

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
DECEMBER 19, 2002  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**SUNSHINE STATEMENT**

**SUSPEND REGULAR ORDER OF BUSINESS**

Mr. Menna offered a motion to suspend the regular order of business, seconded by Mrs. Thompson.

**ROLL CALL:**

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

NAYS: None

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

**02-262 Mayor McKenna read “A RESOLUTION POSTHUMOUSLY HONORING RAYMOND WILLIAMS”.**

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

**ROLL CALL:**

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

NAYS: None

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

The Mayor and Council offered sincere sympathy to the Williams' family and said Buddy would be missed very much.

**02-259 Mayor McKenna read “A RESOLUTION APPOINTING BEAU BROADLEY PROBATIONARY POLICE OFFICE”.**

Mr. Hintelmann read a brief biography on Beau Broadley and said he was recommended highly by Chief Clayton.

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

**ROLL CALL:**

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

NAYS:           None

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

The governing body congratulated Probationary Patrolman Broadley on his appointment.

## **RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

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

NAYS:           None

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

## **WORKSHOP**

### **APPROVAL OF MINUTES – December 10, 2002**

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

ROLL CALL:

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

NAYS:           None

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

## **MAYORAL APPOINTMENTS**

## **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Bifani reported that the completion of paving resumed today and the contractor is starting to catch up on the work that was delayed because of inclement weather.

## **COMMUNICATIONS AND PETITIONS**

### **ORDINANCES – First Reading**

### **ORDINANCES – Public Hearing & Final Adoption**

## **RESOLUTIONS**

**02-252           Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.**

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

ROLL CALL:

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

NAYS:           None

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

**02-253 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.**

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

ROLL CALL:

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

NAYS: None

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

**02-254 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC., FOR 2003 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER”.**

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

ROLL CALL:

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

NAYS: None

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

**02-255 Mayor McKenna read “A RESOLUTION AUTHORIZING CONVEYANCE OF BOROUGH-OWNED PROPERTY DESIGNATED AS THE FRONT HALF OF LOT 3, BLOCK 79”.**

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

Councilwoman Beck asked for an explanation from Mr. O'Connor about the resolution.

Mr. O'Connor said that the buyer found reference to a tax certificate that the Borough sold in 1925 and also a judgment against the Borough from a trip and fall case from 18 years ago. He said that the Borough does not have any records of the tax certificate and the judgment was not valid. He said both of these items have been resolved or cleared but the buyer of the property wants the Borough to convey the property free and clear of all liens and hold the buyer harmless and indemnify the buyer for any claims arising out of or related to said tax sale certificate or judgment.

ROLL CALL:

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

NAYS: None

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

**02-256 Mayor McKenna read “A RESOLUTION REJECTING LOWEST BIDDER FOR ITEM A-10 OF CONTRACT #02-10 FIRE DEPARTMENT TRUCK EQUIPMENT”.**

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

Mr. Sickels said we had to reject this bid because the vendor offered an alternate that was not compatible with the equipment we already own.

ROLL CALL:

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

NAYS: None

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

**02-257 Mayor McKenna read “A RESOLUTION AWARDED CONTRACT #02-110 FIRE DEPARTMENT TRUCK EQUIPMENT”.**

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

ROLL CALL:

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

NAYS: None

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

**02-260 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS”.**

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

ROLL CALL:

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

NAYS: None

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

**02-261 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT FOR LANDSCAPE CONSULTATION SERVICES FOR WATERFRONT ACCESS AND OPEN SPACE PROJECT”.**

Mayor McKenna said we are really lucky to have Margie Ruddick agree to work as a consultant for waterfront access because she is known to be an exceptionally talented.

Councilman Menna said he has a problem with the resolution because the first notice regarding the resolution was a memorandum written by Mrs. O'Reilly to Mr. Sickels yesterday. He said this information was not discussed by the Parks and Recreation Committee or the Council Committee. He said piece-meal development does not accomplish the overall plan. He also said he is not comfortable with Mrs. O'Reilly hiring consultants before it is discussed with the Parks and Recreation Committee and the Council Committee.

Mayor McKenna said he met Ms. Ruddick at a workshop in Princeton and saw her work. He said she is considered an incredible talent in her field and we are very lucky to have her agree to work on this project in Red Bank. He said he asked Mrs. O'Reilly to contact Ms. Ruddick to see if she would consider working on this project.

Mrs. O'Reilly said this project involves numerous departments and before we commence we have to find out what it is about and what is involved. She said rather than spend a lot of money she felt we needed some guidance.

Mayor McKenna said this is not a standard planning issue, he said we have to have a steering committee as part of the grant. He said that because of what is going on with the state budget we do not want to run the risk of losing the funding because the state is cutting funding that it does not deem necessary.

Councilman Menna said the way we planned Riverside Gardens Park worked out very well. He said this Council sat down and discussed various plans before we hired any consultants. He said this is a band-aid approach.

Mrs. O'Reilly said this is not a band-aid approach but said we do not want any comprehensive involvement by any department before putting together some kind of base plan.

Mayor McKenna said it is very similar to the situation with the master plan. He said we selected a firm to shepherd us through the process.

Mrs. O'Reilly said the contract is not to exceed \$10,000. She said any project she has always has a lot of public involvement.

Councilwoman Beck said she was not aware we had received a grant for this. She asked what the next step is.

Mrs. O'Reilly said that Ms. Ruddick has a strong ecological background and the best way to proceed with this project would be to take an environmental approach. She said we need to set up the structure of the project and then proceed with the different phases.

Councilwoman Beck asked if there is funding for implementing the project once we have a plan.

Mrs. O'Reilly said waterfront protection has a high priority. She said funding for this project could come from a variety of sources because the plan would include transportation enhancement, circulation study features, pedestrian and bicycle safety, environmental issues and waterfront development.

Mayor McKenna said he attended a meeting with Bradley Campbell, the Commissioner of the New Jersey Department of Environmental Protection, and he said the state is giving priority to environmental issues and Ms. Ruddick has been ecologically minded even before there were regulations. He feels her input would be extremely helpful in preparing a plan.

Councilwoman Beck asked if Mrs. O'Reilly would submit a bi-monthly report on the status of each project she is working on.

After a general discussion it was agreed upon by the governing body that Mrs. O'Reilly should submit a report every two months.

Mrs. O'Reilly said she welcomes any comments or involvement by the governing body.

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

ROLL CALL:

AYES: Beck, Hintelmann, Bifani, Thompson, Polonsky

NAYS: Menna

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

**02-263 Mayor McKenna read "A RESOLUTION REGARDING AGREEMENT FOR HEALTH SERVICES WITH THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION I".**

Councilwoman Beck said she would like to continue discussion of the resolution because she feels it did not receive detailed review. She said she does not understand why we are paying \$130,000 more for the identical service.

Councilman Polonsky said this was discussed numerous times and he would like to move forward.

Mayor McKenna said we have discussed this numerous times and because of the quality of service and the close proximity of the Monmouth County Regional Health Commission we feel it would be better for our residents. He said all of the professionals also recommend them.

The majority of the governing body agreed to move forward.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Polonsky

NAYS: Beck

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

## **PROCLAMATION**

## **PAYMENT OF VOUCHERS**

**02-258 Mayor McKenna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$579,588.49"**

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

ROLL CALL:

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

NAYS: None

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

## **OLD BUSINESS**

Councilwoman Beck said she is disturbed about the distribution of minutes over the last several years and said she would like to have the meetings recorded. She said recording of meetings is a standard procedure in most municipalities and thinks the meetings should be recorded in the event of disagreement about the minutes.

Mayor McKenna said that in most legal cases the tapes are defective.

Councilwoman Beck said this is a minor expense and she would pay for it, if necessary.

The governing body discussed the numerous personnel problems in the Clerk's office and said the problem has been rectified. The governing body discussed the need for taping the meetings and did not reach a consensus.

## **NEW BUSINESS**

**AUDIENCE**

Val DeFazio – 56 Tower Hill Avenue – said that as an owner of a small landscape business he is having a problem with the new ordinance regarding trash pick-up. He said the ordinance states that contractors cannot place their leaves out in the street for municipal pick-up. He said he works at a number of the condominium complexes and said he is not bringing in additional debris.

Councilman Bifani said the landscapers blow the leaves and debris into the road and it is just easier for the landscapers to take it away.

Mr. DeFazio said he does not think this is fair to the residents who are paying taxes because he would have to pass the cost on to them.

Councilman Bifani said this is the first complaint and he is sure we will have more, he said the committee would be revisiting the problem to try to rectify any problems.

Mayor McKenna thanked Mr. DeFazio for his comments and said we would look into this.

George Becker – 136 Ambassador Drive- said the Board of Directors of Elkridge Townhouse complex asked him to attend the council meeting and voice their concern about contractors not being able to place the leaves at the curb. He said most of the owners of condominiums are very busy people or senior citizens who do not want to maintain property. He said he does not see the difference if a 15 year-old boy puts the leaves out or a contractor, they are already there.

The governing body agreed to revisit the ordinance and add an amendment.

Chris Cole – 1 Fisher Place – said he is here following up on the sidewalk displays and wants to make sure there are no concerns and report on the window walk. He also told Councilman Polonsky he will be missed as a member of the governing body.

Councilman Polonsky said he has learned a lot and enjoyed working as a Councilman for many years. He also said he has made a lot of friends.

The governing body wish everyone a happy and healthy new year.

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**ROLL CALL:**

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona