

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 27, 2004
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Beck.

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 18, 2003.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Parks & Recreation End of Year Report

Linda Sharkey said that she had given each member of the governing body the 2003 Annual Report of the Parks and Recreation Committee. She said there were many new programs added this year and they were all very successful. She said that the department has increased their revenues and that there were two newsletters sent out last year from the Parks and Recreation Department. She said they were looking for new ways to keep the community informed about what was going on and said they have started an e-mail list.

Councilman Bifani suggested that Mrs. Sharkey contact the local churches and see if she could get the information put in their newsletters. He also said that the Parks and Recreation Department is moving to the Public Works building and this would allow for better communications between both departments.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

WORKSHOP

Presentation Regarding Closing of Hubbard's Bridge

Mayor McKenna introduced Joseph Ettore, Charles Jackson and Inkyung Englehart from the Monmouth County Engineer's Office.

Mr. Ettore said that the Hubbard's Bridge is a vital link between Red Bank and Middletown and that the bridge is approximately 93 years old. He said the first step is to construct a temporary bridge superstructure from February 14 to May 21, 2004 and while this is done there would be a traffic detour down Hubbard Avenue to Navesink River Road to Route 35. He said the bridge would be opened in May and the prefab superstructure would be in place while the new bridge is being built and is capable of handling the traffic. He said it would take some time to construct the new bridge because they are using federal funds, environmental issues, and need to coordinate work with the railroad and the utilities. He said the County would put up additional signage, adjust the traffic signals, work with the local police departments and is working on a public notice campaign to make the closure as easy as possible. He said Marbro Construction Company is the contractor and they are optimistic that the project will move along on schedule.

Mayor McKenna asked if there were any questions. He thanked the County for having the opportunity to meet with them and go over all the details so the inconvenience could be as minimal as possible. He also said that the community has asked the municipalities for their input on the design of the bridge and said it would look somewhat like the Coopers Bridge. He thanked the engineers from the County for attending the meeting.

Trisha Rumola – Red Bank RiverCenter – 20 Broad Street – asked if the County would consider changing the date to the first business day after the Valentine Holiday because of people coming to town to shop and go out to dinner.

Mr. Ettore said that representatives from Red Bank and Middletown both agreed that closing the bridge during the week would be more disruptive.

The governing body discussed the pros and cons of closing the bridge at different times during the week and said that RiverCenter's request should be taken into consideration.

Mr. Ettore said he would discuss this with the County officials and thought something could be worked out.

Parking on West Street

Mr. Sickels said that he had received a memo from Neil Burnip regarding the lack of handicapped parking near the Armory. He said that we did away with parking in this area because of the buses but they do not use it. He said Mr. Burnip is recommending implementing parking in this area.

Mayor McKenna said Chief Fitzgerald and Captain DeFazio also recommended it.

The governing body agreed with the request and instructed Mr. O'Connor to prepare an ordinance for the next meeting.

East Bergen Place Drainage

Councilman Curley said that he received a letter from Brian Fitzgerald, 132 East Bergen Place, regarding the ongoing drainage problems in that area and finding some kind of resolution.

Mr. Whalen distributed a memorandum from Mr. Kosenski regarding the ongoing problems in this area and said this area has been worked on numerous times since last spring. He said there have been storm sewer cleaning and televised inspections at the area in question with limited results due to excessive root intrusion, varying pipe diameters and misaligned joints.

Mr. Kosenski said that they did testing in this area and found a maze of piping that needs to be repaired. He said that because of the scope of the project we were hoping to fund the project from the 2004 Road Program but because of the urgency of the project he would prepare a report and advertise for quotes to find a contractor to correct the problem.

Boat Slips in Marine Park

Councilman Murphy asked if the governing body would consider giving parking passes to people that have boat slips in Marine Park since we would be putting meters in the park.

Mayor McKenna suggested Mr. Murphy contact Captain DeFazio and work on a recommendation.

Wayfinding Signs

Councilman Menna asked what is being done with the Wayfinding signs that are in the public right of way.

Mr. Sickels said that they went to look at the signs and told the vendor to remove them.

Mr. Kosenski said that he sent a letter to the contractor and told him to remove the signs by February 13, 2004 or we would remove them.

APPROVAL OF MINUTES – January 13, 2003

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

ROLL CALL:

AYES: Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Hintelmann, Menna

There being three ayes, no nays and two abstentions, the minutes were declared approved.

MAYORAL APPOINTMENTS

Mayor McKenna appointed Kathy Horgan to the Human Relations Committee.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Being a Mayoral appointment, Mayor McKenna appointed Sam Balacco to the Planning Board as Alternate No. 2.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hintelmann reported that compared to the fourth quarter of 2002 and 2003 the numbers of arrests was up 41 percent. He also reported that the number of driving while intoxicated was up 100 percent, motor vehicles summonses was up 22 percent and the total number of crimes in eight major categories was down 12 percent. He said he would like to commend Chief Fitzgerald and the entire department on these statistics.

Mayor McKenna said that the Chief is getting the entire force together and said they had there picture taken at the Count Basie Theatre for the first time in many years.

