

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JULY 22, 2003  
5:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Councilman Hintelmann.

**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.

**WORKSHOP**

**Parking Permits– Mohawk Lane - RBC**

Administrator Sickels reported that a meeting was held today with representatives of Red Bank Catholic High School, RiverCenter and Councilman Curley to discuss options for student parking. Council will be asked to consider an ordinance to allow permit parking in the Mohawk Lane Parking Lot from 7 a.m. to 3 p.m. only on legal school days at a reduced rate. The school would provide a shuttle for students. This would help to open parking inventory in the downtown. Neil Burnip will be asked to survey the lot to determine usage during the day and any potential conflict with residents.

Councilman Menna said he thought it was a great idea.

Councilman Curly said a solution to the parking problem is at hand and he saluted the representatives of Red Bank Catholic.

Administrator Sickels said other locations were being considered but he was not at liberty to discuss them due to the fact that they were still in the negotiation stage. He said he wants to have the ordinance ready to be introduced at the next meeting.

Mayor McKenna noted that years ago Councilwoman Thompson had said people would be parking on the fringes of the town and she was right.

Councilman Bifani requested that some spaces be set aside for park use.

Councilman Menna called it a win/win situation.

Councilman Bifani said that shuttling would be the key in the future to maximize parking.

Administrator Sickels noted that some of the key points of the plan included the fact that the school would give priority to those students who car pool in order to maximize the spaces.

Councilwoman Thompson pointed out that the Senior Center attendees use the Count Basie lot to park when they are going on bus trips.

Administrator Sickels said he would ask Mr. Burnip to consult with Freda Terry.

**Handicapped Parking at Housing Authority**

Attorney O'Connor noted that the last ordinance on tonight's agenda, #2003-32, deals with two handicapped parking spaces adjacent to the Housing Authority. He said a letter was received on July 15, 2003 requesting spaces in front of handicapped units. He also noted that Capt. VanPelt has reviewed the request and recommended approval.

## **APPROVAL OF MINUTES – June 24, 2003**

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

### **ROLL CALL:**

AYES: Menna, Bifani, Thompson, Curley

NAYS: None

ABSTAIN: Beck

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

## **APPROVAL OF MINUTES – July 9, 2003**

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

### **ROLL CALL:**

AYES: Beck, Bifani, Thompson, Curley

NAYS: None

ABSTAIN: Menna

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

## **MAYORAL APPOINTMENTS**

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Beck congratulated Jim Williams for going above and beyond his regular duties to help a person through the inspection process. She added that he avoided a situation that could have turned negative and made sure it had a positive outcome. She also noted that the Health Department was out in force for the Fireworks event. She said we received no complaints regarding private garbage haulers.

Councilwoman Thompson read a letter she had received regarding Murphy Transportation's request for a taxi owner's license. She said the letter, from Mr. Murphy's attorney, said there had been no response in regard to his complaint to the Council. Mayor McKenna noted that a response was sent from Borough Clerk Vivona and all of the Council members were copied. Councilwoman Thompson said the letter from Murphy's attorney was dated July 17, 2003 and she just wanted to make sure that notification was sent to Mr. Murphy after a decision was reached. Mayor McKenna addressed Mr. Murphy, who was in the audience, and noted that a letter was sent to his attention notifying him that there would be no ordinance change. He asked Mr. Murphy if he had received the letter and Mr. Murphy responded that he had. Mayor McKenna reiterated the decision that there would be no ordinance change. Attorney O'Connor added that the matter had been discussed by the Mayor and Council and with the Chief of Police and that the decision had been made not to change the ordinance. O'Connor also noted that a letter from an attorney is an unusual response and, unless there is new information, it would show an intent to litigate. Councilwoman Thompson closed the discussion by saying her purpose was to question whether a response had gone out to Mr. Murphy and added that apparently it had.

Mayor McKenna commended and congratulated Fire Chief Frank Woods on an award he received in Atlantic City as part of an Urban Search and Rescue Team that responded to assist in New York City on September 11, 2001.

## **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from New Jersey Center for Healing Arts, Inc. to hang a banner on Broad Street from July 28-August 15, 2003 to advertise their Wellness Week and Fair to be held in Red Bank on August 11-15, 2003.

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mayor McKenna read requests from The Food Bank of Monmouth & Ocean Counties and Red Bank Catholic High School PTA for raffle licenses.

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mayor McKenna read a request from Pilgrim Baptists Church to close Leonard Street to traffic and parking from Shrewsbury Avenue to Leighton Avenue on August 2, 2003 in order to hold their church picnic from 10 a.m. to 5 p.m.

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

#### **ORDINANCES – First Reading**

2003-27 Mayor McKenna read “AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2003.”

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

Councilwoman Beck said she could not support an ordinance reflecting a four percent raise when taxes are up 4.4 cents. She noted that the private sector is not giving raises and people are losing jobs. She said to ask citizens to pay for this is irresponsible.

Councilman Curley noted that the individuals covered in the ordinance are not members of the union whose members were already given 4 percent. This ordinance simply creates an even playing field. He added that the Borough has had a difficult time losing qualified employees to other communities who pay more money. He also pointed out that these employees had waited seven months and that the council was delinquent in not doing something beforehand.

McKenna noted that not everyone was getting a raise such as part time employees including Council members, inspectors, the Municipal Prosecutor and the judge. He also said to give absolutely no raise when another group of employees were being given one under contractual obligation would be difficult. The savings would be less than half-a-cent on the tax rate and would send the wrong message to the workforce.

ROLL CALL:

AYES: Menna, Bifani, Thompson, Curley

NAYS: Beck

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

Public Hearing and final adoption scheduled for August 26, 2003.

2003-28 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES”, SUBSECTION 8-8.2 “RESTRICTED PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing and final adoption scheduled for August 26, 2003.

2003-29 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER BH:XVII, SECTION BH:17-1 “MARRIAGE LICENSE”, OF THE BOARD OF HEALTH CODE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

Mr. Curley offered a motion to refer the ordinance to the Board of Health for recommendation, seconded by Mr. Menna

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

2003-30 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER “PARKS AND RECREATION”, SECTION 18-5 “CURFEWS ESTABLISHED”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

Councilwoman Beck questioned the proposed closing time and how it would be enforced. Could people still walk through the park?

Councilwoman Thompson said, as she understood it, people would be prohibited from “using” the park, not passing through.

Councilman Menna disagreed, noting that the ordinance read “unlawful to be in the park.”

Attorney O’Connor agreed.

Councilwoman Beck asked about those people that want to walk their dogs through the park.

Councilman Curley said he thought it would be a judgement call by the police.

O’Connor noted that the ordinance prohibits any person from being in the park after dusk. If the Governing Body thinks it is too stringent, it can work on it.

Councilwoman Thompson said she thought it was very stringent and suggested other language.

Administrator Sickels said the recommendation was based on other towns with similar parks. He said as our ordinance is written people could walk in it, and if an officer tells them the park is closed, they could just walk back out.

Mayor McKenna suggested that since the other parks had set closing times, the Governing Body should set a time for this park. The original thought of dusk was because it was residential and unlit. He suggested 9 p.m.

Administrator Sickels said the Police Chief had reservations about different parks having different closing times.

Councilwoman Thompson suggested posting signs to avoid any confusion.

Councilman Curley said if the closing time were 10 p.m. to match other parks, it would negate the reason for the limitation.

Councilman Menna made the motion with an amendment reflecting a 9 p.m. closing for Eastside Park.

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing and final adoption scheduled for August 26, 2003.

2003-31 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER “PARKS AND RECREATION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK REGARDING RULES OF CONDUCT.”

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

Councilman Menna noted that Section 18-9.2, regarding the use of abusive or profane language, while socially and politically correct, would be unenforceable under the First Amendment.

Attorney O’Connor agreed and recommended eliminating that section and leaving it to read “Reserve for Future Use.”

Councilwoman Beck questioned the need for a permit to have grill fires. She said she didn’t believe people needed one at a state park. Administrator Sickels stressed that no grill fires were permitted without a permit under state law.

Councilman Menna asked that the ban on “alcoholic beverages and illegal drugs” be changed to “alcoholic beverages and illegal or hallucinogenic drugs.”

The motion was made to reflect both amendments.

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing and final adoption scheduled for August 26, 2003.

2003-32 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES”, SUBSECTION 8-2.8 “RESTRICTED PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing and final adoption scheduled for August 26, 2003.

## **ORDINANCES – Public Hearing & Final Adoption**

2003-26 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XXV “PLANNING AND DEVELOPMENT REGULATIONS”, SECTION 25-10 “ZONING DISTRICT REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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 Mrs. Thompson.

### **ROLL CALL:**

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

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

Councilwoman Beck said she appreciated Donna Barr’s help in researching this issue and that it was found that the majority of applications involved five spaces or less and were bringing in no revenue.

### **ROLL CALL:**

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

## **RESOLUTIONS**

03-156 Mayor McKenna read “A RESOLUTION AUTHORIZING AMENDMENT TO 2003 MUNICIPAL BUDGET.”

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

### **ROLL CALL:**

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-157 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE REGARDING BLOCK 99, LOT 15.02 AND COMMONLY KNOWN AS 310 BROAD STREET, RED BANK.”

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

### **ROLL CALL:**

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mayor McKenna read "A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING THE RED BANK BOROUGH COUNCIL 2003 SCHEDULE OF MEETINGS."

Mayor McKenna noted that the main purpose of the August 31, 2003 Special Meeting was to consider the Police Chief and Deputy Chief appointments and subsequent swearing in. In addition, there was a scheduling conflict for several Council members with the August 12 meeting so a suggestion was made to cancel it.

Councilwoman Beck commented that Borough Clerk Vivona had polled the council about the change. She also asked that Deputy Clerk Hughes conduct a similar poll to see if Council members would be available if the September 23 meeting was moved to September 27 and held at the Senior Center.

Mayor McKenna said he had already asked Borough Clerk Vivona to check with Council members regarding an October meeting on a Saturday. He said he also liked the Senior Center location. He added that Borough Clerk Vivona would be reaching out regarding this suggestion.

Councilman Curley said he had reservations about holding public meetings on private properties as had been previously been suggested.

Mayor McKenna and Councilman Menna agreed.

Councilman Menna said he also felt many people are too busy for a Saturday meeting. He noted that he would support Councilwoman Beck's suggestion for later meetings during the week. He added that he felt the only reason so many people showed up at the last Senior Center meeting was because the Center Director had asked seniors to attend.

Councilwoman Thompson said it takes time for people to change their behavior. She said she thought more people would attend meetings at the Senior Center. She said many people didn't know about the first one. She added that she thought that there were those who appreciated the Saturday meeting.

Councilman Menna noted that Saturday posed religious restrictions, as it was a Sabbath for Jewish citizens. He said the Council wouldn't think of having a meeting on a Sunday and that the same consideration should be given for those of the Hebrew faith.

Councilwoman Beck said her concern over the 5 or 5:30 p.m. meetings was for those who commute and want to participate in official business. She said she didn't feel one Saturday would be offensive.

Councilwoman Thompson said she didn't believe one Saturday meeting every six months would bring a negative response. She also said she believed the Council would be willing to consider a Sunday meeting and gave the example of a January 1 meeting that fell on a Sunday. She said she did not think people would be upset by a meeting scheduled for a Saturday.

Mayor McKenna responded to the comment of later meeting times by saying the Governing Body had discussed it repeatedly and they had tried later times and no one showed up. He added that no one had contacted him with interest in this issue and he was not interested in changing meeting times to accommodate a non-existent group of people. He added that he would like to try a Saturday again. He also noted that with meetings running two to four hours, he didn't trust the acuity of individuals late at night. He noted that residents have access to municipal officials and that those that do show up at meetings usually show up for one particular issue and then leave.

Councilwoman Beck responded that she has heard from many, many people that officials are not accessible. She said she would support an October Saturday meeting and that the previous Senior Center meeting had been very nice.

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-159 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTING MAINTENANCE GUARANTEE REGARDING BLOCK 4.01, LOTS 24 AND 25.01.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

## **PROCLAMATION**

### **PAYMENT OF VOUCHERS**

03-160 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,904,002.44.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

## **OLD BUSINESS**

### **Graffiti**

Councilman Curley said that the owners of the Olde Union House had had problems with groups of young people and graffiti. He said the police response had been magnificent but there was concern about park patrols. He said he felt we needed walking patrols in the parks and downtown.

Councilwoman Beck inquired about a grant application for cameras in the park.

Administrator Sickels said we hadn’t gotten a response yet.

Councilman Curley said he felt an officer’s presence was a greater deterrent.

Mayor McKenna said there are currently bike patrols and that the matter would be referred to the Police Commissioner.

## **NEW BUSINESS**

### **Salary Ranges**

Mayor McKenna said the Council has previously discussed creating salary ranges and referred the matter to Councilman Menna as part of the Personnel Committee.

Attorney O’Connor said he thought it was an excellent idea.

Councilman Menna said with the ranges in place, employees would know where they would start and where they would end up during their time of employment with the Borough.

## **AUDIENCE**

David Prown – 44 Hillside Terrace, Red Bank – Mr. Prown applauded the dialog regarding Parks and Recreation issues with an emphasis on the parks. He said he wished to revisit the recreation issue. He noted that he was in support of the decision to terminate the previous director and change Council participation on the committee from one member to three. He asked the Council to take it further with more focus. He said he also appreciates the candor between the Council Parks and Recreation Committee



and the public Parks and Recreation Committee. He noted that the last three meetings were postponed and stressed the need to set a new course. He added that he is in the process of doing a competitive audit of neighboring towns to get a sense of programs and structure and will present it to the Council with no recommendation. He said he also looked into the percentage of Red Bank kids participating in High School sports. Fall sports – 13 percent. He is working on Spring but anticipates less than 10 percent. He noted that it needs work. He said he met with Red Bank Regional High School officials and that they are aware of the problem. He said the same percentage shows through all extracurricular activities, not just athletics. He added that on August 22 there will be a meeting between Red Bank school officials and Red Bank Regional High School officials to reach out to the Middle School and Charter School. In closing, he noted that the Summer Basketball program had started with seven children, last week it was down to one and the program has since been cancelled.

John Murphy – Middletown – Mr. Murphy stated that he is the owner of Murphy Bus and Transportation and that he does business all over the state. Referring to a discussion earlier in the meeting, he said he had not seen a copy of the letter the Council had received. He also noted that he has received many letters from the Clerk. He repeated to the Council that he would like to operate a taxi service in Red Bank. He noted that his drivers have already been fingerprinted, that the quality of his business exceeds what is currently in town and that he has a 30-year record in the transportation industry. He said he has been submitting applications for six months and they always get handed back over his lack of a Red Bank address for his office. He said he had tried to open an office in Red Bank but that the Planning and Zoning process was too difficult.

Councilwoman Beck asked if he had actually tried opening an office in Red Bank.

Mr. Murphy said he had.

Mayor McKenna said Mr. Murphy didn't want to comply with Red Bank's ordinance and suggested that Council members should be careful in light of the fact that Mr. Murphy's lawyer had sent a letter. He suggested that all communication should now go through Mr. Murphy's lawyer.

Councilman Curley said he would love to see Mr. Murphy's business in Red Bank, but that the ordinance is in place. He suggested that Mr. Murphy contact his lawyer and have him assist with the Planning/Zoning process.

Councilman Menna said if it was just an office, there may not be a need for Planning/Zoning approval.

Councilwoman Beck suggested Mr. Murphy contact Donna Barr for assistance. She added that she would also like to see the competition his company would bring.

Mr. Murphy noted that no other town requires an office within its boundaries.

Councilwoman Thompson asked Mr. Murphy not to compare Red Bank with other towns and also suggested he have his attorney work on a solution.

Mr. Murphy asked the Council to please consider an amended ordinance.

Mayor McKenna said the matter had been discussed and a decision was made. He added that they would all like to see his taxis offer increased competition.

Councilman Curley again urged Mr. Murphy to contact Donna Barr.

## **EXECUTIVE SESSION**

03-161            The Attorney read a resolution to adjourn to executive session to discuss personnel.

Mrs. Thompson offered a motion, seconded by Mr. Bifani to adjourn to executive session to discuss personnel. Minutes to be made public in 180 days.

## **ROLL CALL:**

AYES:            Beck, Menna, Bifani, Thompson, Curley

NAYS:            None

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

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

### **ADJOURNMENT**

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Respectfully submitted,

Pamela Hughes