

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 14, 2003
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Menna, Chief Financial Officer Loversidge

Councilman arrived at 5:50 p.m.

SUNSHINE STATEMENT

WORKSHOP

Councilman Hintelmann said Probationary Patrolman Patrick Kennedy has completed his probationary period and Chief Clayton is recommending Patrolman Kennedy is promoted to permanent status, effective January 22, 2003.

The governing body agreed to add a resolution to the agenda implementing Chief Clayton's recommendation.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

03-24 Mayor McKenna read “A RESOLUTION APPOINTING STEVEN ADAMS PROBATIONARY POLICE OFFICER”.

Police Commissioner Hintelmann read a brief biography on Steven Adams

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

The governing body congratulated Steven Adams on his appointment.

03-35 Mayor McKenna read “A RESOLUTION APPOINTING PATRICK KENNEDY AS PERMANENT PATROLMAN”.

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

Mr. Hintelmann offered a motion to resume the regular order of business, seconded by Mr. Bifani.

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

APPROVAL OF MINUTES – December 19, 2002
January 4, 2003

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that she had met with the Environmental Commission and that Councilman Curly was also in attendance. She said the group met with our Shade Tree Officer, Mike Olimpi, about the possibility of adopting a Shade Tree Commission. She said they would be making a formal presentation to the governing body.

Councilman Bifani said a preliminary list of roads to be included in the 2003 road program was distributed and he would like input from the members of the governing body. He said Councilwoman Beck had asked about Oakland Street and he said we are going to apply for a grant from the 2004 Transportation Trust Fund. He said he is open to suggestions. He also reported that he would like to submit an application for a Monmouth County Community Development Block Grant for streetscape improvements to Rector Place. He said this would complete Shrewsbury Avenue streetscape.

Councilman Curly said everyone in Red Bank loves the special events but he wants to make sure the sponsoring organizations are paying for the services they are using. He said he would like to review all of the special events and assure the residents that they are subsidizing them.

Councilwoman Beck said she would also like to check and make sure the event organizers are paying for the landfill cost in the event that we are disposing of the garbage.

Councilman Curly said he would look into this matter and report back to the governing body.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from the Red Bank Alliance to Prevent Alcoholism and Drug Abuse to hold the 11th Annual Community Day 5K Run and various activities at Count Basie Park and various streets in Red Bank on April 26, 2003, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

Mayor McKenna read a request from Dr. James Dubel to hold Cruisin' with the Oldies in Red Bank on May 16, 17, and 18, 2003 in Marine Park, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Curley

NAYS: None

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

Councilman Menna arrived at 5:50 p.m.

Mayor McKenna read a request from the Red Bank Jazz and Blues Festival to hang banners on Broad Street and Shrewsbury Avenue to advertise event from May 19, 2003 to June 3, 2003.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Joshua Sanders and John Drucker to become members of the Navesink Hook and Ladder Fire Company.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2003-01 **Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES REGARDING DESIGNATION OF SNOW EMERGENCY NO PARKING ZONES”.**

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, 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 January 28, 2003.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

03-09 **Mayor McKenna read “A RESOLUTION DESIGNATING THE BOROUGH TREASURER AS THE CERTIFYING AGENT IN CONNECTION WITH THE PUBLIC RETIREMENT SYSTEM”.**

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

ROLL CALL:

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

NAYS: None

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

03-10 **Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT IN COMMERCE BANK AND TO SIGN ALL PAYROLL CHECKS”.**

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

ROLL CALL:

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

NAYS: None

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

03-11 Mayor McKenna read “A RESOLUTION AUTHORIZING CREATION OF CHANGE FUNDS”.

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

ROLL CALL:

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

NAYS: None

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

03-12 Mayor McKenna read “A RESOLUTION DESIGNATING DEPOSITORYES FOR THE BOROUGH OF RED BANK”.

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

ROLL CALL:

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

NAYS: None

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

03-13 Mayor McKenna read “A RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OF ASSESSMENTS”.

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

ROLL CALL:

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

NAYS: None

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

03-14 Mayor McKenna read “A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT FOR MAKING PAYMENTS IN CONNECTION WITH THE REDEMPTION OF TAX TITLE LIENS”.

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

ROLL CALL:

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

NAYS: None

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

03-15 Mayor McKenna read “A RESOLUTION APPOINTING BRUCE E. LOVERSIDGE AS FUND COMMISSIONER TO CENTRAL JERSEY HEALTH INSURANCE FUND”.

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

ROLL CALL:

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

NAYS: None

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

03-16 Mayor McKenna read “A RESOLUTION APPOINTING BRUCE E. LOVERSIDGE AS FUND COMMISSIONER TO MONMOUTH COUNTY JOINT INSURANCE FUND”.

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

ROLL CALL:

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

NAYS: None

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

03-17 Mayor McKenna read “A RESOLUTION APPOINTING BOND COUNSEL FOR THE BOROUGH OF RED BANK”.

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

ROLL CALL:

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

NAYS: None

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

03-18 Mayor McKenna read “A RESOLUTION APPROVING CASH MANAGEMENT PLAN”.

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

ROLL CALL:

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

NAYS: None

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

03-19 Mayor McKenna read “A RESOLUTION AUTHORIZING DEVELOPER’S AGREEMENT REGARDING SRA, LLC, BLOCK 34, LOTS 3, 4, 5.01, 17, 20, 21, 22, 23 AND 24 (WEST FRONT AND PEARL STREETS)”.

Councilwoman Beck said that she called the administrator’s office today to get a copy of the developer’s agreement but it was not available. She said she would like to table the resolution until the next council meeting so she could review it.

Mr. O’Connor said the agreement was signed and delivered to the Borough Clerk’s office this afternoon. He said if the Mayor and Council decide they are going to review all developer’s agreements, he suggests that we table it and handle it at the next meeting.

Mayor McKenna said that he as an individual has great respect for our professionals and does not want to second-guess them.

Councilwoman Beck said she does feel comfortable voting on things that she has not reviewed.

Councilman Menna said he does not remember when we got into the business of reviewing developer agreements. He said the agreements deal with approvals given by the Planning and Zoning Boards as well as our professionals and they approve the escrows, bonds and other items. He said he does not see the logic in reviewing these items.

Councilwoman Beck said we are not asked to vote on all developer's agreements and she would just like to review it.

Mayor McKenna said traditionally we just bless our attorney and engineer's work but instructed the Borough Clerk to forward a copy of the agreement to Councilwoman Beck.

Councilwoman Beck offered a motion to table the resolution, seconded by Councilman Menna.

ROLL CALL:

AYES: Beck

NAYS: Hintelmann, Menna, Bifani, Thompson, Curley

There being one aye and five nays, the motion was defeated.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: Beck

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

03-20 Mayor McKenna read "A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTING MAINTENANCE GUARANTEE REGARDING BLOCK 105, LOTS 1, 2 AND 3".

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

ROLL CALL:

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

NAYS: None

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

03-21 Mayor McKenna read "A RESOLUTION REJECTING BID FOR TEMPORARY PUBLIC WORKS FACILITY".

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

ROLL CALL:

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

NAYS: None

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

03-22 Mayor McKenna read “A RESOLUTION REGARDING BOROUGH ENGINEERING SERVICES FOR PROPOSED PUBLIC WORKS PROJECTS”.

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

ROLL CALL:

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

NAYS: None

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

03-23 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT WITH THE COMMUNITY Y.M.C.A. OF RED BANK REGARDING INSTALLATION OF IMPROVEMENTS IN THE BOROUGH’S RIGHT OF WAY”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

ABSTAIN: Beck

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

03-25 Mayor McKenna read “A RESOLUTION AUTHORIZING DOG WARDEN SERVICES CONTRACT WITH THE BOROUGH OF LITTLE SILVER”.

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

ROLL CALL:

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

NAYS: None

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

03-26 Mayor McKenna read “A RESOLUTION AUTHORIZING DOG WARDEN SERVICES CONTRACT WITH THE BOROUGH OF SHREWSBURY”.

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

ROLL CALL:

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

NAYS: None

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

03-27 Mayor McKenna read “A RESOLUTION AUTHORIZING DOG WARDEN SERVICES CONTRACT WITH THE TOWNSHIP OF SHREWSBURY”.

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

ROLL CALL:

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

NAYS: None

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

03-28 Mayor McKenna read “A RESOLUTION AUTHORIZING DOG WARDEN SERVICES CONTRACT WITH THE BOROUGH OF FAIR HAVEN”.

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

ROLL CALL:

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

NAYS: None

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

03-29 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, Thompson, Curley

NAYS: None

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

03-30 Mayor McKenna read “A RESOLUTION REJECTING BID FOR PORTABLE EMERGENCY GENERATORS”.

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

ROLL CALL:

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

NAYS: None

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

03-31 Mayor McKenna read “A RESOLUTION HONORING GEORGE LAUTERWASSER AS FIRE CHIEF FOR 2002”.

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

ROLL CALL:

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

NAYS: None

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

03-32 Mayor McKenna read “A RESOLUTION REJECTING BIDS FOR PUMP STATION IMPROVEMENTS”.

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATION

PAYMENT OF VOUCHERS

03-33 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,720,940.88”.

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

Broad Street and Pinckney Road Intersection

Councilman Menna said another pedestrian was seriously injured at the intersection of Broad Street, Pinckney Road and Wikoff Place. He said this is a very dangerous intersection and we have tried numerous times to get help from Monmouth County. He said it is very difficult for pedestrians to cross this intersection because it zigzags. He said the residents in this area have already signed a petition and want something done to improve this dangerous intersection.

Councilman Bifani said we have already started the process. He said the Borough Engineer has been meeting with representatives from the County and Mr. Kosenksi is aggressively working on the improvements.

Shuttle Bus

Councilwoman Thompson asked how the shuttle bus was doing and why it was not going to the west side of Red Bank.

Mayor McKenna said he had the same thought and said he called Mr. Sickels and asked that a report be prepared for the next council meeting.

Mr. Sickels said Mr. Burnip is preparing a budget and will have a report by the next council meeting.

Councilwoman Thompson asked if we were charging a fee.

Mr. Sickels said that we were.

Councilwoman Thompson said they have the same bus in Newark and charge \$1.00 and 60 cents for senior citizens and students.

NEW BUSINESS

Mayor McKenna asked Fire Chief Woods to report on the recent tragedy in Marine Park. He said he wanted to commend everyone that was involved in the rescue.

Chief Woods said we received a call at 11:40 p.m., Saturday night January 11, 2003, that a car had driven off the pier in Marine Park and that there was a possible entrapment. He said they confirmed that someone was in the vehicle and called adjoining municipalities for assistance. He said when they arrived Lt. Schulte was in the water attempting to free the individual but at that time the car was in approximately 20 feet of water. He said they contacted adjoining dive teams to help with the rescue and received help from Fair Haven, Middletown, Leonardo, Lincroft and Middle Village. He said that they got the victim out but it was too late. He said all of the individuals involved were very heroic because of the cold temperatures.

Mayor McKenna said we did everything possible to save this individual and he wants to offer his thanks to the Fire Department, Police Department and all of the other municipalities who offered their assistance.

The governing body commended and thanked Lt. Schulte, our volunteers and everyone who participated in this heroic effort.

AUDIENCE

Ben Forest – 16 Locust Avenue – agrees that something needs to be done to ensure safety at the intersection of Broad Street and Pinckney Road.

Mayor McKenna said we have petitioned the County many times and they still have not done anything.

Mr. Forest also said he is very disturbed about Prown's going out of business and said there are a lot less reasons to go down there. He said there should be more diversity to cater to residents of all incomes.

Mayor McKenna said it is very difficult for small businesses to compete with the large retail chain stores. He said Mr. Prown has been trying for four years to keep the business open. He also said there is a problem with the landlords asking for large increases in rents. Mayor McKenna said he is meeting with some of the landlords.

Mr. Forest said Shrewsbury Avenue has been getting a lot more stores.

Councilman Bifani said that he served on the Planning Board for eleven years and a lot of the time the Board does not always like the use that is planned for a site but has to comply with the laws.

Mr. Forest said the great thing about Red Bank is that you can walk to different places and we all agree that the mom and pop stores cannot compete with the big stores but we have to make an effort to keep Red Bank unique.

EXECUTIVE SESSION

03-34 The Attorney read a resolution to adjourn to executive session to discuss personnel, contract negotiations and litigation.

Mr. Menna offered a motion, seconded by Mr. Hintelmann to adjourn to executive session to personnel, contract negotiations and litigation. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona