

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 8, 2003
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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.

WORKSHOP

Parks and Recreation Director

Mr. Sickels said there was a meeting held with the Parks and Recreation Council Committee to review the applications for the Director's position and they are recommending that Linda Sharkey be hired to fill the position until the end of the year. He said she is highly qualified and the committee is pleased that she has agreed to accept the position.

Councilwoman Thompson said that we have received many applications and that Linda Sharkey is the best choice at this time.

Well Replacement Project

Mr. Kosenski said that the building was demolished last week and we have begun sealing the existing well and in one week will start working on the new well. He said the work is progressing and that the new well should be operational by July 1, 2003.

Sale of Personal Property

Mr. Sickels said there is a resolution on the agenda regarding the sale of personal property. He said that since the fire department has received a new pumper they would like to have the old one declared as surplus so it could be sold at auction.

Request to move Century House

Mr. Sickels said there has been a request submitted by the Red Bank Charter School Coalition to save the Century House and move it from its present location to Oakland Street. He said there is a fee involved with the move and since it is a non-profit organization the governing body should decide if they would like to waive the fee with the exception of out-of-pocket expenses.

The governing body agreed to add a resolution to the agenda authorizing this request.

APPROVAL OF MINUTES – March 25, 2003

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that the Code Enforcement Committee had met with Sid Johnson regarding the health services portion of the new regulations. She also reported that commercial entities change of health services is going very smoothly and they have not sited any problems.

Councilwoman Thompson asked if there are plans to hire replacements for the code enforcement inspectors.

Councilwoman Beck said there are plans and we would be moving forward as quickly as we can.

Mr. Sickels said the jobs are being posted tomorrow and would be advertised in the newspaper.

Councilman Menna said there were 75 fire calls and 90 first aid calls in March and he would like to commend the department for their Herculean effort. He said he hopes the numbers slow down.

Mayor McKenna said that he attended the breakfast sponsored by the Jewish War Veterans on Sunday morning and said they honored John Schulte and Frank Woods. He said he also attended a dinner sponsored by the Men's Club honoring Dr. Parker and that there were 320 attendees.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Bethel Christian Center to hold block party on Catherine Street on July 12, 2003 from 1:00 P.M. to 8:00 P.M., pending approval by Acting Chief Fitzgerald and the Special Events Committee.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

Mayor McKenna read a request from Red Bank Elks Lodge #233 to hold Elks Flag Day ceremony in Riverside Park on June 14, 2003 from 6:00 P.M. to 7:00 P.M.

Mr. Menna 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.

Mayor McKenna read a request from Kenton Seydell to join the Red Bank Fire Police as an Active Member and from Patrick Trenton to join Independent Engine Company as an Active Associate Member.

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 request was declared approved.

Mayor McKenna read a request from Mulberry Street and Jack's Music to have two guitarists perform on sidewalk in front of 30 Broad Street on April 25, 2003 from 4:00 P.M. to 6:00 P.M.; approval received from RiverCenter.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

Mayor McKenna read a request from the Red Bank Charter School to close several streets from 5:00 A.M. to 7:00 P.M. on May 4, 2003 to move the Century House from current site to Oakland Street, pending approval from Acting Chief Fitzgerald.

Mayor McKenna said that Mike Stasci, President of the Charter School, would address the governing body.

Mr. Stasci said that he is a resident and a representative of the Coalition to save the Century House and that discussions had begun a year ago with Riverview Medical Center regarding the possibility of moving the Century House for use by the Charter School. He said that since the school had received approval for grades K through 3 there was a need for a permanent location. He said the goal was to try and have all grades in one location. He said they applied for a facility grant and knew that if they could preserve the house that it would be a benefit to everyone. He said that during the last year there have been numerous meetings regarding all of the technical aspects, the cost of the project and purchasing the Oakland House. He said one of the first challenges was when JCPL said they would not accommodate the move from May 15 through October 15. He said that if they waited until October the facility could not be used for the new school and the current lease would be expiring. He said the target date for the move is May 4, 2003. He said the move would start at 5:30 a.m. and be completed by 5:00 p.m. He also said that arrangements have been made with St. Anthony's for use of their facility to finish out the current school year. He said the committee is meeting every Monday to coordinate the move.

Mayor McKenna said that he would like to indicate that this is nothing short of a Herculean effort. He said that he would like to offer special thanks to RiverCenter, George Bowden, Chris Cole, Comcast, JCPL and Riverview Medical Center. He said this move would make a lot of people happy.

Mr. Stasci said that JCPL, Comcast and others are donating funds and services and that Comcast would be filming the move. He also said the move would not impact the taxpayers.

Councilwoman Thompson said that she is not impressed with the plan and does not think it is beneficial to the children. She said the whole idea is precipitous and there has not been a study of the impact on the neighborhood where the building is being moved and thinks the people in the area should be able to comment on this addition to their neighborhood.

Mr. Stasci said that he did not realize this presentation would need this type of information and said the school has received approval from Seals Eastern for use of their parking lot so the school would not impact the neighborhood.

Councilwoman Thompson said that she is familiar with the site and feels there is not enough space to hold the house and the playground.

Mr. Stasci said that the Board of Trustees has given a lot of thought to the plan and feels there is a lot of room for outdoor recreation. He said they would not use any on-street parking or borough property. He said the communication with the neighbors would occur prior to the Planning Board hearing. He said he did speak to four neighbors that would like to see a school instead of a commercial use.

Councilman Curley said he applauds Councilwoman Thompson for her concerns. He also said that as serving as council representative of the Historic Preservation Commission and council representative to RiverCenter that these two organizations have been working with the Charter School to facilitate the move. He said he spoke to residents of Oakland Street and they said they want a school there because it would bring back the neighborhood.

Councilwoman Beck said that for a while she has been very concerned about the Century House and the preservation of this historic structure. She said this is a very difficult project and is glad it is becoming a reality. She said she is concerned about the neighborhood and the buses and traffic but thinks it could all be worked out.

Councilman Menna said he attended Oakland Street School and it was a neighborhood school and the neighborhood thrived when it was a school. He also said that he believes the impact on the neighborhood would be less than what is there now and that he approves the closing of the streets to facilitate the move.

Councilman Hintelmann said he is glad it is being turned back into a school.

Councilwoman Thompson said she thinks the Oakland House should be a school but is concerned about moving the Century House to this site. She said she is against moving the Century House because she feels it needs more planning.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Curley

NAYS: None

ABSTAIN: Thompson

There being four ayes, no nays and one abstention, the request was declared approved.

Mayor McKenna read a request from the Fireworks-on-the-Navesink Committee to hold the fireworks on July 3, 2003 with a rain date of July 4, 2003. Also use of Marine Park and Riverside Gardens Park and to have sole vendor status for both facilities and to hang banners on Broad Street and Shrewsbury Avenue from June 5, 2003 to July 3, 2003, pending approval of Special Events Committee.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

Mayor McKenna read a request for raffle license from St. James Grammar School PTA.

Mr. Menna 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.

Mayor McKenna read a request from Westside Hose Company and Liberty Hose Company to use a portion of the White Street parking lot on June 22, 2003 from 9:00 A.M. to 4:00 P.M., with rain date of June 29, 2003, to host a car show, pending approval of the Special Events Committee.

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 request was declared approved.

Mayor McKenna read a request from the 7th Grade Class of the Red Bank Charter School to use the courtroom on Friday, May 2, 2003 to perform a mock trial case based on the 4th Amendment of the United States Constitution.

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

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

2003-11 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” PROHIBITING PARKING ON A PORTION OF MONMOUTH STREET.”

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

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 April 22, 2003.

ORDINANCES – Public Hearing & Final Adoption

2003-03 Mayor McKenna read “AN ORDINANCE AMENDING ORDINANCE #2002-3 ENTITLED “ORDINANCE AMENDING SECTION 19-10 ‘COLLECTION – GARBAGE, ASHES, ETC.’, OF CHAPTER XIX ‘STREETS, SIDEWALKS AND SANITATION’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

Mr. O’Connor said that the amendment involves 6 or 7 changes to the ordinance regarding collection of solid waste that was adopted last year. He said some of the amendments were initiated by RiverCenter and our public works department and one of the primary changes is that the borough would collect leaves placed at the curb by landscapers.

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 Ms. Beck.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

Ms. Beck offered a motion to adopt the ordinance on final 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 final reading.

2003-08 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XXIII “SPECIAL IMPROVEMENT DISTRICT” OF THE REVISED GENERAL ORDINANCES”.

Mayor McKenna 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, 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.

2003-9 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, SUBSECTION 6-3.4 LICENSE FEES, OF THE REVISED GENERAL ORDINANCES.”

Mayor McKenna 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. Menna.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

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

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.

2003-10 Mayor McKenna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV PLANNING AND DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES”.

Mayor McKenna 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. Menna.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

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

RESOLUTIONS

03-85 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT WITH THE MONMOUTH COUNTY PARK SYSTEM TO PARTICIPATE IN THE RECREATION ASSISTANCE PROGRAM.”

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.

03-86 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING.”

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 no nays, the resolution was declared approved.

03-87 Mayor McKenna read “A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF THE BOROUGH OF RED BANK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2003 COMMUNITY DEVELOPMENT PROJECTS.”

Ms. Beck 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.

03-88 Mayor McKenna read “A RESOLUTION AMENDING RESOLUTION 03-52 AWARDING CONTRACT REGARDING PHASE I IDENTITY AND WAYFINDING CONTRACT.”

Ms. Beck 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 no nays, the resolution was declared approved.

03-89 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT #03-3 – TWO 25-YARD REAR LOAD REFUSE PACKERS.”

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

Councilwoman Beck said the funds to purchase these items are coming out of the current budget and the bonds were already issued.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

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

03-90 Mayor McKenna read “A RESOLUTION AWARDDING CONTRACT #03-4 – ONE COMBINATION SEWER CLEANER.”

Mr. Hintelmann 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 no nays, the resolution was declared approved.

03-91 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE SALE OF PERSONAL PROPERTY.”

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 no nays, the resolution was declared approved.

03-92 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING REFUND OF TAXES CONCERNING EXEMPT PROPERTY.”

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 no nays, the resolution was declared approved.

03-93 Mayor McKenna read “A RESOLUTION TO WAIVE FEES FOR CENTURY HOUSE EXCEPT FOR OUT-OF-POCKET EXPENSES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Curley

NAYS: Thompson

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

PROCLAMATION

Mayor McKenna read a proclamation declaring April as Alcohol Awareness Month

Mayor McKenna read a proclamation declaring Sunday, May 4, 2003 as Youth Day

PAYMENT OF VOUCHERS

03-94 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,336,778.10.”

Mr. Menna 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 no nays, the resolution was declared approved.

OLD BUSINESS

Councilman Menna said that the Police Chief is looking into the use of surveillance cameras in certain areas of the Borough of Red Bank. He said he has received a letter from a property owner on Monmouth Street voicing his concern about the ongoing problem of graffiti in the area of the Gold Street parking lot. He said there are two types of graffiti, the graffiti artist and commercial graffiti. He said if the problem is not alleviated it would continue to grow. He said the Borough could adopt an ordinance that would be tougher than the current law and would mandate that any one individual found guilty of placing graffiti on items would be responsible for the clean up. He said that Montclair and West Orange have adopted ordinances to deal with the graffiti problem.

Councilman Curley asked who would implement the ordinance.

Councilman Menna said that the Code Enforcement Officer and the Police would.

Councilwoman Thompson said that we could ask shop owners and people on the street to contact the police when they see someone posting bills or placing graffiti on items. She said we have talked about the use of cameras for surveillance and thinks it is a good idea. She said the ordinance should be done quickly and we should enforce it.

Councilwoman Beck said that she agrees with Councilwoman Thompson but asked how we would handle a person putting up an advertisement that is not promoted by the business.

Mayor McKenna said that he caught four people putting up flyers on Broad Street and made them take them down. He said if you catch anyone putting up flyers tell them they are violating the law and businesses would have to be responsible for printing these types of ads. He said he wanted to thank Chris Cole and the members of RiverCenter for hiring people to clean up the graffiti. He said that we are currently prosecuting individuals that have been caught painting graffiti and asked Mr. O'Connor to have an ordinance for the next meeting.

NEW BUSINESS

AUDIENCE

Chris Cole – 1 Fisher Place – said he wanted to address the problem with graffiti and has been meeting with Acting-Chief Fitzgerald regarding this problem. He said RiverCenter is offering a \$500 reward and thinks these people should be prosecuted and given community service.

EXECUTIVE SESSION

ADJOURNMENT

Mr. Hintelmann offered a motion, seconded by Ms. Thompson 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