

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 11, 2004
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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. Murphy.

ROLL CALL:

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

NAYS: None

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

65 Monmouth Street

Ned Gaunt, the architect for the proposed office building at 65 Monmouth Street, addressed the governing body. He said that he is also the Chairperson of RiverCenter's Visual Improvement Committee. He said that in his capacity as VIC Chairperson he asked Mr. Noglows if his vacant property could be used as a staging area for the Monmouth Street Streetscape project to expedite the project. He said Mr. Noglows agreed to let RiverCenter use the vacant lot for a few months but there was a delay in the construction schedule and it took longer than expected. He said that Mr. Noglows waited until the project was completed to file his development application to construct the office building at the site and because he waited, he was required to pay a much higher fee to the parking deficiency fund because the ordinance was amended during that time. He said that he is here tonight to ask for a waiver from the governing body to allow Mr. Noglows to pay the old rate for parking deficiencies. He said that if he knew that the ordinance was changing they would have submitted their application earlier.

Mayor McKenna said this was discussed at the Planning Board Meeting but the members of the governing body are the only ones that could provide relief. He said that he feels this is a reasonable request because Mr. Noglows did us a favor because the improvements to Monmouth Street enhanced the appearance of the town. He said it is unfair to the applicant to be penalized for helping the town. He said the money collected for parking deficiencies is put in the parking utility fund and does not have any impact on our budget. He said this is a moral issue and asked the Council Members to help the applicant.

The Members of the Governing Body discussed the situation and voiced their concern about setting a precedent if they approved the request.

Mayor McKenna said that we do not have any vacant properties left in the town and said the applicant did everyone a favor by letting us use his property and would have submitted his application much earlier if the property was not being used as a staging area.

Mr. Gaunt said they would have applied earlier if they knew the fees were being raised.

The members of the governing body discussed the fact that they did not ask the property owner to use the site and said RiverCenter did and said they should pay.

Mr. Noglows said Mr. Gaunt approached him and asked him if the property could be used to store the equipment for the project and said that they would pay him rent, he said the property could be used at no cost for the staging area because he was trying to help the town. He said his family has been involved in the retail business since 1910 in the Borough and is very civic minded.

After a general discussion between the Mayor and Council Members the majority of the Council Members agreed that Mr. Noglows could pay the old rate for the parking deficiency.

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: Beck

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

RESUME REGULAR ORDER OF BUSINESS

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

WORKSHOP

Reforming Ethics Laws

Councilman Bifani said that being a member of the Personnel Committee he has distributed information in the meeting packet regarding the new ethics laws and two articles that were recently in the Asbury Park Press. He said he would like everyone to review the information and asked the Mayor to form a Council Sub-Committee to work on creating an ordinance for the Borough of Red Bank. He said that at a recent meeting the Governing Body had discussed following the State guidelines but he said it looks like it would not be ready in time for this election. He suggested the Personnel Committee start working on some recommendations and suggested that we do away with political signs in the Borough because in his capacity as Chairperson of the Public Works Committee he has been trying to eliminate street graffiti and litter with the Red Bank Police Department.

The members of the governing body discussed the pay-to-play ordinances other municipalities are adopting and various ethics reform and agreed that the Personnel Committee should review this information and report back to the governing body with their recommendations.

Request from Red Bank Education Initiative

Mr. Sickels said that we have received a request from the Red Bank Initiative to use the Red Bank Senior Center to hold two free classes for Red Bank residents in English and Spanish regarding using and managing credit wisely. He said they would provide a certificate of insurance and also pay for the janitor to open and close the building.

Mayor McKenna read a request from the Red Bank Education Initiative to use the Red Bank Senior Center on May 18 and May 24, 2004.

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.

Red Bank Catholic Student Parking

Councilman Curley said there is a problem in the same neighborhoods with the students from Red Bank Catholic parking their cars on the street since we have restricted them from parking in the parking lots. He said that he thinks it is time to reinvestigate the situation and possibly return some of the students to the parking lots through the permit program. He said that the Borough, School and the parents have a responsibility to deal with this problem because it is creating a lot of tension in the neighborhoods. He said that times have changed and a lot of students drive to school and that Red Bank Catholic is an institution that has been here for a long time and we have to do something to ease the tension.

The Members of the Governing Body discussed the different off-site lots that are available to the students and agreed that a meeting should be held with the officials from the Borough and the School.

Councilman Curley said that he had called Neil Burnip numerous times and that his requests were not followed through. He also said that Red Bank Catholic cannot police or control the parking of their students.

Councilwoman Beck said the Police Department did send a letter to the school regarding the parking of the students on the residential streets because it is a problem with some of the residents. She suggested that Mr. Burnip continue to work on this problem because after he organized the parking at Count Basie Field we have not heard from him regarding this problem. She said something has to be done before the school year starts in the fall.

Mayor McKenna said that the Principal, Mr. Abbetamarco, has been extremely cooperative and has been trying to monitor the situation.

The Governing Body discussed the various reasons why the students drive to school and possible ways to deal with the situation.

Councilmen Bifani and Curley discussed what would be the proper protocol to relay their request to Mr. Burnip regarding problem-parking areas in the Borough.

Mr. Sickels said that in regard to researching areas in town where Red Bank Catholic students could park he had worked on this with Mr. Burnip on reviewing area maps and identifying surface lots in the area but most property owners need their lots for their own needs and must have them as part of their site plan approvals. He said they addressed every property they could think of and reported back to the governing body that they came up with parking at Count Basie Field. He said that any request to Mr. Burnip could also be sent to his office.

Councilman Curley said that he appreciates his comments and said the only correspondence he received from Mr. Burnip was that he did not find anything. He said that other members of the governing body said that there are spaces out there and believes it is Mr. Burnip's job to find them.

Mayor McKenna said that if anyone knows anyone that has parking spaces they are not using to contact Mr. Sickels with the information and also said that we would set up a meeting with Red Bank Catholic to discuss the situation.

Hotel/Motel Tax

Councilwoman Beck said that she would like to revisit the issue of creating a hotel/motel occupancy fee in the Borough of Red Bank and possibly introduce it at our next meeting because there is a 90-day waiting period before you can begin to implement the fee. She said that Mr. Loversidge has done some calculations on what we might expect to receive and she believes we should get moving on it.

Councilman Curley said that after July 4, 2004 the rate the Borough could collect would go up to 3 percent from 1 percent for this tax.

Mayor McKenna said that he has set up a meeting at the end of the week with the owner of the hotels and would report back to the Council after the meeting so we could have a realistic revenue report.

APPROVAL OF MINUTES – March 23, 2004

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck said that she has received four resumes from individuals that would like to serve on the Shade Tree Commission and will distribute them to the members of the governing body.

Councilman Hintelmann said that starting on May 24, 2004 the Red Bank Police Department would start issuing tickets to individuals for not wearing their seat belts as part of the Click-it or Ticket program.

Councilman Bifani said that the Neighborhood Preservation Program would be working with the Shade Tree Commission when it is formed and said that two red oak trees were recently planted in the park at the corner of Shrewsbury Avenue and Drs. James Parker Blvd. He said that he has received requests to place some benches in that park and said he would like to ask for donations from the public for the benches if the Council approves the request.

The members of the governing body agreed that it was a good idea and Councilman Menna said that he knew someone that would donate the money.

Councilman Bifani also reported that the contractor has started Phase III of Shrewsbury Avenue Streetscape and that the shade trees need to be replaced. He said the estimated cost to replace the trees is \$38,000 and this addition would compliment the work that has already been done on Shrewsbury Avenue that was funded by Monmouth County. He said he would like to discuss the replacement of the trees before the contractor leaves the site and adding the item to the contract.

Councilman Menna said that it is a great idea but we passed a resolution that states that we must go out to bid for any items over \$10,000.

After a general discussion the governing body agreed that it was a good idea but the additional expense should go out to bid.

Councilman Murphy said that summer soccer camp sign-up has begun and that the camp would be held from July 12th to July 16th and the cost is \$50. He also said that sign-ups have started for the summer camp, women and men's basketball and soccer.

Councilman Curley said that the LOSAP program was over budgeted by \$25,000 and that we have received a \$100,000 home fund grant. He said that currently the tax increase for 2004 is 3.2 cents and that Mayor McKenna is working on receiving funds for extraordinary aid from the Department of Community Affairs and we hope to reduce this number.

Councilman Curley said that he has a question about the East Bergen Place drainage problem and where the expenditure is coming from.

Mr. Kosenski said that the work has been accomplished and it looks like the repair is going to cost approximately \$35,000 and our contractor has been working with the gas company and the gas company is going to come back and pave the road.

Councilman Curley asked where our share of the money is coming from.

Mr. Kosenski said that it is going to be funded by a change order from the 2003 Road Program contract. He said there was a previous change order that authorized the reduction of quantities from this project and the savings would cover this expenditure.

Mayor McKenna said that he has a meeting scheduled with the Red Bank Board of Education this Friday to discuss the defeated school budget and that he would also be meeting with the Department of Community Affairs regarding Extraordinary Aid. He said that the Finance Committee has been working very hard to keep the municipal budget increase as minimal as possible.

The governing body discussed the 2004 budget and various ways to try and save money and creating additional sources of revenue and implementing more user fees. They also discussed the \$702,000 that was generated from the sale of Borough owned properties and the possibility of using it toward lowering the tax rate and keeping some in reserve for next year.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from Brookdale Community College Foundation 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.

ORDINANCES – First Reading

2004-21 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, SECTION 25-10 “ZONING DISTRICT REGULATIONS” OF THE REVISED GENERAL ORDINANCES.”

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

ROLL CALL:

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

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 25, 2004.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

04-142 Mayor McKenna read “A RESOLUTION SUPPORTING S-1/A-2635 THE HIGHLANDS WATER PROTECTION & PLANNING ACT.”

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: None

ABSTAIN: Beck

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

04-143 Mayor McKenna read “A RESOLUTION AWARDED CONTRACT #04-5 SUPPLY & DELIVERY OF LIQUID CHLORINE AND HYDRATED LIME.”

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.

04-144 Mayor McKenna read “A RESOLUTION AWARDDING CONTRACT #04-5 SUPPLY & DELIVERY OF ALUMINUM SULPHATE.”

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.

04-145 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES.”

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

ROLL CALL:

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

NAYS: None

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

04-146 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDDING CHANGE ORDER NO. 2 REGARDING THE 2003 ROADWAY IMPROVEMENT PROGRAM.”

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.

04-147 Mayor McKenna read “A RESOLUTION AUTHORIZING AMENDMENT TO 2004 MUNICIPAL BUDGET.”

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.

PROCLAMATIONS

Mayor McKenna read a proclamation proclaiming June 2004 as Myasthenia Gravis Awareness Month.

PAYMENT OF VOUCHERS

04-148 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,066,306.90.”

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

Steve Fitzpatrick – 32 Chestnut Street – said that he looks forward to the Governing Body discussing the adoption of a pay-to-play ordinance and said he is not in support of privatizing the mechanics division of Public Works.

Susan Gafney – 45 Waverly Place – said she is not in favor of a townhouse development at the end of Bank Street because she owns a home there and it would ruin the view.

Brian Donahue – 118 Bank Street – said that he is not in favor of the proposed 18-unit townhouse development at the end of the street and does not think the Borough should vacate their property to the developer because it would take away public access to the river.

William Meyer – 12 Monmouth Street – spoke about the last time he attended the Council Meeting and said he has a petition with 400 to 500 signatures against the installation of the parking meters. He said that they are very expensive to install, they are ugly and they will discourage people from coming to Red Bank and hurt the businesses.

The members of the governing body said that they struggled with this decision for the last two years and said that it is a source of revenue that would be used toward the municipal budget to help stabilize the tax rate.

Mr. Meyer also spoke about graffiti in town and offered to donate surveillance cameras to the Borough to be used to monitor the situation.

Mayor McKenna said the Police are investigating the situation and said the crime rate is the lowest it has been in 50 years. He said that residents do not feel comfortable with video cameras all over town.

Mr. Meyer also said that he read the Police report regarding James Erving and said that he should be removed from the Zoning Board.

Mayor McKenna said that Mr. Erving was involved in a motor vehicle incident and his case still has to go before the Court.

Mr. Meyer said that Red Bank is being overdeveloped and ruining the quality of life in town.

Doreen Grzegorsky and Peter Artarbolt – 114 Bank Street – said they are against the development at the end of their street and concerned about environmental issues and traffic.

William Poku – 90 Bank Street – said that he would like to voice his concern about the problems with overcrowding situations in houses in his neighborhood, and said that many blacks are being forced out of their neighborhoods and that diversity is healthy and has always been a positive part of life in Red Bank.

Mayor McKenna said that he agrees with Mr. Poku and that the Governing Body has been discussing the problem of affordable housing.

Mr. Poku spoke about the problem with landlords using their houses as illegal boarding houses and charging by the room to generate more money. He asked the Borough to monitor the situation.

Councilwoman Beck said that the Borough is addressing the issue by recently adopting a landlord tenant registration ordinance to deal with the problem of overcrowding. She said that there have been over 400 registrations and the landlords have to pay fines for overcrowding and that the ordinance will be enforced.

The members of the Governing Body agreed to monitor the situation.

Frank Burrows – 120 East Bergen Place – thanked all of the Borough Officials for all of the work that has been done to remedy the drainage problems on East Bergen Place. He said that there still might be a problem.

Councilman Bifani suggested that Mr. Burrows speak to the Borough Engineer after the meeting.

Rona Clark – 207 River Street – said that she is against development on the Westside.

Theresa Poku – 90 Broad Street – asked if the Borough is going to vacate the end of Bank Street.

Mayor McKenna said that we wanted to speak to the residents in the neighborhood and after hearing what we did tonight it is highly unlikely.

Deano Archila – 118 Bank Street – said that he is very concerned about development and is not opposed to new homes but would not like to see the street closed off.

Susan Gafney – 45 Waverly Place- said that there is a major problem with students from Red Bank Catholic parking on Waverly Place and also speeding down the street. She said it might be a good idea to make Arthur Place a one-way street and that there should be better enforcement by the Police Department. She also suggested that trash containers be place on Broad Street south of Leroy Place and also on Maple Avenue.

Doreen Grzegorsky – 114 Bank Street – asked if the Borough looked into the installation of one large parking meter instead of installing individual meters in each location.

Mayor McKenna said that we have tried them before and there were a lot of problems and confusion for the individuals that were using them.

Freddie Boynton – 12 Leonard Street – said he is coaching a fight in Middletown and invited the members of the Governing Body to attend because there are six children from Red Bank fighting. He also talked about problems bringing items to the recycling center and bulk pick-up. He also talked about employees using their Borough Nextel phones for personal use and the terrible condition of Bridge Avenue and Drs. Parker Boulevard.

EXECUTIVE SESSION

04-149 The Attorney read a resolution to adjourn to executive session to discuss personnel matters which may require formal action and pending litigation.

Mr. Bifani offered a motion, seconded by Mr. Hintelmann to adjourn to executive session to contract negotiations. 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. Hintelmann offered a motion, seconded by Mr. Menna 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.

04-150 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY APPOINTING DIRECTOR OF PARKS AND RECREATION.”

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.

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona