

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
NOVEMBER 9, 2004  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Councilmen Menna and Bifani.

Councilman Menna arrived at 5:35 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**

**Stormwater Management Regulations/Program**

Mr. Kosenski said the Department of Environmental Protection has adopted Stormwater Management Regulations to deal with reduction of surface water production and development control of new or redevelopment regulations for existing run-off. He said the first phase of the regulations is set to take place in April of 2005 and requires modification of our Master Plan and development of an overall plan to meet the regulations. He said that the Governing Body received this information on August 20, 2004 and now he is asking for authorization to proceed with several elements of the program that are due on April 1, 2005. He also said that he had met with Mr. Watson, Mr. Sickels and Mr. Whelan to come up with a plan to meet the Phase I deadline.

Councilman Menna arrived at 5:35 p.m.

Mr. Kosenski said and he would work with our Public Works Department as kind of a team leader and our employees from Public Works would be working on this plan in conjunction with his office and he is also asking for authorization to proceed with several elements of the plan at a cost of approximately \$31,758.

Councilwoman Beck said that at the League of Municipalities they were lobbying for the State to pay for the work involved with these new regulations and asked if the Borough has applied for funding.

Mr. Kosenski said that we have received a grant for \$10,000.

Mr. Sickels said that Mr. Watson and his staff attended a seminar offered by the Monmouth County Planning Board on November 4, 2004 in preparation for these new regulations and said that these regulations would change the way we operate in order to prevent further contamination and erosion through the stormwater system.

Mr. Kosenski said that there is quite a bit of work that has to be done over the next 4 to 5 years that would deal with erosion, finding pollutants, a vigorous street sweeping program, training the Public Works Department and educating the public and said that all of these regulations must be in place by 2009.

Councilwoman Beck said that the Environmental Commission is interested in getting involved in the educating portion and said that we had talked about that before.

Mr. Kosenski said that our plan is to have as much of the education as possible done by Public Works or volunteers in order to minimize the cost to the taxpayers.

Mayor McKenna said that this is not an option but mandatory and we must proceed with this plan as soon as possible.

### **Historic Preservation Commission Staff**

Councilman Menna said that when we adopted the ordinance implementing the Historic Preservation Commission we agreed to appoint citizen members but after reviewing the state statutes found out that we could appoint a staff member to be an Historian. He said this would be helpful when the recommendations of the Historic Preservation Commission are submitted to another Board in the Borough because if we do not have a staff member this could cause a legal problem. He said that there is an ordinance on the agenda tonight amending the Historic Preservation Commission ordinance to include the position of Historian and that we have someone that is willing to serve in this position for \$1.00 per year. He said Dr. McCabe is willing to fill this position as a full-time expert and this would help to alleviate any legal impediments.

### **Repair of bulkhead at Marine Park and the Neighborhood Preservation Program**

Mayor McKenna said that he had received a letter from Brad Campbell from the New Jersey Department of Environmental Protection stating that we would be receiving \$1,225,650 for rehabilitation of the bulkhead at Marine Park and the Red Bank Public Library. He also said that the Department of Community Affairs has given us another \$100,000 for our Neighborhood Preservation Program.

Councilman Curley asked if we had a long-term projection on how much it would cost the Borough to repair the bulkhead.

Mr. Kosenski said that we would not have any definite figures until he did additional inspections of the bulkheads.

### **APPROVAL OF MINUTES – August 10, 2004**

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

#### **ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

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

Councilwoman Beck said that there was a request from Bellhaven Commons to do additional cleaning of the vista on adjacent Borough-owned property and that she had asked for this item to be tabled until the next meeting while she waited for additional comments from the Environmental Commission and Mike Olympi.

Councilman Menna reported that there would be a celebration at the Middle School on November 14, 2004 at 2 p.m. for the members of the Red Bank Volunteer Fire Department celebrating 25 and 50 years of service to the community. He said that everyone is invited to attend and that he wanted to thank everyone that serves on the Red Bank Volunteer Fire Department, especially those celebrating their anniversaries.

### **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read requests from The Community YMCA, St. James Grammar School PTA and Red Bank Elks Lodge #233 for raffle licenses.

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

#### **ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from R.W. at Bellhaven Commons, LLC to permit vista cleaning to be conducted under the supervision of the Borough Arborist at the Bellhaven Nature Area.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

#### **ORDINANCES – First Reading**

2004-43 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES”, SUBSECTION 8-2.8 “RESTRICTED PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, 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 November 23, 2004.

2004-44 Mayor McKenna read “AN ORDINANCE AMENDING ORDINANCE NO. 2002-14 CREATING A HISTORIC PRESERVATION COMMISSION FOR THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy

NAYS: None

ABSTAIN: Curley

There being four ayes, no nays and one abstention, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for November 23, 2004.

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

#### **RESOLUTIONS**

04-280 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AUTHORIZING TEST BORINGS RELATING TO UTILITIES IN AND ABOUT VETERAN’S PARK.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

## **PROCLAMATIONS**

## **PAYMENT OF VOUCHERS**

04-281 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,589,999.72."

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

### **ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

## **OLD BUSINESS**

Councilwoman Beck said that she would like to congratulate Councilwoman Lee and Councilman Bifani for winning the election.

Councilman Curley also congratulated them and said he is looking forward to working with them.

Mayor McKenna also congratulated them and said that Councilwoman Lee is already working hard in her new position.

Councilman Menna said that there was an invitation in our packet from the Monmouth County Board of Taxation to attend a meeting this week during the work day and he is unable to attend but knows that Mr. Whalen and Mr. O'Connor would be attending. He said that he would like Mr. Whalen and Mr. O'Connor to convey his message to the Monmouth County Board of Taxation. He said that he believes based on the Neptune Township experience that any order for revaluation maybe premature and subject to a legal challenge because of the special statutory exception they have received in regards to how the revaluation would be applied and said that he believes the entire process of revaluation in the whole State might be changed and Assemblyman Kean is sponsoring legislation that would extend the process of how it is applied. He also said that the Monmouth County Board of Taxation should wait until the discussion of a Constitutional Convention is settled because it might change the quotient on how real estate values and the education process are applied. He said he is very concerned about them issuing an order for a revaluation because it is very costly and they cannot just give one municipality special treatment without giving it to all of them and does not think it is fair to issue this order when the entire structure of the tax rate might be changed.

Mayor McKenna said that he has done a lot of homework on this matter and found out the we are one of seventeen towns that are being called to meet with them and he believes the position should be that we should not be subject to a revaluation but should perform a reassessment because we have had such position growth since 2001 and a reassessment would be just as effective without the high costs. He also said that he would be attending the meeting with Mr. Whalen and Mr. O'Connor and would present this idea to them if they said we had to do a revaluation because we just did one in 2001.

## **NEW BUSINESS**

### **AUDIENCE**

Susan Gafney – 45 Waverly Place – asked if Bank Street was on the list for paving in 2004.

Mr. Kosenski said the traffic calming element is not resolved and once they get the contract finalized he could give her an answer.

Ms. Gafney commented that the developer of the property located at the end of Bank Street has applied to the New Jersey Department of Environmental Protection to build his project.

Joe Cerrasa – 68 Broad Street – said that a merchant from Middletown was putting flyers on trees on Broad Street and said he took them down but they should not be allowed to do that and by placing notices on poles with tape they are removing the paint.

Mayor McKenna said that they are not allowed to do that and in the future if he notifies the Borough Administrator they would receive a summons.

Mr. Cerrasa also said that there are some stores that have sandwich board signs and various items hanging from their buildings in violation of the Borough ordinances.

Mr. Sickels said that he was at the RiverCenter office this morning and noticed a lot of violations and sent Mr. Woods, from our Code Enforcement Office, to look at them.

#### **EXECUTIVE SESSION**

04-282           The Attorney read a resolution to adjourn to executive session to discuss personnel.

Mr. Menna offered a motion, seconded by Mr. Hintelmann to adjourn to executive session to discuss personnel. Minutes to be made public in 180 days.

#### **ROLL CALL:**

AYES:           Beck, Hintelmann, Menna, Murphy, Curley

NAYS:           None

There being five 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, Murphy, Curley

NAYS:           None

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

#### **ADJOURNMENT**

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

#### **ROLL CALL:**

AYES:           Beck, Hintelmann, Menna, Murphy, Curley

NAYS:           None

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

Respectfully submitted,

Carol A. Vivona