

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 28, 2004  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilman Menna.

**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**

**Pay-to-Play**

Mr. O'Connor said that the Personnel Committee has been working on this ordinance for quite some time and after being discussed at the last meeting the Committee is recommending the ordinance be placed on the agenda for introduction.

Councilman Bifani said it was a Bi-Partisan effort and would like to thank Councilwoman Beck and Councilman Murphy. He said the Committee reviewed other towns and came up with the best version they thought was good for Red Bank.

Councilwoman Beck said this is the first step in dealing with this matter and there are other issues that have to be addressed.

The Members of the Governing Body discussed the various issues with the ordinance and agreed to table the ordinance until some matters are decided by the State.

**Red Bank Armory Handicapped Accessibility**

Mr. Sickels said that the Red Bank Armory is one of the biggest buildings in Red Bank and does not have adequate handicapped accessibility. He said that Mr. Brooks has submitted a plan that would call for a ramp to be built on the public right-of-way and that he would need permission from the Governing Body. He said this would be built on the sidewalk starting on West Street and going around the corner to the Chestnut Street entrance. He said there would still be five feet of clear space on the sidewalk to comply with the ADA requirements. Mr. Sickels said he is recommending the project.

Mayor McKenna asked Mr. Brooks if he would like to address the Governing Body.

Mr. Brooks said with the popularity of ice-hockey there are a lot of grandparents attending the games and they are having problems with accessibility.

Councilman Curley asked about the liability.

Mr. Brooks said that he would provide the Borough with a Certificate of Insurance.

The Members of the Governing Body said it is a wonderful facility, probably one of the best in the State but said there is a constant problem with people double-parking in that area and asked if Mr. Brooks could ask his patrons to use the parking lots.

Mr. Brooks said that he would address the issue.

The Members of the Governing Body agreed that Mr. Brooks could build the handicapped ramp on the sidewalk with the approval of the Borough Engineer.

Mayor McKenna said we would introduce an ordinance at the next Council Meeting.

### **Count Basie Park Improvements, Sod and Irrigation Replacement Recommendation of Award**

Mr. Kosenksi said that we had gone out to bid again on this project because the last bid was rejected because it was much more than estimated and he is recommending we accept the bid from M&K Contracting with the base bid being \$124,650 and an alternate bid in the amount of \$6,000 for the replacement of football goals for a total of \$130,650.

The Members of the Governing Body discussed the fact that this is a much needed project.

Mr. Kosenksi said that the resolution awarding the bid is on the agenda.

### **General Penalty Ordinance**

Councilwoman Beck said that the Code Enforcement Committee has met and is recommending that the minimum for a code enforcement violation be \$100 because of the way the ordinance is written the fines are very low.

The Members of the Governing Body discussed the pros and cons of raising the penalty and agreed to amend the ordinance.

### **Parking Time Limits**

Mr. O'Connor said that since we had amended the ordinance regarding time limits in certain areas we have realized that some of the time limits should be longer. He said he would prepare an amendment to the ordinance to be introduced at the next Council Meeting.

Councilman Curley asked if the Red Bank Catholic Students would be allowed to park in the lot again.

Mr. Sickels said that we are still working on a couple of options but have not had any complaints from the students this year.

The Members of the Governing Body discussed the various time limits at meters on the street and in the parking lots and said that we would amend the ordinance again if we find that the time limits should be adjusted.

### **MAYORAL APPOINTMENTS**

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Beck said that the Code Enforcement Office has been working on complaints at 19 Waverly Place and 189 and 190 Maple Avenue. She said the property owners have agreed to clean-up the properties and will receive summonses if they do not.

Councilman Curley said that he is recommending participation in the Monmouth County Joint Insurance Fund.

Mr. O'Connor said that he would like to go into Executive Session to discuss the resolution authorizing the participation in the Monmouth County Joint Insurance Fund and asked that Resolution #04-252 be voted on after Executive Session.

Mayor McKenna said that he was asked to attend and speak at the State Conference on Housing. He also said that Red Bank was voted one of the best places to work and live and that in 1990 we had the second highest tax rate in Monmouth County and now we are twenty fifth on the 2004 list.

### **COMMUNICATIONS AND PETITIONS**

Request from homeowner at 16 Lake Avenue to place a 20-foot storage container on their property for approximately 5-6 months to store personal belongings while undergoing construction.

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

### **ROLL CALL:**

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

Request from The George Sheehan Classic to hold the 2005 George Sheehan Classic on Friday, June 17, 2005 and Saturday, June 18, 2005, pending approval of the Special Events Committee.

The Members of the Governing Body discussed the fact that there are a lot of complaints from RiverCenter and residents about the street closures from this race. They decided that the request should be tabled until there are further discussions with the promoter about alternate routes.

Trisha Rumola said that RiverCenter is suggesting the event be moved to the fall because there are three major events within a six week period from the middle of May to the middle of June.

Mr. Curley offered a motion to table the request, seconded by Mr. Beck.

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

#### **ORDINANCES – First Reading**

2004-36 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, 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 October 12, 2004.

2004-37 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI “BUILDING AND HOUSING” OF THE REVISED GENERAL ORDINANCES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, 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 October 12, 2004.

2004-38 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING CHAPTER I “GENERAL”, SECTION 1-5 “GENERAL PENALTY” OF THE REVISED GENERAL ORDINANCES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, 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 October 12, 2004.

2004-39      Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER II “ADMINISTRATION” BY ADDING A NEW SECTION 2-75 “RESTRICTIONS ON AWARD OF PROFESSIONAL CONTRACTS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, 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 October 12, 2004.

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

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.”

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. Murphy.

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

There being five 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, Bifani, Murphy, Curley

NAYS:      None

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

#### **RESOLUTIONS**

04-249      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A CONTRACT FOR THE DESIGN AND PAINTING OF A MURAL TO MICHAEL P. McCRINK.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

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

04-250 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDING CHANGE ORDER NO. 1 (FINAL) REGARDING THE INSTALLATION OF PARKING METERS, PHASE II PROJECT."

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

04-251 Mayor McKenna read "A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION."

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

04-252 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING RENEWAL OF MEMBERSHIP IN THE MONMOUTH MUNICIPAL JOINT INSURANCE FUND."

The Members of the Governing Body said that they would like to discuss this in Executive Session before discussing the resolution for adoption.

04-253 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING BLOCK 5, LOTS 6 AND 7."

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

04-254 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING RESOLUTION NO. 04-238 AUTHORIZING PURCHASES IN ACCORDANCE WITH RESOLUTION 03-198."

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

04-255      Mayor McKenna read “A RESOLUTION AMENDING RESOLUTION NO. 04-239 AUTHORIZING PURCHASE UNDER STATE CONTRACT.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

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

04-256      Mayor McKenna read “A RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-32-018-012.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

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

04-257      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDING CONTRACT REGARDING COUNT BASIE PARK SOD AND IRRIGATION REPLACEMENT PROGRAM.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

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

04-258      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING AGREEMENT REGARDING TEMPORARY CLOSING PORTION OF SIDEWALK AND INCURSION INTO A PORTION OF MONMOUTH STREET RELATING TO THE CONSTRUCTION AT 65 MONMOUTH STREET.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

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

04-259      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY REJECTING BIDS REGARDING THE 2004 ROADWAY IMPROVEMENT PROGRAM.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:      None

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

## **PROCLAMATIONS**

Mayor McKenna read a proclamation proclaiming November 21-28, 2004 as Bible Week in the Borough of Red Bank.

## **PAYMENT OF VOUCHERS**

04-260        Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,108,736.05."

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

### **ROLL CALL:**

AYES:        Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:        None

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

## **OLD BUSINESS**

### **NEW BUSINESS**

#### **AUDIENCE**

Susan Gaffney – 45 Waverly Place – said that there should be brighter lights around the Armory and the Dance Studio and there should be garbage cans on Maple Avenue and the southern end of Broad Street.

Mayor McKenna said we do not put garbage cans in residential neighborhoods because property owners do not want them on their property and have to look at them.

Steve Fitzpatrick – 58 Chestnut Street – said he is encouraging the Members of the Governing Body to adopt a pay-to-play ordinance, even though the State is stalling. He said other municipalities all over the State have adopted their own versions.

Mayor McKenna said the Personnel Committee has been working on one for the Borough and the Governing Body supports the concept.

The Members of the Governing Body discussed the various aspects that would be covered by this ordinance and agreed that they should move forward.

Kay Ernst – West Street – said that she has a garbage dump abutting her backyard and her house was broken into last week.

Mr. Sickels said that he met with the Code Enforcement Officer regarding the garbage enclosure and said that he has to look at the file and see what was approved at this site and the waste enclosure might have to be removed.

Ms. Ernst said that something has to be done.

Trisha Rumola – 66 Riverside Avenue – said that she is looking forward to having the mural painted on the Elks building next to Riverside Gardens Park.

## **EXECUTIVE SESSION**

04-261        The Attorney read a resolution to adjourn to executive session to discuss contract negotiations, Resolution No. 04-252 and pending litigation.

Mr. Bifani offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss contract negotiations, Resolution No. 04-252 and pending litigation. Minutes to be made public in 180 days.

### **ROLL CALL:**

AYES:        Beck, Hintelmann, Bifani, Murphy, Curley

NAYS:        None

There being five 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, Bifani, Murphy, Curley

NAYS: None

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

04-252 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING RENEWAL OF MEMBERSHIP IN THE MONMOUTH MUNICIPAL JOINT INSURANCE FUND."

Councilman Curley said the Administrator was supposed to work on receiving additional quotes from other insurance companies and did not do that and now we are at a deadline and just had a meeting this afternoon and have a deadline of September 30, 2004.

Mayor McKenna said he thought the Finance Committee was supposed to look at bids from other companies and then come up with a recommendation.

Councilman Curley said the process was never followed through as directed by the Finance Committee and we never received any and now at the last minute we have a deadline we must meet. He said he believes the Monmouth County JIF is a good company but he would have liked to see some other quotes.

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

**ROLL CALL:**

AYES: Hintelmann, Bifani, Murphy

NAYS: Curley

ABSTAIN: Beck

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

**ADJOURNMENT**

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

**ROLL CALL:**

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona