

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 18, 2003
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Council President Menna and Council Members Beck, Hintelmann, Bifani, Murphy and Curley.

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

ABSENT: Mayor McKenna.

SUNSHINE STATEMENT

Council President Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Courier, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on December 10, 2002.

WORKSHOP

Recycling Contract

Councilman Bifani reported that he is recommending that the Borough enter into an agreement with Garden State Recycling in Edison. He said that instead of the Borough paying to have our recycling materials taken, Garden State Recycling would pay us to take it away. He said that he has had numerous meetings regarding the handling of the disposal of recycling materials in a more efficient manner and would like to thank Mr. Sickels, Mr. Loversidge, Mr. Watson and the Borough of Tinton Falls for their assistance. He said we would be entering into a 90-day agreement with Garden State Recycling so we would be able to take advantage of the changes in the market for recyclables. He also said that they would supply us with larger containers for the recycling center and this would cut down on the truck traffic on Sunset Avenue. He said that in 2002 we had to pay \$89,593 to dispose of recycling materials and this expenditure would be eliminated. He said that with this new agreement we would probably receive approximately \$20,000 per year, combining the two figures we would realize a savings of over \$100,000. He said he is sorry about adding this to the agenda at the last minute but thinks it is important to start this as soon as possible, adding that it would start on January 1, 2004.

Council President Menna said that he wanted to thank Councilman Bifani, Mr. Watson and the Public Works Committee for all of the work they did to implement this new agreement and to get it started so quickly.

Councilman Bifani said that this is the first of many changes in Public Utilities.

MAYORAL APPOINTMENTS

REPORTS OF COUNCIL MEMBERS

Councilman Bifani reported that work would begin next week at the intersection of Hudson Avenue and East Bergen Place to see where the drainage problem is in that area. He also reported that he would be meeting with T & M and the Shade Tree Commission to discuss shade trees on Shrewsbury Avenue.

Councilman Murphy reported that Parks and Recreation is busy this month, and Linda Sharkey and Tomora Young are doing a real good job. He said they would be participating in a holiday party at the Senior Center, taking registrations and starting the winter sports programs. He said that he was invited to the Senior Center and said that it is run very well.

Councilman Curley reported that Shrewsbury and Little Silver are both anxious for us to hire a Coordinator for the Drug and Alcoholism Alliance. He said that he knows that Mr. Sickels has been interviewing candidates but we would like him to move on this more quickly at this point and that we would temporarily be appointing Bonnie Large as Acting Coordinator for probably a month or two until we can get someone. He said that they are still discussing whether the job will be a full-time position or whether two part-time people will be hired because we are having a hard time finding a full-time person. He also said the he and Mr. Loversidge have been conducting budget hearings and that yesterday they met with the Municipal Court, Planning and Zoning, the Library, the Drug Alliance, the Police Department

and the Tax Assessor's Office and one of the things that seems to overshadow the conversation was the necessity to get our website up. He said that we all have received our password to review it but we have to push Gail O'Reilly to get the site up and operating because we will be able to service the public better, especially in Planning and Zoning with information being available over the internet. He said that he asked the Administrator about implementing the geographic information system and wants it put on the record that he wants this system put to use. He said the equipment has been sitting here for years and it is time to move ahead. He said the system would help a number of departments and the use of the system could possibly reduce three or four clerical people. He said that also just to get a general idea of what we are looking at when it comes to cutting the budget and we are serious about looking at abuses in a number of small areas and we are going to look to cut in every area. He said that one of them is the use of the Nextel phone system and said that this is a combination of a walkie/talkie and a phone system. He said the bill has skyrocketed and the abuse has been done on a personal basis. He said that we have to set restrictions and if the employee is using the phone system for personal use they would have to reimburse the Borough.

Council President Menna said he appreciates Councilman Curley's comments and that we have a Personnel Committee and some of these issues are still in the discussion stage. He said that the Committee already has a number of changes that would be implemented in 2004.

COMMUNICATIONS AND PETITIONS

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

2003-41 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS, CHAPTER XXV OF THE REVISED GENERAL ORDINANCES."

The Borough Engineer explained the ordinance.

Council President Menna asked if it was reviewed by the Planning Board.

Mr. Kosenski said that it was.

Council President Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

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

ROLL CALL:

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

NAYS: None

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

Ms. Beck offered a motion to adopt the ordinance on final reading, seconded by Mr. Hintelmann.

ROLL CALL:

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

NAYS: None

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

2003-43 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY VACATING BURROWES STREET."

Mr. O'Connor said that there is a meeting scheduled with the adjacent property owners next week to address a number of issues with the Fire Official and to make sure everyone truly understands the agreement. He said the public hearing would be held tonight and we would adopt the ordinance at a Sine Die meeting to be held before the Organization Meeting on January 4, 2004 at 12 noon.

Council President Menna opened the public hearing and asked if anyone would like to speak.

John Gillespie – 28 Riverside Avenue – said that he is here representing Lou Mustillo, one of the adjacent property owners, and said that he hopes to resolve any issues at the meeting that is being held on Monday.

Council President Menna asked if he had any concerns.

Mr. Gillespie said that he would address them at the meeting on Monday.

Mr. O'Connor said that he is optimistic that the concerns would be resolved.

Mr. Gillespie said that the prime issue involves fire safety and that he would like Mr. Sickels or a representative from his office at the meeting. He said the ingress and egress from Monmouth Street is the issue. He said that if the property to the left of Mr. Mustillo's property is chained-off a fire truck or delivery truck would have to back out from the parking lot and this is not acceptable. He said that they do not want to keep the project from moving forward but would like this issue addressed.

Council President Menna said that they would have the meeting on Monday and hopefully all of these issues would be addressed.

Council President Menna asked if there was anyone else who would like to speak, no one appearing he closed the public hearing.

Mr. Hintelmann offered a motion to close the public hearing, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

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

Ms. Beck offered a motion to carry the ordinance to January 4, 2004, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was declared carried to January 4, 2004.

2003-44 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII "TRAFFIC" OF THE REVISED GENERAL ORDINANCES."

Council President Menna said that this ordinance is subject to N.J.D.O.T. approval because it is located on a State Highway and that the ordinance was initiated by a recent application before the Planning Board. He also said that he would not be participating in the vote on this ordinance.

Councilman Curley said that the loading zone would be in place from 8 A.M. to 11 A.M. and asked how the police would differentiate on the vehicle loading and unloading.

Mr. O'Connor said it is not a discretionary matter, he said no one can place a vehicle there unless they are loading or unloading.

Councilwoman Beck said that it is not for unloading people.

Mr. O'Connor said that from 5 P.M. to 11 P.M. there is a 30-foot section of the roadway designated as a no parking zone for vehicles to stop and people to get in or out of the vehicle.

Councilwoman Beck said that she is opposing the ordinance and does not think people should be jumping in and out of vehicles on a state highway. She said that she knows the Planning Board endorsed the plan but she does not agree with it.

Mr. O'Connor said that he would be submitting the ordinance to the Commissioner of Transportation and they would have to notify us in writing if it is approved.

Council President Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

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

ROLL CALL:

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

NAYS: None

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

Mr. Hintelmann offered a motion to adopt the ordinance on final reading, seconded by Mr. Murphy.

ROLL CALL:

AYES: Hintelmann, Bifani, Murphy, Curley

NAYS: Beck

ABSTAIN: Menna

There being four ayes, one nay and one abstention, the ordinance was declared adopted on final reading.

2003-45 Council President Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII "TRAFFIC" OF THE REVISED GENERAL ORDINANCES."

Council President Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

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

ROLL CALL:

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

NAYS: None

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

Mr. Hintelmann offered a motion to adopt the ordinance on final reading, seconded by Mr. Murphy.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

03-268 Council President Menna read "A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-016-007."

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

ROLL CALL:

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

NAYS: None

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

03-269 Council President Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY REGARDING 2004 ORGANIZATION MEETING OF THE GOVERNING BODY."

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

ROLL CALL:

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

NAYS: None

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

03-270 Council President Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE SIGNING OF A DEVELOPER'S AGREEMENT WITH RW AT RED BANK RIDGE, LLC BEING PLANNING BOARD FILE Z6244 (BLOCK 84, LOTS 21, 21.01, 22 AND 22.01 – CHAPIN AVENUE)."

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

ROLL CALL:

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

NAYS: None

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

03-271 Council President Menna read "A RESOLUTION AUTHORIZING TRANSFER OF FUNDS."

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

ROLL CALL:

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

NAYS: None

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

03-272 Council President Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY REGARDING CONTRACT WITH RICHARD PILLAR, CERTIFIED LANDSCAPE ARCHITECT."

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

ROLL CALL:

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

NAYS: None

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

03-273 Council President Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ASSIGNMENT OF BOROUGH OWNED TAX SALE CERTIFICATES."

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

ROLL CALL:

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

NAYS: None

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

03-274 Council President Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY EXTENDING CONTRACT REGARDING THE MAINTENANCE OF RIVERSIDE GARDENS PARK.”

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

ROLL CALL:

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

NAYS: None

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

03-275 Council President Menna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDED CONTRACT FOR THE MARKETING OF RECYCLABLE MATERIALS RECOVERED THROUGH THE BOROUGH’S RECYCLING CENTER.”

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

ROLL CALL:

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

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

PROCLAMATION

PAYMENT OF VOUCHERS

03-276 Council President Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$720,672.52.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Trisha Rumola – 20 Broad Street – wanted to thank everyone for their help throughout the year and said she is really proud to work in the Borough of Red Bank.

Council President Menna said that on behalf of the entire governing body he wanted to extend his thanks to RiverCenter for all of their hard work and all they do for the entire municipality.

Ms. Rumola said that she has met with Chief Fitzgerald and Mr. Watson regarding snow removal and they have resolved the problems from the previous storm.

Councilman Curley said that he knows that RiverCenter has gotten the word out about storeowners removing snow from their sidewalks because he knows that was a bone of contention a few weeks ago.

Bob Jones – 56 Bank Street – said that he wanted to thank the governing body for coming out to his daughter’s funeral.

Council President Menna said that none of us can voice your loss. He said that everyone that knows him share in your suffering and everyone sends their deepest sympathy.

Freddie Boynton – 12 Leonard Street – said that there is a lot of building going on in Red Bank and that his Aunt lives on Shrewsbury Avenue and nothing is being done.

Mr. Sickels said that we would be continuing streetscape on Shrewsbury Avenue and asked where she lives.

Mr. Boynton said she lives at 374 Shrewsbury Avenue.

Mr. Sickels said that is the section they would be working on next week.

Mr. Boynton said that the issue with people messing with his time card has not been resolved.

Mr. Sickels said that the investigation is continuing and the issue is being taken very seriously. He said that since Mr. Watson issued a memo regarding the seriousness of the matter, it has not happened again. He said we are looking into a new method of using time cards.

Mr. Boynton said that he wants something done and wants to know who did something to his time card.

Mr. Sickels said that if we find out who did it, action would be taken.

Mr. Boynton said that he wants to hire an attorney and if the Borough is found negligent they would have to pay for the attorney. He also said that Mr. Sickels never got back to him regarding personal use of Borough vehicles.

Mr. Sickels said the policy is still the same as it was when Mr. Boynton had a vehicle.

Mr. Boynton said that he is campaigning for Council and that the snow removal this year was terrible.

Mr. Menna said that he disagrees with Mr. Boynton about snow removal. He said it was a heavy snow with icing and that the Borough employees worked all weekend and did a good job with a difficult storm.

Mr. Boynton said there was a good job done downtown but not on Shrewsbury Avenue.

Councilman Bifani said that both sides of town were done the same way.

Mr. Boynton said that the street sweeper has only cleaned his street once and that the employees at Public Utilities have too much time on their hands. He also said he is signing up registered voters.

Council President Menna said the he encourages public participation and that he appreciates his comments.

EXECUTIVE SESSION

ADJOURNMENT

Ms. Beck offered a motion, seconded by Mr. Hintelmann to adjourn the meeting to a Sine Die Meeting to be held on January 4, 2004 at 12 noon.

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona