

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 13, 2004
5:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Murphy

Councilman Murphy arrived at 5:15 p.m.

SUNSHINE STATEMENT

Mayor McKenna 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 January 4, 2004.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Curley

NAYS: None

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

Presentation to Kaboom Fireworks on the Navesink Committee

Mayor McKenna presented Certificates of Appreciation to all of the members of the Fireworks on the Navesink Committee and thanked them for all of their hard work fundraising and coordinating our spectacular fireworks event. He also thanked all of the Borough Officials that work so hard on this event.

2004 Municipal Budget

Dave Kaplan, the Borough Auditor, said that we received our state aid certification last night and said that we would be receiving \$100,000 in extraordinary aid and \$70,000 in municipal homeland security aid that must be used to offset the tax rate. He said that with this aid added into the budget the municipal increase would be lowered to 1.5 cents and that we would have to amend the budget tonight to add the aid.

Mr. Loversidge said that this increase would calculate to a yearly increase of \$26.22 for the municipal portion of the tax rate for the average homeowner in Red Bank.

Mayor McKenna said that this is an increase of just a little over \$2.00 a month in the municipal portion of the tax bill for the average homeowner in Red Bank.

Councilman Curley said it is wonderful that we received \$170,000 in aid but he believes that there are more cuts that could be made in the budget and if it was not for the \$702,000 in borough-owned property that was sold there would be a tremendous increase in taxes. He said that if we had adopted the ordinance to implement the hotel/motel tax we could have used this addition income to decrease the budget.

Councilwoman Beck said that she cannot support a tax increase and believes more cuts could be made in the budget.

Mayor McKenna said that he did not see Councilwoman Beck or Councilman Curley attend or participate in any of the budget hearings when he was in attendance. He said that under his administration the Borough has been very frugal and the tax increases have been minimal. He said that he would like to commend Mr. Kaplan, Mr. Loversidge and Mr. Sickels for putting together a budget where the average taxpayers will only pay an increase of \$2 a month. He said that he has been working with the owner of the two hotels in Red Bank and said that we should be able to introduce the hotel/motel tax at the next meeting. He also said that he had met with the Division of Local Government Services and the reason we keep on receiving grants and aid from the State is because they believe that the Borough is very fiscally responsible. He also said that we could have had a decrease in taxes but we decided that it is fiscally responsible to keep money in the budget for surplus.

Councilman Curley said that he appreciates the Mayor's relationship with the State Officials and is glad we receive grants from them but he believes there is more that can be done with the budget and does not understand why it has taken so long to introduce the hotel/motel tax and believes that this should not have been negotiated with the owner of the hotels. He said if this ordinance was adopted last year we could have received income to offset the budget increase.

The members of the Governing Body discussed the time the Finance Committee Meetings are held and said that the time they are held is hard for Council Members to attend.

Councilman Curley said the meetings are held on the Monday preceding the Council Meeting at 10 a.m. and this is the same time that the previous Chairperson held them at for 12 years. He said that when he was elected to serve as Chairperson he asked Councilman Menna and Councilman Hintelmann if they would like to change them.

Councilman Curley offered a motion to defeat the 2004 Municipal Budget, seconded by Councilwoman Beck.

Mr. O'Connor said that we must adopt the budget amendment before we vote on the budget.

04-205 Mayor McKenna read "A RESOLUTION AUTHORIZING AMENDMENT TO THE 2004 MUNICIPAL BUDGET."

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Curley

NAYS: None

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

Councilman Murphy arrived at 5:15 p.m.

04-206 Mayor McKenna read "A RESOLUTION AUTHORIZING ADOPTION OF THE 2004 MUNICIPAL BUDGET."

Mr. Curly offered a motion to defeat the budget, seconded by Ms. Beck.

ROLL CALL:

AYES: Beck, Curley

NAYS: Hintelmann, Menna, Bifani, Murphy

There being two ayes and four nays, the motion was defeated.

Councilman Menna said that this is one of the lowest increases we have had in 17 years. He said that all Council Members vote on spending money for road repairs, buying equipment for the Fire Department and additional spending for Code Enforcement and we have to pay for all of these items. He said this is a very responsible budget and would like to commend Mr. Loversidge for doing such a good job.

Councilwoman Beck said that there has been a tax increase every year and taxes could have remained flat. She said that one area that she is very concerned about is that lack of a plan for maintenance of our infrastructure.

Councilman Curley said that if we did not sell property that was owned by the Borough and use part of that money in the budget we would have had a much higher increase in taxes.

Mayor McKenna said that we have \$250,000 surplus in the budget and we have additional property that we can sell next year. He said that we could have had a tax cut this year but instead of looking good for one year we decided to act more fiscally responsible.

Councilman Hintelmann said that he supports this year's budget and said that he thinks Mr. Loversidge did a wonderful job.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy

NAYS: Beck, Curley

There being four ayes and two nays, the resolution was declared approved.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

APPROVAL OF MINUTES – May 11, 2004

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

ROLL CALL:

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

NAYS: None

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

APPROVAL OF MINUTES – May 17, 2004

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Beck

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

MAYORAL APPOINTMENTS

Mayor McKenna appointed Paul Sullivan, William Brooks, Medy Quiroz and Boris Kofman to the Red Bank Shade Tree Commission.

Ms. Beck offered a motion to approve the appointments, seconded by Mr. Curley.

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that Vital Statistics has issued two Domestic Partnerships and that the Code Enforcement Committee would be meeting on Friday to review and amend fines that are issued by the Code Enforcement Department. She also reported that the Environmental Commission has been interviewing tree management experts and after discussing their recommendations with Mr. Sickels and Mr. Loversidge they would come before the Governing Body with their recommendations.

Councilman Menna reported that the Rent Leveling Board has met and they do not think creating a multiple dwelling security fund is necessary. He said that our ordinance currently allows the Rent Leveling Board to make provisions for emergency situations and if any of the Council Members do not think this is sufficient we could amend the existing ordinance instead of creating a new ordinance. He also reported that the Historic Preservation Commission had met regarding the pending application for development of the Union House site that would be going before the Planning Board. He said the Historic Preservation Commission and the Environmental Commission are opposed to the current plan and are asking for permission to hire an Attorney and a planner that have experience in historic preservation as expert witnesses that would appear before the Planning Board on their behalf.

The Members of the Governing Body agreed to look into the cost of hiring these expert witnesses and asked Mr. Menna to look into the matter and report back to Council at the next meeting.

Councilman Bifani reported that there are some changes that have to be made to the 2004 Road Program and asked that the resolution authorizing the Borough Engineer to complete the designs and specifications to go out to bid be tabled to make these adjustments. He also said that the Neighborhood Preservation Program would like to use some of the funds generated from the sale of Borough-owned properties to demolish some of the blighted homes in their district. He said the first home they would like to demolish would be 252 Bridge Avenue. He said that Code Enforcement has been trying to contact the owner for many years and has not been successful. He said the cost of demolition is approximately \$6,800 and a lien would be placed on the property.

Mr. O'Connor said that there is a procedure that must be followed to demolish a house and he said he would discuss this at the Code Enforcement Meeting that is being held on Friday.

Councilwoman Beck said that the Code Enforcement Officials have a great deal of difficulty trying to get abandoned properties cleaned-up when the owners can not be found.

The members of the Governing Body discussed the success of the Neighborhood Preservation Program stating that we have received over 1 million dollars to renovate properties in the NPP district.

Councilman Bifani said that we have also spent some of the money on trees and the mural on the corner of Drs. Parker Blvd and Shrewsbury Avenue and are also working on placing a mural on Best Liquors on Leighton Avenue.

Councilman Murphy reported that some trees were removed from the Senior Citizen Center to allow the seniors to have a better view of the river from the facility. He also said that Mr. Burnip has been implementing new procedures to allow more parking for the residents attending the Center and that RiverCenter has asked Mr. Burnip to consider extending the time allotted at some of the meters in the downtown parking lots. He also reported that there have been meetings with Barry Johnson from the

Monmouth County Drug Alliance to discuss the restructuring of the Greater Red Bank Drug Alliance.

Councilman Curley said that the Administrator’s Secretary has been keeping a list of all of the letters that have been mailed to the borough from residents that are against the development at the site of the Olde Union House. He said at the present time there are 135 names. He also thanked the Public Works Department for replacing street signs that were missing from various streets. He also reported that the poster contest sponsored by the Human Relations Commission, Parks and Recreation Department and RiverCenter is under way and the posters are available at the Red Bank Public Library.

COMMUNICATIONS AND PETITIONS

Request from property owner to construct an 8’ awning extending over public right of way at 102 West Front Street (Maple Avenue and West Front Street), pending approval of the Construction Official.

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

ROLL CALL:

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

NAYS: None

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

Request from The Count the Children Movement to use Count Basie Park for a Family Day on September 18, 2004 between the hours of 3:00-7:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Request from North of the Border, 176 Monmouth Street, to place a 3’ bike rack on the sidewalk in front of the store, pending approval of the Chief of Police.

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

ROLL CALL:

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

NAYS: None

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

Request from Liberty Hose Company No. 2 to close Central Avenue from Drs. James Parker Boulevard to South Pearl Street on July 20, 2004 between the hours of 7:00-10:00 p.m. for a driver training exercise.

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

ROLL CALL:

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

NAYS: None

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

Request from The Company of Dance Arts for raffle license.

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

ROLL CALL:

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

NAYS: None

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

Request from Mt. Zion House of Prayer to close Leighton Avenue and River Street to traffic on Saturday, July 17, 2004 between the hours of 12:00-5:00 p.m. in order to hold a Community Outing.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

04-184 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPOINTING MITCHELL ELIAS AS TAX ASSESSOR.”

Mr. Menna 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.

04-198 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE FOR PROPERTY COMMONLY KNOWN AS 8 EAST FRONT STREET AND DESIGNATED ON THE TAX RECORDS AS BLOCK 28, LOT 2 AND BLOCK 10, LOT 1.”

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

ROLL CALL:

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

NAYS: None

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

04-199 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASES IN ACCORDANCE WITH RESOLUTION 03-198."

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Murphy

NAYS: Curley

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

04-200 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING GRANT AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT NUMBER WQ04-374."

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

ROLL CALL:

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

NAYS: None

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

04-201 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING GRANT AGREEMENT BETWEEN BOROUGH OF RED BANK AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE OF NEW JERSEY GRANT NUMBER LC04-042."

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

ROLL CALL:

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

NAYS: None

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

04-202 Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDING CONTRACT REGARDING WATER AND SEWER CONNECTIONS AND MAINS FORCE ACCOUNT."

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

ROLL CALL:

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

NAYS: None

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

04-203 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR PROPERTY DESIGNATED AS BLOCK 33, LOT 13 AND BLOCK 42, LOTS 5 & 6.”

Mr. Bifani 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.

04-204 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPROVING PLANS AND SPECIFICATION AND AUTHORIZING RECEIPT OF BIDS REGARDING THE 2004 ROADWAY IMPROVEMENT PROGRAM.”

Mr. Bifani offered a motion to table the resolution, seconded by Ms. Beck.

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

04-207 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,231,236.69.”

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

Councilwoman Beck asked that Mr. O’Connor finalize the ordinance authorizing the hotel/motel tax so the ordinance could be introduced at the next meeting.

Mayor McKenna said that it is almost completed.

NEW BUSINESS

AUDIENCE

Susan Gafney – 45 Waverly Place – thanked the Governing Body for authorizing the continuation of paving Bank Street to the end of the street and also thanked Mr. Watson for having the street sweeper come down Bank Street. She said that she just received the new newsletter and asked why the information about all of the new rules and regulations for garbage and bulk pick-up were not in it.

Councilman Bifani said that it would be in the next newsletter.

Margaret Mass – 19 Buena Place and Director of the Red Bank Visitors Center – talked about the importance of the Visitors Center to the entire community and all of the major communications that

have done stories on this great town and all it has to offer for people wishing to visit the area. She said there has been seven years of hard work by many volunteers with minimal funding to keep the Center going and all of the negative comments that have been made lately have been very hurtful to these individuals.

Councilman Curley said that Mrs. Mass has done a fabulous job but does not believe that government should be funding the Center and that it should be financed by the private sector. He said that he apologizes to Mrs. Mass if any of his comments offended her but they were not against her but against using government money to fund the Center.

Mayor McKenna said that we have been lucky enough to have the Center funded through private donations from the hotel owners. He said the program has been very successful and provides a very valuable service to people wishing to visit the Borough.

Dan Murphy – Bridge Avenue – said he is a member of the Board of Directors for the Visitors Center and the Center plays a very important role in the community.

Councilman Curley said that he knows the Center is valuable to the community but it should not be financed by the government. He said that approximately 15 percent of the ratables in the Borough are tax exempt and said that if we implement the hotel/motel tax the additional funding should be used to offset the tax rate.

Mr. Murphy said that we have to have a viable business community in order to increase the values of our ratables.

Councilwoman Beck said the hotel/motel tax is a user fee that is being paid by the guests staying at the hotels and should not effect the contribution that is being made by the owner of both of our hotels.

Councilman Bifani said that he was one of the founders of the Special Improvement District and had tried to implement the program on the Westside of Red Bank but the ordinance was challenged by an Attorney in the area. He said there have been many improvements in the area and a lot of volunteer efforts by many of the businesses and thinks it is the Borough's responsibility to support the Center.

Mr. Murphy said the Center is run very efficiently and asked the Governing Body to support the Center.

Councilman Curley asked Mr. Murphy if he could find corporate sponsors.

Freddie Boynton – 12 Leonard Street – thanked Mr. Sickels and Councilman Bifani for cleaning Leonard Street and said more streets should be paved on the Westside. He also said that the Republicans did not sign him up to run for Council and that his brother saved John Riley's life during a fight at the Bates Lodge one night.

Boris Kofman – thanked the Members of the Governing Body for appointing the members to the Shade Tree Commission.

William Meyer – 12 Monmouth Street – said that the graffiti is still not cleaned from the buildings and that it should be.

EXECUTIVE SESSION

04-208 The Attorney read a resolution to adjourn to executive session to discuss litigation.

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

ROLL CALL:

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

NAYS: None

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

Mr. Bifani offered a motion, seconded by Mr. Murphy to adjourn from executive session.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

Mr. Curley offered a motion, seconded by Mr. Murphy to adjourn the meeting.

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