

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 26, 2002
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor McKenna, Council President Polonsky and Council Members Hintelmann, Menna, Bifani, Thompson.

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

ABSENT: Councilwoman Beck, Chief Financial Officer Loversidge

SUNSHINE STATEMENT

WORKSHOP

APPROVAL OF MINUTES - January 22, 2002 to October 22, 2002

Mr. Menna offered a motion to approve the minutes, seconded by Mr. Polonsky.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from the Diocese of Trenton to hold annual walk from St. James Church to Newman Springs Road on February 8, 2003 at 10 A.M., pending approval of Chief Clayton.

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

Councilman Polonsky said that he does not disagree with the purpose of the walk but said they have the right to do this.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: none

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

Mayor McKenna read a request from First Night Red Bank to hold First Night Preview on Broad Street near Murphy Style Grill on December 13, 2002 from 7:00 to 9:00 P.M., pending approval of RiverCenter, store/property owner and Chief Clayton.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: none

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

2002-26 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2002 FACILITIES CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY, IN, OF AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,150,000 BONDS OR NOTES TO FINANCE THE COST THEREOF”.

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. Bifani.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

2002-28 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER II “ADMINISTRATION”, SECTION 2-37 “FIRE DEPARTMENT” 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: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

There being five 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: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

RESOLUTIONS

02-235 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

02-237 Mayor McKenna read “A RESOLUTION APPOINTING BUCHALSKI, REYNOLDS AND BRODOWSKI FOR VALUATION SERVICES REGARDING TAX APPEALS”.

Deferred until after Executive Session

02-238 Mayor McKenna read “A RESOLUTION OPPOSING A-2699 AND S-1734, WHICH AUTHORIZES EXPANSION OF NONCONFORMING USES UNDER THE MUNICIPAL LAND USE LAW”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

02-239 Mayor McKenna read “A RESOLUTION ACCEPTING PERFORMANCE GUARANTEE FOR BLOCK 76, LOT 4, 17 NOVEMBER, LLC”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

02-240 Mayor McKenna read “A RESOLUTION REGARDING MEMBERSHIP IN THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1”.

Mayor McKenna said that with the retirement of Mr. Richart we are reevaluating our health department. He said there have been a number of meetings regarding different proposals and after getting a new figure for services from the Monmouth County Regional Health Commission he thinks we should move forward with their proposal. He said we would have one of the individuals involved in our health department working for us through the Regional and the office is located in Tinton Falls.

Councilman Polonsky said that he had a conversation with Councilwoman Beck, the Chairperson of that committee and she wanted to table the resolution and conduct interviews with the Monmouth County Regional Health Commission and the Monmouth County Board of Health. He said she voiced her concerned over the price difference.

Mayor McKenna said we got the price reduced and said he feels the Monmouth County Regional Health Commission would provide superior service. He said Mr. Sickels, Mr. Loversidge and Mr. Richart are very enthusiastic about hiring the Monmouth County Regional Health Commission.

Councilman Menna said we are saving \$70,000 by eliminating our health department.

Councilman Bifani said he wanted to move forward with the resolution.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

PROCLAMATION

PAYMENT OF VOUCHERS

02-236 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,095,677.69”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Chris Cole – 1 Fisher Place – said that Mary Mann would be resigning as Executive Director of RiverCenter to become a full time mother. He said she would be replaced by Harriet Cook, who

would serve as Director of Operations and Trisha Rumola, who would serve as Director of Policies and Planning. He also said that RiverCenter would hold a window walk this weekend and stores would be given awards for the best store windows. He distributed information to the governing body regarding temporary outdoor displays. He said the Visual Improvement Committee of RiverCenter would oversee the approval of displays and that he had spoken to Tom Welsh, Jim Williams and Chief Clayton and they would monitor the displays using the same procedure used for sidewalk cafes.

Mayor McKenna said assuming we allow the displays would RiverCenter give the governing body veto power to have any display removed if they see necessary.

Mr. Cole said he only wants to be positive.

Councilman Menna asked who would determine the style.

Mr. Cole said the VIC Committee would.

Mr. Sickels asked if it would be Borough wide or just in the RiverCenter district.

Mr. Cole said it would be the RiverCenter district only.

Councilman Menna said that we are all representatives of the entire borough and that if we permit this on Broad Street we have to permit it throughout the whole town because they are paying the same taxes. He also said he is very concerned about the ADA issues and that this item was not on the agenda.

Councilman Bifani said Mr. Cole has brought this subject up at numerous Council Meetings and there would not be any alterations to the pedestrian traffic flow.

Mayor McKenna said we allow 60 inches of clearance for sidewalk cafes and would only allow 30 inches of space to be used for the outdoor displays and this would leave a much bigger area of clearance. He said this would still have to be signed off by Tom Welsh, Jim Williams and Chief Clayton.

Mr. Sickels suggested a maximum of 24 inches for outdoor displays.

Councilwoman Thompson said all of shop owners have store windows, she said she sees no reason why they have to put displays on the sidewalk. She said she would like to have them explain why they have to crowd the sidewalks with displays and signs.

Mr. Cole said Coco Pari does a wonderful job with the use of indoor and outdoor displays, he said it enhances the town. He also said that signs would not be allowed.

Mr. Polonsky offered a motion to approve the use of temporary outdoor displays as described in the RiverCenter guidelines as outlined by Mr. Cole from now until January 15, 2003, supervised and approved by the RiverCenter Visual Improvement Committee as well as Borough representatives, seconded by Mr. Hintelmann.

ROLL CALL

AYES: Hintelmann, Bifani, Thompson, Polonsky

NAYS: Menna

There being four ayes and one nay, the motion was declared approved.

EXECUTIVE SESSION

02-241 The Attorney read a resolution to adjourn to executive session to discuss litigation and potential litigation.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

02-237 Mayor McKenna read “A RESOLUTION APPOINTING BUCHALSKI, REYNOLDS AND BRODOWSKI FOR VALUATION SERVICES REGARDING TAX APPEALS”.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

ADJOURMENT

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: None

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

Respectfully submitted,

Carol A. Vivona