Councilman Menna said that he wanted to remind everyone that there would be a dinner honoring Ex-Chief Woods. He also reported that the Governor has signed a bill lowering the Blood Alcohol Level to .08 and suggested that RiverCenter send out notices to all licensees telling them about this change because it is going to have a dramatic effect.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from The Company of Dance Arts for raffle license.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Westside Hose and Liberty Hose Companies for use of the White Street Parking Lot and blocking off of White Street from English Plaza to Maple Avenue to host a car show fundraiser on Sunday, June 13, 2004 during the hours of 9 a.m. to 4 p.m., with a rain date of Sunday, June 27, 2004, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

ORDINANCES – First Reading

2004-1 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO THE RED BANK PUBLIC LIBRARY, IN AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,775,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,686,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

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

Councilman Menna said that he is voting yes on this ordinance for introduction and does not guarantee that he will vote for it on final reading because he thinks that the architect’s fee is excessive and that we should receive proposals from other architects.

Mayor McKenna said that we are getting together with representatives of the Library to make sure they spend the money in an efficient manner. He said that just because we are appropriating the money we do not have to spend it all.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Final Reading and Public Hearing to be held February 10, 2004.

2004-2 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AND INSTALLATION OF PARKING METERS AND THE RESURFACING OF VARIOUS PARKING LOTS, IN AND BY THE PARKING UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$315,000 THEREFOR FROM THE PARKING UTILITY FUND OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$315,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.”

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

Councilman Curley said that he is concerned about bonding \$40,000 to resurface a parking lot when there is enough money in the parking fund to pay for it.

Mayor McKenna asked Mr. Loversidge if we usually bond this item.

Mr. Loversidge said that we do.

Mayor McKenna asked if we have ever gone in the parking fund for resurfacing.

Mr. Loversidge said that if it is a small job we would but have not for a bigger job.

Mayor McKenna said that if we determine we have adequate funds we do not have to spend the money. Councilman Curley said that we have a great deal of money in the fund and it should be spent.

Mayor McKenna suggested we pass the ordinance on first reading and said that we should get a recommendation from our Chief Financial Officer and Auditor.

Councilman Curley said that he already had a discussion with Mr. Loversidge and he said we should bond the money but he does not agree.

The other members of the governing body said that they would like a recommendation from the Auditor.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy

NAYS: Curley

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

Final Reading and Public Hearing to be held February 10, 2004.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

04-33 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASES IN ACCORDANCE WITH RESOLUTION 03-198.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-34 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-35 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 60, LOT 27 (COMMONLY KNOWN AS 52 RECKLESS PLACE).”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-36 Mayor McKenna read “A RESOLUTION HONORING MICHAEL ARNONE.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-37 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY ACCEPTING PERFORMANCE GUARANTEES RELATING TO CONSTRUCTION CHANGES AT THE TWO RIVER THEATER LOCATED OFF BRIDGE AVENUE.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-38 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING SETTLEMENT OF NEW JERSEY-AMERICAN WATER COMPANY RATE INCREASE REQUEST PENDING BEFORE THE NEW JERSEY BOARD OF PUBLIC UTILITIES.”

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

Mayor McKenna said that we have joined with other municipalities to oppose the increase and because of this there would be no increase.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-39 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED CONTRACT #04-1 BASEBALL/SOFTBALL UNIFORMS.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-40 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED CONTRACT #04-1 BASEBALL/SOFTBALL EQUIPMENT.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-41 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED CONTRACT #03-9 TWO (2) 2004 MODEL DUMP TRUCKS WITH SNOW PLOWS.”

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

Councilman Curley said that he would like to make a comment before the vote on Resolutions #03-41 and #03-42. He said that he had some concerns about a letter that was sent by our Deputy Administrator, Gary Watson to Councilman Bifani and one of the paraphrases within the letter is “Uniformity throughout our fleet enhances user safety through standardized controls and standardized ergonomics”. He said that he does not believe that Mr. Watson intended this but exclusion leading to uniformity can lead to excessive charges and he thinks it is something we have to be very careful of especially in this day and age that there is no presumption of uniformity and trying to overtake the bidding process.

Mayor McKenna said that he spoke to Mr. Watson himself about this and these were the trucks that were most efficient and that he had checked with a number of other municipalities that are using the same equipment and are very satisfied with the equipment.

Mr. Watson said that he was trying to say that uniformity of the fleet reduces accidents.

Councilman Curley said that he wants to make sure the bidding process is opened to all makes and models of vehicles and this should not have been written. He said where this is written is in the bid specs where you can gear something toward a specific model or brand and we want to keep that opened for all and to have this in writing could lead to the presumption that there is something going on and I know there is not.

Mayor McKenna asked Mr. Watson and Mr. Sickels if they were satisfied with the bid and they said that they were.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-42 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED CONTRACT #03-11 ONE (1) 2004 MODEL BULK METAL PICK-UP TRUCK.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

04-43 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY REGARDING THE RED BANK VISITOR’S CENTER.”

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

Councilman Curley asked for an explanation of the resolution.

Mr. O’Connor said that the Visitor’s Center is applying to become a 5013C and needs a resolution from the Borough stating that they do not receive any funding from us. He said this resolution would be used for their tax-exempt status with the IRS.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

Mayor McKenna read a proclamation regarding NEA’s Read Across America & Read Across America-NJ to be held March 2, 2004.

PAYMENT OF VOUCHERS

04-44 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$861,044.07”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

OLD BUSINESS

Mayor McKenna thanked all of the employees of the Public Works Department for the wonderful job they did plowing the streets during the last snowstorm.

NEW BUSINESS

AUDIENCE

Trisha Rumola – Red Bank RiverCenter – 20 Broad Street – said the business community was really pleased with the excellent job that Public Works did removing the snow. She said she sent out a letter to the business community explaining their responsibilities regarding snow removal on their property.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona