

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 27, 2004
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Bifani.

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.

WORKSHOP

Parking Deficiency Schedule Ordinance

Mr. O'Connor said that he has revised the parking deficiency schedule ordinance to exclude a section of Shrewsbury Avenue to encourage development in that area as recommended by the governing body. He said that a draft ordinance, including a map was distributed to members of the governing body. He asked the members of the governing body to review the ordinance.

Councilwoman Beck said that we could not take action tonight because we do not have time to advertise the public notice.

Mayor McKenna said we would introduce the ordinance at the next Council Meeting.

Assessment of Old Bodman Place Gas Plant

Mr. Sickels said that the N.J.D.E.P. is requiring JCP&L to do an environmental assessment of this facility. He said the testing would be done at their expense.

Hotel/Motel Tax

Councilwoman Beck said that she has distributed an ordinance regarding the implementation of the Hotel/Motel Tax that the League of Municipalities has on their website. She said that she spoke to Deborah Kole, who is the lead attorney from the League of Municipalities and said the program has been successful except that there were some problems within large municipalities with a multitude of hotels and motels. She said there are 134 municipalities that are currently imposing this user fee and suggested we move forward with the ordinance because the fee cannot be imposed for 90 days. She also said starting July 1, 2004 the municipality can collect 3 percent of the tax.

Mayor McKenna said that he has scheduled a meeting with Mr. Barry to get the statistics on the occupancy of the Molly Pitcher and Oyster Point Hotels and would report back to the governing body.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck said that the Code Enforcement Committee has met and there is a slight profit for the year.

Councilman Curley said that the Finance Committee met and wanted to report their preliminary recommendations to the governing body. He said that the expenditure for the LOSAP program is much lower than expected and that the Borough sold some surplus properties for \$702,000 and \$350,000 will be used in this year's budget. He said they are also recommending implementing the Hotel/Motel tax and suggested that RiverCenter fund the Visitor's Center. He also suggested some changes to the different departments in Public Utilities, elimination of commercial recycling, implementing additional interlocal service agreements with other municipalities and a written policy for the use of Borough owned vehicles. He thanked everyone for their input.

Councilman Murphy reported that there would be a Summer Activities Fair being held at River Street Commons on May 1, 2004 from 12 to 4 p.m. He said there would be numerous organizations there promoting their summer programs that are available for the children of Red Bank.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Family & Children's Service for raffle license.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Red Bank Elks Lodge #233 to use Riverside Gardens Park on June 14, 2001 for one hour to hold Flag Day Ceremony, 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, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from the Red Bank Jazz & Blues Festival to place 25 vertical banners at various locations in the Borough including Marine Park, pending approval of RiverCenter and the Administrator.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

Mayor McKenna read a request from Riverwalk Development to place a 30'x60' tent on their property on West Front Street and Boat Club Court for the fireworks on July 3, 2004, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

ORDINANCES – First Reading

2004-20 Mayor McKenna read “AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2004.”

The members of the governing body discuss the ordinance and did not think it addressed their concerns regarding salary ranges.

Councilwoman Beck asked if there was a 4 percent salary increase in the ordinance.

Councilman Murphy said there is.

Councilman Curley said the 4 percent increase is incorporated in the 2004 Budget.

The members of the governing body agreed to table the ordinance until all of their concerns are addressed.

Councilwoman Beck said that she does not think the employees should receive a 4 percent raise and also suggested that the Mayor and Council Members eliminate their salaries.

Mayor McKenna said if we receive additional funding from the State our tax rate might come in flat. He said that not giving the Borough employees a raise sends the wrong message and that the members of the governing body receive a salary but they do not put in for expenses.

Ms. Beck offered a motion to table the ordinance on first reading, seconded by Mr. Curley.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

There being five ayes and no nays, the ordinance was declared tabled on first reading.

ORDINANCES – Public Hearing & Final Adoption

2004-16 Mayor McKenna 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.”

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, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

2004-17 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER IV, “GENERAL LICENSING”, SUB-SECTION 4-12 “TOWING” OF THE REVISED GENERAL ORDINANCES.”

Mayor McKenna 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 Mr. Menna.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

2004-18 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES.”

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, Murphy, Curley

NAYS: None

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

Mr. Curley offered a motion to adopt the ordinance on final reading, seconded by Mr. Menna.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

2004-19 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III, “POLICE REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, BY ADDING NEW SECTION 3:17 “MUNICIPAL IMPOUND FACILITY FOR MOTOR VEHICLES.”

Mayor McKenna 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 Mr. Menna.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

There being five 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, Murphy, Curley

NAYS: None

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

RESOLUTIONS

04-129 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-130 Mayor McKenna read “A RESOLUTION URGING CONGRESS TO PASS AND THE PRESIDENT TO SIGN SIX-YEAR SURFACE TRANSPORTATION REAUTHORIZATION BILL.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-131 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPOINTING ROBERT GAGLIANO, MAI FOR VALUATION SERVICES REGARDING TAX APPEAL CONCERNING BLOCK 75.02, LOT 126 COMMONLY KNOWN AS 232-256 MAPLE AVENUE.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-132 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH CONFIRMING SALE OF LANDS SOLD AT PUBLIC AUCTION.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-133 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING SALE OF PERSONAL PROPERTY.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-134 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AWARDED CONTRACT REGARDING SEWER CLEANING AND TELEVISION INSPECTION FORCE ACCOUNT.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-135 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDED CHANGE ORDER NO. 2 REGARDING THE CHESTNUT STREET WATER PLANT UTILITY SERVICE AND GENERATOR PROJECT.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-136 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF TINTON FALLS REGARDING THE STORAGE AND SALE OF IMPOUNDED MOTOR VEHICLES.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-137 Mayor McKenna read “A RESOLUTION AMENDING RESOLUTION 04-13 AUTHORIZING CREATION OF CHANGE FUNDS.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-138 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING PURCHASES IN ACCORDANCE WITH RESOLUTION 03-198.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-139 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING POLICE USE OF MIDDLETOWN TOWNSHIP POLICE DEPARTMENT FIRING RANGE.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

04-140 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING INSTALLATION OF A MONITORING WELL IN BLOCK 31, LOT 2.01 WHITE STREET PARKING LOT.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

04-141 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$941,848.13.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman Menna said there is a very special resident at Avante Nursing Home that will be celebrating her 106th Birthday tomorrow with a party being held at 2:15 p.m. He said her name is Penny Stafford and she was born a slave but made the best of her life. He said he would be attending the celebration for this very special person and wanted to wish her a Happy Birthday.

AUDIENCE

Jim Harris – 97 Mechanic Street – said that 58 percent of his taxes are going towards the school budget and said that the voters in Red Bank voted against it. He asked the members of the governing body to review it carefully.

Mayor McKenna said that they have supplied us with the budget documents and we would be meeting with Members of the Board of Education to discuss cuts. He said that unfortunately when the governing body makes cuts and it is sent to the State they usually reinstate the proposed cuts. He said that our Board of Education is usually very responsible about their budget.

Councilman Curley said that the State Legislature has to revise the way we finance the school systems.

Trisha Rumola – 66 Riverside Avenue – said that the Red Bank Initiative held a Career Day on April 8th and it was very successful.

Charles Matches – 48 Trockmorton Avenue – said that he hates to see 2-hour parking and that the sign in front of 179 Trockmorton Avenue is very low. He also said that he does not understand why we repave streets and only replace some of the sidewalks.

Mayor McKenna said if all the sidewalks were replaced it would be very costly.

Christine Stout – 16 Lake Avenue – wants to make sure her street is still on the list to have the drainage problem repaired because there are a lot of children in the neighborhood.

Mayor McKenna said that it is.

William Poku – 90 Bank Street – said there is a very disturbing trend in the Borough where the high cost of housing is forcing black families out of the community. He said diversity is part of the reason Red Bank has been so successful and thinks we need all kinds of people.

Mayor McKenna said that he has met with several Pastors regarding affordable housing.

David Prown – 44 Hillside Place – talked about parking problems, the growth of the Red Bank Initiative and asked what is the difference between a Committee and a Commission.

Mr. O'Connor said that generally a commission is an independent body that can make decisions independent of the Mayor and Council and a committee reports to the governing body.

The members of the governing body discussed the different committees and commissions in the Borough and how they are funded.

Amy Goldsmith – 16 Locust Avenue – said she had submitted a request to the governing body to support the Highlands Water District.

Mayor McKenna said that we have received the information and will adopt a resolution of support at the next Council Meeting.

Ms. Goldsmith said that the owner of the property at the end of Locust Avenue removed all the trees and asked the Borough to monitor this situation.

Councilwoman Beck said the Code Enforcement Official would take a look at the situation tomorrow.

Mayor McKenna said the Borough Engineer has been down there numerous times.

Ms. Goldsmith said she voted in favor of the school budget and thinks everyone should support it so families will stay in Red Bank. She said the schools are on the right track and have started a lot of new programs but that in a small community the Charter School takes money away from the school system.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Murphy, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona