

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MARCH 23, 2004  
5:30 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**

**Parking Deficiency Schedule Ordinance**

Mayor McKenna said that this ordinance would amend our current ordinance to include all commercial zones, instead of just certain zones where a fee is charged because of a parking deficiency.

Councilwoman Beck said that there was a draft ordinance in the packet. She said the ordinance states that the Governing Body would be the only ones that would be able to waive or reduce the fee that would have to be paid for a parking deficiency by an applicant.

Mayor McKenna said that we should be ready to introduce the ordinance at the Council Meeting scheduled for April 13, 2004.

Councilman Menna said that the governing body should be the only ones allowed to reduce or waive the fees for parking deficiencies because this is a revenue item.

Councilman Curley said that he endorses the amendment and does not think the Planning Board would have an objection to the ordinance but said that we should get their input.

**Nursing Homes, Transportation Requirements Ordinance**

Councilman Menna said that we adopted an ordinance last year stating that licensed health care facilities must provide non-emergency transportation for their residents. He said the ordinance has not helped stop these facilities from calling our First Aid Squad on a regular basis for non-emergency calls. He said these calls place a tremendous burden on not only our First Aid Squad but also adjacent municipalities that participate in mutual aid. He said that we tried to work out the problem on a voluntary basis but that did not work and he would like to amend the ordinance to implement fines in the event the facilities call the First Aid Department for non-emergency calls.

The governing body agreed that the ordinance should be amended.

**2004 Road Program**

Councilman Bifani said that he has distributed the final proposal from the Public Works Committee regarding the 2004 Road Program. He said the streets in the base bid are Spring Street speed tables (from Tower Hill Avenue to Pinckney Road); East Bergen Place drainage; Lake Avenue drainage; Oakland Street (Maple Avenue to West Street) \$150,000 grant from State; Oakland Street (Bridge Avenue to Shrewsbury Avenue; Carmen Place; Clinton Avenue; Tower Hill Avenue (pedestrian safety signs). He said the alternate bid would be Irving Place speed bumps; Clifford Place and North Prospect Avenue. He said we are trying to keep the expenditure around \$500,000 and if the gas company pays for the work at West Bergen Place we would be able to add the alternates.

Councilwoman Beck asked if we would be adding the speed tables.

Councilman Bifani said we are waiting to hear about the amount of money we would be receiving from the gas company.

## **Tower Hill Avenue Traffic**

Councilman Curley said that he had asked that the traffic problems on Tower Hill Avenue be placed on the agenda because he knew that residents were coming to the meeting with a petition asking the governing body to do something about the high amount of traffic on their street because there are a lot of children that live on this street and it is a residential neighborhood. He said that he has discussed numerous ideas with the residents that include: making the street one-way, implementing speed bumps and reducing the tonnage of vehicles allowed on the street. He said there are also a lot of school buses that use the street and they are looking for better signage and police enforcement on the street.

Councilman Hintelmann said the Chief of Police is going to put a traffic counter on the street to see exactly how many vehicles use the street.

Councilman Bifani said that the road certainly needs attention and said that we addressed it in the 2004 Road Program. He said that pedestrian safety signs are part of the road program and that we are looking into pedestrian safety signs for the intersection of Broad Street and Pinckney Road and also for Shrewsbury Avenue. He said that Monmouth County is willing to supply the pedestrian safety signs for Broad Street and Shrewsbury Avenue because they are County roads. He directed the Administrator to write a letter requesting the signs from the County.

Councilwoman Beck said that we should put the cost for speed bumps on Irving Place and Tower Hill Avenue in the base bid for the 2004 Road Program.

Councilman Bifani said that he agrees with Councilwoman Beck.

Mayor McKenna said that he sees some of the residents from Tower Hill Avenue in the audience. He said the governing body is aware of the situation and that Captain DeFazio would have to approve any ideas for a change in the way the street is used and said that he would have to have a consensus from the residents of the street. He said that we have addressed the issue of traffic calming and pedestrian safety on Leighton Avenue and suggested that the residents look at what had been done there. He said the Borough has a traffic safety division in our Police Department and they would review any requests.

The governing body discussed the various ways to slow the traffic down.

Councilman Curley asked if traffic calming could be implemented on Tower Hill Avenue as soon as possible.

Councilman Hintelmann said the Police Department would address this issue.

Mayor McKenna said that one easy thing to do would be to set a weight limit on the street so large vehicles could not use it. He asked the residents at the meeting to submit their petition to the governing body and said if one or two people would like to address the governing body now they could. He said that if everyone wanted to speak they would have to wait until the audience portion of the meeting.

The residents said they would wait until the audience portion of the meeting.

## **APPROVAL OF MINUTES – February 24, 2004**

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

### **ROLL CALL:**

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Beck

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

## **MAYORAL APPOINTMENTS**

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

Councilwoman Beck said that there was a Code Enforcement meeting last week and the department has been targeting abandoned properties in town. She said they have been working on getting these distressed properties cleaned-up and there has been a remedy to most properties except two. She said she would like to commend Code Enforcement for all of their work.

Councilman Hintelmann reported that the Police Department is starting their spring and summer initiative with patrol officers walking, riding their bicycles and motorcycles. He said they would be patrolling all

sections of Red Bank to ensure the safety of all residents and visitors. He also reported that there was a letter sent out to all of the high schools in the area informing their students about the Borough's ordinances regarding curfews, rollerblading and skateboarding, and graffiti. He also said the letter would also inform them about State regulations regarding safety and also about the new State law prohibiting the use of hand held cell phones while operating a vehicle.

Councilman Menna reported that while presiding over the last Council Meeting in the Mayor's absence, Councilman Curley brought up the subject of creating an emergency tenant fund and the Council Members were in agreement with him. He said that before we introduce an ordinance we should have a public hearing because he has received numerous calls from landlords regarding the proposal and is recommending that the Rent Leveling Board also review the proposal. He suggested that a Council sub-committee be formed with three Council Members to work on a draft ordinance and have a public meeting some evening at 7:30 p.m.

Councilman Menna also reported that he has had a number of meetings with the Historic Preservation Commission regarding their annual summary dated December 2003 and has provided a copy to Mr. O'Connor to prepare a resolution designating certain structures as part of the Historic Preservation inventory. He also said that he has received a number of calls from various historic preservation groups about the possible development of Wharf Avenue and Front Street. He said there have been a number of development proposals submitted to the Planning and Zoning Department for properties in that general area and since we are a long way off from initiating a master plan review he suggested the governing body implement a 90-day moratorium on development in certain parts of town to give us some time to come up with some kind of plan. He said the area between Boat Club Court, Wharf Avenue and Front Street is a special area to a lot of residents in town and that we may need guidance from a planner or architect on the entire area instead of dealing with each application separately since we do not have the money in our budget for a master plan review. He said that block is historically and architecturally significant because it was the foundation of the start of Red Bank as a commercial area and thinks we should declare a 90-day moratorium.

Councilman Curley said that he agrees with Councilman Menna but thinks the moratorium should be extended to six months or a year so it is consistent with the master plan review.

Mayor McKenna said that the law only provides for a 90-day moratorium. He said that in regards to the emergency tenant fund that it is crucial that the Rent Leveling Board review this matter because they deal with these problems everyday and we do not. He said that he also would like to know if there is a problem in Red Bank with landlords not responding to emergencies because the only recent case that he knows of was the incident at Sutton Park. He said that he would also like to get the cost of implementing a 90-day moratorium because we would have to pay to have professionals review that matter.

Councilwoman Beck said that she supports the moratorium and that we should also have a planner look at the area around the train station since that area is seeing a lot of intense development.

Councilman Menna said that from a legal standpoint we could only propose a moratorium on one location at a time and it could not be retroactive to applications already approved.

Mayor McKenna said we should refer this matter to the Planning Board for their input instead of just choosing different areas of town because if we do that we could face a legal challenge.

Councilwoman Beck asked when the next master review is scheduled for.

Mayor McKenna said that we must review our master plan every six years and we have already started the process by adopting the master plan reexamination report last year. He said that the last time we did a complete master plan review it cost \$250,000 and was an enormous task. He said that legally we are covered for the next five years but if everyone would like a complete master plan review he is sure the Planning Board would take that on. He asked Mr. Loversidge if the cost could be spread out over a period of time.

Mr. Loversidge said that it could be paid off over a period of five years as a special emergency.

Councilman Curley said that we have entered a new era of height variances because most development could only go up and this should be a pertinent part of any master plan review.

Mayor McKenna said that we are already considered to have fairly restricted height variances and many of the larger buildings in town were built over 25 years ago.

Councilman Bifani asked Councilman Menna if the moratorium could include the waterfront on the Westside.

Councilman Menna said the waterfront and the train station areas are logical areas that should be reviewed but the reason he is suggesting the Wharf Avenue, West Front Street, Boat Club Court block is

because it is legally defensible because of its historical nature being the birthplace of Red Bank as a commercial trading area.

Councilwoman Beck said that we should start planning for a full master plan review and asked Councilman Curley if he would start planning for it in the 2005 municipal budget.

Mayor McKenna said that this expenditure would come out of the Planning Department's budget.

The governing body agreed that the town is changing very quickly and that there should be a comprehensive review of the master plan.

Councilman Murphy reported that there would be an open public meeting of the Parks and Recreation Committee on March 24, 2004 at 7:00 p.m.

Councilman Curley said the Human Relations Committee would be meeting tomorrow at 6 p.m. and that there has been a part-time employee hired for the Planning and Zoning Department.

Mayor McKenna reported that the Fireworks on the Navesink Committee would be sponsoring a fundraising event at the Monmouth Boat Club on April 1, 2004 and said that it is a great event.

## **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from St. Anthony of Padua Parish to close Chestnut Street from Bridge Avenue to the railroad tracks on Sunday, April 10, 2004 from 7:30 to 8:30 p.m. and from 10:30 to 11:30 p.m. in order to fulfill the liturgical requirement of an Easter fire at the beginning of their Easter Vigil Service.

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

### **ROLL CALL:**

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

NAYS: None

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

Mayor McKenna read a request from the Red Bank Charter School for use of Riverside Gardens Park, the concession building and lavatories for their eighth grade graduation ceremonies to be held on Wednesday, June 16, 2004 with a rain date of Thursday, June 17, 2004 from 9:00 a.m. to 8:00 p.m., pending approval of the Special Events Committee.

Councilman Bifani said the request should only be approved if the Charter School agrees to pay for any overtime incurred by employees of the Borough of Red Bank.

Mr. Curley 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.

Mayor McKenna read a request from the Red Bank Charter School for use of the Senior Center for their Spring Dance to be held on Friday, May 21, 2004 from 6:00 p.m. to 10:30 p.m.

Councilman Bifani said the request should only be approved if the Charter School agrees to pay for any overtime incurred by employees of the Borough of Red Bank.

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

### **ROLL CALL:**

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

NAYS: None

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

Mayor McKenna read a request from the Visiting Nurse Association of Central Jersey to place 60'x90' tent on their property for fundraising event from May 10-May 16, 2004, pending approval of the Special Events Committee.

The members of the governing body expressed their concern with 200 people coming into this neighborhood because the area already has a parking problem. They said they would like to see specific plans on the entire event and that the VNA would have to pay for police as needed.

Mr. Menna offered a motion to table the request until more information is received about the event, 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 tabled.

Mayor McKenna read a request from the River's Edge Café to place a retractable awning in front of their building for sidewalk café, pending approval of the Construction Official.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from the Woman's Club of Red Bank and Visiting Nurse Association of Central Jersey for raffle licenses.

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**

2004-15 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY CREATING A SHADE TREE COMMITTEE."

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

Councilwoman Beck said the Environmental Commission has been working on this ordinance for a long time and said it is a very positive ordinance for the Borough of Red Bank.

Councilman Bifani said that he has been reviewing the status of some trees on Tower Hill Avenue and that they have already started planting their first tree on the Westside.

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 April 13, 2004.

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

2004-6 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. Curley 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. Bifani offered a motion to adopt the ordinance on final reading, 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.

2004-7 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AMENDING CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, SUBSECTION 6-3.4 LICENSE FEES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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. Curley.

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. 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.

2004-8 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING SALE OF VACANT LANDS OWNED BY THE BOROUGH OF RED BANK.”

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. Curley.

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, 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.

2004-9 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, ESTABLISHING PROCEDURES TO ADOPT PERSONNEL POLICIES AND PROCEDURES AND AUTHORIZING THE BOROUGH ADMINISTRATOR TO IMPLEMENT SAID POLICIES AND PROCEDURES FOR ALL PERSONNEL OF THE BOROUGH OF RED BANK.”

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, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mr. Murphy offered a motion to adopt the ordinance on final reading, 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.

2004-10 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER XX “WATER AND SEWER”, SECTIONS 20-3 “WATER DEPARTMENT” AND 20-4 “SEWER DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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.

Councilman Bifani said before last year we did not have an increase for eleven years and now we have had an increase two years in a row.

Mayor McKenna said that we have seen a reduction in usage and said that the utility must be self-liquidating. He said that because of all the rain last summer the residents did not use as much water and that we submitted a petition to the Division of Local Government Services for a waiver so we would not have to raise the rates but they said we had to.

Mr. Loversidge said that the revenue was \$400,000 less than anticipated and said that if the residents use the normal amount of water this summer we would be able to reduce the water rates.

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: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: Beck

There being five ayes and one nay, the ordinance was declared adopted on final reading.

2004-11 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS, CHAPTER XXV 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. Menna offered a motion to adopt the ordinance on final reading, 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.

2004-12 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS.”

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

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.

2004-13 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III, POLICE REGULATIONS, SECTION 3-15 “FEES” OF THE REVISED ORDINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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. Curley.

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.

2004-14 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XIX, “STREETS, SIDEWALKS AND SANITATION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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. Menna offered a motion to adopt the ordinance on final reading, 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.

## RESOLUTIONS

04-90 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDDING CONTRACT TO NED GAUNT, AIA REGARDING LIBRARY IMPROVEMENTS AND RENOVATIONS.”

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

ROLL CALL:

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

NAYS: None

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

04-96 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTING MAINTENANCE GUARANTEE REGARDING BLOCK 76, LOT 4.”

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.

04-97 Mayor McKenna read “A RESOLUTION AUTHORIZING TEMPORARY EMERGENCY APPROPRIATION NO. 1.”

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

ROLL CALL:

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

NAYS: None

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

04-98 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.”

Mr. Curley 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.

04-99 Mayor McKenna read “A RESOLUTION REGARDING AGREEMENT WITH COUNTY OF MONMOUTH REGARDING ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE.”

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.

04-100 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ADVERTISING FOR RECEIPT OF BIDS FOR THE SALE OF BOROUGH-OWNED PROPERTIES.”

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.

04-101 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AUTHORIZING BOROUGH ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THE 2004 ROADWAY PROGRAM.”

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

ROLL CALL:

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

NAYS: None

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

04-102 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY FIXING FEES AND CHARGES UNDER CHAPTER XVIII “PARKS AND RECREATION” SECTION 18-6 “FEES AND CHARGES” OF THE REVISED GENERAL ORDINANCES.”

Mr. Murphy 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.

04-103 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT TO EXCHANGE GENERAL SUPERVISION AND MAINTENANCE SERVICE OF BOROUGH TENNIS COURTS FOR NON-EXCLUSIVE USE AND OCCUPANCY OF PRO SHOP AND RETENTION OF TENNIS COURT FEES.”

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

Councilman Curley asked if the individual maintaining the courts is responsible for the fence repair.

Councilman Murphy said if the collection of fees exceeds \$15,000 the additional money gets put toward repairs.

ROLL CALL:

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

NAYS: None

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

04-104 Mayor McKenna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-32-018-012.”

Mr. Curley 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.

04-105 Mayor McKenna read “A RESOLUTION CONFIRMING RESOLUTION NO. 03-241 AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1340-44-008-002.”

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.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

04-106 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$973,819.18.”

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**

Councilman Curley said that he received a phone call from a resident asking if pedestrian crosswalk signs could be placed in the vicinity of St. James Church and the Post Office.

Councilman Hintelmann said that he does not see why not.

Mr. Sickels said that we would have to be put the expenditure for the signs in the budget.

Councilman Menna said that he was looking at the Council Meeting minutes from 1998 and he found a resolution that was adopted that year asking for support from the County and State regarding the intersection of Bridge Avenue and Chestnut Street. He said this intersection has the second highest accident rate in the Borough and asked if pedestrian safety signs could also be ordered for that intersection.

Mayor McKenna said we should send another letter to the State because there is new administration there. He said we should refer it to traffic safety so they could gather all of the recent information on this intersection.

## AUDIENCE

Val DeFazio – 56 Tower Hill Avenue submitted a petition signed by the residents of Tower Hill Avenue asking for a remedy for their street being used as a cut-through by speeding vehicles as well as large trucks and buses. He said there are a lot of trucks from Little Silver and Fair Haven's Public Works Department.

Mayor McKenna said that we could call those municipalities and have them ask their employees to not use Tower Hill Avenue as a cut-through. He also said that we could impose a weight limit on the street.

Abraham Felmus – 45 North Prospect Avenue – asked about the status of his street being paved.

Councilman Bifani said that North Prospect Avenue is in the 2004 Road Program as an alternate but it is a very expensive street estimated to cost \$100,000. He said we would have to wait and see what kind of bids we receive and how many streets we will get to pave.

The following residents of Tower Hill Avenue spoke about the high amount of traffic on their street, excessive speeding, truck traffic and the safety of their children and their vehicles.

Liz Manziano – 43 Tower Hill Avenue  
Sylvania Urge – 21 Tower Hill Avenue  
Teicia Gaupp – 30 Tower Hill Avenue  
Bill Brooks – 77 Tower Hill Avenue

After hearing these problems the members of the governing body asked Mr. Kosenski to look into different remedies to improve the situation on the street including contacting Monmouth County and asking for permission to implement no left turn heading west on Harding Road to Tower Hill Avenue.

Bill Meyer - 12 Monmouth Street – said there is a petition being circulated by the downtown merchants asking that parking meters not be placed in the downtown area. He also said that he was appalled by the content of a police report regarding a traffic accident that Mr. Erving was involved in and said there should be comprehensive ethics governing public officials in the Borough of Red Bank.

Mayor McKenna said he does not understand what Mr. Meyer is trying to say and that we do not do motor vehicle checks on appointed officials and said that Mr. Meyer is an officer of the court and should know that if there was some kind of improper behavior by a public official with a motor vehicle that would be criminal in nature. He also said that if this matter is being reviewed by the Police the conversation should end here.

Mr. Meyer said that the governing body should review the police report.

Mr. Sickels said that if Mr. Meyer is concerned about the integrity of a public official he should put it in writing.

Mr. Meyer said there has been a lot of graffiti throughout the town and there should be something in the ordinance about the removal.

Councilman Menna said he is familiar with what Mr. Meyer is talking about and said there should be a two-part ordinance, the first part setting a penalty for the graffiti and the second part for remediation action. He said that he has asked for the number of summonses issued and who was convicted and the number of juveniles involved. He also said that when there is graffiti on someone's property code enforcement would issue a summons for the clean-up.

The governing body discussed all of the locations where graffiti was prominent and agreed that when the weather permitted it would be cleaned-up.

Mr. Meyer said that he would like to see video cameras and offered to pay for them.

Trisha Rumola – 66 Riverside Avenue – said that she had a meeting with Chief Fitzgerald and Mr. Sickels regarding the graffiti in town and said that RiverCenter is paying for some of it to be removed but the temperature must be above 40 degrees.

Lois Bell – 120 Leonard Street – said that no left turn on Harding Road to Tower Hill Avenue would help to alleviate the traffic on that street because everyone cuts through there to get to West Bergen Place.

Steve Perri – 36 Tower Hill Avenue – said that his children cannot play in his yard and that he has had two rearview mirrors broken off his car from all the traffic on his street.

Charles Matches – Throckmorton Avenue – said there was an article in the paper about the accident that Mr. Meyer was talking about regarding one of the zoning board members and that a couple of meetings ago he made a statement about public works not going in the right direction but would like to rescind that

comment. He also said that all ordinances should be enforced and certain people should not get special treatment and asked if he could get a copy of the list of salaries.

Mayor McKenna said he could get the list from the Borough Clerk's office.

The governing body discussed the salary ordinance and the need to set ranges for all salaries.

Mr. Matches asked if he could get a list of all tax-exempt properties.

Mr. Loversidge said that list is available in the Assessor's Office.

Councilman Curley said that 15 percent of the properties in the Borough are tax exempt.

## **EXECUTIVE SESSION**

04-107            The Attorney read a resolution to adjourn to executive session to contract negotiations.

Mr. Menna offered a motion, seconded by Ms. Beck to adjourn to executive session to contract negotiations. 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.

Ms. Beck offered a motion, seconded by Mr. Bifani 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**

Ms. Beck 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 resolution was declared approved.

Respectfully submitted,

Carol A. Vivona