

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 13, 2003  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council President Menna and Councilman Bifani.

Councilman Menna arrived at 5:40 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 News, 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 December 10, 2002.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Beck, Hintelmann, Thompson, Curley

NAYS: None

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

**03-107      Mayor McKenna read “A RESOLUTION AUTHORIZING PERSON-TO-  
PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION WITH  
BROAD PACKAGE PRIVILEGE LICENSE NO. 1340-32-003-005.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Thompson, Curley

NAYS: None

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

Mr. Menna arrived at 5:40 p.m.

**Public Hearing 2003 Budget Amendment**

Mr. Loversidge said the amendment includes additional grants and funding that we have received since the budget was introduced.

Councilwoman Beck said she just wanted to confirm that this would not have an effect on the tax rate.

Mr. Loversidge said that it would not.

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 Mrs. Thompson.

**ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

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

**ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

### **Historic Preservation Commission Presentation**

George Bowden, Chairperson of the Historic Preservation Commission, appeared before the governing body and introduced Mary Gilligan, the recording secretary. Mr. Bowden said that Article VI of Ordinance #2002-14, establishing the Historic Preservation Commission, states that the Commission must provide an annual report with a list of historic sites that are in need of recognition to the governing body and the criteria for historic designation must be approved by the governing body. Mr. Bowden read a list of the proposed criteria and asked the governing body to review it and possibly approve it at the next council meeting.

Mayor McKenna thanked the members of the Commission for all of their hard work and asked if there were any questions.

Mr. O'Connor said the criteria would have to be formally adopted by the governing body.

Councilwoman Beck thanked the Commission for the presentation and said it has been a long time coming.

Councilman Curley congratulated the entire Commission and said they have done a great deal of work in a short time and also said that he is proud to be the Council Liaison to the Commission.

### **RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

## **APPROVAL OF MINUTES – April 22, 2003**

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

### **ROLL CALL:**

AYES:      Beck, Hintelmann, Menna, Thompson, Curley

NAYS:      None

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

## **WORKSHOP**

### **Graffiti Ordinance**

Councilman Menna said that everyone has received the changes regarding the graffiti ordinance and the only thing that is missing is the per se element. He said that instead of delaying the ordinance we should get something in our books as soon as possible. He said he would like to introduce the ordinance at the next council meeting.

Councilman Curley said we should inform the businesses that we are going to adopt this ordinance so they can remove all the graffiti before we start enforcement.

Councilman Menna said that this ordinance does not include a reward.

Mr. O'Connor said that it was the sense of the governing body that they did not want a reward and the punitive end of the ordinance provides funds for the clean up.

Councilwoman Thompson said that if a citizen witnesses someone placing graffiti on a building they would be more inclined to report it if there was some kind of reward.

Mr. O'Connor said he could add the reward to the ordinance.

Councilwoman Thompson said she would like to see this added to the ordinance.

Councilman Menna said RiverCenter said they would provide a reward and the Borough could not offer a reward from our general revenues.

Trisha Rumola said RiverCenter is offering a \$500 reward and is aggressively working to get rid of the graffiti.

The governing body agreed to leave the reward section out of the proposed ordinance and hopefully introduce the ordinance at the next council meeting.

### **Burrowes Street Ordinance**

Mr. O'Connor said there was a draft of a proposed ordinance to vacate Burrowes Street distributed to the governing body. He said this is an unused alleyway approximately 15 feet wide. He said there was a recent subdivision before the planning board for a theater and they are requesting vacating the street, the remaining pieces would go to individual property owners. He also said that the Walt Street Pub recently appeared before the planning board for approval of some improvements and the planning board is requiring that they pave the parking lot and street. He said it does not seem appropriate to retain this area as a public street. He said we should consider vacating the entire street subject to any easements. He also said the proposed ordinance would be sent to the property owners and there would not be any changes to their assessments. He thinks this ordinance would protect everyone's interest because the street is only used for private use and the borough could be named in a lawsuit if we retain ownership.

Councilwoman Beck asked if we would receive payment from the property owners that are benefiting from this ordinance.

Mr. O'Connor said that we would not because most people would not want to pay an added assessment. He said the main beneficiary of this would be the theater and their approvals state that they would have to dedicate property for the use of a street from Bridge Avenue to Wall Street and the street would be named O'Hern Court or Plaza.

Mayor McKenna said this is an alleyway that is not maintained and it makes a lot of sense to vacate it before the Borough is named in a lawsuit.

Councilwoman Beck said we should ask the property owners to upgrade it and pave it.

Mr. O'Connor said the Walt Street Pub has to resurface it as part of their approvals.

Mr. Whelan said it would be completely paved and rehabilitated.

Mr. O'Connor said that if everyone is in favor of this we could introduce it at the next council meeting.

### **Proposed changes to parking fees**

Mr. O'Connor said there is a proposed ordinance that he would like to be introduced at the next council meeting regarding the increase of various parking fees and changing time limits. He said the finance committee is recommending that the ordinance be adopted and would like it reviewed by the entire governing body.

Councilwoman Beck asked if this would include changes to the zoning ordinance regarding not charging for the first ten parking spaces when there is a parking deficiency.

Mr. Sickels said that would be an amendment to the planning and zoning regulations. He said this was recommended by Mr. Burnip after numerous meetings including RiverCenter.

Mr. O'Connor asked the governing body to review the proposed ordinance for introduction at the next council meeting.

### **MAYORAL APPOINTMENTS**

Mayor McKenna appointed Delores Martin to the Rent Leveling Board as a Second Alternate Member.

Mr. Menna offered a motion to approve the appointment, seconded by Mr. Curley.

#### **ROLL CALL:**

AYES:      Beck, Hintelmann, Menna, Thompson, Curley

NAYS:      None

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

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

Councilwoman Beck said there have been five candidates interviewed to fill the vacant position in code enforcement and it has been narrowed down to two applicants. She said there is a meeting on Friday and they would continue this discussion. She also reported that there is a resolution on the agenda awarding a contract to Jungle Laser to create a database from the information we receive from the rental registration ordinance and the Environmental Commission would like to attend the next council meeting to discuss the creation of a shade tree commission.

Councilman Hintelmann reported that the police committee would be meeting to discuss the taxicab ordinance and that the bicycle patrol would be starting.

## **COMMUNICATIONS AND PETITIONS**

**Mayor McKenna read requests for raffle licenses from Jersey Shore Jazz and Blues Foundation, Brookdale Community College Foundation Visiting Nurse Association of Central Jersey.**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**Mayor McKenna read a request from Ambiance to hold Tent Sale on June 26-29, 2003 in the parking lot located at 191 West Front Street.**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**Mayor McKenna read a request from Osteria Dante to place an awning on their building located at 91 Broad Street, design approved by RiverCenter Visual Improvement Committee.**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

## **ORDINANCES – First Reading**

**2003-13      Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, 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 May 27, 2003.

**2003-14      Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII  
“TRAFFIC” OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF RED BANK.”**

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

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Thompson, 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 May 27, 2003.

**2003-15      Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR  
VARIOUS CAPITAL IMPROVEMENTS BY THE WATER/SEWER  
UTILITY, IN, OF AND BY THE BOROUGH OF RED BANK, IN THE  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE  
“BOROUGH”); APPROPRIATING \$1,330,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$1,263,500 BONDS OR NOTES TO  
FINANCE PART OF THE COSTS THEREOF.”**

Councilwoman Beck said the one thing the Borough really needs is a long-term plan for capital improvements. She said we should do an assessment of all infrastructure improvements so this work could be spread out over time.

Councilman Menna said we have been doing this for the last ten years. He said a lot of these improvements have to do with all of the ADA improvements that the Borough has been mandated to do by the federal government and things that we could not have planned for.

Councilwoman Beck said that she does not agree with that and gave an example of the deteriorating condition of our public works building that is infested with pigeons.

Mayor McKenna said that one of the jobs of the assistant administrator is going to be to create a master plan of improvements to the Borough.

Councilman Curley asked Councilwoman Beck if she has been in the public works building in the last three years.

Councilwoman Beck said that it was her understanding that the public works committee had plans for the building and she trusted them.

Councilman Curley said each councilperson is responsible for all of the problems in the borough.

Mayor McKenna said that each department is continually looking at the problems in their department but it would be nice to have all of the capital improvements on one page. He said we could not have predicted the problems with the well and pipes breaking but some of these items were going to be replaced this year anyway.

Councilman Curley said the assistant administrator would be responsible for looking at each department and facility and coming up with a plan.

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

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Thompson, 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 May 27, 2003.

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

**2003-12 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XVIII “PARKS AND RECREATION”, SECTION 18-6 “FEES AND CHARGES”, 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. Hintelmann offered a motion to close the public hearing, seconded by Mr. Curley.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

### **RESOLUTIONS**

**03-105 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.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-106 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING 57 MORFORD PLACE, LLC.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-108      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONTMOUTH, APPOINTING A DEPUTY BOROUGH CLERK.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-109      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING CONTRACT WITH JUNGLE LASERS, LLC REGARDING LANDLORD REGISTRATION DATA MANAGEMENT.”**

Councilman Curley said we might have a problem with who would own the information.

Mr. O'Connor said that we would award the contract subject to approval of the language by the Borough Attorney. He said this information would only be available to the Borough and even limited access to certain employees.

Councilwoman Beck said she wants to make sure the Borough owns the information and it is not distributed to the public.

Councilman Menna asked if Jungle Lasers has done similar work with other municipalities.

Gail O'Reilly said they have a number of relationships with other municipalities and are building applications and unique systems for other municipalities.

Mr. O'Connor said this information would only belong to the Borough.

Mrs. O'Reilly said there would be language in the contract that they would not be able to sell or reuse information for sale to the public.

The governing body had a discussion about keeping this information confidential and for the Borough's use only.

Councilman Menna asked if the information is going to be kept in Borough Hall or in Allenhurst.

Mr. O'Connor said the information would be available online to the Borough through a password. He said he is working on language to address all of the concerns about keeping the information confidential and for the Borough's use only but urges the adoption of the resolution so that we can move forward.

Mrs. O'Reilly said the documents would never leave Borough Hall and the information would be kept here.

Mr. Sickels said we would get a disc on a monthly basis with the information updated.

Councilwoman Beck said that if we did not use this service we would have to hire a full-time employee and that this service would also enable us to get the information on a database much quicker.

Mr. O'Connor said nothing would be executed until all the concerns were addressed.

Ms. Beck offered a motion to approve the resolution, seconded by Mrs. Thompson.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-110      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR PROPERTY COMMONLY KNOWN AS 159 MONMOUTH STREET, RED BANK.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-111      Mayor McKenna read “A RESOLUTION AUTHORIZING REDUCTION IN PERFORMANCE GUARANTEE FOR JAMES HURT, 11 CATHERINE STREET, BLOCK 75.03, LOT 47.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-112      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING SALE OF 1982 MACK PUMPER FIRE TRUCK TO THE CITY OF LONG BRANCH.”**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**03-113      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT REGARDING PUMP STATION IMPROVEMENTS.”**

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

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Thompson, Curley

NAYS:      None

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

**03-113      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT REGARDING PUMP STATION IMPROVEMENTS.”**

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

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Thompson, Curley

NAYS:      None

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

**03-114      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDING CHANGE ORDER NO. 2 AND FINAL REGARDING THE WATER METER REPLACEMENT PROGRAM WATER METER INSTALLATION.”**

Mrs. Thompson offered a motion to approve the resolution, seconded by Ms. Beck.

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Thompson, Curley

NAYS:      None

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

**03-115      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT REGARDING TEMPORARY PUBLIC WORKS FACILITIES.”**

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

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Thompson, Curley

NAYS:      None

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

## **PROCLAMATION**

## **PAYMENT OF VOUCHERS**

**03-116      Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,006,325.29.”**

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

### **ROLL CALL:**

**AYES:**      Beck, Hintelmann, Menna, Thompson, Curley

**NAYS:**      None

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

## **OLD BUSINESS**

Councilwoman Beck said that Greg Nagy has submitted a report from the Monmouth County Regional Health Commission and everything is working out very well. She also asked Mr. Kosenksi if there was any progress with the improvements to the Broad Street/Pinckney Road intersection.

Mr. Kosenksi said he has a meeting scheduled with the county and then he would be scheduling a meeting with the residents in the area.

## **NEW BUSINESS**

Councilwoman Thompson asked if it would be feasible to have the conditions of the restaurants published in the newspaper so the public could be aware of the conditions. She said this would make the restaurants more diligent.

Mayor McKenna said this is already done.

## **AUDIENCE**

Jim Harris – Mechanic Street- presented a certificate of appreciation to the governing body for their outstanding service and contributions to our youth.

Frank Calandriello – New Mexico – retired police officer – presented tokens of his appreciation to members of the governing body.

Mayor McKenna said he had to call the Red Bank Fire Department to his office because someone had thrown a cigarette under his porch. He said there were three trucks there in less than five minutes and they evacuated 30 employees out of the building. He said they did a great job.

Councilwoman Beck said she would also like to thank the fire department and all of the borough employees and volunteers that helped move the Century House.

Mayor McKenna said he would like to thank everyone involved with the move. He said everyone worked very hard for much longer than they expected.

## **EXECUTIVE SESSION**

**03-117      The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and potential litigation.**

Mr. Menna offered a motion, seconded by Mr. Hintelmann to adjourn to executive session to contract negotiations and potential litigation. Minutes to be made public in 180 days.

**ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

Mr. Menna offered a motion, seconded by Mr. Hintelmann to adjourn from executive session.

**ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

**ADJOURNMENT**

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

**ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona