

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
NOVEMBER 25, 2003  
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 December 10, 2002.

**WORKSHOP**

**T & M Report**

George Whalen said that he had sent a letter to the members of the governing body dated November 17, 2003 regarding four projects that he would like authorization to receive bids on. He said two of the items are items we do every year, the Force Accounts for Sanitary Sewer Cleanings and Television Inspection and Sanitary Sewer and Potable Water Maintenance Items. He said these two accounts are used before we start any work on roads that are included in the road program for that year or on an emergency basis. He said the other items are for Park Maintenance and Parking Meter Installation – Phase II. He said there is a change in the bid for Park Maintenance because he would like to include all borough-owned parks and not just Riverside Gardens Park. He said that they would also like to receive bids for installation of the parking meters on the streets in the downtown area, as well as Marine Park and the Senior Citizen parking lot.

The governing body agreed to move forward with the bid process.

**Buona Sera Loading Zone**

Mr. O'Connor said that a while ago we talked about the Planning Board approval for Buona Sera to expand and the Planning Board's recommendation that they apply to the governing body for permission to create a loading zone and a no parking zone on Maple Avenue in front of their business. He said that their Traffic Engineer is recommending that a loading zone be created on Maple Avenue beginning at a point 135 feet south of its intersection with the south side of Monmouth Street and extend 50 feet in a southerly direction, from 8 a.m. to 11 a.m., Monday through Saturday. He is also recommending parking be prohibited on the west side of Maple Avenue beginning at a point 105 feet south of its intersection with the south side of Monmouth Street and running 30 feet in a southerly direction from 5:00 p.m. to 11:00 p.m. He said that these changes would have to be approved by the New Jersey Department of Transportation because Maple Avenue is a State highway. He said that if everyone is agreeable we could introduce the ordinance tonight and schedule the public hearing for December 18, 2003 but would not be able to implement the ordinance until approval is received from the N.J.D.O.T.

Mayor McKenna said this plan was suggested by the Planning Board because of safety problems at this location, especially when patrons are double parked to let people off at the restaurant. He said they also suggested that the loading zone be created for early morning deliveries and that he agrees with the plan because it creates a safer corridor in this area especially when there are events at the Count Basie Theatre.

Mr. Sickels said there have been complaints about tractor-trailers parked on Oakland Street while making deliveries and blocking residents' driveways.

Councilwoman Beck asked if any other areas were looked at, especially Monmouth Street.

Mayor McKenna said that Monmouth Street is relatively narrow and any other location in the vicinity would impact the residential areas. He said creating this new area in front of the restaurant would accomplish all of the goals to create a safer area for pedestrians without impacting the residential neighborhoods.

Mr. Sickels said that by having the loading zone on Maple Avenue the trucks would not have to go on the residential streets.

Councilwoman Beck said that she has concerns about unloading trucks and patrons of the restaurant on a State highway.

Councilman Curley said that this activity already takes place in this area but the way it is done now is not safe. He said that he is not opposed to the expansion and loading zone, but voted no on a waiver to exclude the loading zone from the resolution of approval.

Mr. O'Connor said that the state regulations regarding loading zones must be followed and the proposed ordinance meets these standards. He said there are no provisions for drop-off zones in the state regulations so we would just prohibit parking in that area of Maple Avenue. He said the ordinance could not be implemented until formal approval is received from the N.J.D.O.T.

Councilwoman Beck asked how many parking spaces would be lost if the plan is approved.

Mr. O'Connor said that one space would be lost.

Mayor McKenna said cars are double parked there all the time while dropping people off at the restaurant and it creates a traffic problem in the area. He said this ordinance would help make the area much safer.

Councilwoman Beck said that we talked about this a while ago and she thinks it makes more sense to implement these changes on Monmouth Street instead of on a State highway.

Councilman Curley said Monmouth Street is too narrow and Buona Sera does not have any access on Monmouth Street.

Councilwoman Beck said it is not that far to walk around the corner instead of unloading on a State highway.

The governing body agreed to add this ordinance to the agenda.

#### **Proposed Resolution Regarding Field Construction Change for the Two River Theater**

Mr. O'Connor said construction has begun at the site of the Two River Theater and while constructing the basement the contractor said there is a need to place four tiebacks for additional support in the Borough right-of-way on Bridge Avenue so there would not be any damage in the Borough right-of-way. He said the Borough Engineer would have to approve the plans and if he approves the plans they would need approval from the governing body to proceed with the plan because it is in the Borough right-of-way. He said if Mr. Kosenski approves the plans the Theater and the contractor would have to submit additional bonds, insurance and a hold harmless agreement

Mayor McKenna said this is a minor change.

Mr. Whalen said this is a minor change but since it is in the Borough right-of-way the governing body must approve it.

The governing body agreed to add a resolution to the agenda.

#### **Contemplated Emergency for Sewer Repair in Road at 76 East Front Street**

Mr. O'Connor said that there has been a problem with sewer service at a property located at 76 East Front Street and our Public Works Department has determined that there is lateral damage under the roadway that is the homeowner's responsibility but homeowners are not allowed to do their own work in the roadway. He said there is a sinkhole developing that needs to be dealt with immediately and that the Borough must coordinate this with the County because this is a County road. He said the County has certain requirements for this type of emergency and the estimate to do this job is \$15,250, the property owner said they would reimburse the Borough for this expense. He said we have to move forward because of public safety and health problems.

Councilwoman Beck asked who owned the property.

Mr. O'Connor said it is a rental property owned by Mr. Allegra who lives in Rumson.

The governing body agreed to add a resolution to the agenda.

## **MAYORAL APPOINTMENTS**

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

Councilwoman Beck reported that there were 52 rabies shots given out at the various locations where they were offered and 254 flu shots given out at the Senior Center and 25 flu shots at Lunch Break.

Mr. Hintelmann reported that the Red Bank Police Department would be providing safety kits for gun owners that would be available in the Police Records Department from 8 a.m. to 4 p.m. He said that these kits were purchased by a grant received to promote firearm safety and he is encouraging all residents with children to participate in the program.

Councilman Bifani said that as part of the traffic calming efforts on Leighton Avenue the speed bumps have had additional material added to them to encourage people to go slower. He said there would still be additional signage and striping of the crosswalks added to this corridor.

Councilman Curley thanked and congratulated Councilwoman Beck and Councilman Murphy for working with the various committees to name the park at the end of Locust Avenue, Bellhaven.

## **COMMUNICATIONS AND PETITIONS**

### **ORDINANCES – First Reading**

2003-39 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES.”

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

#### **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 December 9, 2003.

Councilman Bifani asked Mr. O’Connor if the changes on the ordinance could be italicized so it would be easier to see what the new changes are.

Mr. O’Connor said that a lot of the material for the agenda is not received in a timely manner. He said that all the material that is needed to work on the agenda items should be in his office ten days before the meeting so that his office is not rushing through everything at the last minute.

2003-40 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES”, SUBSECTION 8-2.8 “RESTRICTED PARKING” OF THE REVISED GENERAL ORDINANCES.”

Mr. Menna offered a motion to adopt the ordinance on first 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 first reading.

Public Hearing and final adoption scheduled for December 9, 2003.

2003-41 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.”

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

Mr. Whalen explained the ordinance and said there are two specific areas regarding vertical parking garages and seasonal outdoor recreational facilities receiving bonuses to meet statutory requirements. He said this change does not allow for more development. He said that some of the amendments are housekeeping items that do not match our zoning ordinance.

Mayor McKenna said there were two lawsuits in Manalapan and Fair Haven because their planning and zoning ordinances did not jive with the Municipal Land Use Ordinance but the court ruled that they did have the right to create their own ordinances.

Mr. Whalen said that we must adopt this amendment to avoid any further litigation.

Councilwoman Beck asked if this amendment effects the Molly Pitcher situation because they brought a court case against us.

Mr. Whalen said that he has not seen a revised application.

Councilwoman Beck said she just wants to make sure that she understands this correctly; that garages are not part of the floor plan ratio and a developer does not get penalized for constructing a garage or gets to build a larger building.

Mr. Whalen said that is correct.

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 December 18, 2003.

2003-42 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. 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 first reading.

Public Hearing and final adoption scheduled for December 9, 2003.

2003-43 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY VACATING BURROWES STREET.”

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

Councilwoman Beck asked if the adjacent property owners would be responsible for the maintenance of the road.

Mr. O’Connor said that they would and all abutting property owners would receive a copy of the ordinance and notice of the public hearing. He said that he was planning on having a meeting with them before the public hearing and that he urges the governing body to introduce the ordinance so we could have this finalized by the end of the year.

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 December 18, 2003.

2003-44 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES.”

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

Councilman Curley asked if the police would do the enforcement of the ordinance.

Mayor McKenna said that they would.

ROLL CALL:

AYES: Hintelmann, Bifani, Murphy, Curley

NAYS: Beck

ABSTAIN: Menna

There being four ayes, one nay and one abstention, the ordinance was declared adopted on first reading.

Public Hearing and final adoption scheduled for December 18, 2003.

**ORDINANCES** – Public Hearing & Final Adoption

## **RESOLUTIONS**

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

Mr. Hintelmann 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.

03-242 Mayor McKenna read “A RESOLUTION AUTHORIZING APPLICATION FOR MEMBERSHIP TO THE CENTRAL JERSEY HEALTH INSURANCE FUND.”

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

ROLL CALL:

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

NAYS: None

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

03-243 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 75.02, LOTS 126 AND 127.”

Mr. Menna 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.

03-244 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, DESIGNATING ROBERT GAGLIANO AS AN APPRAISER FOR THE BOROUGH OF RED BANK, MONMOUTH COUNTY.”

Mr. Bifani 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.

03-245 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY ACCEPTING PERFORMANCE GUARANTEE FOR BLOCK 10, LOTS 6 AND 7.”

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.

03-246 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED PURCHASE UNDER STATE CONTRACT.”

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

ROLL CALL:

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

NAYS: None

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

03-249 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED PURCHASE UNDER STATE CONTRACT.”

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.

03-250 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY SUPPORTING THE RED BANK TRAIN STATION IMPROVEMENTS.”

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

ROLL CALL:

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

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

03-251 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY ACCEPTING DEED OF EASEMENT FROM 78 WEST FRONT STREET ASSOCIATES, INC. PERTAINING TO PROPERTY DESIGNATED ON THE MUNICIPAL TAX RECORDS AS BLOCK 8, LOT 6.”

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

Councilman Menna said that it is the sense of the governing body that whenever any construction is being done the contractor is required to put up screening around the site to keep the dirt and debris away from the adjacent properties.

The governing body agreed to add this requirement to the resolution.

ROLL CALL:

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

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

03-252 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY DESIGNATING AND NAMING THE BOROUGH OWNED PROPERTY ON THE RIVER AT THE FOOT OF LOCUST AVENUE.”

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

Councilwoman Beck read the history of the property and thanked the members of the Environmental Commission for attending the meeting.

ROLL CALL:

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

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

03-253 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASES IN ACCORDANCE WITH RESOLUTION 03-198.”

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

ROLL CALL:

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

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

03-254 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AUTHORIZING GRANT APPLICATION UNDER GREEN COMMUNITIES CHALLENGE GRANT 2004.”

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

ROLL CALL:

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

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

03-255 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

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

ROLL CALL:

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

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

03-256 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AUTHORIZING FIELD CONSTRUCTION CHANGES FOR THE TWO RIVER THEATER ON BRIDGE AVENUE.”

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

ROLL CALL:

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

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

03-247 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPROVING EMERGENCY SEWER REPAIR IN ROAD AT 76 EAST FRONT STREET.”

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

ROLL CALL:

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

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

## **PROCLAMATION**

## **PAYMENT OF VOUCHERS**

03-248 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$928,032.17.”

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

ROLL CALL:

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

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

## **AUDIENCE**

Thomas Williams – 85 Locust Avenue – said that the Environmental Commission asked that the park be named Bellhaven – A Nature Area not Bellhaven Nature Area.

After a general discussion the governing body agreed to amend Resolution #03-252 “A Resolution Designating and Naming the Borough Owned Property on the River at the Foot of Locust Avenue as Bellhaven – A Nature Area.”

03-252 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY DESIGNATING AND NAMING THE BOROUGH OWNED PROPERTY ON THE RIVER AT THE FOOT OF LOCUST AVENUE.” As amended.

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

ROLL CALL:

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

There being six ayes and no nays, the resolution was declared approved as amended to name the park Bellhaven – A Nature Avenue.

Trisha Rumola – 20 Broad Street – said that she wanted to congratulate Councilmen Menna and Murphy on their reelection and said they are a pleasure to work with. She also wanted to invite everyone to the holiday tree lighting on November 28, 2003 at 7 p.m.



Mayor McKenna said that on behalf of the entire governing body that he wanted to wish everyone a happy and healthy Thanksgiving.

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

Mr. Bifani offered a motion, seconded by Mr. Murphy to adjourn the meeting.

### **ROLL CALL:**

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona