

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 28, 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.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Red Ribbon Week Presentation

John Austin introduced all of the representatives from the schools that were present to receive a Certificate of Achievement for Red Ribbon Week. Mr. Austin said Red Ribbon Week was started in 1988 to commemorate the life of a Drug Enforcement Agent that was killed in the line of duty. He also introduced Bonnie Large, Chairperson of the Red Bank Alliance to Prevent Alcohol and Drug Abuse.

Mayor McKenna, Bonnie Large and John Austin presented the certificates to the children.

David Large read the Red Ribbon Week Pledge.

Mayor McKenna thanked the children and everyone from the schools and Cub Scouts for attending the meeting.

New Jersey American Water

Gloria Gledhill, Government Affairs Specialist from New Jersey American Water, said that she is here for her yearly visit and asked the members of the governing body if they had any questions. She said that her office has moved to Lawrenceville and she gave everyone her new phone number. She presented the members of the governing body a packet of information and said if anyone had any questions, to please contact her at her office.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Appointment of Certified Landscape Architect for Services Regarding Park Area at the Foot of Locust Avenue

Councilwoman Beck said that the Environmental Commission has received a grant for development of the park at the end of Locust Avenue. She said they would like to purchase some garbage and recycling cans and also do some plantings in the park. She said they would also like approval to hire a Certified Landscape Architect and said there is funding in the grant to compensate him.

Mayor McKenna said that their proposal did not include the amount of money that they expected to spend but if it did not exceed \$1,000 he thought we could approve it. He asked Mr. Loversidge if \$1,000 was available for the Environmental Commission to spend on this project.

Mr. Loversidge said that the funding was available.

Councilwoman Beck said this would be very helpful so they could proceed with some work before the weather got too bad.

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

Naming of Park at the end of Locust Avenue

Councilman Curley said that he had received a letter from the Environmental Commission regarding the naming of the park and said that they would like it named Belle Haven. He said that the governing body should be consulted before the park is named.

Councilwoman Beck said that the Parks and Recreation Committee would be meeting to discuss a name for the park and that they would make a recommendation to the governing body.

Councilman Murphy said that he would schedule a meeting of the Parks and Recreation Committee for the second week of November.

Councilwoman Beck said that she would not be here that week but that Councilman Curley could attend the meeting in her place.

MAYORAL APPOINTMENTS

Mayor McKenna appointed Judy Hathaway of 44 Ambassador Drive to the Navesink River Municipalities Committee and said that he had conducted interviews with all of the individuals being appointed tonight.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna appointed Gary Morris of 186 River Street, Deborah Daly of 85A Catherine Street and David Prown of 44 Hillside Place to the Parks and Recreation Committee.

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

Councilwoman Beck said that Ross Richardson has been to all of the Parks and Recreation meetings since January and does not think he should be excluded, she asked if we could expand the Committee to include him.

Councilman Bifani said that he thought the Committee should be expanded.

Mayor McKenna said that we would have to amend the ordinance to expand the Committee and said that when the Committee is expanded he would be conducting additional interviews.

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Menna said that we have two students here this evening from the Red Bank Middle School serving as reporters and introduced Andrea Dawson and Rachel Terry. He said the Red Bank Middle School, in conjunction with Red Bank Regional, has started a pilot program establishing a Journalism Club working on a newspaper for the Middle School. He also said the Middle School has seen a number of tremendous improvements under the direction of the new principal, Mr. Nolan. He said it is a pleasure to have the students at the meeting.

Councilman Murphy reported that a newsletter from the Parks and Recreation Committee is being mailed out this week to all of the residents of Red Bank. He said the Halloween Parade was a huge success and he thanked everyone for their participation, especially the Ladies Auxiliary, Fire Department and Police Department. He also reported that the Parks and Recreation Department, in conjunction with Little Silver and Shrewsbury would be sponsoring a number of basketball programs for children of all ages and adults and that the bathroom facilities at Count Basie Field would be open on Saturdays.

Mayor McKenna said that he has received a lot of positive comments about having the restroom facilities open at Count Basie Field on Saturdays.

Councilman Curley reported that the Human Relations Committee and RiverCenter would be sponsoring the Celebration Art Program. He also reported that the Human Relations Committee would be holding their monthly meeting on November 19, 2003 at 6 p.m. and the Historic Preservation Commission would be meeting on November 6, 2003 at 7:15 p.m. in the Third Floor Conference Room.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from the Improvisational Comedy Troupe to hang a banner on Broad Street from November 3, 2003 to December 1, 2003 to advertise Improvathon '03, a fundraiser for the Institute of Children with Cancer and Blood Disorders, being held at Phoenix Theatre, 111 Monmouth Street on November 28, 2003.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

03-220 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPOINTING GAGLIANO APPRAISAL, LLC FOR VALUATION SERVICES REGARDING TAX APPEAL CONCERNING BLOCK 59, LOT 4.”

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.

03-221 Mayor McKenna read “A RESOLUTION OPPOSING SENATE BILL NO. S-2516 PROHIBITING USE OF SCHOOLS AS POLLING PLACES IN ANY ELECTION.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Beck

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

03-222 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING SALE OF PERSONAL PROPERTY.”

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.

03-223 Mayor McKenna read “A RESOLUTION CALLING FOR AMENDMENTS TO TITLE 33 OF THE NEW JERSEY REVISED STATUTES, “THE NEW JERSEY ALCOHOLIC BEVERAGE CONTROL ACT”.”

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.

03-224 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AMENDING THE RED BANK BOROUGH COUNCIL 2003 SCHEDULE OF MEETINGS.”

Mr. Murphy 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.

03-225 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING CHANGE ORDER #1 FOR AN EXTENSION OF TIME REGARDING EMERGENCY WATER REPLACEMENT AT THE CHESTNUT STREET WATER PLANT.”

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

Mr. Kosenski reported that this change order does not change the amount of the contract but just gives the contractor extra time to complete the project because the voltage had to be changed at the plant and until that is done we are using a loaner motor and once the voltage is changed the contractor would install the new motor.

ROLL CALL:

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

NAYS: None

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

03-226 Mayor McKenna read “A RESOLUTION SUPPORTING REAUTHORIZATION OF THE NEW JERSEY TRANSPORTATION TRUST FUND AND RENEWAL OF THE FEDERAL SURFACE TRANSPORTATION ACT.”

Mr. Bifani 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.

03-227 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE FOR PROPERTY LOCATED ON CHAPIN AVENUE AND DESIGNATED ON THE TAX RECORDS AS BLOCK 84, LOTS 21, 21.01, 22 AND 22.01.”

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.

03-228 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 84, LOTS 17.01 AND 17.02.”

Mr. Murphy 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.

03-229 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, APPOINTING RICHARD PILLAR, CERTIFIED LANDSCAPE ARCHITECT, FOR SERVICES REGARDING PARK AREA AT THE FOOT OF LOCUST AVENUE.”

Ms. Beck 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.

PROCLAMATION

PAYMENT OF VOUCHERS

03-230 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,952,708.09.”

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

Trisha Rumola, Red Bank RiverCenter, distributed the new Red Bank visitor’s guide, Red Hot Red Bank, to the governing body and said that if anyone wanted additional copies they should call her office.

Mayor McKenna thanked RiverCenter for being kind enough to allow his son, Sean, to work on a project downtown for RiverCenter refinishing the benches as his project toward receiving his Eagle Scout.

Ms. Rumola said the work done by Sean was a tremendous help to RiverCenter and said that he worked very hard on the project during some bad weather.

Jim Harris – 97 Mechanic Street – said that he wanted to thank John Austin for all of the work he has done over the years and said that he is going to miss him when he retires.

Chris Cole – 7 Broad Street – said that he wanted to welcome Councilman Murphy as a member of the governing body and also commended the two students that were attending the meeting as reporters. He also said that RiverCenter had a retreat at the Molly Pitcher Inn and that is was the first one they had in five years. He said the five main issues that were discussed were parking, maintenance, outreach with the Borough and the Police Department, community and business outreach and visual improvements. He said there were 25 people at the retreat and he distributed a report to the governing body regarding the retreat.

Mayor McKenna said the community outreach program that sends speakers to the schools is a great program.

Mr. Cole said that RiverCenter has really been trying to promote this program.

Warren Frost – 100 River Street – said that he wanted to say something on behalf of Freddie Boynton and read an article from many years ago about a fight that Mr. Boynton had during his boxing career. He said that he thinks that Freddie is not being treated fairly and that he has been accused of illegal dumping and demoted.

Mayor McKenna said the Borough did not accuse Mr. Boynton of illegal dumping and he was not demoted and still receives the same pay.

Fred Boynton – 12 Bank Street – said that he is being watched by a borough employee in a borough vehicle when he is driving his personal vehicle. He also asked if there was any information about the person who was damaging his time cards.

Mr. O'Connor said that we have not found out anything further about his time card and that the Acting Director has given everyone notice about the severity of employees tampering with time cards. He said that we are keeping close observation on the time cards and that there has not been an incident since October 13, 2003.

Mr. Boynton said that there has not been an incident with his time card but there were two other employees who had a problem and he brought it to the attention of Mr. Watson.

Mr. O'Connor said that the rule applies to everyone and if there is a violation the employee should be written up for disciplinary action.

Mr. Sickels said the Mr. Boynton wrote up a complaint and it went to the Director.

Mr. Boynton said there are still problems with the time cards and he still wants to find out who messed with his time card. He said that he does not think it is right that another borough employee is following him around while he is using his personal vehicle after work.

Mayor McKenna said the police are involved and Chief Fitzgerald is overseeing the investigation about the tampering with his time card.

Mr. Boynton said that he has the right to know who messed with his time cards and should be treated fairly.

Mayor McKenna said that as soon as we have any information about the investigation, we would contact Mr. Boynton.

Mr. Boynton said that Mr. Sickels would never meet with him.

Mr. Sickels said that he had met with Mr. Boynton and told him the investigation is ongoing and when we had some information we would contact him.

Mr. Boynton said that next year he is going to run for Council and said that the situation with his time card being tampered with has to be stopped.

Mayor McKenna said that Mr. Boynton does not have to keep on saying the same thing over and over. He said Police Commissioner Hintelmann has met with Chief Fitzgerald. He said that since the Borough has started the investigation it has not happened again.

EXECUTIVE SESSION

ADJOURNMENT

Mr. Curley offered a motion, seconded by Mr. Menna 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