

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
DECEMBER 14, 2004  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Whalen, Engineer Kosenki and Attorney O'Connor.

ABSENT: Councilmen Menna and 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, 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.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

**Presentation by New Jersey Department of Transportation Regarding Modification to Traffic Circulation at the Route 35, Broad Street, Maple Avenue, Pinckney Road, Wikoff Place Intersection**

Mayor McKenna said there are representatives here tonight to give a presentation about changing the traffic circulation at the Route 35 intersection.

The following individuals were in attendance from the New Jersey Department of Transportation: Kimberly Mooring, Steve Mikulak and Al Tarvares. Also present were Bill Anderson and David Thatcher from Vollmer Associates, consultants for the NJDOT.

Kimberly Mooring said that the NJDOT has been discussing this intersection since 2002 with Red Bank and Shrewsbury and has reviewed numerous plans. She said that this intersection is very difficult because of operational problems with the number of roads that intersect there and being a crossing for New Jersey Transit that is closed down entirely when the train comes through. She said one of the problems at this intersection is that when the train comes through it automatically goes back to the first cycle of the traffic signal instead of continuing where it was and said they would be changing that. She also said that this intersection is extremely difficult for pedestrians that are crossing the intersection. She said they are recommending that Route 35 from Wikoff Place be two one-way lanes southbound behind Foodtown and two one-way lanes northbound in front of Foodtown making a left turn at Wikoff Place to continue northbound and said that there would be a traffic signal at the intersection of Pinckney Road, Wikoff Place and Broad Street. Ms. Mooring introduced Bill Anderson from Vollmer Associates to continue the presentation.

Mr. Anderson said they reviewed numerous traffic patterns and this one seems to be the best. He said that it is not perfect but better than what is there now. He said that by changing the traffic pattern to two one-way lanes it would cut out one phase of the traffic signal and he brought a computer simulation of what the intersection would look like if the traffic pattern was changed to two one-way lanes southbound and northbound. He said that if the proposed changes were implemented we would have to take away some of the parking spaces in this area.

Numerous residents and individuals owning businesses in the area voiced their concerns about changing the traffic pattern. They were concerned about trucks negotiating the turn on Wikoff Place to stay on Route 35 northbound, taking away much needed parking in this area, the fact that the train coming through and stopping the traffic was not implemented in the computer simulation, limiting access to

Foodtown and residential housing, safety of pedestrians, impact on other residential streets by drivers trying to cut through and avoid this intersection, traffic getting backed up even more than it is and against this change overall.

Mr. Anderson said that this presentation was made so we could hear comments from the individuals that use the road and said nothing is set in stone.

Mayor McKenna said that the NJDOT tried to take a global look at this intersection and said that the Governing Body would not be taking any action on the plan and just wanted to get everyone's input before a decision was made to change this intersection.

Ms. Mooring said that the NJDOT is on a tight schedule and that they would need a decision by the middle of January and said that the Borough of Shrewsbury is in favor of the change.

Mayor McKenna thanked everyone for attending the meeting and said this plan would be discussed with the members of the Governing Body.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

## **WORKSHOP**

### **Change of Meeting Schedule**

Councilman Curley said that he is not in favor of changing the Council Meeting on December 23<sup>rd</sup> from 5:30 p.m. to 11:30 a.m. and said that it would be difficult for individuals to attend this meeting if they work during the day.

Mayor McKenna said that we have a problem with getting a quorum for the 5:30 p.m. meeting and that if we did not change the time we would have to cancel it.

### **APPROVAL OF MINUTES – September 14, 2004**

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

### **ROLL CALL:**

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

## **MAYORAL APPOINTMENTS**

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

Councilwoman Beck said that the Environmental Commission is working with Mr. Watson putting wood chips down at the Bellhaven Nature Area and that Chief Fitzgerald is reviewing the plan for the park. She also reported that the Shade Tree Commission would be meeting tomorrow at 7 p.m. and that the Code Enforcement Committee would be meeting at 3 p.m. tomorrow to discuss fees and outstanding issues and that if anyone had any Code Enforcement issues to contact her.

Mayor McKenna said that he had received a notice from the State that we would be the recipient of a grant for improvements to West Street and that he expects more good news on other applications we have for grants.

## COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Red Bank First Night to close Broad Street from Front Street to Monmouth Street between the hours of 8:00 p.m. December 31, 2004 to 1:00 a.m. January 1, 2005, approved by RiverCenter and the Special Events Committee.

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

Councilman Curley asked if the insurance requirements were met.

Mr. Sickels said they were.

### ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from the Diocese of Trenton to hold their annual march from St. Anthony Church up Bridge Avenue to Newman Springs Road on Saturday, March 5, 2005, pending approval of the Chief of Police.

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

### ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from the Two River Theatre Company for a raffle license.

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

### ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Stephen Greenwood for membership to Independent Engine Company.

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

### ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

## ORDINANCES – First Reading

2004-47 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER XXV “PLANNING AND DEVELOPMENT REGULATIONS” OF THE REVISED GENERAL ORDINANCES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for December 23, 2004.

**ORDINANCES – Public Hearing and Final Adoption**

2004-45 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER II “ADMINISTRATION” 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. Hintelmann offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

There being four 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, Murphy, Curley

NAYS: None

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

**ORDINANCES – Final Adoption**

2004-28 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY VACATING A CERTAIN MUNICIPAL RIGHT OF WAY RUNNING OFF BOAT CLUB COURT AND PARALLEL WITH FRONT STREET LOCATED IN TAX BLOCK 9.01.”

Mr. O’Connor said that we had introduced the ordinance on July 27, 2004 and held the public hearing on August 24, 2004 and had waited to adopt the ordinance in order to give the property owners involved in this easement time to meet and come up with an agreement amongst themselves for maintenance of the easement. He said that as of this date they have not done so and that he feels we have given them plenty of time to do so and that we must adopt the ordinance before the end of the year or we would have to advertise and re-notice anyone that has an interest in the easement. He said that he contacted individuals that owned the properties numerous times but nothing has been resolved. He said that the two properties that have received approval from the Planning Board to develop vacant land in this area are under obligation to improve the easement in this area and the road must be improved to municipal standards.

Councilman Curley asked if the surrounding property owners would take ownership of the easement.

Mr. O’Connor said that they would and that the Borough is giving up our rights to the easement.

Mayor McKenna said that we had already held the public hearing but he sees people in the audience that own property adjoining the easement and asked if anyone would like to speak.

Mehmet Ors – 14 West Front Street – said that he is one of the owners of property adjoining the easement and was initially against the ordinance but once the agreement was explained to him he is in agreement to the ordinance.

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

ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

There being four 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. Murphy.

ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

## RESOLUTIONS

04-294 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 99, LOT 16 AND COMMONLY KNOWN AS 316 BROAD STREET, RED BANK.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

04-295 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY REGARDING WAYNE McCABE, PhD AS A STAFF MEMBER TO THE HISTORIC PRESERVATION COMMISSION.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Murphy

NAYS: None

ABSTAIN: Curley

There being three ayes, no nays and one abstention, the resolution was declared approved.

04-296 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ENGINEER TO GO FORWARD WITH THE RECEIPT OF BIDS REGARDING WELL ENCLSOURE AND BUILDING REPAIRS AT THE CHESTNUT STREET AND TOWER HILL FACILITIES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Murphy, Curley

NAYS: None

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

04-297      Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH COUNTY MUNICIPALITIES FOR THE MOD IV TAX SYSTEM FOR THE PERIOD OF 2005 THROUGH 2011."

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

ROLL CALL:

AYES:      Beck, Hintelmann, Murphy, Curley

NAYS:      None

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

04-298      Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING THE RED BANK BOROUGH COUNCIL 2004 SCHEDULE OF MEETINGS."

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

ROLL CALL:

AYES:      Beck, Hintelmann, Murphy

NAYS:      Curley

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

04-299      Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDING CHANGE ORDER NO. 1 REGARDING THE MAPLE AVENUE SANITARY SEWER REPLACEMENT PROJECT."

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

ROLL CALL:

AYES:      Beck, Hintelmann, Murphy, Curley

NAYS:      None

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

04-300      Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING TRANSFER OF FUNDS."

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

ROLL CALL:

AYES:      Beck, Hintelmann, Murphy, Curley

NAYS:      None

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

04-301      Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDING CHANGE ORDER NO. 1 (FINAL) REGARDING THE PUMP STATION IMPROVEMENTS PROJECT."

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

ROLL CALL:

AYES:      Beck, Hintelmann, Murphy, Curley

NAYS:      None

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

04-302      Mayor McKenna read "A RESOLUTION ADOPTING DEFERRED COMPENSATION PLAN."

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

**ROLL CALL:**

AYES:      Beck, Hintelmann, Murphy, Curley

NAYS:      None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

04-303      Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,291,380.50."

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

**ROLL CALL:**

AYES:      Beck, Hintelmann, Murphy, Curley

NAYS:      None

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

## **OLD BUSINESS**

Councilwoman Beck asked if we had not received the payment in lieu of taxes from Riverview Hospital.

Mr. Whalen said that we have and are still working on it.

Mayor McKenna said that this is the next to the last meeting that Councilman Hintelmann would be attending and commended him for serving the public as Councilman for 30 years. He said that you could not ask for a better dedicated individual and that everyone would miss him.

Councilman Hintelmann thanked the residents of the Borough of Red Bank for electing him to office 10 times and said it was a pleasure serving all this time and that he has seen many changes over the years. He said that he started as Councilman when Dan O'Hern was Mayor and has lived in the Borough of Red Bank his entire life and always tried to do what is right for the Borough.

## **NEW BUSINESS**

### **AUDIENCE**

Judy Hathaway – 44 Ambassador Drive – said that it is getting close to setting the schedule for the Council Meetings for 2005 and she is urging the Governing Body to start the meetings at 7 p.m. so residents that work could attend the meetings.

Mayor McKenna said we are talking about a time change and that we would be adopting the schedule at the reorganization meeting.

Jack Pivnick – 30 Irving Place – said that residents from Irving Place addressed the Governing Body about traffic speeding down their street and said it is still a problem.

Councilman Hintelmann said that he would speak to Chief Fitzgerald about the continuing problem.

Mayor McKenna said the Police Department was involved in a study on the street and has placed traffic counters to register the number of vehicles using the street.

Mr. Pivnick said that he does not think it is right for the Borough to take money from developers for parking deficiencies and said the traffic is already bad without promoting further development.

David Prown – 44 Hillside Place – suggested that the Governing Body schedule the audience portion of the meeting at the beginning of the meeting the way the Board of Education does.

Mayor McKenna said that the order of the Council Meetings is set by Borough ordinance but that the ordinance could be amended.

#### **EXECUTIVE SESSION**

04-304         The Attorney read a resolution to adjourn to executive session to discuss personnel.

Mr. Curley offered a motion, seconded by Mr. Murphy to adjourn to executive session to discuss personnel. Minutes to be made public in 180 days.

#### **ROLL CALL:**

AYES:         Beck, Hintelmann, Murphy, Curley

NAYS:         None

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

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

#### **ROLL CALL:**

AYES:         Beck, Hintelmann, Murphy, Curley

NAYS:         None

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

#### **ADJOURNMENT**

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

#### **ROLL CALL:**

AYES:         Beck, Hintelmann, Murphy, Curley

NAYS:         None

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

Respectfully submitted,

Carol A. Vivona