

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 23, 2002
5:00P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor McKenna, and Council Members Beck, Menna, Thompson, Polonsky.

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

ABSENT: Councilman Bifani and Hintelmann.

SUNSHINE STATEMENT

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

Locust Avenue Nature Area Progress Report by the Environmental Commission

Linda Rohleder, Lois Bell and JoEllen Lundy appeared on behalf of the Commission to report of the progress of work being done at the Locust Avenue Nature Area. They noted that they had received a New Jersey Department of Environmental Protection Agency grant and that the agreement had been fully executed. They also reported that June 8 had been a work day at the site with approximately 15 people from the community, including some local landscapers, and the Sierra Club. They said lots of work was done including the removal of old weeds, an old fence and poison ivy. They also noted that they had received a donation of Professional Services from a professional surveyor to conduct an official survey. They said a consultant with New Jersey Transit has offered to help them fill out the DEP permit applications and will assist them in any meetings with the agency. They reported that the developer of a neighboring property had offered them the iron gate from a house that is being torn down and that they would like to accept it and use the gate to help preserve the history of the neighborhood while adding a decorative entrance way to the property. They also said that they were planning another work day in the fall for planting and that they had received a \$600 credit at a nursery.

Councilwoman Beck noted that there would be another clean up session at 9 a.m. on Saturday.

Mayor McKenna said he had spoken with the neighboring property owner who told him he was looking forward to working with the Commission and he found the project very encouraging.

Monmouth Street Streetscape Project

Ned Gaunt, Chairman of the RiverCenter Visual Improvement Committee, appeared to update the Council on the Monmouth Street Streetscape Project. He noted that a meeting last month the Council suggested that he meet with local agencies and the Planning Board. He said they have an update plan based on their input. He stressed that RiverCenter had received a \$510,000 business loan, but that they must commit to \$100,000 by September and spend the entire loan by December. He said he was appearing tonight seeking approval to go out to bid to start work in

August in order to have the project complete before the holiday season. He reviewed changes to the plan including the revision of the bump outs and the use of a higher intensity of brick. He said they would also recommend that storeowners continue brick into their properties at their expense. The streetlights will be lower and brighter, he continued, and trees will be placed so as not to block the view of the traffic. He noted that there really wasn't room for any trees on the south side of the street due to the narrowness. He said property owners were enthused about participating and he requested approval to move forward. He also noted that the project would be entirely financed by RiverCenter.

Councilwoman Beck asked for details about the bumpouts and bus service.

Mr. Gaunt said the only bump outs would be at the Dublin House and directly across the street. He added that the buses would not be an issue because the bump outs will not narrow the street because they are actually narrower than the parked cars they would replace.

Mayor McKenna said he was happy to see that RiverCenter had taken the Council's comments and incorporated them into the plan. He noted that the Planning Board had unanimously approved the plan subject to the Police and Fire Department's signing off on the bump outs. He stressed that they needed to move forward and approve it so RiverCenter could go to bid or they risk losing the funding. He added that if the bump outs were not approved by the other agencies they would have to be removed.

Councilman Polonsky said he had no problem with the plan and suggested they add a resolution to tonight's agenda.

Mayor McKenna reviewed the pattern of the sidewalk and noted that it will be mixed scored concrete and brick.

Mr. Gaunt noted that the material will be the same color as Broad Street but will be a different brick in an effort to continue the color yet give Monmouth Street its own identity.

Councilwoman Beck spoke in support of the project but questioned why it was not listed on the agenda, noting that it was one of seven items up for discussion yet not listed.

Mayor McKenna explained that many of the issues about the project had not been resolved until the previous night.

Councilwoman Thompson questioned the use of brick pavers. She said there had been unhappiness about the results of their use on Broad Street and noted that that job was not done as well as it could have been. She said they are not welcoming to walk on and cautioned RiverCenter to make sure the work was done properly.

Mr. Gaunt said they were aware of the problem and they were intentionally not using the same brick. He added that the new brick would have fewer irregularities.

Mayor McKenna said he wanted to emphasize that the bricks with the irregular surface were not being used and that the new ones would have a flat surface.

Attorney O'Connor asked when the job would be substantially complete and Mr. Gaunt replied October 15.

Mayor McKenna noted that there would be no closure of the street as a whole during the job because the work would be done in segments. He said there would only be brief closures to move equipment and that they will be working on small pieces at a time.

Councilwoman Thompson asked if store owners would be apprised of closures and if any work can be done overnight. Mr. Gaunt said store owners would be informed and that it was possible to have work done after hours, however, it would drive up the cost considerably. He said the fifteen-year loan is for \$510,000 if they go beyond that it would require different financing. He said if it was possible, RiverCenter would have no objection if the town had no objection.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

WORKSHOP

Registration of Rental Properties

Councilwoman Beck reported that the Code Enforcement Committee had reviewed and researched this subject for one to one and a half years based on some issues brought up by Code Enforcement, Fire Personnel and citizens regarding overcrowded conditions. She said they had consulted with Code Enforcement and the Borough Administrators of Freehold, Morristown, Bloomfield and Long Branch to see how they addressed these situations and came up with three recommendations.

First, presently single and two family residences are not required to register. Also, sometimes registrations have no name or contact and only a Post Office Box for an address and that this has been a problem.

Second, many of the towns have undertaken an effort to educate the public regarding issues on fire safety, health codes and quality of life issues and they have found this helpful.

Third, they recommend a continuation of cooperation between the Police, Fire and Code Enforcement personnel to enforce the codes.

She noted that the committee was recommending an ordinance that would include landlord information and a list of tenants with a one time \$20 registration fee. She added that the proposed ordinance also calls for regular inspections.

Councilman Menna said Councilwoman Beck's comments of the finding of the committee were accurate and noted that she had spent a great deal of time on the issue. He said he would completely support such an ordinance and noted that it would help the tenants.

Mayor McKenna asked the Council to review and provide comments to the committee before the next meeting. He said they would try to have the ordinance in place for the next meeting.

Councilwoman Beck said the ordinance should incorporate the existing relocation requirements to force a landlord to pay for relocation of overcrowded tenants.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Beck noted that the Health Department has no reported Red Bank cases of West Nile Virus.

Councilman Polonsky reported that the Borough had sold \$7.2 million in bonds at the lowest rate ever of 3.66%. He noted that the bonds covered various capital improvements that had been financed in the past. He said that, as part of the process, we were reviewed by Moody's and give an A2 rating. Mayor McKenna commended CEO Loversidge and the Finance team including Dave Kaplan and Cheryl Oberdorf for securing the lowest rate ever and noted that it was the optimum time to hit the market. He said taxpayers will save over \$300,000 in interest over the next 11 years.

COMMUNICATIONS AND PETITIONS

Mayor McKenna read a request for raffle licenses from Food Bank of Monmouth and Ocean Counties, Most Worshipful Prince Hall Grand Lodge, Inc., and St James Grammar School PTA.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

Mayor McKenna read a request from Red Bank Charter School to use Senior Center on Monday August 5, 2002, from 7 to 10 p.m. for a Parent-to-Parent Social.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

ORDINANCES – First Reading

2002-20 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK”.

Public Hearing and final adoption scheduled for August 13, 2002.

Councilwoman Beck asked for clarification on the Ordinance. Attorney O’Connor explained the revisions would accommodate Riverview Hospital and the Red Bank Charter School

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

2002-21 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER XI BUILDING AND HOUSING, SECTION 11-1.3(F) STATE UNIFORM CONSTRUCTION CODE”.

Public Hearing and final adoption scheduled for August 13, 2002.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

2002-22 Mayor McKenna read “AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF RED BANK BY REPLACING SECTION 2-67 IN ITS ENTIRETY.

Public Hearing and final adoption scheduled for August 13, 2002.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky.

Nays: None

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

ORDINANCES – Public Hearing & Final Adoption

2002-18 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” PROHIBITING PARKING ON A PORTION OF WHARF AVENUE NEAR ITS INTERSECTION WITH UNION STREET”.

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, Thompson, Polonsky

Nays: None

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

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

2002-19 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VIII “PARKING LOTS AND HANDICAPPED SPACES”, SUBSECTION 8-2.3 “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 Ms. Beck.

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

RESOLUTIONS

02-164 Mayor McKenna read “A RESOLUTION AUTHORIZING AGREEMENT AND SETTLEMENT OF TAX APPEALS”.

Councilwoman Beck questioned Riverview’s tax appeal record. She said the settlement amount will reflect as one cent on our tax rate and noted that some of the properties included in the appeal had questionable uses. She called the appeal an “unfriendly action.”

Attorney O’Connor assured Councilwoman Beck that the Assessor’s Office and the Attorney had investigated the matter thoroughly, researched the law and appeared before the court. He said it was his opinion that, under the law, no property on this appeal is not exempt. He said while they may not appear so, all of the uses have been considered as exempt.

Councilwoman Beck said she did not have an issue with the Attorney’s work, her issue was with Riverview’s appeal. She cited a history of the hospital testifying in 1997 that they would not request tax exempt status for the property formerly known as The Wicker Rose and now they are. She stressed that the \$90,000 would affect the hospital less than the taxpayer.

Mayor McKenna criticized Councilwoman Beck for offering a legal opinion over our Attorney. He said no one wants the property off the tax roles. He noted that Attorney O’Connor has negotiated an agreement including a contribution of 50 percent of the taxes which, he continued, equals 27 cents on the municipal tax dollar. He also noted the Borough would have lost the case in court. He applauded O’Connor for his skill in the agreement. He also noted that some of the properties had been sold and some were under contract. He said Riverview had made representations to the Borough and had followed through on them all. He noted that they are investing in the community through upgrades.

Councilman Menna said he appreciated all of the sentiments expressed and noted that this is not the first time this issue has been addressed. He said the issue had been carried at Councilwoman Beck’s request so it could be reviewed. He noted that state law gives the tax exempt status and that if we had proceeded with litigation, instead of the 50 percent payment, we probably would have gotten zero. He called the settlement distasteful, but said it was the only logical course. He said in the long range it will help. He noted that properties are going back on the tax roles and that the agreement does not support any further expansion.

Councilwoman Beck asked if the assessed values were the post-revaluation values. Attorney O’Connor said they were and noted that the appeal was for 2001 and that, as part of the agreement, Riverview had waived any claim for 2002.

Councilman Polonsky noted that when he was first on the Council he looked for ways to save on the tax rates. The Administrator at the time called other towns with hospitals and found they got nothing. Polonsky called the Attorney’s ability to get this amount a feather in the Borough’s cap. He also noted that he had opposed the hospital’s expansion outside of the hospital services zone, but lost.

Mayor McKenna noted that, at the end of the process, when the properties are sold, we will get more money that we would have on taxes. He called the 50 percent payment and full value when sold extremely beneficial.

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

ROLL CALL:

Ayes: Menna, Thompson, Polonsky

Nays: Beck

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

02-167 Mayor McKenna read “A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTING MAINTENANCE GUARANTEE REGARDING BLOCK 99, LOT 15.01”.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-168 Mayor McKenna read “ A RESOLUTION ACCEPTING PERFORMANCE GUARANTEE AND ESCROW TO 310 BROAD STREET, BLOCK 99, LOT 15.02 RED BANK MEMORIAL L.L.C.”

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-169 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-170 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-171 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.

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

ROLL CALL:

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-172 Mayor McKenna read “A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION”.

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-173 Mayor McKenna read “A RESOLUTION AUTHORIZING RECEIPT OF BIDS FOR THE 2002 ROADWAY IMPROVEMENT PROGRAM”.

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-174 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR STARBUCKS COFFEE COMPANY”.

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-175 Mayor McKenna read “A RESOLUTION AUTHORIZING CONTRACT BETWEEN THE BOROUGH OF RED BANK AND CWA LOCAL 1034-CIO, BRANCH 4 FOR THE YEARS 2002-2004”.

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

Councilwoman Beck said she supports the verbal discussions they have had but said she hasn't seen anything in writing. She said she is very uncomfortable voting for something she hasn't seen and would like to review the final version.

Mayor McKenna said it represents what has been gone over and noted that printed sheets were provided with every single employee and their salaries throughout the contract, percentage of increases and health care costs.

Councilwoman Beck said the material was not sent out and said that she wants to see something this significant.

Administrator Sickels noted that the Collective Bargaining Unit had voted only yesterday. He said the if the matter had not been on the agenda tonight, the back pay would have been delayed until the second payday in August instead of the first.

Mayor McKenna noted that not a penny had changed from what was discussed. He also reiterated that if they did not act on it the checks would be delayed and that for some people it is a lot of money.

Councilman Polonsky pointed out that the Council had authorized what Administrator Sickels could offer.

Councilwoman Beck said that this was not part of the issue, she was criticizing new items appearing on the agenda the night of the meeting.

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-176 Mayor McKenna read "A RESOLUTION APPOINTING BUCHALSKI, REYNOLDS & BRODOWSKI, FOR VALUATION SERVICES REGARDING TAX APPEAL CONCERNING BLOCK 59, LOT 6".

Mayor McKenna noted that this resolution and #02-177 were regarding appeals for the properties known as The Bon Ton and Surray.

Attorney O'Connor noted that this was not a new expense but simply a change of Counsel. He noted that it is slightly higher because the previous attorneys had also done the revaluation. He also said the fee might not run as high as allowed for in the resolution because the people could back down after the report is received. He also pointed out that these properties have been appealed more that five times and that we had to obtain special assistance each time.

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-177 Mayor McKenna read "A RESOLUTION APPOINTING BUCHALSKI, REYNOLDS & BRODOWSKI, FOR VALUATION SERVICES REGARDING TAX APPEAL CONCERNING BLOCK 59, LOTS 7, 8, 9 AND 10".

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

02-XXX Added resolution to authorize RiverCenter to advertise for bids regarding Monmouth Street Streetscape.

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

Councilwoman Beck requested a copy of the plan.

PROCLAMATION

PAYMENT OF VOUCHERS

02-178 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,840,939.19”.

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

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

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

OLD BUSINESS

Parking Manager

Councilwoman Beck asked for an update on the status of the Parking Manager.

Administrator Sickels said that a vast expanse of paperwork was necessary for the Immigration and Naturalization Service. He also said he had spoken with Congressman Pallone’s office today and noted that we are coming to the end of the tunnel. He said it seems like every time we submit a piece of paperwork, they ask for another form. He hopes to have everything resolved and Mr. Burnip should be on board in August.

Mayor McKenna he had met a resident of Scotland who happened to know Mr. Burnip and was told he is he best employee they had in Glasgow.

NEW BUSINESS

None

AUDIENCE

None

EXECUTIVE SESSION

None

ADJOURMENT

Mr. Menna offered a motion to adjourn, seconded by Mrs. Thompson.

Ayes: Beck, Menna, Thompson, Polonsky

Nays: None

There being four ayes and no nays, the meeting was adjourned.

Respectfully submitted

Pamela L. Hughes