

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 12, 2002
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Deputy Clerk Hughes, Chief Financial Officer Loversidge, Attorney Anne O'Connor and Engineer Kosenski.

SUNSHINE STATEMENT

SUSPEND REGULAR ORDER OF BUSINESS

Mr. Hintelmann 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.

Police Promotions

Sgt. Morris Collier to the rank of Lieutenant
Sgt. Richard Coutu to the rank of Lieutenant
Sgt. John F. Schulte to the rank of Lieutenant
Ptl. Robert Clayton to the rank of Detective

Councilman and Police Commissioner Hintelman read a biography of each officer being promoted and said they were all most deserving.

Each officer was sworn in to his new position by Deputy Clerk Hughes.

Presentation by Red Bank Environmental Commission regarding Locust Avenue Property

Members of the Environmental Commission appeared before the Council to update them on the status of the proposed park at 100 Locust Avenue. Linda Rohleder said the Commission had applied for and been approved for a grant from the DEP to provide for design and partial implementation. A Public Hearing was held at the Commission's March 4, 2002 meeting and they received good response from residents and neighbors. She said the park would include a trail with interpretive signs and limited access to the river. She said they wish to keep it as natural as possible. The Commission asked the Council for design approval and approval to implement. They asked for help from the Borough Engineer with the DEP and help from Public Works with implementation. They also asked if the Borough could donate wood chips for the trails. They also provided estimates on the labor and materials. Rohleder said the Sierra Club will be at the site on June 8 and they have also contacted the Boy Scouts about helping with the project.

Designer Andrea Hopkins of Acorn Design Services reviewed the plan at length. Some notable points were that the design would work around the fact that the property is existing wetlands and would have small developed areas including a dock/observation platform, would include native plantings, have no lighting and be ADA accessible. The Commission noted that the Westside Community Group had endorsed the project and that they were also looking for direction from the Borough on hours of use and signage. The group was asked to report back to the Council when a decision was received on the application for the second grant.

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.

APPROVAL OF MINUTES – January 22, 2002

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

Councilwoman Beck noted that she had some questions about minutes. Mayor McKenna asked if she had contacted the Clerk. Ms. Beck said she had been unable to reach her.

Mr. Menna withdrew his motion and made a motion to table the minutes, seconded by Mrs. Thompson.

ROLL CALL:

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

Nays: None

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

WORKSHOP

75 Chestnut Street Improvements—Administrator Sickles reported that during the budget process an inspection was conducted at 75 Chestnut St. It was found that the current roof consists of slate over light steel trusses. He said they need to look into replacing the trusses and, with Council approval, he will work with the Borough Engineer to address the situation.

Mr. Bifani noted that the work had been planned for 2002 and that, in the mean time a grievance had been filed.

Mr. Sickels said they are interviewing personnel and working to address facility problems. He will come back to the Council with more recommendations and permanent solutions. He will also work with the Engineer to develop bid specifications for the roof.

Tax Appeal Settlement—Attorney Anne O'Connor noted that there were three resolutions approving tax appeal settlements on tonight's agenda that should be held until after the Council could meet in Executive Session. She also reported that a resolution would be added tonight regarding the approval of a developer's agreement between the Borough and the hospital regarding the boat ramp. She added that it was resolved in the Borough's favor.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Jennifer Beck reported that the Code Enforcement Committee is working on a final draft to address problems with overcrowding. They have scheduled one final meeting and she will update at next Council meeting.

Pasquale Menna reported he had participated in a meeting with the Fire Department Length of Service Awards Program (LOSAP) Committee. The program had the full recommendation of the Executive Council. The committee had reviewed similar programs in adjacent municipalities. He said he would be presenting a summary on what the program is about, what other towns are doing and what it means for the Borough including financial ramifications. The program would have to be approved by referendum. Mr. Menna also reported that specs are being reviewed for a replacement for Engine 95. He noted that the Fire Department Engines are replaced about every 20 years on a rotating schedule and this is the one that is currently due. Information on bonding will be coming soon. It is included in the bond estimate for the coming year. He will have more information at the next meeting.

Ivan Polonsky reported that the Planning Board had adopted the Re-Examination report of the 1995 Master Plan. The report examines goals and sees how the ordinances have worked with it. He noted that it is just a re-examination. It is up to the Council to reconsider, change or adopt a new Master Plan. Mayor McKenna said he would like the Council to review the report and consider changes or redoing it. Much has changed since 1995. He asked Council members to come back with thoughts on the subject. He added that it is a good document and has won several awards. He said he doesn't want to discard existing plan but use it as a starting point. Mr. Polonsky thanked Donna Halligan and Gail O'Reilly for their work on the Plan. Mrs. Thompson said people don't understand how much work goes into it and also thanked Donna and Gail for their work.

Mayor McKenna reported that last Sunday at 10 a.m. he attended a function held by the Board of Education at the Primary School. They examined the site and learned more about a concept to turn the grounds into an ecological classroom. The property consists of 20 acres with two ponds and extensive wildlife. He urged Council members to contact the principal at the Primary School for more information or to arrange a tour. Ms. Beck noted that the Environmental Commission has been working with the Board of Education regarding the project. Mr. Bifani noted that his ongoing project of bringing Operation Clean Shores to the Borough would be working at the site in early April.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from the Red Bank Charter School to use the White Street parking lot, western end, to hold an Exotic Car Show on June 23, 2002 from 9 a.m. to 5:00 p.m., pending approval of the Special Events Committee and RiverCenter.

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

ROLL CALL:

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

Nays: None

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

Mayor McKenna read a request from Red Bank Charter School to use Riverside Gardens Park for graduation on June 13, 2002 from 9 a.m. to 11 a.m. and 4 p.m. to 6 p.m., pending approval of Special Events Committee.

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

ROLL CALL:

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

Nays: None

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

Mayor McKenna read a request from Joseph McLane to join Relief Engine Company.

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

ROLL CALL:

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

Nays: None

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

Mayor McKenna read a request from Joseph Lauterwasser to join Liberty Hose Company.

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

ROLL CALL:

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

Nays: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing and Final Adoption

2002-5 Mayor McKenna read “A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 1999-32 HERETOFORE FINALLY ADOPTED BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”), ON AUGUST 10, 1999 ENTITLED, “BOND ORDINANCE TO PROVIDE FOR THE REHABILITATION OF VARIOUS STREETS WITHIN AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE BOROUGH TO FUNANCE PART OF THE COST THEREOF” AS PREVIOUSLY AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NUMBER 2000-17 FINALLY ADOPTED JUNE 14, 2000, TO AMEND THE DESCRIPTION THEREOF”.

Mayor McKenna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Mr. Polonsky offered a motion to close the public hearing, seconded by Ms. Beck.

ROLL CALL:

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

Nays: None

There being six 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. Polonsky.

ROLL CALL:

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

Nays: None

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

RESOLUTIONS

02-58 Tabled until after Executive Session

02-65 Mayor McKenna read “A RESOLUTION AWARDED CONTRACT FOR THE FURNISHING OF WATER METERS AND AUTOMATIC METER READ EQUIPMENT TO LOWEST RESPONSIBLE BIDDER”.

Mr. Sickels explained that a protest of the bid had been resolved and the project will move forward.

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.

02-66 Tabled until after Executive Session

02-67 Mayor McKenna read “A RESOLUTION ACCEPTING PERFORMANCE GUARANTEE AND ESCROW FOR 234 MAPLE AVENUE, BLOCK 75.02, LOTS 126 & 127; WIKOFF ASSOCIATES”.

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.

02-68 Mayor McKenna read “A RESOLUTION AWARDED CONTRACT #02-3 ELECTRICAL SERVICES”.

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.

02-69 Tabled until after Executive Session.

02-70 Mayor McKenna read “A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT”.

Mr. Menna 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.

02-71 Mayor McKenna read “A RESOLUTION AUTHORIZING LICENSE AGREEMENT REGARDING PROPOSED MURAL TO BE LOCATED ON BUILDING AT 266 SHREWSBURY AVENUE, RED BANK”.

Ms. Beck made a motion to table the resolution until after Executive Session for a discussion on the contract, seconded by Mr. Menna.

ROLL CALL:

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

Nays: None

There being six ayes and no nays, the resolution was tabled until after the Executive Session.

02-72 Mayor McKenna read “ A RESOLUTION OF SUPPORT FOR THE BAY HEAD TRAIN YARD IMPROVEMENTS”.

Mr. Bifani 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.

02-73 DEVELOPERS AGREEMENT

Tabled until after Executive Session.

EXECUTIVE SESSION

02-75 The Attorney read “A RESOLUTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PROPERTY ACQUISITION, LITIGATION, AND CONTRACT NEGOTIATIONS”.

Mr. Menna offered a motion to approve the resolution, seconded by Mrs. Thompson to adjourn to executive session to discuss property acquisition, litigation and contract negotiations. Minutes to be made public in 180 days.

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: Bifani

There being five ayes and one nays, the motion was declared approved

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

ROLL CALL:

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

Nays: None

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

02-58 Mayor McKenna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 105, LOTS 24.01, 24.02, AND 17, AND COMMONLY KNOWN AS 157 BROAD STREET AND 1 HARDING ROAD, RED BANK, MONMOUTH COUNTY.

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

ROLL CALL:

Ayes: Hintelmann, Menna, Bifani, Thompson, Polonsky

Nays: Beck

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

02-66 Mayor McKenna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 31, LOT 13, AND COMMONLY KNOWN AS 46-50 BROAD STREET, RED BANK, MONMOUTH COUNTY”.

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

ROLL CALL:

Ayes: Hintelmann, Menna, Bifani, Thompson, Polonsky

Nays: Beck

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

02-69 Mayor McKenna READ “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 113, LOT 22.01, AND COMMONLY KNOWN AS 165 BRANCH AVENUE, RED BANK, MONMOUTH COUNTY.

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

ROLL CALL:

Ayes: Hintelmann, Menna, Bifani, Thompson, Polonsky

Nays: Beck

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

Mayor McKenna asked Ms. Beck to explain her “no” votes. Ms. Beck said she was not comfortable reducing the amount of taxes on the business community. She said residents pay enough. She said she understood the logic of the settlements and the court process, but was opposed to the reduction.

Mayor McKenna noted that she did not disagree with or question the opinions discussed during Executive Session. She noted that she had listened to the explanation, but did not agree. She thought we should fight more. Mr. Bifani noted that the settlements would not change the rate paid by residents. Ms. Beck said taxes on businesses are slightly down, while those on residents are up. Bifani and McKenna pointed out that the numbers were skewed by additional residential properties. She noted that businesses have also grown. Mr. Menna pointed out the Resolution 02-69 was regarding a residential property that was subject to rent control. He suggested the Council should rely on the advice of the professionals who felt this was a battle the Borough would lose. Mr. Polonsky added that appraisals are not an exact science and that Borough representatives had been told by the Court to “work it out.” To continue to fight, he continued, would cost the taxpayers even more.

02-71 Mayor McKenna read “A RESOLUTION AUTHORIZING LICENSE AGREEMENT REGARDING PROPOSED MURAL TO BE LOCATED ON BUILDING AT 266 SHREWSBURY AVENUE, RED BANK”.

Mrs. Thompson offered a motion to approve the resolution as amended, 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.

02-73 DEVELOPERS AGREEMENT

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

ROLL CALL:

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

Nays: None

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

PROCLAMATION

PAYMENT OF VOUCHERS

02-74 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,878,129.94”.

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

NEW BUSINESS

Ms. Beck noted that she had attended an event at the Red Bank Women's Club on Saturday Night. She said over 100 people had attended. Funds were raised to make repairs to the house, particularly the roof, and to benefit charities for women and children.

AUDIENCE

Drew Horgan-Branch Avenue

Mr. Horgan offered the services of members of the Parking Task Force to help select a candidate for the position of Shuttle/Parking Manager that was discussed at the previous Council Meeting. He also noted that, in regard to the tax appeals on tonight's agenda, the dollar amounts were mentioned for the second and third resolution, but not for the first. He asked if this was intentional. Mayor McKenna said it was not. Finally, in regard to the license agreement for the mural, he inquired about the process used to select the mural and the artist. He said he had read in the paper that there were five proposals and three finalists. He asked if there had been an open meeting or public input and asked Mrs. Thompson to describe the winner. Mrs. Thompson said Mr. Fitzmaurice was an artist of long standing and had been one of the three finalists. She said the decision was made by a Special Committee within the Neighborhood Preservation Committee. She said only two artists submitted a tromp l'oeil design as requested. The committee reviewed the submission and brought their choice to the Borough Council for approval.

Anne Makarewitz-6 Mount Street

Mrs. Makarewitz spoke regarding the water meter replacement bids. She said her water meter has never worked right and she has reported it, but nothing has been done. She said sometimes the lowest bidder isn't the best. Mayor McKenna noted that the Borough is required by law to go with the lowest bidder. Engineer Kosenski added that he had reviewed the bid and contacted public agencies that had purchased and installed the meters. He said the contacts spoke very highly of the equipment. He noted that they will be equipped with touch pad readers and can read the meter through an outside device. The Borough will only need access to the inside of the home once a year to check the equipment. Mrs. Makarewitz also noted that the traffic lights at the intersection of Broad Street and Harding Road change too fast. Mayor McKenna noted that the County is responsible for the lights and timing, but said the Borough would advise them of the problem.

Mark Caringi-

Mr. Caringi said he was speaking on behalf of the Collins family in regard to the tree and memorial stone that were placed on behalf of former Borough employee Pat Collins who passed away in January of 2001. He said the family, friends and co-workers used to visit the site but when the family went there on Christmas Day, they found the tree and stone had been removed. He said the family wanted to know where the stone and tree went, why they were removed and when they will be put back. He noted that no one had called the family regarding this matter. He asked what procedure was followed and how this happened. Mayor McKenna said he made an excellent point. He said the procedures should be followed regarding memorials. In this instance, he continued, no procedure was followed. He said, unfortunately, no request was made for the installation or to request the location. The Council gave no consent and had no knowledge of the installation or the subsequent removal. Mr. Bifani apologized for the lack of contact. He said he had been informed that Rich Hardy had been contacting the family on behalf of the Borough. Mayor McKenna said once the information was received by the Council that the tree had been planted without authorization, it was the understanding of the Administration that they would reach out to the family through someone they knew, and felt closer to, in an effort to find out what the family wanted. However, procedures were not followed and the tree was subsequently removed. Administrator Sickels said he had contacted Rich Hardy two weeks ago

and was told Mrs. Collins was in Florida and that Rich would speak with her when she returned and get back to Mr. Sickels. Mayor McKenna said the library had retained an architect for possible work in the area where the tree had been and they were discussing alternate locations. Mr. Caringi asked the Council to take action and said the Administration should have contacted the family directly. Mayor McKenna said that whomever the family wants to meet with, we would accommodate them. Mr. Caringi asked the Council to sign off on whatever decision is made to avoid future problems. The Mayor said it would be done by resolution. Administrator Sickels said he would contact the family to set up a meeting. Mr. Polonsky said the tree had been planted in May and was removed around Christmas by unilateral action. He said he was appalled and thought the action was insensitive. He was in favor of returning the tree to the exact same location and wanted to make a motion immediately. Mr. Bifani seconded. Mayor McKenna said the attorney had advised him that the portion of the meeting for that type of business was closed, but they could take care of it at the next meeting. Mrs. Thompson said that plans had been made over a long period of time in regard to the library park and parking lot and that she had been speaking with the Mayor and the Parks Commission regarding a statue for the exact location that the tree had been placed in. She was shocked when she saw the tree and when she asked library staff they said they had no knowledge of it. She said Council had not approved. She apologized to the family for the breakdown in communication. Mrs. Collins expressed her distress over the situation and asked the tree be returned to its original location. Mayor McKenna apologized again for the situation saying an individual had made a unilateral decision to place it and removed it without approvals. He assured her the Borough would meet with the family to resolve the placement issue.

Ben Forrest-16 Locust Avenue

Mr. Forrest said he was in support of the Locust Avenue park and thanked the Council for following up on it. He also asked that when the review of the Master Plan was done that they look at Shrewsbury Avenue usage. He said it is very busy. Some revitalization would be great, he continued, but requested no high intensity uses. He said Chestnut Street has also become very busy. He said Shrewsbury Avenue is very busy around the Senior Center. Mr. Bifani noted that just this morning he had met with the Engineer regarding the Shrewsbury Avenue streetscape and that they were addressing safety issues. Mayor McKenna said the Planning Board recognizes the need to keep Shrewsbury Avenue with low intensity use. Mr. Forrest also requested that, whatever decision is made regarding the Parking Task Force recommendations, there be a Public Hearing on the matter. He said he was shocked at the speed at which the garage was proposed.

Chris Cole-1 Fisher Place

Mr. Cole said he was appearing on behalf of RiverCenter. He thanked the Council for keeping an open mind and meeting with him regarding the garbage issue. He said he would be reconvening the Garbage Task Force in hopes of having the ordinance amended by the end of April. He said he would continue to appear at Borough Council meetings to offer updates. He also asked about the installation of the new water meters. Mr. Bifani said the commercial properties would be done first, then residential to follow over a 1-1/2 to 2 year period. Mr. Cole asked about the cost. Mr. Bifani said there would be no cost to customers and there would be a more accurate meter reading.

Mr. Hintelmann offered a motion, seconded by Ms. Beck to close the Audience portion of 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

ADJOURMENT

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

Pamela L Hughes