

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 9, 2002
5:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Bifani, Borough Clerk Vivona

SUNSHINE STATEMENT

WORKSHOP

Graffiti at Riverside Gardens Park—Administrator Sickels reported that complaints have been received regarding the placement of memorial items at Riverside Gardens Park. He said the Council understood the need to express sympathies, but the items have expanded to hanging items from trees and writing on the concrete and masonry. He said the Council has been gracious in accommodating expressions of sorrow, but they don't want to see the park damaged. Sickels said they are asking the public to refrain from writing on the property and from hanging things from the trees. He also noted that he has had an occasion to visit a New York City firehouse that had lost members and their memorials are no longer there. There has been a request to place a perpetual memorial in Riverside Gardens Park.

Mayor McKenna noted that he has spent time with a widow who had lost her husband in the tragedy and had discussed this issue with her. He appointed a committee to review the memorial issue and asked Councilwoman Betti Thompson, Parks and Recreation liaison, to serve on the committee. He said the families have said they would like to replace photos over time. He said the Borough could possibly invoke a policy to remove writing or items hanging in trees.

Councilwoman Thompson said she had submitted to the Administrator a sketch of a memorial plaque to go in the place where the memorials have been, but to date, has not heard anything. She said she has received comments that people come to the park and don't like to see things hanging in the trees and that it takes away from the peaceful atmosphere. She said she thought it would help the situation and be more dignified if there was something there to commemorate the spot. She also respectfully denied participation in the committee.

Sidewalk Cafes—Deputy Fire Marshal Thomas J. Welsh appeared before the council and stated that all of the applications on tonight's agenda have been signed off by him and the Chief of Police except for Danny's. He noted that the inspection process has been changed a little from previous years to include a cover sheet with measurements and digital photos of the approved arrangements. He said this would make it easier to resolve issues of moved tables and chairs by having a photographic record of what was approved. He added that all measurements were taken with chairs pulled out from the table to simulate people sitting and from inside the curb to allow for vehicle mirrors and as an allowance for people to pass. He noted that all applications were subject to the same criteria.

Mayor McKenna said he appreciated the time and effort Deputy Fire Marshal Welsh had put in and commended the use of the digital photographs. He noted that the Borough will be periodically reviewing the sidewalk cafes and asked the public to report anything that seems improper. He said the Borough wants to encourage sidewalk dining, but also wants to enforce the rules.

Welsh noted that if any changes are noticed over the weekend hours, the police have copies of the photographs on hand.

Councilman Polonsky questioned the denial of approval by RiverCenter of the application from Hinck's Turkey Farm. Welsh noted that their denial was based on design of the furniture that which is not something his office makes an opinion on.

McKenna noted that RiverCenter has faxed over a tentative approval subject to review.

Councilman Menna said enforcement is a problem. He suggested that Deputy Fire Marshal Welsh be authorized for overtime hours to do some evening and weekend inspections, particularly around the Fourth of July.

Councilwoman Beck said Code Enforcement suggested the clearance be extended to six feet but it was declined. She said Tom Welsh has done an exceptional job of enforcing.

McKenna noted that the Police having copies would help with enforcement.

Welsh noted that he is meeting with the Chief of Police tomorrow to come up with a procedure. He also pointed out that measurements don't go to the trees themselves but from the tree pits to the tables, chairs or railings.

Councilwoman Thompson said she was worried about the restaurateurs who will try to get away with changes. She said spot checks would be a good idea coupled with a hefty fine. She said when they have to pay for their deeds, they will come around.

Welsh said if the layout is moved or not in the perimeter, the businesses will be punished.

McKenna suggested immediate suspension of the café approval.

Welsh said Danny's Restaurant is within the perimeters except for the umbrella. He would move it up, but the door must be open.

Road Program—Engineer Kosenski said his letter summarizes the recommendations by the Public Works Committee in regard to the 2002 Road Program. He asked the Council to review it for discussion at the next meeting. A \$100,000 grant for Leighton Avenue is included in this year's program. He reviewed details from the program and asked Council members to contact him or Councilman Bifani with questions.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Menna reported that there will be a meeting tonight between members of Relief Engine Company and representatives of KidsBridge to resolve questions regarding work at 51 Monmouth Street.

COMMUNICATIONS AND PETITIONS

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

2002-6 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PUMPER FIRE TRUCK, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$575,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$546,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF”.

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

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

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. Hintelmann.

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

RESOLUTIONS

01-81 Mayor McKenna read “A RESOLUTION HONORING DR. EUGENE CHESLOCK”.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

02-82 Mayor McKenna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 115, LOT 1.01, AND COMMONLY KNOWN AS 303 BROAD STREET”.

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

ROLL CALL:

Ayes: Hintelmann, Menna, Thompson, Polonsky

Nays: Beck

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

02-83 Mayor McKenna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 105, LOT 19, COMMONLY KNOWN AS 183 BROAD STREET AND BLOCK 105, LOT 32, COMMONLY KNOWN AS 100 HUDSON AVENUE”.

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

ROLL CALL:

Ayes: Hintelmann, Menna, Thompson, Polonsky

Nays: Beck

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

02-84 Mayor McKenna read “A RESOLUTION AUTHORIZING POLICE USE OF MIDDLETOWN TOWNSHIP POLICE DEPARTMENT FIRING RANGE”.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

02-85 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT REGARDING THE SHREWSBURY AVENUE LIGHTING IMPROVEMENTS – PHASE II TO LOWEST RESPONSIBLE BIDDER”.

Councilwoman Beck asked when the project would start and would we be able to meet the deadline.

Engineer Polonsky said as long as action was taken tonight we would have no problem making the deadline.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

02-86 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES FOR HINCK’S TURKEY FARM, WALT STREET PUB, DANNY’S STEAKHOUSE, ZEBU FORNO, WINDMILL, GAETANO’S, CARLOS O’CONNOR, MULBERRY STREET CAFÉ, MURPHY STYLE GRILL, AND NO ORDINARY JOE, INC.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

02-87 Mayor McKenna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR BUONO SERA”.

Councilwoman Beck noted that this is the restaurant she gets calls on the most often and, from her own experience, seems to be a major offender. She said we should asked Buono Sera to be careful to keep the walkway clear.

Councilman Polonsky said he has never heard a negative comment about the location except in this room.

Councilman Menna said he has received correspondence on the location. He said the problem seems to be added tables and chairs on the weekends.

Mayor McKenna said the Borough will have strict enforcement and they will have to comply.

Councilwoman Thompson said there have been repeated violations and it seems they don’t know how to comply.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Polonsky

Nays: Thompson

Abstain: Menna

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

02-88 Mayor McKenna read “ A RESOLUTION AWARDING CONTRACT FOR THE INSTALLATION OF WATER METERS TO LOWEST RESPONSIBLE BIDDER”.

Councilwoman Beck asked for an update on the bids.

Attorney O’Connor said the Administrator had met with the two bidders for a hearing in which the losing bidder said the low bidder was using a subcontractor to do the work when the law requires a principle. The Administrator determined that the low bidder did meet the requirements of the law. The recommendation is mentioned in the resolution. He said he is confident that the ruling is in compliance with the law.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

PROCLAMATIONS

Mayor McKenna read a proclamation proclaiming April as Alcohol Awareness Month.

Mayor McKenna read a proclamation proclaiming Youth Week – May 5, 2002.

Mayor McKenna read a proclamation proclaiming United States Postal Service Organ & Tissue Donor Registration Day – April 22, 2002.

PAYMENT OF VOUCHERS

02-89 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,602,826.34.

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

OLD BUSINESS

Historical Ordinance—Mayor McKenna said this ordinance was brought up at the last meeting and reported that it is being fine tuned regarding term lengths, etc. He said it had been forwarded to Preservation Red Bank for review and we will finalize at the next meeting.

Sidewalk Cafes—Councilwoman Thompson asked what was being enforced regarding the cafes and how was it being enforced. She said she thought we were guilty of sloppy enforcement. She added that we need to let people know the guidelines, what is expected and what will happen if they don’t conform.

Councilwoman Beck said she shared Councilwoman Thompson’s concerns. She said that since we’ve added digital photos when there is a violation there will be no argument over what was approved. She said enforcement should improve with the photographic references, police enforcement and Tom Welsh volunteering to check on some Saturdays. She noted that if they violate, they wouldn’t be able to have a sidewalk café in the future.

Councilwoman Thompson asked if the restaurants were aware of that.

Deputy Fire Marshal Welsh said they had not been told that specifically, but they let them know there will be a punishment.

Councilman Polonsky noted that the resolution states that the permit will be revoked.

Administrator Sickels said that the Code Enforcement Committee agreed that there will be enforcement. Restaurants will be informed of violations and if it happens again, the permit will be revoked.

Mayor McKenna reiterated that as long as they follow the rules everything would be fine. An abuse of the rules will result in a loss of privileges. Now, there is proof. Restaurants must comply and need to be informed. He said he believed the enhanced procedure would lead to improvements.

NEW BUSINESS

McKenna Award—Councilman Menna noted that Mayor McKenna was honored the previous night with a Humanitarian Award. He pointed out the positive comments and good feeling about this town and our residents. He also noted that McKenna had worked to raise funds for a worthwhile charity.

Queen Mother—Councilman Menna noted that in 1989 the Council passed a resolution honoring the woman known as the Queen Mother in England in commemoration of the 50th Anniversary of her visit to Red Bank with her husband King George. Menna called them the most important world visitors that have visited Red Bank. He suggested that the Council should send their condolences regarding her recent death to be presented to the British Consulate.

Mayor McKenna agreed that the message would be appropriate and asked that a resolution be prepared.

AUDIENCE

Andrew North—20 Washington Street, Red Bank

Mr. North presented a rendering for a suggested sign to be placed in Veteran's Park. He said Preservation Red Bank had informally adopted the park and noted that there was no clear identifying sign. They met with Powerhouse Signs to develop a sign and were seeking Borough approval. Preservation Red Bank would provide and install the sign. He said the group had tried to follow the color scheme of the Wayfinding project and incorporated the logo to help set a standard for various signs around town. Would like approval from the Council to install before May's Armed Forces Weekend.

Mayor McKenna referred the matter to Director of Special Projects Gail O'Reilly. He said he believed that, as part of the circulation study, there was a plan to widen that street which could have an impact on the area in question.

Mr. North asked the Council to move forward with design comments.

Administrator Sickels suggested the matter be referred to Ms. O'Reilly for review.

Ben Forrest—16 Locust Avenue, Red Bank

Mr. Forrest said he was upset that RiverCenter was threatening a lawsuit of commercial sanitation pickup and asked if the ordinance has been adopted. McKenna told him that it had but we may have to revisit it. McKenna said it was his impression that RiverCenter wasn't looking for a fight, but alternatives.

Councilman Polonsky pointed out that the ordinance had been adopted unanimously.

Forrest said he liked the ordinance but agreed that details may have to be tweaked. He said he felt the town had been generous and took the suggestion as a threat and was disappointed by the action.

McKenna said he didn't think there was a case to be made. The town was working under a time frame he continued, and they will discuss the fine tuning.

On a separate issue, Forrest noted that he still finds the Riverside Gardens Park memorials moving. He suggested that the first anniversary would be an appropriate time to change to a more dignified memorial. If it's deteriorating, it should be removed.

Danny Murphy—11 So. Bridge Avenue, Red Bank

Mr. Murphy stated that he agreed with Council statements that having a record of the sidewalk cafés should help enforcement adding that, if they add tables or chairs, they should be fined. He also noted that the arrangements are often moved a few inches by the customers and that this should be taken into consideration.

Chris Cole—1 Fisher Place, Red Bank

Mr. Cole said he was honored to attend the event honoring Mayor McKenna. He commended the Mayor for his comments regarding his office and borough staffs. Mr. Cole said, as a resident, he was proud to be there.

In regard to the sidewalk cafes, he said, from a RiverCenter standpoint, the situation needs enforcement. He praised Tom Welsh for doing case by case approvals with photos. RiverCenter would be happy to distribute copies of the ordinance. He said he agreed that penalties should be levied before the cafes were removed.

Finally, regarding the garbage ordinance, he said he had approached the Mayor about repealing the ordinance. Cole said he feels that they have not gotten to the level of meeting some of the inequities and addressing trash on the street. He said RiverCenter wants to work with the Borough. They want to continue the partnership to protect the business community. He said they had to file the lawsuit because of the time frame, but wanted to continue to work with the Borough. He said he understands the budget and Public Works issues. He added that he has spoken with representatives from the Arts and Antique District, the Galleria and the Courts and they hope to treat this as a business issue not a RiverCenter issue. He would like to see a task force formed with Council and Public Works representation. He said RiverCenter appealed because they felt they were not properly informed and had concerns that were not addressed. He said they are asking for equitable treatment.

John Austin—28 Riverside Drive

Mr. Austin thanked the Council for the proclamation regarding Alcoholism Awareness Month. He added that, with so many liquor licenses in town, we have the responsibility to enforce the ABC laws. He also invited everyone to attend Community on April 27 to celebrate our Community.

EXECUTIVE SESSION

02-90 The Attorney read a resolution to adjourn to executive session to discuss personnel, contract negotiations and pending litigation.

Mr. Menna offered a motion, seconded by Mr. Polonsky to adjourn to executive session to personnel, contract negotiations and pending litigation. Minutes to be made public in 180 days.

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

ADJOURMENT

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

ROLL CALL:

Ayes: Beck, Hintelmann, Menna, Thompson, Polonsky

Nays: None

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

Respectfully submitted,

Pamela L. Hughes