

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 9, 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

Proposed Ordinance Regarding Screened Fencing for Construction Sites

Mr. O'Connor said that a draft ordinance was distributed in the packet regarding screened fencing for construction sites, with the exception of one- or two-family dwellings. He said we had discussed the proposed ordinance but before we introduce the ordinance Mr. Sickels wants to check and make sure it does not conflict with the Uniform Construction Code. He asked the governing body to review the ordinance and contact him if they have any changes. He said we could introduce the ordinance next year.

Mr. Sickels said he wants to check with the Department of Community Affairs to make sure our proposed ordinance does not conflict with State regulations.

Extension of Monmouth County Municipal Open Space Grant Program

Mr. Kosenski said the grant application was originally due on December 19, 2003 but the County has extended the date to January 20, 2004. He said there have been several meetings of the Parks and Recreation Committee and the committee is in agreement that the following items are in need of rehabilitation: the concession stand, the restrooms, the basketball court and the ADA requirements that were mandated by the Federal Government. Mr. Kosenski said the cost of this work is approximately \$250,000 but the Borough has received a \$50,000 grant for the concession stand and a \$50,000 grant for the ADA improvements. He said we would have to adopt a bond for \$165,000 to complete all of the work.

Mayor McKenna asked if we could adopt a resolution supporting the grant application at the next meeting.

Mr. O'Connor said we could.

Councilwoman Beck said that it is her understanding that we would not go forward with the project unless we received the grant from the County.

Councilman Murphy said that we have already received the grants for rehabilitation of the concession stand and the ADA improvements.

Mr. Sickels said that there would be another meeting of the Parks and Recreation Committee to discuss the options.

Community Arts and Local Traditions Public Meeting

Mr. Sickels said that Gail O'Reilly asked him to announce that there would be a public meeting for Community Arts and Local Traditions on Wednesday, December 10, 2003 at 7 p.m. at Borough Hall to discuss the arts, recreation and leisure activities related to the upcoming Red Bank Community Cultural Plan and to meet with cultural planner, Louise Stevens.

Improvements to Broad Street, Pinckney Road and Wikoff Place

Mr. O'Connor said there is a draft ordinance in the packet regarding the proposed traffic changes to the Broad Street, Pinckney Road and Wikoff Place intersection. He said that the ordinance would prohibit

stopping and standing in the intersection and part of Wikoff Place would become one-way coming out onto Broad Street and traffic would only be able to make a right turn at this intersection. He said the ordinance was prepared in accordance with comments from Borough and County officials. He said the ordinance would still have to be officially approved by the County.

Councilman Bifani said that only 75 feet of the eastern end of Wikoff Place would be one-way at the intersection of Broad Street so cars would not be able to turn onto the street from Broad Street. He said the Engineer and the Chief of Police approved this plan.

Mr. O'Connor said that if this is acceptable he would submit this ordinance to the County for their approval and we could probably move forward with the introduction early next year.

Mayor McKenna said that he thinks the residents of this area would appreciate the ordinance.

APPROVAL OF MINUTES – November 12, 2003
November 25, 2003

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Curley said that in reference to the emergency appropriation that we are adopting this evening the Finance Committee would be meeting with all departments over the next two weeks and will look for ways to tighten our budget. He also said he would appreciate help from all Council Members regarding their assignments. He also said that he would like to recognize Pam Hughes for receiving her Clerk's Certificate and that he hopes that with the additional responsibilities that Pam will be receiving shortly that she be paid the stipend that is equivalent in that situation. He also reported that he had several phone calls this morning regarding snow removal in the Borough and people complaining about the conditions of the streets being poor. He said there were also some residents who complained about the downtown receiving special treatment because of all the work that was done there last night on an overtime budget. He said that after speaking to Mr. O'Connor that the Council should set up a policy for snow removal for the downtown with RiverCenter. He said that last year we had to call Bill Duckworth at the last minute to remove the snow from the parking lots at a great expense to the Borough. He said that we spent close to \$25,000 for this particular storm and it is expensive to clean up but we really need to set a policy.

Mayor McKenna said that he does not know if tonight is the appropriate time to discuss this but it should be referred to the Public Works Committee and they should make some recommendations. He said that he was out most of the day on Friday and Saturday with our guys and he ran into them in different parts of town. He said that he was going to suggest just the opposite that he thought our guys did a great job. He said he received one complaint but received six calls from residents thanking us for getting to their street so quickly, even though it is a side street. He said the difficulty came when the ice came and unfortunately there are many streets in town that get very little sun. He said some areas of town were very icy but that overall he thinks Public Works did a very good job.

Councilman Curley said that he had received calls from residents but he knew that Mr. Watson had received a lot of calls from businesses in the RiverCenter district and that Harriet Cook grabbed him at the ribbon cutting ceremony today and chided him for not having the Public Works Department on it sooner. He said that he does not like to cater to the downtown versus the residents and told Mrs. Cook that it is all equal.

Mayor McKenna said to Councilman Curley that he does not think that Public Works caters to any area of town and that residents from little tiny side streets were calling to thank us for plowing their streets so quickly.

Councilman Hintelmann said that the employees from Public Works were out all night and the roads were plowed and cleared but when ice falls the only thing they can do is lay down sand. He said that he thinks Public Works did a good job considering the weather and having two straight days of snow.

Councilman Curley said that he would like Councilman Hintelmann to come to a RiverCenter meeting with him next time because it gets kind of rough. He said that he is not blaming our Public Works Department per say but RiverCenter had most of the complaints.

Councilman Hintelmann said that he is just defending our Public Works Department and would defend them over RiverCenter anytime.

Councilman Bifani said that they are a special interest group and we get complaints every year and this storm we received the same amount of complaints that we always do. He said that he was out with the guys that were working and so was Mr. Watson. He said that Mr. Watson even slept at Liberty Hose Company. He said the department did a great job and everyone pitched in and got the work done.

Mr. Watson said that he thinks it is important for the men to hear a compliment because they do not get them very often. He said that the snow began at 10 a.m. Friday morning and we heard that it was going to be a significant snowfall so we began sanding, at 2 p.m. the snow started to accumulate so we started plowing and plowed through the night and the next day. He said that he received 12 complaints from residents and a lot from the downtown, especially about the crosswalks. He said the next evening after the Police Department posted “no parking” signs we plowed a number of the streets in the downtown area from curb to curb to allow for cars to park and for two lanes of traffic to drive down the streets safely. He said the next day we received a lot of complaints about us plowing snow back onto the sidewalk. He said that he spoke to each individual that called and explained the situation to them and after speaking to them they understood why we did that.

Councilman Curley said there is a misconception of the RiverCenter members because they do not realize that they have to shovel their own sidewalks.

Mr. Watson said that he is going to schedule a meeting with the supervisors and representatives from RiverCenter to formulate a plan and have an understanding of what they expect from us and what we can deliver.

Mayor McKenna asked Mr. Watson to let everyone in the department know that we appreciate all they did and that everyone was in good spirits and they did a great job.

Mr. Watson said that we are trying to change our image, get the job done and make the residents happy.

Mayor McKenna said that he was asked by the Governor to attend a meeting at the Plainsboro Municipal Building with 12 other Mayors to discuss property tax relief, consolidation of services and costs of our schools and their administration. He said a lot of the discussion was about the costs of our schools and the redundancy of Superintendents and Principals in every school system. He said the Governor’s Office was looking at ways to devise a system that could be used to determine state aid to each school system and if they exceeded a reasonable cost for services they would not receive as much State Aid. He said there was also a lot of discussion about impact fees and all of the discussions are going to be ongoing and the Governor is going to appoint a special task force to address these issues. He said he would keep everyone informed about the progress of these discussions.

Councilman Menna said there is a proposal from Senator Adler, from Camden, asking the state to seriously consider consolidating smaller municipalities under a certain population to regional municipalities to save on all of the administrative fees associated with a municipality and consolidate not just services but consolidated towns.

Mayor McKenna said that they did discuss this proposal and also discussed implementing more interlocal service agreements. He said it was pretty enlightening and that the interest of the taxpayers is being taken into consideration to try and force consolidation of services and to reduce administrative expenses on the municipal, county and school levels.

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

NAYS: None

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

ORDINANCES – First Reading

2003-45 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. Menna.

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.

ORDINANCES – Public Hearing & Final Adoption

2003-39 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER VII “TRAFFIC” 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. Menna offered a motion to close the public hearing, seconded by Mr. Curley.

ROLL CALL:

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

NAYS: None

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

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

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.”

Mayor McKenna opened the public hearing and 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. Curley.

ROLL CALL:

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

NAYS: None

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

Mr. Menna offered a motion to adopt the ordinance on final reading, seconded by Mr. Bifani.

ROLL CALL:

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

NAYS: None

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

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.”

Mayor McKenna opened the public hearing and 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, Bifani, Murphy, Curley

NAYS: None

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

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

RESOLUTIONS

03-257 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE FOR PROPERTY COMMONLY KNOWN AS 78 WEST FRONT STREET AND DESIGNATED ON THE TAX RECORDS AS BLOCK 8, LOTS 6 AND 6.01.”

Mr. Bifani 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.

03-258 Mayor McKenna read “A RESOLUTION AUTHORIZING ADOPTION OF A LENGTH OF SERVICES AWARD PROGRAM DEFERRED COMPENSATION PLAN.”

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

Councilwoman Beck asked if we had to adopt this resolution every year.

Mr. Loversidge said that we do not and that this resolution is assigning a management company.

Councilman Curley said the management company has direct association with those that are investing and it takes the Borough out as the middleman.

Mr. Loversidge said that the management company takes care of everything.

ROLL CALL:

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

NAYS: None

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

03-259 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROPRIATION OF PRELIMINARY COSTS FOR THE GREEN ACRES WESTSIDE PARK ACQUISITION.”

Mr. Bifani 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.

03-260 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASES IN ACCORDANCE WITH RESOLUTION 03-198.”

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.

03-261 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC., FOR 2004 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER.”

Mr. Bifani 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.

03-262 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR PROPERTY DESIGNATED ON THE TAX RECORDS AS BLOCK 99, LOTS 26, 27, 28 AND 15.01.”

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

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.

03-263 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE RECEIPT OF BIDS FOR VARIOUS PROJECTS.”

Mr. Bifani 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.

03-264 Mayor McKenna read “A RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION.”

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

ROLL CALL:

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

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

03-265 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.”

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

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

03-266 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,766,287.98.”

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

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

Frank Woods – 92 Harding Road – said that Public Works did a good job clearing the snow for a first aid call during the snow storm on Saturday and kept the roads clear for emergency vehicles. He also said that on December 3, 2003, George Lynch smelled smoke when he was traveling on Shrewsbury Avenue and investigated the smell and located a fire in a house on Sunset Avenue. He said that if Mr. Lynch did not locate the fire the house probably would have been lost. He said that Mr. Lynch should be commended.

Frank Barrows – 120 East Bergen Place – said that there is a problem with flooding on the corner of East Bergen Place and Hudson Avenue because of problems with the storm sewer. He submitted pictures of the problem to the Mayor and explained each picture. He said that he has noticed numerous sinkholes and has contacted Public Works and the Borough Engineer and has not received a response from them. He said the problem is getting worse and is undermining the whole area.

Mayor McKenna said that we have two engineers here tonight and that they would contact him, he asked Mr. Burrows for his phone number. Mr. Burrows gave his phone number and Mayor McKenna said someone would contact him tomorrow.

EXECUTIVE SESSION

03-267 The Attorney read a resolution to adjourn to executive session to discuss pending and proposed litigation.

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

ROLL CALL:

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

NAYS: None

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

Mr. Curley offered a motion, seconded by Mr. Murphy to adjourn from executive session.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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