

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 22, 2003
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Vivona, Chief Financial Officer Loversidge, Engineer Kosenski, Auditor Kaplan 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 News, 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.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Proclamation

Mayor McKenna read a proclamation declaring Saturday, May 3, 2003, Monmouth Stamp & Coin Shop Day in honor of their 50th Anniversary and presented it to the owners.

Public Hearing – 2003 Municipal Budget

Dave Kaplan, the Borough Auditor, said that we introduced the municipal budget on March 13, 2003 and set the public hearing for tonight. He said we could not adopt the budget because we are waiting to hear from the state about our application for extraordinary aid.

Mayor McKenna opened the public hearing and asked if anyone would like to speak

Brian Welsh – 199 River Road – said he is against the 5 cent increase and said his property taxes have gone up 60 percent since 1996. He said the cost of living keeps on increasing but his salary has only increased by 2 percent. He said government needs to cut back and feels the position of Assistant Administrator is not needed.

Mayor McKenna said that since he has taken office in 1990 the tax increases have been minimal compared to the 1980's. He said that in 1983 the increase was 8.17%, 1984 – 26.82%, 1985 – 14.76%, 1986 – 13.09%, 1987 – 19.47%, 1988 – 19.97%, 1989 – 23.71%, 1990 – 7.03%, 1991 – 4.49%, 1992 - 0.09%, 1993 – 2.14%, 1994 - -2.07%, 1995 – 2.27%, 1996 – 5.51%, 1997 – 2.76%, 1998 - -0.37%, 1999 – 4.27%, 2000 – 3.82%, 2001 – 4.56%, 2002 – 2.97%. He said that since he has been Mayor he has worked very diligently to keep the increases as minimal as possible. He said that since 1996 the municipal portion of the increases have been very

minute compared to the County and school systems. He said that Mr. Kaplan is here tonight and he will confirm the fact that we operate very efficiently. He said that while attending the meetings of the Finance Committee the Chief Financial Officer, Auditor and Finance Chairman all use the term "bare bones budget" and discuss the fact that there are certain areas where there are increases that we cannot control. He said we have 40 police officers, union contracts and increases in health insurance coverage. He said there are certain obligations that must be met and we are reaching a breaking point. He said he is hoping we would receive some state aid to help lower the proposed increase. He also said that a lot of municipalities have much larger increases and 46 states are facing budget deficits. Mayor McKenna said that Mr. Welsh mentioned the new position of Assistant Administrator and that he felt he was not needed. He said this position was created to help us save money and help us manage the town as cost efficiently as possible. He said we have managed to keep increases as tolerable as possible but we have to worry about the health and safety of our residents. He also said we are increasing user fees and hope to have new ratables added to our tax base.

Councilwoman Beck said that she appreciates Mr. Welsh's comments and said that a lot of people are concerned about the increases in their taxes. She said this is a difficult budget cycle and being an incumbent member of the borough council she is always trying to save money and look at new revenue sources. She said that when she talks to residents there is not a single issue more important than raising taxes. She said she has been here for four years and we should start working tomorrow on next year's budget so we would not have another increase.

Councilman Menna said that he lives next door to Mr. Welsh and the increasing taxes are going to be a problem for 90 percent of the residents of Red Bank. He said Mr. Welsh is just echoing all of the residents of Red Bank regarding the frustration with the cost of living. He said that only 14 percent of the residents vote on the school budget and their increase is much larger than ours. He said the whole tax structure is backwards in this state and needs to be revised. He said that as a member of the Finance Committee, they are still working on lowering the increase of our budget.

Mayor McKenna said that when he was elected to office in 1991 we had the second highest tax rate in Monmouth County and now we are twenty-second. He said towns have been surpassing us and there are a lot of County and State issues. He said it is something every municipality is wrestling with but our employees work very hard to get the budget down.

Councilman Curley said he appreciates Mr. Welsh's comments and concerns about tax increases. He said there is less money coming in and our debt service is increasing. He also said we are in the process of drilling a new well, have a number of ADA improvements that are mandated by the federal government, three firehouses that we own that are in disrepair and had a major sewer line break. He said we need an Assistant Administrator to help with our day-to-day operations of the Borough and to make sure everything is being done in the most cost efficient manner.

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

ROLL CALL:

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

NAYS: None

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

03-96 Mayor McKenna read "A RESOLUTION AUTHORIZING AMENDMENT TO THE 2003 MUNICIPAL BUDGET."

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

Councilwoman Beck said it is her understanding that this amendment would not effect the tax rate.

Mayor McKenna said it would not.

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Graffiti Ordinance

Councilman Menna said that he received a proposal from Anne O'Connor regarding the graffiti ordinance but it is not ready for introduction. He said it is a good start but there are two types of graffiti, the graffiti artist and commercial graffiti. Commercial graffiti would include the posting of bills and stickers. He said he is recommending that the fine be raised from \$50 to \$250 through \$1250 and the violator would have to remove anything that they put up.

Councilman Bifani said that the detective bureau has been calling businesses that have been placing advertisements on utility poles and asking them to remove them and if you look around they are almost gone.

Councilman Menna said RiverCenter has also been working on addressing this problem and cleaning it up.

Harriet Cook, from RiverCenter, said they have been working with the detective bureau and are trying to get the prosecutor to impose additional fines.

Councilman Menna said that Sgt. McCarthy indicated that the only way the Monmouth County Prosecutor would get involved is if the damage was over \$500. He said the prosecutor would not get involved in a disorderly persons charge but would get involved if it was a bias crime. He said we have to create a local ordinance that has more teeth. He said the ordinance should say the person that places graffiti on items would have to remove it and then we could suspend the fine.

Mayor McKenna said the money from the fines could be placed in a graffiti trust account and we could use this for clean-ups or rewards. He said each resident should take it upon themselves as a civic responsibility to report or speak to the person who is in the process of placing graffiti on items in this town.

Councilwoman Thompson said that people are more likely to report an incident if they were rewarded.

After a general discussion about the pros and cons of giving a reward, the governing body agreed to leave the reward at \$250 and asked Mr. O'Connor to prepare a draft ordinance.

Taxicab Ordinance

The Borough Clerk said that she has received ten applications for taxi owner licenses from Murphy Transportation but they do not want to comply with our ordinance regarding the section

stating that they must have a registered business office within the borough. She said other municipalities are having a lot of problems with their taxi companies and suggested a committee be appointed to review the request.

Councilman Bifani, a member of the police committee, suggested that the police committee meet with the clerk and the police chief regarding this request.

The Borough Clerk said she would organize this meeting.

APPROVAL OF MINUTES – April 8, 2003

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Thompson, Curley

NAYS: None

ABSTAIN: Bifani

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that the code enforcement committee had met regarding implementation of the landlord tenant registration ordinance. She said the committee is recommending the hiring of a private vendor to create a database of all the applications and information that would be paid for from the fees imposed. She also reported that we have received numerous applications to fill the code enforcement officer position that is currently vacant and that interviews would be scheduled next week.

Councilman Curley reported about a problem with the accessibility to Count Basie Field from the Spirits Unlimited parking lot and commended Jim Williams and Donna Barr for resolving this safety issue in an expedient manner.

Mayor McKenna said that Virginia Bauer, a new resident of the Borough of Red Bank, has been appointed by Governor McGreevey as Director of the Lottery Commission.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request from SPCA to place banner on Broad Street from September 8, 2003 to October 5, 2003 to advertise pet walk.

Mrs. Thompson offered a motion to approve the request, seconded by Ms. Beck.

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read requests from Family & Children's Services and Most Worshipful Prince Hall Grand Lodge for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Jersey Shore Jazz and Blue Foundation to hang vertical banners on Broad Street from decorative poles to advertise festival from May 19, 2003 to June 3, 2003.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2003-12 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XVIII “PARKS AND RECREATION”, SECTION 18-6 “FEES AND PERMITS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, 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 8, 2003.

ORDINANCES – Public Hearing & Final Adoption

2003-11 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” PROHIBITING PARKING ON A PORTION OF MONMOUTH STREET.”

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. Curley.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, 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 Mrs. Thompson.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

03-95 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING MAYOR AND CLERK TO EXECUTE EMERGENCY OPERATIONS PLAN.”

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

ROLL CALL:

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

NAYS: None

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

03-97 Mayor McKenna read “A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT.”

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

ROLL CALL:

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

NAYS: None

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

03-98 Mayor McKenna read “A RESOLUTION APPROVING THE YEAR IV WORK PROGRAM FOR THE NEIGHBORHOOD PRESERVATION PROGRAM.”

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

ROLL CALL:

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

NAYS: None

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

Councilman Beck said Mr. Gurzo is doing a great job and she would like to receive a schedule

03-99 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING SALE OF PERSONAL PROPERTY.”

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

ROLL CALL:

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

NAYS: None

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

03-100 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, WAIVING THE PERFORMANCE GUARANTEE REQUIREMENTS FOR THE CALVARY BAPTIST CHURCH DEVELOPMENT.”

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

ROLL CALL:

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

NAYS: None

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

03-101 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AUTHORIZING PARTICIPATION IN THE NEW JERSEY SKYLANDS INSURANCE ASSOCIATION AUTOMOBILE RECIPROCAL INSURANCE EXCHANGE.”

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

ROLL CALL:

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

NAYS: None

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

03-102 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING AGREEMENT WITH NEW JERSEY AMERICAN WATER COMPANY RELATING TO THE FAILURE OF BOROUGH WELL NO. 4.”

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

ROLL CALL:

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

NAYS: None

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

03-103 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AWARDING CONTRACT REGARDING PORTABLE EMERGENCY GENERATORS.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATION

Mayor McKenna read a proclamation declaring Thursday, May 1, 2003 as National Day of Prayer.

Mayor McKenna read a proclamation declaring the year 2003 as Fibrodysplasia Ossificans Progressiva Awareness Year.

PAYMENT OF VOUCHERS

03-104 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,149,450.13.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona