future.

Councilman Menna said the Fire Department has hired a structural engineer to review the condition of the three Borough owned fire houses. He said there has been progress at Relief Engine Company because all of the work being done there by Kids Bridges.

Councilman Menna said that he has been asked by many of the tenants of Les Gertrude Apartments if there is some way to get the elevator retrofitted to work in the event the door is not closed properly. He also said that there is current legislation trying to get rid of this antiquated system.

Mr. Sickels said he would keep on top of the progress of the legislation and would report back to the governing body with any new information. He said other problems created by this situation are the lack of ADA accessibility created if the door is not closed and someone has to run to each floor to see where it is stuck.

Mayor McKenna said the Rent Leveling Board is currently working on how to make all of these old elevators compliant. Mr. Sickels said the State is trying to work on regulations that would retrofit these units so they would be ADA accessible.

Councilman Menna also reported that Larry Quigley would not be able to serve as legal counsel to the Historic Preservation Committee and is recommending that Richard Tilton be appointed to take his place at the same fee. The Governing Body agreed to hire Mr. Tilton to replace Mr. Quigley at the same fee.

Councilman Bifani said that we are soliciting bids for the mural that would be painted on the Elks' Building facing Riverside Gardens Park. He said the Parks and Recreation Committee would review the murals before they are recommended to be reviewed by the Governing Body.

COMMUNICATIONS AND PETITIONS

Request from Diana DeFazio for membership in Relief Engine Company effective August 11, 2004.

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

ROLL CALL:

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

NAYS: None

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

Requests from St. James Grammar School PTA and The Food Bank of Monmouth & Ocean Counties for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2004-29 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2004 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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

ROLL CALL:

AYES: Beck, Hintelmann, 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 August 24, 2004.

2004-30 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2004 CAPITAL IMPROVEMENTS 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 \$170,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$161,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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

ROLL CALL:

AYES: Beck, Hintelmann, 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 August 24, 2004.

2004-31 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III “POLICE REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK REGARDING SECTION 3-10 “DRUG FREE SCHOOL ZONES”.”

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

ROLL CALL:

AYES: Beck, Hintelmann, 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 August 24, 2004.

2004-32 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES.”

Mr. Hintelmann offered a motion to adopt the ordinance on first reading, seconded by Mr. Bifani.

Councilman Menna asked if it makes sense to do each street block by block instead of doing it piece by piece instead of having a master plan.

Mayor McKenna asked why don't we try the plan and then we could always revisit it.

Councilwoman Beck said that it does not address the problem and Mr. Burnip needs to find a permanent solution to the problem.

Councilman Curley said there are other spaces that are further away but the students do not want to walk.

Mayor McKenna said Mr. Burnip would continue to work on this problem.

ROLL CALL:

AYES: Beck, Hintelmann, 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 August 24, 2004.

2004-33 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AUTHORIZING THE ACCEPTANCE OF A RECONVEYANCE OF BLOCK 71, LOT 31 (LEIGHTON AVENUE) AND BLOCK 81, LOT 13 (BANK STREET) FROM THE MONMOUTH COUNTY URBAN LEAGUE, INC.”

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

ROLL CALL:

AYES: Beck, Hintelmann, 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 August 24, 2004.

ORDINANCES – Public Hearing and Final Adoption

2004-25 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK AUTHORIZING THE IMPOSITION OF A MUNICIPAL HOTEL AND MOTEL OCCUPANCY TAX AS AUTHORIZED BY P.L. 2003, c. 114.”

Mayor McKenna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Mr. Hintelmann offered a motion to close the public hearing, seconded by Mr. Menna.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2004-26 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH AMENDING CHAPTER III "POLICE REGULATIONS" SECTION 3-9 "DISORDERLY PERSONS" OF THE REVISED GENERAL ORDINANCES."

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. Hintelmann.

ROLL CALL:

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

NAYS: None

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

Mr. Hintelmann offered a motion to adopt the ordinance on final reading, seconded by Mr. Bifani.

ROLL CALL:

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

NAYS: None

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

2004-27 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER II "ADMINISTRATION", ARTICLE IV "ADMINISTRATIVE OFFICES" OF THE REVISED GENERAL ORDINANCES."

Mayor McKenna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Mr. Curley offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

AYES: Beck, Hintelmann, 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. Murphy.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

04-215 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY REGARDING DUTY ASSIGNMENTS FOR POLICE OFFICERS OF THE BOROUGH OF RED BANK."

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

ROLL CALL:

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

NAYS: None

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

04-216 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 59, LOT 4 AND 160 COMMONLY KNOWN AS 133 BROAD STREET, RED BANK."

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Murphy

NAYS: Curley

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

04-217 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE EXECUTION OF A REGIONAL CONTRIBUTION AGREEMENT (RCA)."

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

The Members of the Governor Body discussed the fact that for 2½ years we have been trying to get COAH money to refurbish approximately 100 units in Red Bank. He said we would be extending the original district to allow a larger area of this town to use some of this money.

ROLL CALL:

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

NAYS: None

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

04-218 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING EXTENSION OF LEASE WITH THE BOARD OF EDUCATION OF THE BOROUGH OF RED BANK CONCERNING THE ATHLETIC FIELD KNOWN AS BLOCK 97.01, LOT 41 ON THE TAX RECORDS."

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

Councilwoman Beck asked for an explanation of the resolution.

Mr. O'Connor said that since 1920 the Borough has been leasing the athletic field from the Board of Education for a \$1 a year. He said that the Borough has recently received a \$250,000 Open Space Grant Program to make ADA improvements to the fields and the adjacent areas. He said the field is approximately 20 acres and approximately 6 belong to the Board of Education. He said that Red Bank Catholic is planning on spending approximately \$200,000 to construct a running track and pay the Borough a yearly fee of \$55,000. He said that with all of this work being done all parties have agreed to extend the expiration of all of the agreements until December 31, 2030. Mr. O'Connor said this is a basic summary of this and the next two resolutions.

ROLL CALL:

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

NAYS: None

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

04-219 Mayor McKenna read "A RESOLUTION OF INTENT OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY WITH REGARD TO COOPERATIVE EFFORTS WITH THE BOARD OF EDUCATION REGARDING POTENTIAL IMPROVEMENTS TO THE RED BANK PRIMARY SCHOOL PROPERTY."

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

ROLL CALL:

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

NAYS: None

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

04-220 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING RENEWED PARTICIPATION AND CONTRIBUTION AGREEMENT CONCERNING THE COUNT BASIE FIELD."

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Hintelmann

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

04-221 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY APPOINTING RICHARD E. TILTON AS SPECIAL COUNSEL TO THE HISTORIC PRESERVATION COMMISSION."

Mr. O'Connor asked if we should have an amount of money not to be exceeded on this expenditure.

Mr. Menna suggested \$2,500.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Murphy

NAYS: None

ABSTAIN: Curley

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

04-222 Mayor McKenna read “A RESOLUTION AUTHORIZING CAPITAL BUDGET AMENDMENT NO. 1 TO THE 2004 MUNICIPAL BUDGET.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

04-223 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,415,054.01.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

Councilman Curley said that the posters for the Poster Contest that was sponsored by the Human Relations Committee and the Parks and Recreation Committee for grammar school students could be picked up at the Red Bank Public Library. He said that the members of RiverCenter would give out prizes to the winners of the contest.

Councilwoman Beck, Councilman Curley, Councilman Murphy and Bob Evans would like to know what happened to the grant that the YMCA got from the State to build a skateboard park. She said there has been a very successful one built in Long Branch.

NEW BUSINESS

AUDIENCE

Bob Rooney – 58 Irving Place – there are two properties that are in his area that are in very bad condition and ruin the entire area. He said the properties are 189 and 191 Maple Avenue.

Mayor McKenna said that we are aware of these properties and he has personally gotten out of his car to clean them up.

Councilwoman Beck said that she called the property owner and pleaded with him to clean up his property because it is an embarrassment to the neighborhood. Councilwoman Beck said that we really have to increase the fines for these individuals that do not take care of their property.

The Members of the Code Enforcement Committee said that they would meet to amend the ordinances to allow less time for the owners to clean up their property and also make a large increase in the fines.

Tom Fiskin -18 Mount Street – also owner of Readies Fine Foods – said that the parking meters have created a much better turn-over on the streets. He also suggested that the parking meters in the parking lots should be increased from two hours to three hours or four hours. He said another problem is that on the weekends all the Smith Barney and Dean Witter spaces are empty.

Mayor McKenna said that Mr. Herman was required as part of his approval to put up signs that the spaces are available for parking in the evenings and on the weekends.

Harriet Cook from Red Bank RiverCenter said she would ask them to make the signs more visible.

Mr. Fiskin said that there needs to be more garbage cans on the street on the weekend or emptied more frequently. He said the streets look very dirty on the weekends.

Mayor McKenna said that RiverCenter has been working very hard to keep the streets clean and said the store-owners should also clean-up in front of their buildings.

Councilman Menna suggested that any buildings that have a certain number of employees that smoke outside on the sidewalk should be required to have some kind of containers for their employees' discarded cigarettes.

Valerie Sepulveda – 64 McLaren Street - said her son is in rehab because he gets drugs on the streets and drug dealers are coming to Red Bank from New York City. She said there is nothing for the kids to do and the police said they are too busy trying to catch the kids that are putting graffiti on all of the buildings.

Councilman Hintelmann, the Police Commission, said our Police Department and undercover Police from the County treat the drug situation very seriously and said he would like to know which Police Officers said they are too busy trying to catch the people who are putting the graffiti on the buildings. He said that drugs are certainly a priority over graffiti and our Police are very aggressive when it comes to catching drug dealers.

Mr. Sickels said that a lot of the kids that are involved in drugs are from out of town. He said he would also like to get all of the details from Mrs. Sepulveda.

Councilwoman Beck said she is sorry to hear about Mrs. Sepulveda's situation but knows our Police Department is working very hard to keep drugs out of Red Bank.

William Meyer – 12 Monmouth Street – said he is urging the Governing Body to put up surveillance cameras in certain locations to discourage drug dealers and graffiti. He said the building owners are not cleaning the graffiti from their buildings. He also said that the parking meters are keeping people from shopping in town and said that there are a lot of empty parking spaces. He also said that James Erving should be removed from the Zoning Board of Adjustment because of a criminal activity while driving his car. He also said that people that are in the real estate business should not be on the Zoning Board of Adjustment.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona