

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 5, 2004  
10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor McKenna and Council Members Beck, Hintelmann, Menna, Bifani, Murphy and Curley.

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

**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, 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 January 4, 2004.

**WORKSHOP**

**Monmouth County JIF**

Mr. Sickels said that we have received a letter from the Monmouth County Joint Insurance Fund asking us to pass a resolution authorizing continued membership in the JIF for 2005. He said that he knows the Finance Committee had discussed the possibility of soliciting quotes from other companies even though the Borough has been involved in the JIF since 1988 and has been successful.

The Governing Body discussed the process for soliciting quotes from other insurance companies and suggested the Administrator and the Finance Committee look into this matter and report back to the Governing Body.

Mr. Loversidge said that the Monmouth County Joint Insurance Fund and the Central Jersey Health Insurance Fund have been very successful. He said that this year we would be receiving a premium from the Central Jersey Health Insurance Fund.

**Water System Problem**

Mr. Sickels reported that we had a problem with some routine samples that were tested from our water supply on May 26, 2004. He said the samples had fecal chloroform but also had chlorine and this could suggest the bottles were contaminated before the samples were taken. He said the water was retested and found to be clean but in the interim word spread throughout the town and caused a panic. He said that he wanted to thank Syd Johnson and everyone that was involved for their due diligence in dealing with this matter. He said that we are in the process of developing a plan for addressing emergencies with our water system.

Mayor McKenna also thanked all of the Borough Officials that had to deal with this problem, especially the Police and Fire Departments, that went door-to-door and explained the situation to the residents and businesses after the rumors had escalated and elevated everyone's fears.

Mr. Johnson said that after reviewing the reports about the contamination he thought something was not right with the procedure because there was chlorine in the water and right from the beginning he thought that it was an error by the lab or the bottles the samples were taken in were contaminated. He said the second set of samples were fine but he advised anyone that was concerned about the water quality to boil the water before using it.

Mayor McKenna said all of the residents handled the situation very well and said he is proud to live in a town with such great people.

## **Riverside Gardens Park**

Mr. Sickels reported that after an inspection of Riverside Gardens Park with the Borough Engineer and Mr. Watson there are some items in need of repair. He said the railing on the fence overlooking the water has been vandalized many times and the design has to be changed to stop the vandalism, skateboarders are ruining the concrete and the granite and there are problems with the bulkhead, especially where it abuts the Elks' property. He said he would report back to the Governing Body with recommendations for these repairs.

Councilman Curley said there is correspondence going back to 1999 regarding the problem with the bulkhead and the Elks property and said he would like to give this information to Mr. Kosenski.

Mr. Sickels said that he has been aware of the problem since last summer and is in the process of working on a plan.

Councilman Menna said vandalism is a problem and said we have had an ordinance in place against skateboarding in various areas in town but the police hesitate to enforce it. He said skateboarders have destroyed numerous areas in town and we really have to start enforcing the ordinance because it is ruining the quality of life in our town.

Councilman Hintelmann said that he agrees with Councilman Menna and said he would speak to Chief Fitzgerald regarding this matter.

Councilman Curley said that he has sent a letter to Mr. Pollack from the YMCA to ask about the status of the skateboard park they were supposed to build.

Mayor McKenna said that even if a skateboard park is built we still have to enforce the ordinance because it really is a problem.

Councilman Murphy said that after inspecting the parks with Mr. Evans they found a lot of areas of vandalism and said police enforcement is very important.

## **Tower Hill Drive**

Councilman Curley said that the Board of Directors of the Tower Hill Condominium Association has a question about the jurisdiction of the road regarding the responsibility of maintenance.

Mr. O'Connor said that he was contacted about this question and said that there is no indication that the road is owned by anyone other than the condominium association.

## **APPROVAL OF MINUTES – April 27, 2004**

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

### **ROLL CALL:**

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

NAYS:           None

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

## **MAYORAL APPOINTMENTS**

## **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Beck said the Environmental Commission would be interviewing individuals to assist with planting trees, which were funded by a \$2,500 grant that was received.

Councilman Murphy asked if members are needed for the Shade Tree Commission.

Councilwoman Beck said that she has forwarded four resumes to Mayor McKenna and he would be meeting with them.

Mayor McKenna said he also has other individuals that are interested in serving on the Shade Tree Commission.

Councilman Menna reported that two new members joined the First Aid Squad and the squad would be meeting to amend their bylaws.

Councilman Bifani reported that the yearly shoreline clean up would be conducted on June 15, 2004 and it would start at Welsh Farms and continue in a westerly direction. He said the program is funded by individuals that buy the special Shore to Please license plates with the lighthouse on them.

Councilman Murphy said the new Director of Parks and Recreation started last week and that there would be a dedication of the newly installed flag pole at the Senior Center that was donated by the Navy SeaBees on Flag Day, June 14, 2004.

Councilman Curley reported that we would be hiring a temporary tax collector until Mr. Whelan received his tax collector license and that the poster contest sponsored by the Human Relations Commission for Red Bank students would be displayed at the Red Bank Public Library and RiverCenter.

## **COMMUNICATIONS AND PETITIONS**

Mayor McKenna read a request from Joseph Sanderlin and Kimball Viscuso for membership to the Red Bank First Aid & Rescue Squad.

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

**ROLL CALL:**

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

NAYS: None

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

Mayor McKenna read a request from Red Bank Charter School to close Oakland Street from West to Pearl Street on June 27, 2004 from 1 p.m. to 5 p.m., pending approval of Chief Fitzgerald.

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

**ROLL CALL:**

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

NAYS: None

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

Mayor McKenna read a request from Count Basie Centennial Committee to place 41 vertical banners throughout the Borough and 2 street banners on Broad Street and Shrewsbury Avenue from August 1-August 31, 2004, pending approval of Chief Fitzgerald and JCP&L.

Mr. Murphy offered a motion to approve the request, seconded by Mr. Curley.

**ROLL CALL:**

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

NAYS: None

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

Mayor McKenna read a request from Count Basie Centennial Committee to hold Basie statue unveiling and dedication at the Red Bank Train Station on June 26, 2004 from 4:00-5:00 p.m., pending approval of Chief Fitzgerald.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Count Basie Centennial Committee to place a Count Basie Way sign under the regular street sign on the corner of Mechanic Street and Broad Street on July 24, 2004, pending approval of Chief Fitzgerald.

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

ROLL CALL:

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

NAYS: None

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

Mayor McKenna read a request from Count Basie Centennial Committee to use Riverside Gardens Park on August 21, 2004 for a concert to honor Count Basie from 11:00 a.m. 6:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

## **ORDINANCES – First Reading**

2004-20      Mayor McKenna read “AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2004.”

Councilwoman Beck said that she is concerned about giving out raises when economic times are difficult and has questions about certain positions. She also said that she does not think the Mayor and Council should receive a salary.

Councilman Curley said he also has concerns about some of the position but unfortunately the union position employees received a four percent raise and it is not fair to this group of employees.

Councilman Menna said we have talked about creating salary ranges for appointed employees but half of the year is gone so we should just move forward and work on a long-range plan for next year. He said that if we are thinking about eliminating positions it should be done at the reorganization meeting at the beginning of next year.

The Members of the Governing Body discussed the ordinance and agreed that salary ranges should be implemented for next year and all of the positions should be reviewed.

Mr. Murphy offered a motion to adopt the ordinance on first reading, seconded by Mr. Curley.

ROLL CALL:

AYES: Hintelmann, Menna, Bifani, Murphy, Curley

NAYS: Beck

There being five ayes and one nay, the ordinance was declared adopted on first reading.

Public Hearing and final adoption scheduled for June 22, 2004.

2004-22 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER III “POLICE REGULATIONS”, SECTION 3-12 “NURSING HOMES, TRANSPORTATION REQUIREMENTS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Murphy, 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 June 22, 2004.

2004-23 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO COUNT BASIE PARK LOCATED ON DR. JAMES PARKER BOULEVARD, IN AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$308,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.”

Councilwoman Beck questioned the impact that this bond would have on the budget.

Mr. Loversidge said the down payment has already been included in the 2004 budget and payments would begin in 2005 and would be interest only until the bonds are sold. He said that due to a contract with Red Bank Catholic, they would be paying the bulk of the debt with the cost to the Red Bank taxpayers being about \$5,000 per year.

Mr. Murphy offered a motion to adopt the ordinance on first reading, seconded by Mr. Hintelmann.

ROLL CALL:

AYES: Beck, Hintelmann, Menna, Bifani, Murphy, 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 June 22, 2004.

2004-24      Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY REQUIRING PRIVACY SCREENING FOR CONSTRUCTION SITES.”

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

ROLL CALL:

AYES:      Beck, Hintelmann, Menna, Bifani, Murphy, 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 June 22, 2004.

### **ORDINANCES – Public Hearing & Final Adoption**

#### **RESOLUTIONS**

04-171      Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2004/2005.”

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

ROLL CALL:

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

NAYS:      None

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

04-172      Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES 2004/2005.”

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

ROLL CALL:

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

NAYS:      None

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

04-173      Mayor McKenna read “A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES 2004/2005.”

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

ROLL CALL:

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

NAYS:      None

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

04-174 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING BLOCK 44, LOT 5 AND COMMONLY KNOWN AS 65 MONMOUTH STREET.”

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

ROLL CALL:

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

NAYS: None

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

04-175 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AGREEING TO PROPOSED AMENDMENT OF AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS CONCERNING INCREASE IN NEIGHBORHOOD PRESERVATION FUNDS UNDER AGREEMENT 00-3156-00.”

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

ROLL CALL:

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

NAYS: None

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

04-176 Mayor McKenna read “A RESOLUTION OF MUNICIPAL COUNCIL CONCERNING AUDIT REPORT FOR YEAR 2003.”

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

ROLL CALL:

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

NAYS: None

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

04-177 Mayor McKenna read “A RESOLUTION AWARDING CONTRACT #04-8 POLICE DEPARTMENT EMPLOYEE UNIFORMS.”

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

ROLL CALL:

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

NAYS: None

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

04-178      Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGHS OF FAIR HAVEN, LITTLE SILVER AND SHREWSBURY REGARDING THE PURCHASE, INSTALLATION AND OPERATION OF AN EMERGENCY BROADCAST RADIO STATION.”

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

**ROLL CALL:**

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

**NAYS:**      None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

04-179      Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,128,839.11.”

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

**ROLL CALL:**

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

**NAYS:**      None

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

## **OLD BUSINESS**

Councilwoman Beck said that the Personnel Committee has met regarding the Borough adopting a pay to play ordinance and has asked Mr. O’Connor to review their comments.

Mayor McKenna suggested that we review the guidelines the State would be adopting.

Councilman Curley said that he would like to schedule a meeting to discuss implementing the hotel/motel tax. He said he would like to move forward with adopting the ordinance and then we could debate on how the revenue would be spent.

The Members of the Governing Body discussed the pros and cons of adopting the ordinance and Mayor McKenna said he would continue meeting with the owner of the hotels in Red Bank.

## **NEW BUSINESS**

### **AUDIENCE**

Carol McMorrow – 4 Alston Court – asked about the recycling program and if there was a noise ordinance for motorcycles.

Councilman Bifani said the Director of Public Utilities is here and suggested that she speak to him after the meeting regarding the questions on recycling.

Mr. O’Connor said that it is very difficult to enforce motorcycles on a public roadway because the officers must have an audiometer with them to measure the decibels.

Councilman Menna said that when motorcycles are traveling on River Road they start going very fast when they get out of downtown area and suggested that the police enforce the speed limit in this area.

Ms. McMorrow asked who owns the Globe Court Garage because the parking rates went from \$2 to \$5.

Mayor McKenna said Riverview Hospital has a lease/purchase agreement with the Borough.

Ms. McMorrow asked why the street sweeper comes before the brush is picked up and not after.

Mr. Watson said that we are working on trying to coordinate the schedules so this does not happen.

Marge Lowe – Wesleyan Arms – thanked the Borough for adding handicapped parking to the Library parking lot.

Marianne Quinn – Red Bank Manor – said that Red Bank is being overdeveloped and this is going to create problems with services and environmental issues.

Mayor McKenna said that we are going to revisit our Master Plan. He also said that we have fewer residents than we did in the 1950s but the business community has grown.

The Members of the Governing Body discussed the various projects that are currently being built and the added burden on the infrastructure and traffic and agreed that Red Bank would soon be developed to capacity.

Trisha Rumola – 20 Broad Street – thanked the Governing Body for adopting the ordinance mandating screening around construction sites and looking at maintenance problems at Riverside Gardens Park.

Sally Williams – 6 Williams Street – said that she is concerned about the parking limits on her street because she has a large family.

Mayor McKenna suggested that she speak to Mr. Burnip about receiving visitors' permits.

Doris Frank – Red Bank Manor – asked if cigarette disposal containers could be placed on Broad Street.

Ms. Rumola from Red Bank RiverCenter said that they have been looking into getting them.

Councilman Menna suggested that the Borough adopt an ordinance mandating this type of receptacle if an employer has a large number of employees since most businesses require employees to smoke outside.

Councilwoman Beck asked if we could also place recycling containers next to the trash receptacles.

Ms. Quinn thanked the Members of the Governing Body for building the Senior Center and said it is a great facility.

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

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

ROLL CALL:

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

NAYS:            None

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

Respectfully submitted,

Carol A. Vivona