

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
OCTOBER 12, 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 Kosenski and Attorney O'Connor.

**ABSENT:** Councilman Menna.

Councilman Menna arrived at 5:50 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.

**WORKSHOP**

**Pay-to-Play Ordinance**

Councilwoman Beck said that she spoke to a representative from Common Cause and discussed ordinances in other municipalities and has distributed a memorandum with a couple of amendments to our Pay-to-Play ordinance. She said that she would like to meet with the Committee before moving forward with our ordinance.

Councilman Bifani said he does not understand why we are not moving forward.

Councilwoman Beck said that there are a lot of elements we left out and does not think we should do this twice.

Councilman Bifani said he would like to adopt the ordinance before the election and then amend it.

Councilman Curley said that he does not think it is appropriate to pass it before the election because there are so many areas that are missing.

Councilwoman Beck said that after reviewing ordinances from other municipalities she realizes how many areas we have left out.

Councilman Murphy said that we have been working on this ordinance since May and said we introduced the ordinance at the last meeting and should adopt the ordinance tonight.

Mayor McKenna said that he knows the Committee has been working very hard on this ordinance but we are missing so many elements that should be addressed and we should have a comprehensive ordinance.

Councilwoman Beck said she is recommending we table the ordinance because if we adopt it we will only have to amend it.

**APPROVAL OF MINUTES – July 27, 2004**

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

**ROLL CALL:**

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

**NAYS:** None

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

## **MAYORAL APPOINTMENTS**

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

Councilwoman Beck reported that there has been very positive progress at the Locust Avenue Nature Area and the Environmental Commission has been busy marking off a trail. She informed the members of the Governing Body that the Environmental Commission would be working at the park the next two weekends and said that they should come to the park and see the progress.

Councilman Hintelmann reported that the Police Department would be holding a voluntary exchange program called Guns for Cash on October 29<sup>th</sup> and 30<sup>th</sup>, 2004. He said this is a program that allows the Police Department to purchase guns and get them off the streets and has been very successful in the past.

Councilman Bifani reported that tonight we would be introducing Ordinance #2004-42 that would convey a parcel of Borough owned property to Habitat for Humanity. He said that we sold a number of Borough owned lots totaling \$702,000 and agreed to save one for a needy Red Bank family.

Councilman Murphy reported that we would be holding the annual Halloween Parade on October 24, 2004 and line-up for the parade would be held at the corner of East Bergen Place and Broad Street. He said that the basketball and indoor soccer programs are in progress and on October 30, 2004 the Parks and Recreation Department would sponsor a trip to see Rutgers play against West Virginia.

Councilman Curley said that the Poster Contest sponsored by the Human Relations Committee was completed.

Mayor McKenna said that on October 30, 2004 the Red Bank Fire Department was honored as being the State Fire Department of the Year by the State Fire Protection and Prevention Bureau. He said that he would like to congratulate the entire department and said we have a wonderful Volunteer Fire Department.

### **COMMUNICATIONS AND PETITIONS**

Request from Jack's Music to have a 2-man vocal group in front of the store the evening of Wednesday, October 20, 2004 between the hours of 5:00 p.m. to 7:00 p.m., pending approval of the Chief of Police.

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

#### **ROLL CALL:**

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

Request from Lanfrank & Belfer Communications for use of the sidewalk in front of Red Restaurant and placement of search lights on the sidewalk in order to hold "Gala to Launch MAR Magazine" on Monday, October 25, 2004 at 7:00 p.m., pending approval of the Chief of Police.

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

#### **ROLL CALL:**

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

### **ORDINANCES – First Reading**

2004-40 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VIII "PARKING LOTS AND HANDICAPPED PARKING SPACES", SUBSECTION 8-2.5 "PARKING TIME LIMITS" 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 26, 2004.

2004-41 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY TO AUTHORIZE A LICENSE TO RED BANK ARMORY, INC. WITH REGARD TO A HANDICAP ACCESS WALKWAY.”

Mr. Murphy 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 26, 2004.

2004-42 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY TO AUTHORIZE THE CONVEYANCE OF A PARCEL OF LAND TO HABITAT FOR HUMANITY OF LONG BRANCH, INC.”

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 26, 2004.

**ORDINANCES – Public Hearing and Final Adoption**

2004-36 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII “TRAFFIC” 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. Hintelmann offered a motion to close the public hearing, seconded by Mr. Bifani.

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

There being five 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. 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.

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.”

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. Curley.

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Murphy, Curley

NAYS: None

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

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

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.

Mr. Menna arrived at 5:50 p.m

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.”

Mr. O’Connor said that he has received a request from the Municipal Court asking that the second sentence in Section 1-5.1 “General Penalty”, “unless a specific penalty is otherwise provided in connection with the provision violated”, be deleted before we adopt the ordinance and hold the public hearing. He said taking this part of the sentence out would simplify the ordinance for the Court because they would not have to look at any other sections and he is recommending the change and does not believe it is a substantial change and could be adopted tonight.

Mr. Hintelmann offered a motion to amend the ordinance deleting “unless a specific penalty is otherwise provided in connection with the provision violated”, seconded by Mr. Menna.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the motion to amend the ordinance was approved.

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

Ms. Beck 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. Menna offered a motion to adopt the ordinance on final reading as amended, seconded by Mr. Hintelmann.

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 as amended.

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 ORINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY."

Mayor McKenna opened the public hearing and asked if anyone would like to speak.

Steve Fitzpatrick – 32 Chestnut Street – said that other municipalities have adopted their own ordinance and thinks the Borough should move forward with one of their own. He said the Borough should have higher standards than the State and the political parties should not accept any money from individuals or corporations doing business with the Borough. He said the Borough ordinance that was introduced is very weak and the ordinance should not be adopted tonight because if you adopt this you will not deal with it again.

Ben Forest – 16 Locust Avenue – said that we do not need outside money to decide who to vote for in our town.

Mayor McKenna asked if anyone else 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.

The Members of the Governing Body discussed said ordinance and the various options that were available suggesting that additional ordinances from other municipalities be looked at and perhaps waiting to see what the State does.

Councilman Murphy said that the Personnel Committee has been working on this ordinance since May and thinks the ordinance should be adopted tonight and then amended.

Councilwoman Beck said that this is the weakest pay-to-play ordinance in the County and it should be tabled.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Curley

NAYS: Bifani, Murphy

There being four ayes and two nays, the ordinance was declared tabled on final reading.

**RESOLUTIONS**

04-262 Mayor McKenna read “A RESOLUTION SUPPORTING ASSEMBLY BILL A-2923.”

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.

04-263 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES REGARDING VARIOUS SITE PLAN AND SUBDIVISION APPROVALS.”

Mr. Menna 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.

04-264 Mayor McKenna read “A RESOLUTION COMMENDING FRANK SOLE ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

Mr. Menna 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.

04-265 Mayor McKenna read “A RESOLUTION COMMENDING PAUL LANG ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

Mr. Menna 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.

04-266 Mayor McKenna read “A RESOLUTION COMMENDING DONALD PATTERSON ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

Mr. Menna 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.

04-267 Mayor McKenna read "A RESOLUTION COMMENDING CALVIN CARHART ON HIS 50<sup>TH</sup> ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT."

Mr. Menna 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.

04-268 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AUTHORIZING ACCEPTANCE OF GRANT AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF MONMOUTH."

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.

04-269 Mayor McKenna read "A RESOLUTION COMMENDING THE RED BANK FIRE DEPARTMENT FOR BEING CITED AS THE FIRE DEPARTMENT OF THE YEAR BY THE NEW JERSEY FIRE PREVENTION AND PROTECTION ASSOCIATION."

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

04-270 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED CHANGE ORDER NO. 4 AND FINAL REGARDING THE 2003 ROADWAY IMPROVEMENT PROGRAM."

Mr. Bifani 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.

04-271 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING CHANGE ORDER NO. 1 AND FINAL REGARDING NJDOT STATE AID PROGRAM."

Mr. Menna offered a motion to table 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 tabled.

04-272 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. Menna offered a motion to table 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 tabled.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

04-273 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,854,799.27.”

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**

James Wells – 40 Riverside Avenue – said that the Fireworks-on-the Navesink has become a 5013C.

Mayor McKenna commended Mr. Wells and the Committee Members for all of their hard work.

### **EXECUTIVE SESSION**

04-274 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and pending litigation.

Mr. Hintelmann offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss contract negotiations and pending litigation. 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. Hintelmann offered a motion, seconded by Mr. Menna 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. Menna offered a motion, seconded by Ms. Beck 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