

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MARCH 25, 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 and Attorney O'Connor.

**ABSENT:** None

**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 Mr. Hintelmann.

**ROLL CALL:**

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

**NAYS:** None

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

**03-79      Mayor McKenna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1340-44-021-003 (RED BANK LIQUORS)”.**

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.

**03-78      Mayor McKenna read “A RESOLUTION AUTHORIZING APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM FOR ACQUISITION OF PROPERTY”.**

Councilman Bifani said that as part of the master plan review we have looked into consolidating and expanding the property we currently own on the Westside of Red Bank in close proximity to the Navesink River, this would add property we currently own for open space and waterfront access for our residents. He said the Chestnut Street building would be coming down and if we relocate the facility to the end of Sunset Avenue the Chestnut Street property could be opened up to public space and recreation and then we could apply to Green Acres for a grant for development of that site. He said he would like the governing body to consider acquiring two parcels at the end of Dr. James Parker Blvd. He said this is a grant for waterfront development pending with the state and we are going to see if we could transfer the grant to this site. He said this is all preliminary and we will see what Green Acres is willing to fund.

George Whelan explained the application that would be submitted to the state. He explained the project from a map supplied from the Monmouth County GIS. He said the Borough owns a parcel of property at the end of Sunset Avenue where our recycling center is and an old incinerator building that would have to be demolished. He said most of the property is a large vacant tract along the Navesink River. He said we are looking to acquire lots 66, 66.01, 66.02, 66.03, 67 and 143 of block 84 and lots 6.01, 6.02 of block 83 for an additional three acres. He said the total cost of the project would be \$600,000 (\$150,000 would be a grant and \$450,000 would be a low interest loan).

Mayor McKenna said there is a chance that Green Acres would increase the funding because it is waterfront access and they look very favorably on this kind of development.

Councilman Bifani said the recreational facilities for that area of town are not adequate. He said that Count Basie Field is not enough and this would be a step in alleviating the lack of recreation areas. He said the plan is very preliminary and the cost of the project could be prohibiting.

Councilwoman Beck asked if this would be for soccer fields and playgrounds.

Councilman Bifani said the planning would not be determined until we started to have public hearings on the proposed facility.

Councilwoman Beck asked about the pending grant for waterfront development.

Councilman Bifani said we are not ready yet to see if this could be transferred.

Councilwoman Beck said that this is a very good idea because she feels there is not enough recreational areas on the Westside of Red Bank. She said we should explore this idea but it is a good first start.

Mayor McKenna asked if anyone from the audience would like to speak regarding the application, hearing none he closed the public hearing.

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

**ROLL CALL:**

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

**NAYS:** None

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

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

NAYS: None

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

**WORKSHOP**

**APPROVAL OF MINUTES** – March 13, 2003

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

**ROLL CALL:**

AYES: Hintelmann, Menna, Bifani, Thompson, Curley

ABSTAIN: Beck

NAYS: None

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Beck reported that Code Enforcement held another information session at St. Anthony's Church regarding the landlord rental registration ordinance and other issues. She said Mr. Sickels, Mr. Williams and Mr. Welsh gave a presentation and then answered questions. She also said the information was translated into Spanish and that it was a successful presentation.

Councilwoman Beck also reported that the Environmental Commission has been researching the implementation of a shade tree ordinance and they are pretty close to being finished. She said she would bring their recommendations to the governing body for review.

Councilman Menna said that Councilman Curley and Councilwoman Beck had asked if less than three units could also be included in the rent leveling ordinance. He said case law prohibits the inclusion of one or two units for rent stabilization and that he has not received an answer about the possibility of the rent leveling board hearing problems regarding one or two units. He said the courts are burdened with complaints and the rent leveling board could hear them at less cost, he said he would have an answer at the next meeting.

Councilwoman Beck asked if we could apply to landlords that own several properties in the town.

Councilman Menna said the properties would have to be contiguous and that he would have an answer from Mr. Anthony by the next meeting.

Councilman Bifani reported that work was done at the pump station last night and that he would like to thank everyone that worked on the repair and also thank the VNA for the use of their parking lot. He also reported that the building at Chestnut Street was demolished.

Mayor McKenna reported that Mr. Kosenski and Mr. Whelan worked through the night supervising the repair, as well as the employees from public works and the police department. He commended everyone for all of their hard work.

Councilman Curley reported that he had the unique opportunity to go to the primary school to read to our children. He said this was in coordination with Read Across America. He said all of the teachers did a wonderful job. He also reported that the Human Relations Committee would meet on Wednesday. He commended RiverCenter for their efforts in being an active member of the community, reaching far beyond their district. He said he is very proud to be the Council representative.

Councilman Curley reported that he has pursued every recommendation regarding the municipal budget. He said that Councilwoman Beck asked about the possibility of cutting our police department from 40 to 35 members. He said that Chief Clayton said there is a manpower shortage now and that this would jeopardize the safety of our residents. He also said she had suggested doing away with our drug alliance coordinator, Mr. Austin, but said most of that money comes from the county. He said that making one child deficient in any way would not be acceptable. He also said there was also a conversation about the shuttle bus program and the expense but he felt this was still a new program and needed time to expand. He thanked Councilwoman Beck for her recommendations.

Councilwoman Beck said that we are looking at one of the largest tax increases in the history of the Borough and we must look at the services provided and scale back to the bare necessities. She said that when speaking about the police department she was suggesting not hiring replacements for the retirees. She also said that the role of the drug and alcohol alliance is filled by volunteer organizations in many municipalities. She said that we might have to do things that are painful because dealing with the tax increase is very hard.

Councilman Curley said that he wishes Councilwoman Beck would attend the finance meetings.

Councilwoman Beck said that she talks and meets with Mr. Loversidge regarding the 7-cent increase. She said she has not been invited to attend the budget meetings.

Councilman Curley said that we are also looking at big increase from the schools and county.

Councilwoman Beck said we should speak to adjoining municipalities that use our Senior Center and Library to contribute to those services. She said there are a lot of avenues to look at.

Mayor McKenna asked Councilwoman Beck where she got the information that it is the largest increase in the history of the borough. He said it is irresponsible to make statements like that. He said that he resents the fact that she made a statement like that without checking out the facts. He said all she had to do is ask Mr. Loversidge and that the tax increase is 5-cents and not 7-cents. He said that Councilwoman Beck mentioned the debt service was up. He said that she continually votes for the road improvement programs, purchasing fire trucks and various other items and then votes no on the budget. He said you cannot have it both ways. He also said that cutting three or four police officers in this day and age is ridiculous. He said that Monmouth County rates our police department one of the top three in the county. He said it is not fair to jeopardize the safety of our residents and that she should sit down and speak to the Police Chief. He said that he went to two budget meetings and met with Mr. Kaplan. He said it is not the time to have a debate about the budget and asked Councilwoman Beck to check with Mr. Loversidge regarding her comments. He also said that 46 states are having budget crises and we are living in difficult times and that the Borough of Red Bank had one of the higher tax rates in the County but in the middle.

Councilwoman Beck said that she respects Mayor McKenna and does not appreciate it when he raises his voice to her. She said that she had met with Mr. Loversidge and Mayor McKenna about saving money. She said that in discussion with the Mayor they talked about not hiring replacements for retirees. She said she did not say anything that was not accurate and would continue to look at ways to save money.

Councilman Curley said that he has scheduled a Finance Committee meeting to continue discussion on 2003 budget. He said the budget was only introduced and the committee continues to work on ways to save money.

Mayor McKenna said we are in the process of raising our fees to increase revenues. He said the state is cutting municipal aid but our contracted items such as salaries increase. He said that we continually look at every possible way to save money.

## COMMUNICATIONS AND PETITIONS

**Mayor McKenna read a request from St. Anthony of Padua Parish to close Chestnut Street from Bridge Avenue east to the railroad on Saturday, April 19, 2003, from 7:30-8:30 P.M. and 11:00 P.M. to midnight, for Easter Vigil services.**

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

### 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 a request from Osteria Dante to place a 13-foot retractable awning on the front of their building for a sidewalk cafe, pending approval of the Construction Official.**

Mayor McKenna said the property owners are in the conference room trying to resolve this matter and we would discuss it later in the meeting.

## ORDINANCES – First Reading

**2003-08 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XXIII “SPECIAL IMPROVEMENT DISTRICT” OF THE REVISED GENERAL ORDINANCES”.**

Mayor McKenna said he knows that Mr. Menna had some concerns regarding this ordinance.

Councilman Menna said that they were addressed and the governing body would continue to approve any changes in the bylaws.

Mr. O'Connor said that he had inserted the change about approving the bylaws because it was his impression that it was a very well managed group.

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

### 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 April 8, 2003.

**2003-10 Mayor McKenna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV PLANNING AND DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES”.**

Mayor McKenna said that this ordinance raises fees and not the minor fees the residents have to pay.

Mr. Curley 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 April 8, 2003.

**ORDINANCES – Public Hearing & Final Adoption**

**RESOLUTIONS**

**03-76      Mayor McKenna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 84, LOT 1.01, AND COMMONLY KNOWN AS 100 CHAPIN AVENUE, RED BANK, MONMOUTH COUNTY”.**

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

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: Beck

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

**03-77      Mayor McKenna read “A RESOLUTION SUPPORTING A-2904 AND S-1945, WHICH PROVIDE PROTECTION TO MUNICIPALITIES WITH COAH INTERIM CERTIFICATION FROM BUILDER’S REMEDY LITIGATION”.**

Mayor McKenna said this resolution was requested by the League of Municipalities to protect municipalities from being sued that has interim certification from the state.

Mr. Menna 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 no nays, the resolution was declared approved.

**03-80      Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS”.**

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.

**03-81      Mayor McKenna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF MONMOUTH”.**

Mrs. Thompson 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 no nays, the resolution was declared approved.

**03-82      Mayor McKenna read “A RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS”.**

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.

**03-83      Mayor McKenna read “A RESOLUTION DESIGNATING CAPTAIN MARK FITZGERALD AS ACTING CHIEF OF POLICE IN THE ABSENCE OF CHIEF JAMES CLAYTON”.**

Mr. Hintelmann 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 no nays, the resolution was declared approved.

## **PROCLAMATION**

### **PAYMENT OF VOUCHERS**

**03-84      Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$924,088.90”.**

Mr. Curley 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 no nays, the resolution was declared approved.

## **OLD BUSINESS**

## **NEW BUSINESS**

## AUDIENCE

David Prown – 44 Hillside Place – said there is a clear lack of participation in the sports programs from the Red Bank kids at Red Bank Regional High School. He said 30 percent of the students come from Red Bank but only 13 percent participate in sports programs and gave the statistics from various programs. He said we are letting our kids down and there has to be a link between our parks and recreation program and the high school level.

Councilwoman Thompson thanked Mr. Prown for all of the research he did and that this is a good first step. She said this subject needs to be researched to find out why the kids drop out of the programs.

Jim Harris – 97 Mechanic Street – said he is here tonight in support of our troops and said the Red Cross is gathering items to send overseas and asked the residents of the Borough of Red Bank to support this effort.

Mayor McKenna said we could post something in Borough Hall and also put something in the newsletter.

Drew Horgan – 146 Branch Avenue – impressed by Mr. Prown's research but said we should also be concerned about the low test scores and the amount of money being spent on education in the borough.

Mayor McKenna said the children in Red Bank seem to drop out of the recreation programs around the time they are in 7<sup>th</sup> grade. He said we could have the best Director in the Parks and Recreation program and the best teachers but if there is no parental involvement there are problems.

Councilwoman Thompson said this is a sociological problem that must be addressed. She said Mr. Austin and the drug alliance have tried various programs. She said we must talk with our children and feels there is something wrong in this town.

**Mayor McKenna read a request from Osteria Dante to place a 13-foot retractable awning on the front of their building for a sidewalk cafe, pending approval of the Construction Official.**

Zoya Beticci – 91 Broad Street – said that she feels very strongly about placing a retractable awning on the front of their building. She said the building is tucked away and they need the awning for visibility, outdoor dining and protection from the sun. She said this awning does not affect the business of Dean Witter but would affect her business. She said the awning has a nice clean look and will compliment the area.

Mr. Sickels said the original plan called for the awning to project passed the Dean Witter building but would be designed to be even with the building.

Councilwoman Thompson said it is a retractable awning and she would prefer this instead of umbrellas.

Councilwoman Beck said she does not have a problem with the awning and thinks the umbrellas are a pedestrian hazard.

Mr. Menna said he is making a motion to deny the awning because notice was not given to the property owner; it is a violation of their airway rights and would impact the shade and lighting in the building. He said he does not understand why they cannot use umbrellas.

Councilwoman Thompson does not feel the awning would have a negative impact on the use of the window on the side of the building and questioned the recommendation of the VIC committee, considering the fact that Mr. Herman is a member of the committee.

Dan Hintelmann – representing the Ten Company – said the Ten Company has owned many properties in the Borough for a long time. He said that it is their understanding that Mr. Herman is concerned about the awning cutting off the light to the window. He said the building is set back 12 feet from the street and he thinks umbrellas would cut out even more light.

Jay Herman – said that he feels very awkward because he really likes the owners of the restaurant but said that the awning cutting across the window would not look very nice. He said his tenant is opposed to the awning and he would like to work out some kind of compromise with the owners of the restaurant.

Ned Gaunt – Chairperson of RiverCenter – said Mr. Herman, a member of the Visual Improvement Committee, did not attend the meeting when they discussed his building. He said the Committee does not think the awning would look good cutting across the window. He also said that the VIC committee encourages the use of umbrellas. He said he has come up with an alternative to the plan and showed the governing body a drawing that could be a compromise.

There was a discussion regarding the pros and cons of umbrellas versus awnings and the visibility of the restaurant.

Zoya Beticci – said we are talking about a side window and this window does not affect their business and is a waiting area.

Councilman Menna suggested the request be tabled until the executives from Dean Witter could attend the meeting.

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

**ROLL CALL:**

AYES:        Beck, Thompson

NAYS:        Hintelmann, Menna, Bifani, , Curley

There being two ayes and four nays, the request was not approved.

**EXECUTIVE SESSION**

**ADJOURNMENT**

Mr. Hintelmann offered a motion, seconded by Mr. Bifani 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