

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 14, 2002
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Chief Financial Officer Loversidge, Councilman Polonsky left at 6:50 p.m., Councilman Menna left at 7:10 p.m.

SUNSHINE STATEMENT

SUSPEND REGULAR ORDER OF BUSINESS

Mr. Hintelmann offered a motion to suspend regular order of business, seconded by Ms. Beck.

ROLL CALL:

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

Nays: None

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

Councilman Hintelmann read a brief biography on each patrolman that was being promoted and said the borough is very lucky to have two outstanding individuals being promoted to Sergeant.

**02-111 Mayor McKenna read “A RESOLUTION APPROVING PROMOTIONS
 OF RICHARD MANGOLD AND JOHN RILEY.**

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

ROLL CALL:

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

Nays: None

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

The Borough Clerk issued the oath of office to each individual.

The Mayor and Council congratulated Sergeants Mangold and Riley and wished them continued success in the future.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

Nays: None

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

WORKSHOP

Garbage Ordinance

The governing body agreed to defer action on ordinances 2002-11 and 2002-12 until after the executive session portion of the meeting.

Historic Preservation Committee

Mayor McKenna said he would be deferring any action on the Historic Preservation Committee ordinance until the meeting of May 28, 2002, because there were many changes to the ordinance.

MAYORAL APPOINTMENTS

Mayor McKenna appointed Josh Randolph as Second Alternate member to Planning Board.

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

ROLL CALL:

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

Nays: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that the Environmental Commission would receive an additional \$27,000 transferred from the Neighborhood Preservation Program for the Locust Avenue Nature Area. She said this project fits the criteria, which helps to promote parks in urban settings. The Environmental Commission has also received a \$2,500 matching grant for this project. The commission hopes to move forward on this project and is in the process of submitting their permits to the New Jersey Department of Environmental Protection.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Red Bank Elks Lodge to use Riverside Gardens Park on June 14, 2002, from 6 p.m. to 7 p.m. for Flag Day Ceremony.

Mrs. Thompson 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.

Mayor McKenna read a request from the George Sheehan Classic to hold annual event on August 9, 10, 2002, pending approval of the Special Events Committee.

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

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 The Orb to use Marine Park for a Christian Rock Concert on Sunday July 28, 2002, from 4:00 p.m. to 8:00 p.m., pending approval if the Special Events Committee.

Mrs. Thompson 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 the Red Bank Middle School to hold 2002 graduation at Count Basie Field on June 19, 2002, at 6:30 p.m. with a rain date of June 20, 2002, approved by the Parks and Recreation Department.

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

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 RiverCenter to hold sidewalk sale on Broad Street on Sunday, September 8, 2002, from 11 a.m. to 6 p.m. in conjunction with the Red Bank Street Fair, pending approval of the Special Events Committee.

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

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 the Red Bank Charter School to waive all fees associated with variance before the Zoning Board on Century House property for expansion of Charter School, except all out-of-pocket expenses.

Ms. Beck 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 Volvo, in conjunction with the Parks and Recreation Department, to hold two family band concerts in Marine Park on July 14, 2002, and August 4, 2002, at 4 p.m.

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

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 the Red Bank Charter School to use the Senior Center for Spring Fling on May 17, 2002, from 7 p.m. to 10:30 p.m.

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

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 Elizabeth Seydell to join the Fire Police.

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.

ORDINANCES – First Reading

2002-8 **Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2002 ROAD IMPROVEMENTS BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF”.**

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

Councilwoman Beck said that last year Harris Park was on the list for repaving, and the residents from the street have contacted her just to remind her that the governing body said the street would be paved this year.

ROLL CALL:

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

Nays: None

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

Public Hearing and final adoption scheduled for May 28, 2002.

2002-9 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS 2002 CAPITAL IMPROVEMENTS BY THE WATER/SEWER, IN, OF AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES TO FINANCE THE COST THEREOF”.

Mr. Bifani offered a motion to adopt the ordinance on first 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 first reading.

Public Hearing and final adoption scheduled for May 28, 2002.

2002-10 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE PARKING UTILITY, IN, OF AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,000 BONDS OR NOTES TO FINANCE THE COST THEREOF”.

Mr. Polonsky offered a motion to adopt the ordinance on first reading, seconded by Mr. Menna.

ROLL CALL:

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

Nays: None

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

Public Hearing and final adoption scheduled for May 28, 2002.

Ordinances 2002-11 and 2002-12 were deferred until after the executive portion of the meeting.

ORDINANCES – Public Hearing & Final Adoption

2002-7 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XVIII “PARKS AND RECREATION”, SECTION 18-6 “FEES AND CHARGES”, 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, 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. Bifani.

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

02-102 Mayor McKenna read “A RESOLUTION REQUESTING THE MAYOR TO APPLY TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR A CHANCE FOR FUNDS TO THE PROPOSED LOCUST AVENUE NATURE AREA PROJECT”.

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.

02-103 Mayor McKenna read “A RESOLUTION DESIGNATING THE BOROUGH ADMINISTRATOR TO SERVE AS A PUBLIC AGENCY COMPLIANCE OFFICER”.

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.

02-104 Mayor McKenna read “A RESOLUTION APPROVING THE YEAR III WORK PROGRAM FOR THE NEIGHBORHOOD PRESERVATION PROGRAM”.

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

Councilman Beck said the Neighborhood Preservation Program has been very successful and believes that it is on the right track. She thinks there could have been a better job done with public meetings in regard to the mural that was painted on the corner of Shrewsbury Avenue and Drs. James Parker Blvd. The Environmental Commission and the residents of the Westside of Red Bank would have liked to have had some input on the mural. She asked if it was possible to receive a list of the meetings.

Mayor McKenna said that he had recently spoke to Commissioner Susan Bass Levin and that she is extremely satisfied with our NPP program. He said Commissioner Levin said the money is well spent in Red Bank and has pledged an additional \$150,000.

ROLL CALL:

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

Nays: None

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

02-105 Mayor McKenna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 113, LOT 22, AND COMMONLY KNOWN AS 183-213 BRANCH AVENUE, RED BANK, MONMOUTH COUNTY”.

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

ROLL CALL:

Ayes: Hintelmann, Menna, Bifani, Thompson, Polonsky

Nays: None

Abstain: Beck

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

02-106 Mayor McKenna read “A RESOLUTION AUTHORIZING AMENDMENT TO 2002 MUNICIPAL BUDGET”.

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

Councilwomen Beck asked if there would be an increase in the municipal budget.

Councilman Polonsky said there would not.

ROLL CALL:

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

Nays: None

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

02-107 Mayor McKenna read “A RESOLUTION INCREASING THE BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT”.

Mrs. Polonsky 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.

02-108 Mayor McKenna read “A RESOLUTION ACCEPTING ADDITIONAL FUNDS FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS REGARDING NEIGHBORHOOD PRESERVATION AGREEMENT”.

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.

02-109 Mayor McKenna read “A RESOLUTION AUTHORIZING TEMPORARY EMERGENCY APPROPRIATION NO. 2”.

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.

02-110 Mayor McKenna read “A RESOLUTION REGARDING NJDEP GRANT FOR NATURE AREA 100 LOCUST AVENUE”.

Ms. Beck 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.

EXECUTIVE SESSION

02-114 The Borough Attorney read a resolution to adjourn to executive session to discuss pending litigation regarding the garbage ordinance and informed the public that formal action may be taken.

Mr. Menna offered a motion, seconded by Ms. Beck to adjourn to executive session to executive session. Minutes to be made public in 180 days.

Mr. Menna offered a motion, seconded by Ms. Beck to adjourn to 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.

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

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

Nays: None

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

Mayor McKenna said that because of pending litigation there would be two amendments to the garbage ordinance. He said we would be separating food establishments from commercial establishments. Starting July 1, 2002, food establishments must provide their own garbage pick up, and starting December 1, 2002 commercial establishment must provide their own garbage pick up. Starting collections for commercial garbage pickup December 1, 2002, would allow the governing body to look at any alternatives and possibly come up with some other ideas. He also said separating the garbage collections into different categories and not picking up food establishments would allow the borough to realizing savings from the tipping fees that would have been incurred.

2002-11 Mayor McKenna read “AN ORDINANCE AMENDING AND REVISING THE GENERAL ORDINANCES OF THE BOROUGH BY ADDING A NEW SECTION 19-13 “COLLECTION OF SOLID WASTE AT RETAIL FOOD ESTABLISHMENTS” TO CHAPTER XIX “STREETS, SIDEWALKS, AND SANITATION”.

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

Councilwoman Beck said that she thinks there still is a lot of work that needs to be done on these amendments and feels the amendments are confusing. She also said that she is not sure how successful these types of garbage collections have been in other municipalities and believes some key issues need to be addressed. We should either go forward with the adopted ordinance or go back to thinking about implementing a surcharge because she is worried about all of the problems with private collection.

Mayor McKenna said he disagrees with Councilwomen Beck, and said there are a number of food establishments that are currently providing their own garbage pickup. Over the years when new restaurants have come to town and had to get board approval that part of the agreement was that they had to pickup their own trash. The borough needs to save money on behalf of the taxpayers of Red Bank. He does not think that the ordinance is confusing and any one that has a food license would not be provided with municipal pickup. He said changing the date that commercial buildings would have to provide their own pick up to December 1, 2002, would allow the borough time to work on any confusion with commercial buildings especially those that have residential units.

Councilwomen Beck said that she feels that this is not the most efficient way to implement the changes.

Councilman Polonsky said that he believes this is a step in the right direction and would give people time to implement the changes, but would also give us time to deal with the pending litigation.

ROLL CALL:

Ayes: Hintelmann, Menna, Bifani, Thompson, Polonsky

Nays: Beck

There being five ayes and one nay, the ordinance was declared adopted on first reading.

Public Hearing and final adoption scheduled for May 28,2002.

2002-12 Mayor McKenna read “AN ORDINANCE AMENDING ORDINANCE #2002-3 ENTITLED “ORDINANCE AMENDING SECTION 19-10 “COLLECTION – GARBAGE, ASHES, ETC. OF CHAPTER XIX “STREETS, SIDEWALKS AND SANITATION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK”.

Mr. Polonsky offered a motion to adopt the ordinance on first reading, seconded by Mr. Menna.

ROLL CALL:

Ayes: Hintelmann, Menna, Bifani, Thompson, Polonsky

Nays: Beck

There being five ayes and one nay, the ordinance was declared adopted on first reading.

Public Hearing and final adoption scheduled for May 28, 2002.

Council Polonsky left the meeting at 6:50 p.m.

PROCLAMATION

PAYMENT OF VOUCHERS

02-112 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,359,043.75”.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Bifani, Thompson

Nays: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Linda Roeleder-South Street said that the Environmental Commission has received \$600 from the Monmouth County Audubon Society for plants for the Locus Avenue Nature Area. She also reported that the Environmental Commission has received an extension from the New Jersey Department of Environmental Protection because they are currently waiting for permits. She asked if any of the money that is being made available from the NPP program could be used to pay for this.

Councilman Bifani asked if the borough could lend the money to the Environmental Commission.

Mr. Sickels said he would have to check with Mr. Loversidge when he returns.

Ben Forester-16 Locus Avenue, said that Westside Community Group had met with Freeholder Tom Powers regarding pedestrian safety on Shrewsbury Avenue. The current crosswalks are almost invisible and would like to see the implementation of bus stops. He also asked if the borough could provide pedestrian safety signs and feels that the police need to have better enforcement in this area.

Councilman Bifani said that the current Shrewsbury Avenue Streetscape project would address some pedestrian safety issues.

Mayor McKenna said that we should coordinate with the various groups concerned about this matter and speak to the county about the problems.

Chris Cole-1 Fisher Place, said he appreciates the efforts here tonight in regard to the amendments to the garbage ordinance and said that this gives the business community time to work on the different issues.

Mary Gilligan-20 South Street said on that on behalf of Preservation Red Bank that she would like to thank the governing body for continuing their conversation for the implementation of the Historic Preservation Committee.

Councilman Menna left at the meeting at 7:10 p.m.

Freddy Boynton-128 Cherry Street, Tinton Falls-complained about continued harassment at public works.

Mr. Sickels informed Mr. Boynton that he should file a grievance with the union.

ADJOURNMENT

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

ROLL CALL:

Ayes: Beck, Hintelmann, Bifani, Thompson
Nays: None

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

Respectfully submitted,

Carol A. Vivona