

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 23, 2003  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Councilman Bifani.

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

**ROLL CALL:**

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

**NAYS:** None

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

03-192 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPOINTING ARTHUR V. MURPHY, III TO SERVE AS A MEMBER OF THE BOROUGH COUNCIL THROUGH DECEMBER 31, 2003."

Mayor McKenna read a brief biography on Arthur Murphy.

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

Councilwoman Beck said she wanted to make a brief comment before voting on the resolution. She said that she is going to have to vote no on this resolution even though she has known Art for a long time. She said that she is concerned about the direction the town is going with a pro-development agenda and does not think a builder is the right person for this appointment at this time. She said that we have a lot of diversity in this town and she would like to see more women or minorities on Council and would have to vote no on this resolution.

Mayor McKenna said that it is a shame that Ms. Beck offered that comment but that she is obviously not aware of the number of significant developments that Art has voted no on which included the expansion of the Navesink House, the expansion of the Presbyterian Church and a number of other projects. He also said that he has reached out to the Afro-American churches in town and asked them to suggest possible candidates earlier this year and for the future but thinks we are very lucky to have Art willing to serve on the Council.

**ROLL CALL:**

**AYES:** Hintelmann, Menna, Curley

**NAYS:** Beck

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

Judge Martin Goodall issued the oath of office to Councilman Murphy.

Councilman Murphy thanked the Mayor and Council for the kind words and thanked all the supporters in the room, especially his wife and said that he looks forward to serving the town and welcomes the challenge.

Mayor McKenna thanked Judge Goodall, Judge Nicosia and everyone in attendance for coming to the meeting.

03-193 Mayor McKenna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1340-44-020-003.”

Mr. Menna 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.

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

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

### **WORKSHOP**

#### **Holiday Display Program**

Chris Cole, representing Red Bank RiverCenter, distributed a synopsis of the comments from last year’s holiday display program. He said that the program was very successful last year and the displays make the town more vibrant. He said that the displays are not allowed by ordinance and RiverCenter would like to receive approval this year from the governing body to continue the program for this holiday season. He said the program was carefully monitored last year and there were not any problems with the displays being tastefully put together or interfering with the public right-of-way or with ADA compliance. He said that RiverCenter would like the program reinstated so they could give all storeowners ample time to create better displays this year.

Mayor McKenna said that he thought the program was very successful last year and asked the governing body if they would like to renew it for this year.

Councilwoman Beck said that there were a couple of displays outside the RiverCenter district and asked if they would review those requests.

Mr. Cole said they would.

Mr. Hintelmann offered a motion to approve the request to renew the outdoor display program for the holiday season, 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 approved.

#### **Added resolutions to Agenda**

Mr. Sickels said there were a couple of items added to the agenda and asked Mr. Kosenski to report on the water meter replacement program.

Mr. Kosenski said that we received bids yesterday for replacement of water meters and that we did phase one last year and that this is phase two of the project. He said the low bidder was In-Line Services and that the bid of \$55,850 was \$10,000 below his estimate. He said that he would recommend awarding the bid.

Mr. Sickels said that Resolution #03-199 is a resolution appointing an Electrical Sub-code Official for a period not to exceed sixty days because of the resignation of Michael Byra. He said this would allow time to find a replacement because we need an inspector that has experience in numerous areas.

Mr. Sickels also said that Resolution #03-200 is a resolution authorizing the use of a borough fire engine for temporary use at Riverview Hospital while they are switching out their building pump. He said the hospital would be compensating the Borough for this service.

Mr. O'Connor said Resolution #03-203 is regarding a letter of credit from over a decade ago and could not be resolved until Garfield Place was paved this year. He said the work had been completed and now the funds could be released to Red Bank Professional Plaza.

Mr. O'Connor said that Resolution #03-198 was a resolution that has been discussed numerous times regarding the purchases from dedicated trust accounts and was recommended by the Finance Committee.

Mr. O'Connor said Resolution #03-201 is regarding the construction of the new building for K. Hovnanian and was prepared in accordance with the approvals received from the Planning Board.

## **MAYORAL APPOINTMENTS**

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

Councilwoman Beck reported that she would be meeting with members of the Drug Alliance and John Austin to discuss what the next step would be because of his upcoming retirement. She also reported that the registrations for the landlord tenant ordinance are moving forward.

Councilman Curley reported that John Austin received an award last week from the Monmouth County Prosecutor's Office Task Force for his work against drunk driving and that he had attended the luncheon honoring him. He also reported that there was a wonderful family event put on last Saturday by the members involved with the Parker Clinic and the Westside Community Group and thanked everyone who made the event so successful. He also reported that there was a big turnout for the Mayor's Trophy Game.

## **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read requests from the Company of Dance Arts, the Woman's Guild of Trinity Episcopal Church, the St. James Grammar School PTA and the Episcopal Church Women of St. Thomas Church for raffle licenses.

Mr. Menna 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 was declared approved.

Mayor McKenna read a request the Red Bank Volunteer Fire Department to use the east end of the White Street parking lot on Sunday, October 5, 2003 from 11 a.m. to 3 p.m. to host its annual Fire Prevention Expo in conjunction with Fire Prevention Week, pending approval by the Special Events Committee.

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

### **ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

## **ORDINANCES – First Reading**

2003-38 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER X, “PERSONNEL POLICIES”, SECTION 10-7.2 “DISCIPLINARY ACTIONS” OF THE BOROUGH OF RED BANK.”

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

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 October 14, 2003.

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

2003-36 Mayor McKenna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2003-4 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON FEBRUARY 25, 2003, ENTITLED “BOND ORDINANCE PROVIDING FOR VARIOUS 2003 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$200,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$190,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF.”

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

Mr. Hintelmann offered a motion to close the public hearing, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

There being five 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, Murphy, Curley

NAYS: None

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

2003-37 Mayor McKenna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2003-5 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON FEBRUARY 25, 2003 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2003 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 \$210,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$200,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$190,000 TO FINANCE PART OF THE ADDITIONAL COST THEREOF.”

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

Mr. Curley offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

There being five 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, Murphy, Curley

NAYS: None

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

## **RESOLUTIONS**

03-194 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PETITION FOR INTERVENTION CONCERNING A RATE INCREASE REQUEST OF NEW JERSEY-AMERICAN WATER COMPANY PENDING BEFORE THE NEW JERSEY BOARD OF PUBLIC UTILITIES.”

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

Mayor McKenna said that we have done this several times and have been successful, he said that he recommends this highly.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

03-195 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY APPOINTING LAWRENCE M. QUIGLEY AS ATTORNEY TO THE HISTORIC PRESERVATION COMMISSION.”

Mr. Curley 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.

03-196 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

03-197 Mayor McKenna read “A RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR BLOCK 97, LOTS 33 TO 37 AND COMMONLY KNOWN AS NEWMAN SPRINGS ROAD AND HENRY STREET, RED BANK.”

Mr. Menna 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.

03-198 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY REGARDING INTERNAL CONTROL PROCEDURES RELATING TO PURCHASES INCLUDING PURCHASES FROM DEDICATED TRUST FUNDS.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

03-199 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY APPOINTING ACTING ELECTRICAL SUBCODE OFFICIAL FOR A TERM NOT TO EXCEED SIXTY DAYS.”

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.

03-200 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE INSTALLATION OF A TEMPORARY FIRE PUMP AT THE RIVERVIEW MEDICAL CENTER.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-201 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE SIGNING OF A DEVELOPER’S AGREEMENT WITH K. HOVNANIAN PROPERTIES OF RED BANK, INC. (K. HOVNANIAN COMPANIES CORPORATE HEADQUARTERS) BEING PLANNING BOARD FILE P-5696.”

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

Councilwoman Beck said that she finds all of the development in this area somewhat troubling and worries about all of the stress on the infrastructure. She said that she is going to have to vote no on the resolution.

Councilman Menna said that with all due respect to his good friend this is not the time to voice this concern, he said it should have been done at the Planning Board meetings.

Councilwoman Beck said that she respects Mr. Menna but it is her understanding that members of the governing body should not speak at the Planning Board hearings.

Mayor McKenna said that all of this has been looked at by the State and the County, as well as the developer's own experts. He said we are not here to debate this and that it would never have been approved if it were not a good project.

ROLL CALL:

AYES: Hintelmann, Menna, Murphy, Curley

NAYS: Beck

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

03-202 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDED CONTRACT REGARDING WATER METER REPLACEMENT PROGRAM PHASE II – WATER METER INSTALLATION."

Mr. Curley 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.

03-203 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING RELEASE OF A LETTER OF CREDIT REGARDING RED BANK PROFESSIONAL PLAZA."

Mr. Menna 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.

## **PROCLAMATION**

Mayor McKenna read a proclamation proclaiming the week of October 5-11, 2003 as Fire Prevention Week in the Borough of Red Bank.

## **PAYMENT OF VOUCHERS**

03-204 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$788,154.39."

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**

### **Wayfinding**

Councilman Menna said that he noticed the new signs for Wayfinding and said that they look very nice but some of the signs are not ADA compliant.

Mr. Kosenski said that the signs were inspected and seven signs are not ADA compliant. He said the contractor would be correcting this.

### **Disciplinary Appeal**

Mr. O'Connor said that at the last Council Meeting there was a discussion about setting aside September 29<sup>th</sup> and September 30<sup>th</sup> for a proposed appeal of a disciplinary action against a Borough employee. He said the hearing would not be held on those dates because we are not in the position to go forward and will hopefully resolve this matter without a hearing.

## **NEW BUSINESS**

### **AUDIENCE**

David Prown – 44 Hillside Place – thanked Councilmen Curley and Menna, Mr. Sickels and the Special Events Committee for attending and helping plan the festivities that took place over the weekend at Count Basie Field. He said there was a backyard type picnic and other activities, including the Mayor's Softball Trophy game between the Fire Department and the Police Department. He said that it was a very special weekend for Red Bank families. He also spoke about the recent summit held at Red Bank Regional regarding Red Bank students' lack of participation in sports programs. He said that he found out that a low percentage of students do not participate in sports or clubs. He said that we have to pull our resources together and try to help the Red Bank students because a lot of students do not have any support from their families.

Mayor McKenna said that he was sorry he could not attend the meeting because he had to take his son to look at colleges. He said that with the appointment of Councilman Murphy we will have a new Commissioner of the Parks and Recreation Department and he might have some new ideas.

Fred Boynton - 12 Leonard Street – said that he respects the Mayor, Council, Mr. O'Connor and Mr. Sickels but he is not going to write a letter saying he is retiring because he said he is retiring on December 31, 2003. He spoke about his ongoing problems with his job and said that he is not being treated fairly and asked that everyone be treated the same.

Trisha Rumola – RiverCenter – 20 Broad Street – said that as part of the RiverCenter Community Outreach program she wanted to tell everyone what they are doing. She said she has been visiting different organizations to tell them what RiverCenter does. She also thanked Mayor McKenna and his son Sean. She said Sean is working on receiving his Eagle Scout and one of his projects is refinishing the benches in the RiverCenter district.

Fred Boynton – 12 Leonard Street – said that he is looking forward to running for Council and is going to start campaigning now.

## **EXECUTIVE SESSION**

03-205            The Attorney read a resolution to adjourn to executive session to discuss litigation and personnel.

Mr. Murphy offered a motion, seconded by Ms. Beck to adjourn to executive session to discuss litigation and 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.



Ms. Beck offered a motion, seconded by Mr. Murphy 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. Curley offered a motion, seconded by Mr. Murphy 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