

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 14, 2004  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Member Beck.

Ms. Beck arrived at 5:45 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 4, 2004.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna said the following resolutions are necessary to repair the collapsed sewer lines at the intersection of Irving Place and Maple Avenue.

04-240        Mayor McKenna read “A RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION.”

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

**ROLL CALL:**

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-245        Mayor McKenna read “A RESOLUTION AUTHORIZING CAPITAL BUDGET AMENDMENT NO. 2.”

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

**ROLL CALL:**

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

## **RESUME REGULAR ORDER BUSINESS**

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

### **ROLL CALL:**

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Ms. Beck arrived at 5:45 p.m.

## **WORKSHOP**

### **Registration of All Rental Properties – Violations & Penalties**

Mr. Sickels said that the Borough Attorney has distributed a proposed amendment to the ordinance regulating the registration of all rental properties. He said the Code Enforcement Committee has met and is recommending that the minimum fine for not registering rental properties be raised from \$100 to \$500.

The Members of the Governing Body agreed to introduce the amendment to the ordinance at the next Council Meeting.

### **Pay to Play Ordinance**

Councilman Bifani reported that the proposed pay to play ordinance has been distributed to the Members of the Governing Body and he would like everyone to review it and if they have any comments to please contact him. He said that if there are not any changes we could put it on the agenda for the next meeting.

### **Les Gertrude Apartments and the Time of the Council Meetings**

Councilman Curley reported that he had visited the September 11<sup>th</sup> Memorial at Riverside Gardens Park and had a conversation with Ann Norton who resides at Les Gertrude Apartments. He said that she wanted to thank the Fire Department for coming to her rescue when she could not use the elevator to exit the building and the Fire Department helped her.

Councilman Curley also reported that Judy Hathaway is here to present a petition to the Council asking that the time of the Council Meetings be changed from 5:30 to 7:30 in order to provide greater accessibility for our residents to attend the Council Meetings.

Councilwoman Beck said that she has been talking about this issue for a number of years and would like to at least see the first meeting at 5:30 p.m. and the second at 7:30 p.m. She said the 5:30 meetings are not accessible to the public.

Councilman Murphy said that we should keep the schedule the same and talk about changing it at the reorganization meeting.

The Members of the Governing Body discussed the possibility of changing the meeting schedule for next year and the various pros and cons of early and late meetings.

Councilman Curley said Judy Hathaway and other residents are here to speak about this subject and also said the Audience portion should be at the beginning of the meeting.

Judy Hathaway presented the petition to the Borough Clerk asking that the times of the Council Meetings be changed from 5:30 p.m. to 7:30 p.m.

Mayor McKenna said that we have a procedure for the Council Meetings that is set by ordinance but we could certainly amend it. He said over the years we have tried various times but we always seem to get the best attendance at the 5:30 p.m. meetings. He said the schedule has been set for this year and Members of the Governing Body have other commitments. He said we will certainly discuss a change for 2005.

Councilman Curley said there is a sense of urgency and the schedule should be changed immediately.

Councilwoman Beck said that she agrees with Councilman Curley and has been trying to change the meetings for four and a half years and thinks we should change them tonight.

Councilwoman Beck offered a motion to change the meeting schedule for the remainder of the year having the first meeting of the month at 5:30 p.m. and the second meeting of the month at 7:30 p.m., Councilman Curley seconded the motion.

**ROLL CALL:**

AYES: Beck, Bifani, Curley

NAYS: Hintelmann, Menna, Murphy

There being three ayes and three nays, in the event of a tie vote Mayor McKenna voted nay and the motion was declared defeated.

**Count Basie Field Irrigation System Bid**

Mr. Sickels reported that we had only received one bid for the irrigation system at Count Basie Field and that it was \$40,000 more than the Borough Engineer's estimate. He said the Borough Engineer is recommending that we reject the bid and make some changes and re-bid the project.

After a general discussion the Governing Body agreed to reject the bid.

**Request from Red Dog Films**

Mr. Sickels said that we had received a request from Red Dog Films to do some filming downtown on September 17, 2004.

The Borough Clerk said that it has been a policy of the Police Chief's that filming not be done on Thursday, Friday and Saturday because it is too busy and the 17<sup>th</sup> is a Friday.

Mr. Sickels said that we need more information and have to talk to RiverCenter about this. He said it would have to be put off until the next meeting.

**APPROVAL OF MINUTES – July 13, 2004**

Mr. Murphy 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 there is a Code Enforcement Committee Meeting being held on September 24, 2004 and that the Shade Tree Commission is working on a tree maintenance plan.

Councilman Hintelmann reported that a house is being built on the lot on River Street where a lot of people use to hang out. He also reported that Monmouth County would be working on the intersection of Broad Street and Pinckney Road on September 27 and 28, 2004.

Councilman Menna reported that Councilman Curley brought up the incident involving the Fire Department assisting a resident to get out of the building because the elevator was stuck. He said this is beyond the call of duty and said something has to be done about the regulations regarding these old types of elevators in old buildings. He said the owner of the building should receive a summons for each time the elevator is not working. He also said that he had received complaints from residents from the Colony House that called the Borough about problems but were not called back. He said there should be some kind of designated line that people can call 24 hours a day.

Mr. Sickels said that he has never heard of any complaints about residents not being called back when there was an emergency. He also said the Monmouth County Health Commission is on call 24 hours a day.

Councilman Curley said there were five calls last month from senior citizens to the Code Enforcement Office about the broken elevator.

Councilwoman Beck said Code Enforcement should be more accessible but the Police Department is opened 24 hours a day in the event of an emergency.

The Members of the Governing Body discussed various ways to try and correct this situation.

Councilman Bifani reported that there would be a meeting on September 18, 2004 where the Parks and Recreation Committee and members of the public can look at all of the murals that were submitted for the side of the Elks building facing Riverside Gardens Park. He said the Committee would pick three they like the best and then submit them to the Governing Body.

Councilman Murphy reported that the soccer program has been very successful and Bob Evans is doing a good job. He also reported that there would be an overnight camp held on September 17, 2004 and that there was a great Senior Center picnic and said Mrs. Terry does a great job. He also said the Senior Center would hold a yard sale on September 18, 2004 and the flu shots will be given on October 3, 2004.

Councilman Curley said that he held his first Finance Committee Meeting with Mr. Whalen and he was very impressed.

#### **COMMUNICATIONS AND PETITIONS**

Request from the Red Bank Catholic Booster Club for raffle license.

Mr. Murphy 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.

Requests from Thomas A. Cosgrove and Richard Attridge for membership to the Red Bank First Aid & Rescue Squad.

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

#### **ROLL CALL:**

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

NAYS: None

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

Request from the Jersey Shore Jazz & Blues Foundation to produce Red Bank First Night to be held on Friday, December 31, 2004, pending approval of the Special Events Committee.

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

#### **ROLL CALL:**

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

NAYS: None

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

Request from St. James Elementary School to close Peters Place from Broad Street to Drummond Place on Sunday, September 26, 2004 from 1:00-4:00 p.m. for a procession to and blessing of the school's cornerstone.

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.

### **ORDINANCES – First Reading**

2004-35 Mayor McKenna read “BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE SEWER MAIN ALONG MAPLE AVENUE 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 \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES 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 September 28, 2004.

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

2004-34 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING ORDINANCE NO. 2004-25 REGARDING THE MUNICIPAL HOTEL AND MOTEL OCCUPANCY TAX.”

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

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

04-234      Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

Mr. Hintelmann 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.

04-235      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING FUNDING FOR HISTORIC PRESERVATION EXPERT WITNESS REQUESTED BY THE HISTORIC PRESERVATION COMMISSION.”

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

### 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.

04-236      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDING CHANGE ORDER NO. 2 (FINAL) REGARDING THE WATER METER REPLACEMENT PROGRAM PHASE II – WATER METER INSTALLATION.”

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

### ROLL CALL:

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

NAYS:      None

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

04-237      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AUTHORIZING ACCEPTANCE OF MAINTENANCE GUARANTEE REGARDING THE WATER METER INSTALLATION PROGRAM.”

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

### ROLL CALL:

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

NAYS:      None

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

04-238 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASE IN ACCORDANCE WITH RESOLUTION 03-198."

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

ROLL CALL:

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

NAYS: None

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

04-239 Mayor McKenna read "A RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT."

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

ROLL CALL:

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

NAYS: None

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

04-241 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE SIGNING OF A DEVELOPER'S AGREEMENT WITH VISITING NURSE'S ASSOCIATION OF CENTRAL JERSEY, INC. BEING PLANNING BOARD FILE P6535 (BLOCK 3, LOTS 2.01, 2.02, 4.01 AND 9)."

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

ROLL CALL:

AYES: Beck, Hintelmann, Murphy

NAYS: Bifani, Curley

ABSTAIN: Menna

There being three ayes, two nays and one abstention, the Mayor indicated that in the event the abstention could be construed as a negative vote he would vote in favor of the resolution.

04-242 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING BLOCK 3, LOTS 2.01, 2.02, 4.01 AND 9."

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

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.

04-243 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING LICENSE AGREEMENT REGARDING PROPOSED MURAL TO BE LOCATED ON BUILDING AT 75 LEIGHTON AVENUE, RED BANK."

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

**ROLL CALL:**

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

NAYS: None

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

04-244 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDING CONTRACT TO DEVELOP A COMMUNITY FORESTRY MANAGEMENT PLAN."

Ms. Beck 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.

04-246 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY REJECTING BID REGARDING THE COUNT BASIE FOOTBALL FIELD SOD AND IRRIGATION SYSTEM INSTALLATION."

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.

**PROCLAMATIONS**

Mayor McKenna read a proclamation proclaiming October 17, 2004 as Crop Walk Day in the Borough of Red Bank.

**PAYMENT OF VOUCHERS**

04-247 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,413,959.53."

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

**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

## NEW BUSINESS

### AUDIENCE

Judy Hathaway – 44 Ambassador Drive - said the Audience portion of the meeting should really be at the beginning of the meeting so the audience can say things before they are voted on.

John Ward – 37 Madison Avenue – said something has to be done about pedestrian safety, especially at the intersection of Broad Street and Pinckney Road. He also commented on the Borough website not being up-to-date.

Councilman Bifani said that work would begin on September 23, 2004 improving the intersection of Broad Street and Pinckney Road.

The Members of the Governing Body discussed the various problems and improvements that have been implemented for pedestrian safety.

Mr. Ward asked why there are not any sidewalks on the easterly side of Tower Hill Avenue and said that he is requesting that they be installed.

Mayor McKenna said that he use to live on that street and that there has never been a request to put sidewalks there.

Ben Forest – 60 Locust Avenue – said he would like to thank the Governing Body for implementing traffic calming on Leighton Avenue and said that it has made a big difference on the speed of the cars on the street. He also said that his son attended the summer camp sponsored by the Parks and Recreation Department and said it was very well run. He said that he is concerned about the speed of the traffic on Shrewsbury Avenue and pedestrian safety.

Mr. O'Connor said the County Engineers Office has been reviewing the situation and the Traffic Engineer has been out sick for some time.

Councilwoman Beck said that when she met with the County 18 months ago they said that they would at least try to work on the crosswalks immediately.

Mr. O'Connor and Members of the Governing Body discussed the proper protocol for dealing with Monmouth County regarding changes to their roadways.

Linda Cohen – 28 Riverside Avenue – said the Gold Street parking lot is covered with graffiti and she knows that it has been brought to the attention of the Council but nothing ever gets done.

Councilman Menna said that Saint James will be covering up the graffiti on their property soon.

Mr. Sickels said that he would check with the Code Enforcement Department again.

Val DeFazio – 36 Tower Hill Avenue – said that speeding on Tower Hill Avenue is still a problem and that the weight limit restrictions are not being followed.

Councilman Hintelmann said that he would speak to Chief Fitzgerald about this matter.

Susan Gafney – 45 Waverly Place - said that there is a parking and traffic problem on her street and the construction on Maple Avenue is not helping the problem. She also said the music school causes a lot of problems by taking up all the parking on the street because their parking lot is not big enough.

Mr. Sickels said he would refer this matter to the Police Department.

Ms. Gafney asked if the traffic would be detoured down Waverly Place during construction at Maple Avenue and Irving Place.

Mayor McKenna said that it would go down Shrewsbury Avenue.

Ms. Gafney said that the house at 19 Waverly Place is in disrepair.

Mr. Sickels said he would check with the Code Enforcement Department about this matter.

**EXECUTIVE SESSION**

04-248      The Attorney read a resolution to adjourn to executive session to discuss property acquisition.

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

**ROLL CALL:**

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

NAYS:      None

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

NAYS:      None

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

**ADJOURNMENT**

Mr. Murphy offered a motion, seconded by Mr. Hintelmann 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