

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 10, 2002
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

SUNSHINE STATEMENT

WORKSHOP

Leighton Avenue Traffic Calming

Councilman Bifani said there was a meeting held with the residents of Leighton Avenue and that George Whelan, from T&M Associates, would give a report.

Mr. Whelan said that we have applied for numerous grants for traffic calming on Leighton Avenue but have not been successful in obtaining funding. He said that in the interim there are a number of items that could be implemented. He recommended that new signage be added, pedestrian crosswalks be painted to be highly visible, additional crossing guards and the possibly of speed bumps. He said if the first three items were done, the cost would be approximately \$11,500. If the three speed bumps were added, the cost would be approximately \$20,000. He said traffic really needs to be slowed down because there are approximately 20 buses each morning and afternoon picking up children for the primary, middle, high school and charter schools, that is why he recommends additional crossing guards.

Councilman Bifani said crossing guards get paid \$30 a day and there is only one in the area. He said he recommends spending \$11,000 for phase I of the project and if necessary add the speed bumps. He said we could use Leighton Avenue as a test for trying to slow traffic down and if successful, proceed on additional streets.

Councilwoman Beck congratulated Councilman Bifani for implementing this project and said she was sorry she missed the meeting. She said it is really important to slow cars down.

Councilman Polonsky said when attending meetings for the master plan a big concern of the committee was speeding on Leighton Avenue and they were very enthusiastic about the addition of speeds bumps.

Councilman Bifani said there was also discussion about the use of pace cars.

Mr. Loversidge said the money would be available in the 2003 budget and could be accessed at the beginning of the year.

Mayor McKenna said we could probably implement the crossing guards immediately.

Councilman Bifani said he would work this out with Mr. Loversidge and Mr. Sickels.

Mr. Sickels said that he believes we have people on a waiting list that would like to be crossing guards.

Councilwoman Thompson said she would like to have the crossing guards start as soon as possible.

Mr. Sickels said the crossing guards could be in place by January.

Councilman Menna said he would like to have a resolution placed on the next agenda commemorating Buddy Williams.

2003 Meeting Schedule

Mayor McKenna said we have discussed altering the meeting schedule for next year. He said there is a consensus to change the organization meeting to Saturday, January 4th at 12 noon, have a 7:00 p.m. meeting on February 11th and have a meeting at 10 a.m. on Saturday June 7th at the Red Bank Senior Center. He said the other meetings would be at the regularly scheduled times but if we want to change any throughout the year we could amend the schedule.

Councilwoman Beck asked if we could alternate the meetings for the first six months of the year between 5:30 p.m. and 7:00 p.m. She said if this is done on a consistent basis the attendance at the meetings would be better.

Mayor McKenna said that we have actually discussed this but felt the attendance at the 5:30 meetings is so much better than the later meeting. He said we would try one on February 11th and could always amend the schedule.

APPROVAL OF MINUTES – January 22 - November 26, 2002

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

ROLL CALL:

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

NAYS: None

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

Councilwoman Beck said she would like to make a short comment about the state of our records. She said she went back a few years and feels there are quite a few records that have not been approved by the governing body. She said it would make a lot of sense to tape the borough council meetings.

Mayor McKenna said we would check on the cost of doing this and then make a decision.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Polonsky reported that we would begin serious budget discussions with each department.

COMMUNICATIONS AND PETITIONS

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

2002-27 Mayor McKenna read “AN ORDINANCE REQUIRING THE REGISTRATION OF ALL RENTAL PROPERTY WITHIN THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY”.

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

Bill McCarter – 39 Avenue of the Commons – Shrewsbury – said there was an article in the Asbury Park Press that was very misleading regarding the registering of tenants. He said there is already a state statute dealing with contacting landlords. He criticized the application form and said this is just a vehicle to collect more fees.

Bob Thomas – 4 Windward Way – said owners in town should be on the same side. He said this ordinance should be coupled with an educational program. Said he owns 50 Locust Avenue, a forty unit building and has never charged per head. He said this ordinance penalizes the good landlords for the behavior of the bad landlords. He also feels the ordinance is ripe for litigation because certain sections in our ordinance were not adopted by Belmar and penalties should not be placed on the landlord because they cannot control them. He also stated that there is a bill for consideration in the state legislature that would deal with overcrowding. He said this bill makes a distinction between owners that knowingly overcrowd. He said something is going to happen on the state level and said he had given a letter to Mr. Sickels on September 18, 2002 and never heard back from him.

Councilwoman Beck said that she, Councilmen Menna and Polonsky along with members of the Borough Code Enforcement carefully reviewed this ordinance. She said they had received many comments and reviewed all of them and looked at them very seriously. She said the biggest difficulty is contacting individuals that own one and two family homes. She said three or more units must submit information with the Department of Community Affairs but it is the one and two family homes that we need to have the occupancy posted and a floor plan.

Mr. Thomas said this does not make a distinction between landlords that knowingly overcrowd versus the landlord who does not.

Mayor McKenna said knowingly in the eyes of the law is an extremely difficult burden to meet. He said we had a fire in a house last week with two units and cannot estimate how many people were living there. He said this ordinance is designed to promote the safety of the people living in the units and to punish the bad landlords. He said we do not have any problems with good landlords but the problems lie with the bad landlords and the bad tenants. He said if we have a landlord that has 16 people living in a house and he said he does not know all he has to do is look at the garbage and the foot traffic. He said he should be able to tell that there are not four people living in the house. He said this ordinance is not perfect but we want to get something in the books before we have another fire that could claim lives. He said we would be revisiting the ordinance and if needed could easily amend. He thanked Mr. Scott for his comments and said this ordinance has been discussed for a very long time and thinks we should enact the ordinance and deal with imperfections if problems present themselves. He said if the law is not working we could change the law. He said the committee has done a tremendous amount of work and we want to make sure people are safe.

Mr. Thomas said there are definitions regarding tenants and guests.

Mr. Sickels said this is an ordinance for residential registration. He said the property maintenance code deals with how many people can sleep in a dwelling. He said this ordinance is not written in favor of a landlord or tenant. He said we already require a certificate of occupancy but when we had the fire we could not contact the landlord for three hours. He said the intent of the ordinance is to give us information.

Mr. Thomas said the ordinance should be available in English and Spanish.

Councilwoman Beck said we have actually had a community outreach program at St. Anthony's Church and gave an overview of the Borough services and regulations to the Hispanic community. She said the Hispanic Affairs has been helping us translate information and we could certainly publish a summary.

Mr. Thomas said people are afraid of other people in authority and that this ordinance is geared for punishment but should be educational as well.

Mayor McKenna said the spirit of the ordinance is not punishment but compliance.

Michael Reeves – 66 Oakland Street – asked the governing body to please adopt the ordinance because there is a major problem with overcrowding. He said the landlords should spend more time here and see what is going on at their properties.

Mayor McKenna said that we have a lot of good landlords and there are a few that spoil it for the good ones. He said this ordinance would help us deal with Limited Liability Corporations (LLC). He said you could have three people involved and five different LLC's and never get to the person that is in charge.

Mr. Reeves said that after the summer storm it took seven days to find a landlord to fix the problems.

Councilman Menna said the driving force is not fundraising or a punitive message but a vehicle to be able to contact the owners of smaller properties and deal with safety issues.

Shirley Wilson – 145 Leighton Avenue – said she is glad we are adopting the ordinance because she lives in an area where there is overcrowding. She also asked what to do when she knows there is illegal building going on and multiple families living in one unit.

Mr. Sickels said to call code enforcement.

Diane Cerrillo - 66 Peters Place - asked what the difference is between a certificate of occupancy and the rental registration fee and why they cannot be combined.

Mr. Sickels said the said the rental registration fee is a \$50 one time fee and then \$20 each time there is a change. He said the information contained in the rental registration application is a little more extensive.

Ms. Cerrillo said she does not know why they cannot be combined and said there should be more inspections done because just walking around you see extension cords hanging outside windows going to other parts of the house and a lot of other safety issues.

Gwendolyn Smith – 99 River Street – asked why information about the mortgage holder is required on the application.

Mr. Sickels said it is there to know who all of the principles are.

Dan Lewis – 35 Bank Street – said the Red Bank Housing and HUD inspects his home, he asked why it has to be done again.

Mayor McKenna said HUD has their own criteria and it has nothing do to with the municipal inspection.

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

ROLL CALL:

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

NAYS: None

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

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

Councilwoman Thompson said she is wondering if it is possible to see the effect of the ordinance ending March 30, 2003 and then receive bi-monthly reports so we could know who is responding.

Councilman Polonsky asked if she wanted to know how many registrations there were.

Councilwoman Beck said it makes sense to see how many people were penalized or relocated.

Councilwoman Thompson said she wants to see the accomplishments of the ordinance.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

02-242 Mayor McKenna read “A RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE BONDS REGARDING THE GALLERIA BLOCK 38, LOTS 13 AND 14”.

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

ROLL CALL:

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

NAYS: None

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

02-243 Mayor McKenna read “A RESOLUTION AUTHORIZING REDUCTION IN PERFORMANCE GUARANTEE FOR MOUNT ZION HOUSE OF PRAYER BLOCK 71, LOTS 42 AND 44”.

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

ROLL CALL:

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

NAYS: None

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

02-244 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF THE MAINTENANCE BOND REGARDING BLOCK 101, LOT 28; 194 EAST BERGEN PLACE”.

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

ROLL CALL:

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

NAYS: None

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

02-245 Mayor McKenna read “A RESOLUTION AUTHORIZING RELEASE OF THE MAINTENANCE GUARANTEE FOR BLOCK 60, LOT 28; 58 EAST RECKLESS PLACE”.

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

ROLL CALL:

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

NAYS: None

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

02-246 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, AUTHORIZING RELEASE OF THE MAINTENANCE BOND REGARDING BLOCK 71, LOT 1.01; LOCUST LANDING”.

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

ROLL CALL:

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

NAYS: None

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

02-247 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, REGARDING EXTENSION OF SECOND ROUND SUBSTANTIVE CERTIFICATION WITH THE COUNCIL ON AFFORDABLE HOUSING (COAH)”.

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

ROLL CALL:

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

NAYS: None

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

02-248 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEE CONCERNING 27 CENTRAL AVENUE BLOCK 75, LOT 99”.

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

ROLL CALL:

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

NAYS: None

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

02-249 Mayor McKenna read “A RESOLUTION AUTHORIZING TRANSFER OF FUNDS”.

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

ROLL CALL:

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

NAYS: None

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

02-250 Mayor McKenna read “A RESOLUTION CONFIRMING TIME AND PLACE OF BOROUGH COUNCIL MEETINGS FOR 2003”.

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

ROLL CALL:

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

NAYS: None

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

Health Services

Councilwoman Beck said she would like to discuss the addition of a resolution, since she did not get to speak at the last council meeting. She said she would like to suspend the action taken at the last council meeting regarding the Borough joining the Monmouth County Regional Health Commission. She said we would save \$30,000 if we joined the Monmouth County Board of Health and that she talked to five administrators that are pleased with their services.

Mayor McKenna said that with all due respect he has spoken to a number of entities that deal with them and he has heard a different report. He said they would not guarantee that Greg Nagy could be taken on with the same benefits and the geographic location of the office is a problem. He said he does not believe we would get the same treatment from them and people would have to travel to Freehold instead of Tinton Falls.

Councilwoman Beck offered a motion to suspend the action taken to join the Monmouth County Regional Health Commission I until further interviews were conducted.

Not hearing a second the motion did not move forward.

Councilwoman Beck said there is a discrepancy in conversations with the Monmouth County Board of Health and said we have never received anything in writing. She said \$30,000 is a lot of money in tough times.

Mayor McKenna said that due deliberation was taken at the last meeting.

PROCLAMATION

Mayor McKenna read a proclamation proclaiming support for the You Drink & Drive, You Lose National Mobilization Campaign during December and invited the Red Bank community to celebrate New Year's Eve at First Night® Red Bank.

PAYMENT OF VOUCHERS

02-251 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,816,870.38”.

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Connie Festa Apparicio – 102 Catherine Street – said she received a parking ticket on Shrewsbury, she said signs were installed in 2000 but the ordinance was never enforced, she felt she should have been warned first. She said she parked on street to allow her customers to park in the back since she was granted a variance in 1982 that said she must provide parking in the back.

Mr. Sickels suggested her customer's park on the street since they are not parked there all day.

Mayor McKenna said that for the first time in a long time we have a full staff in the parking enforcement office and they are patrolling more areas.

Mrs. Festa Apparicio also said the Christmas decorations on Shrewsbury Avenue are lame. If they look like they do we should not have any.

There was a general discussion about the business owners replacing the decorations because they originally purchased them.

Frank Callandriello – Denny-New Mexico – Wanted to thank the governing body for remembering the retired police officers and distributed holiday decorations.

Chris Cole – 1 Fisher Place – thanked the governing body for approving sidewalk displays and said they would be closely monitored. He also reported on the window walk and spoke about the problems with the snow removal.

Councilwoman Thompson said she had received complaints about the snow removal.

Councilman Hintelmann said it is hard to plow the streets with cars parked on them.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Carol A. Vivona