

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 26, 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, Borough Clerk Vivona, 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.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

Public Hearing Regarding Renewal of Comcast Cablevision's Cable Communication Services

Rob Clifton, Public Affairs Manager of Comcast Cablevision appeared before the governing body and said that all notices were filed and applications submitted in a timely manner in conjunction with state and federal regulations regarding renewal of the Borough's franchise agreement with Comcast Cablevision services. He said the application must be considered on its own merits regarding their response to the consumers and their technical ability to meet the needs of the consumers. He also said that there are two areas that cannot be considered and they are rates and the channel line-up.

Mayor McKenna said the Borough did not give adequate notice to the newspaper of the hearing and the hearing would have to be postponed until September 9, 2003 but if any members of the public would like to comment tonight they are welcomed to do so. Mayor McKenna asked if anyone would like to speak, no one appearing, he asked if any members of the governing body would like to speak.

Councilman Menna asked if there has been any discussion on a corporate level about offering a rebate to senior citizens.

Mr. Clifton said anyone has the option to choose the basic service that is not as costly and they could not offer a rebate to senior citizens because this would be discrimination. He said there is some areas a discount is offered but in most cases it is less than one dollar.

Mayor McKenna thanked Mr. Clifton for attending the meeting and said the meeting would have to be carried to September 9, 2003.

Mr. Menna offered a motion to close the public hearing and carry it to the next council meeting to be held on September 9, 2003, seconded by Councilwoman Beck.

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

WORKSHOP

Municipal Hotel & Motel Occupancy Tax

Mayor McKenna said that there was a committee formed through the League of Municipalities to discuss the possibility of a hotel and motel occupancy tax in addition to the sales tax that is already added to each room that is occupied. He said he served on the committee with the State Treasurer, Senator Bennett, representatives of other municipalities, the League of Municipalities and other interest parties. He said that currently we receive \$50,000 a year from the Molly Pitcher and the Oyster Pointe Hotels to fund the Red Bank Visitor's Center. He said that he is going to schedule a meeting with Mr. Barry and discuss the amount of business the hotels generate. Then we would be able to see if the voluntary contribution or the amount collected on the tax that could be implemented by the municipality would be. The amount of tax that could be collected by the municipality would be one percent the first year, two percent the second year and three percent the third year. He said the first year the tax would go up to thirteen percent and if we choose to implement the one percent it would be fourteen percent. He said that several municipalities have adopted an ordinance to implement the fees and then realized that it would have a terrible impact on their long-term residents staying at hotels/motels and rescinded it. He said in order to make an intelligent decision they would have to review the figures from the Molly Pitcher and Oyster Pointe Hotels.

Councilman Curley said he would like to see the money collected from the proposed ordinance put in our general revenue account. He said he would like to revisit the issues of the money being used on the visitor's center.

Mayor McKenna said that the tax was created with the idea of the money being used towards promoting tourism.

Councilman Curley said that we would not have a problem with long-term residents at our hotels because they are luxury hotels.

Councilwoman Beck asked if we could implement the one percent tax and continue to collect the voluntary contribution of \$50,000 for the visitor's center.

Mayor McKenna said we would not be able to collect both and said the visitor's center is a 501-3C. He also said that most states have this type of tax but that the hotel industry is against it saying that it will have an impact on room occupancies.

Councilman Menna said that the Borough needs additional sources of revenue and said that the visitor's center receives funding from the business community, RiverCenter and New Jersey Transit. He said that he agrees with Councilman Curley that the funds should be used as an item of general revenue.

Mayor McKenna said that the visitor's center does not receive funding from RiverCenter or New Jersey Transit and the intent was that it would be funded from a pillow tax. He said that he had met with Senator Kyrillos four years ago to get this legislation moving and that it was never meant to be used as a general revenue source but to promote tourism.

Councilwoman Beck said there is a lot of flexibility on how the tax can be spent. She said that since our citizens would not have to pay the tax it would make a lot of sense to move forward.

Mayor McKenna said he would report back to the governing body after he has met with Mr. Barry.

Discussion of Hearing Date for Disciplinary Appeal

Mr. O'Connor said there was a disciplinary hearing held for Fred Boyton. He said the hearing took approximately twelve hours and was held before Mike Trotta, without transcript. He said he has received a letter through Mr. Boyton's attorney that he would like to appeal the decision to the governing body and said the hearing would take approximately twelve to sixteen hours. He said that this hearing should not be delayed and is recommending that we hear opening statements at the next council meeting so we can get a better idea on how long it will take and schedule the hearing for a number of evenings or Saturdays so we can move the case along.

Disciplinary Actions Procedures Ordinance

Mr. O'Connor said that our disciplinary actions procedures ordinance provides that if an employee wishes to appeal the decision of a disciplinary action, they can schedule an appeal before the governing body. He said he is recommending that the ordinance be amended so these hearing would not come before the governing body but would go to court. He said he knows the governing body would do a good and fair job but is not organized in a fashion to hold these hearings. He said that he presented the case before the hearing officer but would not be able to participate in the appeal and suggested that Mr. Boyton's attorney attend the next council meeting to schedule dates to hold the appeal.

Mayor McKenna said that Councilwoman Thompson would be resigning September 15, 2003 and we would be replacing her with a new councilperson.

Mr. O'Connor said this could be a problem and suggested a court reporter be hired for the hearing.

Mayor McKenna said the hearing should be the last item on the agenda so it does not inconvenience the residents that attend the meeting.

Councilwoman Beck suggested that we have several meetings back-to-back.

Mr. O'Connor said this would be a good approach since the attorney that would be involved has a large federal court practice and had postponed the administrative hearing several times. He said we have to set the dates and then hold them.

The governing body discussed various options and said it would be best to hold the hearing two or three nights in a row from 5 to 9 p.m.

Mr. O'Connor said he would contact Mr. Boyton's attorney.

2003 Road Program

Councilman Bifani said that the roads being considered in the 2003 Road Program are Harris Park, Buena Place, Mechanic Street, Canal Street, Gold Street, Bank Street, Drs. Parker Blvd and South Street. He said the lowest bidder was Green Construction and the bid exceeded our estimates by approximately \$300,000. He said that one of the reasons the amount was so much more than we estimated was because Mechanic Street was much worse than thought. He said we are receiving a grant for \$150,000 toward the cost of repairs to Mechanic Street and that the Borough Engineer would like the entire project completed.

Mr. Kosenski said that Mechanic Street needs a lot of repairs and in some spots needs to be reconstructed. He said the project came in \$355,000 over the original estimate. He said we could re-bid the project with more alternates and see if the bids come in lower. He also said that Green Construction is a very good contractor and perhaps we could increase the amount of the bond ordinance.

Mayor McKenna asked about removing roads from this year's project and doing them next year.

Mr. Kosenski said the longer we wait to repair the roads adds additional costs from deterioration.

Mayor McKenna asked Mr. Loversidge for an estimate on the affect the additional funds would have on the budget.

Mr. Loversidge said that assuming we are going to do the work next year on the roads and we spent \$233,000, the interest on that amount of money for one year at one percent interest would be approximately \$2,300 and added that it cost a lot of money when we go out to bid.

Councilman Bifani said we have already notified the property owners and reviewed the infrastructure, he said he would like to see us proceed with the entire program.

Councilwoman Beck said she thinks the roads are very important and they are in bad shape, she said she would also like to proceed with the entire program.

Councilman Menna said there are proposed projects on Canal Street and on Gold Street and asked if the work should be postponed until after they are completed.

Mayor McKenna said that we could make the contractors use specific routes so they would not damage the streets.

Councilman Curley said he is concerned about borrowing more money and said we should live within our budget and do certain roads next year.

Mayor McKenna said that it would only cost \$2,300 and that he does not agree with the general thought but the more deteriorated the roads get the more costly it is to repair them.

Councilman Bifani said that when streets are moved to next year's program then others have to be eliminated.

Councilman Curley said he does not want to swap one road for another.

Councilman Bifani said that is what has to be done.

Councilman Curley said we should live within our budget.

Councilwoman Beck suggested that we should delay action tonight and asked Mr. Loversidge to give the governing body a report on what the impact would be if the entire program were completed.

Mayor McKenna said we would continue the discussion at the next meeting.

Mr. Loversidge said he would prepare an analysis and talk to the bond counsel about additional funding.

Mayor McKenna asked Mr. Kosenski to prepare an estimate on the additional costs that could be incurred if the roads on this year's program are not repaired for a year or two.

Councilman Curley said that he is afraid Gold Street could also be much worse than anticipated.

Mayor McKenna said the longer we wait to repair the roads the more costly they are to repair.

Municipal Vehicle List

Councilwoman Beck said she was glad to receive a list of all of the municipal vehicles and is recommending that the personnel committee review the list and come up with a policy because a lot of vehicles are being used for personal use.

Mayor McKenna said that he thinks it is a good idea to have a policy but said there is very little personal use.

Buona Sera Loading Zone

Councilwoman Beck also said that there was a letter from Marty McGann requesting a loading zone for Buona Sera on Maple Avenue. She said this is very dangerous and would like to have further discussion on this matter.

Mayor McKenna said the Planning Board spent a great deal of time discussing this matter and felt that the Maple Avenue location was a better location.

Councilman Curley also said the Planning Board discussed this matter and thought that arrangement was better for everyone.

Councilwoman Beck said Maple Avenue is a state highway and believes Monmouth Street is a better location because it is a wider street.

Mayor McKenna said that vehicles double park on Maple Avenue creating a very hazardous situation and that if we put it on Monmouth Street we would have to take away three parking spaces that are used by visitors to Borough Hall, Fins and Feathers and all the businesses in the area.

Councilman Menna said that he could not participate in deliberations on this matter because he represents a number of tenants in the building but said since this is a state highway it should go to NJDOT for their recommendation before it comes to us.

Mr. O'Connor said it would have to be approved by NJDOT before we could take any action.

Councilman Curley said he would check with Mr. Leckstein, the Planning Board Attorney.

APPROVAL OF MINUTES – July 31, 2003

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck reported that sixteen property owners have asked for an extension for filing their landlord/tenant applications and that we are busy updating the information. She also reported that she would have more information on the rabies clinic at the next meeting and said she received information from our

health official regarding unsatisfactory health inspection ratings. She said the health official could shut down any licensed food establishment if there is a violation at any time.

Councilman Menna reported that there have been 566 calls to the Fire Department and said we need more volunteers. He also reported that the personnel committee is meeting to review all salary ranges and set a minimum and a maximum range.

Councilman Bifani reported that we are ready to proceed with Phase III of the Shrewsbury Avenue Streetscape project. He said we would be working from Drs. Parker Boulevard to Newman Springs Road. He said the project would cost \$186,000 and that \$136,000 is being funded by a Monmouth County Community Development Block Grant. He said we would be submitting an application for Phase IV but we are not ready with a recommendation.

Councilman Curley said that we would be amending the Historic Preservation Commission ordinance regarding the section of the appointment of an attorney. He said Mr. O'Connor could not serve as attorney to this board because it could be a conflict of interest. He also said that the finance committee is setting up new procedures for expenditures from the dedicated trust accounts. He said all transactions would have to be approved by resolution.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read requests from Red Bank Elks Lodge #233 and Bates Lodge #220 IBPOE of W 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 Jose Paz for membership to Union Hose Company.

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

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 a request from the Jersey Shore Jazz and Blues Foundation to hold the 2004 Red Bank Jazz and Blues Festival in Marine Park on Friday, June 4th through Sunday, June 6th, 2004, pending approval of the Special Events Committee.

Councilman Curley asked if there were any outstanding issues and if all the maintenance had been done that the group said they would do.

Mr. Sickels said that he checked with Mr. Lynch and he was quite pleased with all of the work the members of the Jersey Shore Jazz and Blues Foundation did in the park.

Mayor McKenna said there are members here and asked Mr. Coppola to address the governing body.

Nicky Coppola said that he is President of the Jersey Shore Jazz and Blues Foundation and that he had met with George Lynch and asked him what he would like to have done. He said the organization had 30 tons of dirt delivered to fix and improve a drainage problem in Marine Park and is planning on having another "Jazzing Up the Park" event on September 27, 2003 to do more improvements.

Councilman Curley said that he appreciates all of the efforts the organization has made.

Mr. Coppola said that the organization is discussing ways to raise funds for further improvements.

Mayor McKenna thanked Mr. Coppola and members of the Jersey Shore Jazz and Blues Foundation for all of their work and said no other organizations contribute to the maintenance of the park.

Councilwoman Thompson also thanked the members of the Jersey Shore Jazz and Blues Foundation for their work.

Mrs. Thompson 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 a request from the Red Bank Halloween Parade Committee to hold the 56th Annual Halloween Parade on Sunday, October 26, 2003 at 2:00 p.m., pending approval of the Special Events Committee.

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

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

2003-29 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER BH:XVII, SECTION BH:17-1 “BIRTH, MARRIAGE AND DEATH CERTIFICATES” AND SECTION BH:17-2 “MARRIAGE LICENSES”, OF THE BOARD OF HEALTH CODE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

Ms. Beck offered a motion to adopt the ordinance on first reading, 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 adopted on first reading.

Public Hearing and final adoption scheduled for September 9, 2003.

2003-33 Mayor McKenna read “AN ORDINANCE AMENDING ORDINANCE NO. 2002-14 CREATING A HISTORIC PRESERVATION COMMISSION FOR THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

Mr. Curley 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 September 9, 2003.

2003-34 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III “POLICE REGULATIONS” BY ADDING NEW SECTION 3-12 “NURSING HOMES, TRANSPORTATION REQUIREMENTS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH.”

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 September 9, 2003.

2003-35 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY FIXING COMPENSATION OF THE FIRE SUB-CODE OFFICIAL OF THE BOROUGH OF RED BANK FOR THE YEAR 2003.”

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

Councilwoman Beck said that the additional salary given to Mr. Drucker does not include a four percent increase.

Councilman Curley said that now we would have an arson investigator on our staff.

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 September 9, 2003.

ORDINANCES – Public Hearing & Final Adoption

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.”

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 Ms. Beck.

ROLL CALL:

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

ROLL CALL:

AYES: Menna, Bifani, Thompson, Curley

NAYS: Beck

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

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.”

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

Lois Bell – 120 Leonard Street – asked that the handicapped spaces located in the municipal parking lot be properly marked.

Mayor McKenna asked if anyone else would like to speak, no one appearing he closed the public hearing.

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

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 Mr. Curley.

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.

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

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 Ms. Beck.

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

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

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.

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

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 Ms. Curley.

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

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

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.

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.”

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.

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

03-168 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE REGARDING BLOCK 71, LOTS 42 AND 44.”

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.

03-169 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING LEASE AGREEMENTS WITH FIRE AND FIRST AID COMPANIES FOR STORAGE OF VEHICLES AND EQUIPMENT.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-170 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-171 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-172 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING AGREEMENT FOR PAYMENT IN LIEU OF TAXES REGARDING THEATER PROPERTY ANTICIPATED TO BECOME TAX EXEMPT.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-173 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE FOR PROPERTY DESIGNATED ON THE MUNICIPAL TAX RECORDS AS BLOCK 7, LOTS 17.01 & 17.02.”

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

Councilwoman Beck said that she is not supporting this ordinance because even though it is a good project she does not feel the traffic plan is not well thought out.

ROLL CALL:

AYES: Menna, Bifani, Thompson, Curley

NAYS: Beck

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

03-174 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, APPROVING THE BOROUGH’S POLICIES REGARDING AMERICANS WITH DISABILITIES AND GRIEVANCES RELATED THERETO.”

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

Councilwoman Beck said that a case was brought before the Borough a while back and asked why it was not put into place more quickly.

Mr. O’Connor said that it was an oversight by his office and said a Borough resident did not submit the complaint.

Mayor McKenna said the person who filed this complaint is a member of a group that has announced themselves as an organization that goes after municipalities and governmental agencies.

Councilwoman Beck said that she has seen correspondence from the group and they said they complained about the Broad Street Streetscape program and said they were not taken seriously.

Mr. O’Connor said that we received a letter from a woman in Middletown who did not like the type of blocks that were used even though they were ADA compliant. He said that part of the blocks were removed, even though they did not violate the law. He said a number of us have members of our own families that are handicapped and we are sensitive to the needs of all handicapped individuals. He said that in regard to the items approved here tonight someone came here measuring items that were off by an inch or less. He said that he spoke to the Department of Justice and they know we are making improvements and spending a lot of money to make the library ADA compliant. He said we are more ADA compliant than most other buildings and that the Borough should be proud of their efforts.

Mr. Sickels said that we have had a plan since 1990 and have stuck to our plan; he said it was one of the reasons we had to build a new municipal complex.

Mr. Menna said that he appreciates the clarification and said the residents would be happy to know that we are addressing the needs of handicapped individuals.

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-175 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDED CHANGE ORDER NO. 1 REGARDING THE CHESTNUT STREET WATER PLANT UTILITY AND GENERATOR SERVICE PROJECT.”

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.

03-176 Mayor McKenna read “A RESOLUTION HONORING CHIEF WILLIAM P. LUCIA, CHIEF OF DETECTIVES OF THE MONMOUTH COUNTY PROSECUTOR'S OFFICE ON HIS RETIREMENT.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-177 Mayor McKenna read “A RESOLUTION DESIGNATING DEPOSITORY OF FUNDS.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-178 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AWARDED CHANGE ORDER NO. 3 REGARDING THE 2002 ROADWAY IMPROVEMENT PROGRAM CONTRACT WITH STAVOLA CONTRACTING COMPANY, INC.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-179 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING APPLICATION TO THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR LOCAL DOMESTIC PREPAREDNESS EQUIPMENT GRANT.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-180 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR LIBRARY IMPROVEMENT FUNDS.”

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

ROLL CALL:

AYES: Beck, Menna, Bifani, Thompson, Curley

NAYS: None

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

03-181 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AWARDED CONTRACT REGARDING THE SHREWSBURY AVENUE IMPROVEMENTS – PHASE III TO LOWEST RESPONSIBLE BIDDER.”

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

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

03-182 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,751,533.89.”

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

Councilman Curley said there have been numerous complaints from residents regarding all of the debris on the property currently being developed by the PRC Group on West Front Street and Riverside Avenue.

Councilman Bifani said the PRC Group allowed the Borough to store debris and vehicles that were being used for the 2002 Road Program.

Mayor McKenna said since the road program is completed everything would be removed.

Councilman Curley also thanked Mr. Watson for helping the Environmental Commission clean up the park at the end of Locust Avenue.

NEW BUSINESS

AUDIENCE

Mr. O'Connor said that he has seen a copy of a letter from the residents of Oakland Street urging the governing body intervene on an application for development before the Zoning Board of Adjustment. He said the Zoning

Board of Adjustment is a quasi-judicial board and it would be inappropriate for any member of the governing body to support or oppose a plan while the application is being heard before the board.

Councilman Curley said he has asked the residents to express their opinions.

Mr. O'Connor said that if the governing body participates in any dialogue you could prejudice an appeal and reminded the governing body that they stay clear of any quasi-judicial bodies.

Mayor McKenna said there are forums where these issues can be addressed but to send a letter to the members of the governing body asking that we use our influence and talk to the Zoning Board is illegal.

Councilman Menna said that he represents a lot of different boards in the area and as an attorney and a councilperson we cannot interfere with an application that is currently being heard by one of our boards. He said that our comments could be particularly damaging especially if there is an appeal.

Councilwoman Beck said that our Zoning Board has not treated the people well and said the general performance of the board is questionable.

Councilwoman Thompson said that when people feel rejected they appeal to the next group that will listen. She said these residents feel that they have not gotten a proper hearing.

Councilman Curley said that we have all gone through a great deal of chiding. He said he knows as a councilperson he has to refrain from comments but any citizen can come before the council and say what they want.

Mayor McKenna said the governing body is not the proper forum to be hearing this and said the residents could be jeopardizing their own rights regardless of what other council members are telling them. He said he is tired of hearing Councilwoman Beck criticize our Planning and Zoning Boards and said she owes an apology to these people because they sacrifice a lot of time being on these boards. He said this municipality has received a number of planning awards from the county and the state and people throughout the state always comment on what a great town Red Bank is.

Councilwoman Thompson asked Mayor McKenna to calm down and said we are elected officials and we have to respond to the residents, that is why they are here this evening.

Mayor McKenna said that he agreed with Councilwoman Thompson.

Councilwoman Thompson said we should give them some direction.

Councilman Curley said we should allow the residents to say what they want.

Mayor McKenna said he wants to make sure opinions are not prejudiced because the hearing is two nights away.

Councilman Menna said that we must remain neutral in terms of the application before the board.

Michael Reeps – 66 Oakland Street – said he is here to express his concern about a large-scale, 30 unit condominium project on little over an acre of land. He said the project needs too many variances and it would negatively impact the neighborhood. He said the needs of the residents and concerns are not being taken into consideration. He said the Zoning Board members do not treat the residents well and do not want to hear their concerns. He asked the governing body to do anything in their power to negotiate with the builder because the project is too big.

Bill Meyer – 12 Monmouth Street – said that his real concern is when you listen to questions from the Zoning Board members; you think they were advocates of the project. He said there is someone on the board that has a strong financial interest and feels there is more than one board member that has a conflict of interest. He said the honesty and integrity of the board is compromised. He also said that you always hear that if we have more ratables the taxes would go down and this is not true. He said there are board members that should not be connected with this hearing.

Mayor McKenna said that if you believe there are any Zoning Board members hearing this application that have a conflict of interest this should be addressed to the Zoning Board attorney, Kevin Kennedy.

Councilman Curley said that perhaps the Borough should have an ethics board.

Councilman Menna said that there is already a policy regarding this and it should be brought to the attention of Kevin Kennedy.

Mayor McKenna said that he has 28 years of experience in municipal government and one of the biggest mistakes is the creation of an ethics board because it becomes a political animal. He said he believes that our boards have a very good record in this town.

Mary Jane Hagerty – 69 Oakland Street – said she thought she could trust the elected officials and the Zoning Board members. She said that the Zoning Board has a lot of major problems and told Mayor McKenna that

she was offended at the way he spoke to the other elected officials. She thanked Councilwomen Beck and Thompson and Councilman Curley for their comments.

Mayor McKenna said the board members volunteer many hours of their time and it is hard to find people to serve on the board. He said Mrs. Hagerty is an individual that has a particular point of view on this application and based on the phone calls and the letters from the objectors to this application there is not even a consensus on what should be done but some agree that if the project is downsized they would be happy. He also said that the Zoning Board consists of ten residents that try to interpret the master plan, land use laws and criteria as it relates to each application and not a constituency of individuals that represent certain individuals. He said they listen to both sides and unfortunately sometimes they may be wrong but to sit here and repeatedly say they did a terrible job is a slight to the municipality. He said that he is sorry that Mrs. Hagerty feels that the board was disrespectful.

Mrs. Hagerty said that the board is not consistent with the master plan and sitting before the Zoning Board is insulting and added that the board has a lot of problems. She said she thinks there should be an ethics board and thanked the governing body for listening to her and said the governing body is supposed to listen to the residents. She said we are trying to work with you and bring out the best in Red Bank.

Mayor McKenna said that he had a letter that said if the project was downsized the residents in the neighborhood would not object to the project.

Mrs. Hagerty said that position has changed.

Mayor McKenna said he has been involved in municipal land use law for twenty years and when he had an objection he hired an attorney to represent him because it is a legal issue and not an emotional issue.

Mr. Reeps said that the application is so out of sync with the master plan and they are just asking that it be kept in scale with the neighborhood.

Gerald Hagerty – 69 Oakland Street – said that he apologizes for anything he is doing that is illegal but the Zoning Board is very negative to the residents. He said he met with one of the principals of the project and thought it was a good idea but it is just too big and needs to be downsized.

Ben Forrest – 16 Locust Avenue – said he does not have an opinion on the project but said people need a place to come and speak. He said people should get what is on their minds out.

Mayor McKenna said that he wishes people would come out more and said there is nothing better than residents coming to the meetings and having public participation.

Mr. Forrest said he thought you were not going to let voices be spoken and said he was glad the meeting proceeded.

Mayor McKenna said that he apologized to Councilwoman Beck if he got in a snit but he feels like the board members are part of our family and he was defending them. He also apologized to anyone else that was offended. He said he really appreciates everyone being here.

Muriel Banner – 64 Oakland Street – said that she agrees with her neighbor's comments and thinks the zoning laws are not being followed because the project is too big.

Cathy Colmorgen – 67 Oakland Street – said zoning laws are not being followed and the project is too big.

Mayor McKenna said that he has been a member of the Planning Board for 14 years and it is almost unheard of when an application does not need numerous variances because we are such an old town.

Mrs. Colmorgen said that she has lived on Oakland Street her entire life and does not think it is right when a project needs 20 to 25 variances.

Joyce Calabro – 38 North Prospect Avenue – said she has seen new signs in town and wants to know who paid for them.

Mayor McKenna said there were several sources including the Borough and also a grant.

Mr. Kosenski said they were paid for by the Borough, RiverCenter, private contributions and a grant.

Mrs. Calabro said they are great especially for visitors and also asked about potholes repaired on her street.

Councilman Menna said there are a lot of construction vehicles being used on her street and suggested the repairs not be done until the construction was completed.

Mrs. Calabro asked if her street could be put on the road program.

Councilman Bifani asked Mrs. Calabro to call Gary Watson.

Mrs. Calabro asked if there were going to be anymore council meetings on Saturday morning.

Mayor McKenna said we are working on scheduling one.

Mrs. Calabro said her taxes were increased by \$1,100 and added that that was an enormous increase.

Mayor McKenna said we are going to be sending out a mailer that explains the percentage of taxes that are collected and where they go.

Councilman Menna said that very few individuals vote in the school elections and the school budget is one of the biggest increases in the tax bill.

Councilman Curley said that he has a letter that challenges the way our schools are funded and said the council does not have any control over this and that we have to contact our legislatures to change this.

Mrs. Calabro said residents have to get out there and vote.

Councilwoman Beck said the schools are the largest percentage of the tax bill but the Borough is the second largest and she said that she feels we must do more to lower the municipal portion of the tax bill.

Councilwoman Thompson said she believes the school should be made to regionalize more of their services.

Councilman Curley said the Board of Education should have to cap services and hold their election on election day.

Councilman Bifani left the meeting at 8 p.m.

Bill Meyer – 16 Monmouth Street – said that mostly the parents of children vote in the school election and that developers should have to pay for infrastructure improvements when they build large projects.

Mayor McKenna said what you are really talking about are impact fees and this is currently under discussion in the state legislature.

Jim Harris - 97 Mechanic Street - said taxes are too high and we need a constitutional convention.

Mayor McKenna said that we have asked for a constitutional convention and had met with Senator Bennett to ask that it be placed on the ballot because the last one was done in 1947. He said this is not going to happen this year but maybe next year. He said another problem with the Red Bank Board of Education is that they are not eligible for additional aid but that he had met with the Commissioner of Education regarding this and said he would be continuing these discussions.

Tom Williams – 85 Locust Avenue – said that a builder bought the house behind him and proceeded to work on the house without getting the necessary permits. He complained to various departments within the Borough and felt like he was getting the run around until finally they received a stop work order.

Mr. Sickels said that he issued the seller a summons for \$500 and issued a stop work order.

Mr. Williams said he just wanted the council to know about this.

Mr. Sickels said that he apologizes to Mr. Williams for any inconvenience.

Mr. O'Connor said that unless residents come and complain we do not know about this.

Lois Bell – 120 Leonard Street – asked if there was a charge for rabies shots.

Mr. Sickels said that it is the same as last year.

Chris Cole – 1 Fisher Place – said that RiverCenter is always trying to make things better and found that they were lacking in community relations and said they are working on correcting it.

Trisha Rumola – 20 Broad Street – said RiverCenter is starting a speaker's bureau and the program would be starting on September 12, 2003 in the schools.

Mr. Cole also said that RiverCenter contributed \$35,000 to the wayfinding program.

EXECUTIVE SESSION

03-183 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and potential litigation.

Ms. Beck offered a motion, seconded by Mr. Menna to adjourn to executive session to discuss contract negotiations and potential litigation. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Beck, Menna, Thompson, Curley

NAYS: None

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

Mr. Menna offered a motion, seconded by Ms. Beck to adjourn from executive session.

ROLL CALL:

AYES: Beck, Menna, Thompson, Curley

NAYS: None

There being four 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, Thompson, Curley

NAYS: None

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

Respectfully submitted,

Carol A. Vivona