

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 27, 2003  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

Council President Menna presided while Mayor McKenna joined the audience to accept a resolution posthumously honoring his father.

**SUNSHINE STATEMENT**

Council President Menna 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. Hintelmann offered a motion to suspend the regular order of business, seconded by Mr. Curley.

**ROLL CALL:**

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

**NAYS:** None

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

**03-120 Council President Menna read “A RESOLUTION POSTHUMOUSLY HONORING DR. EDWARD J. McKENNA.”**

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

**ROLL CALL:**

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

**NAYS:** None

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

The governing body extended their condolences to Mayor McKenna and his family and spoke about what a wonderful man Dr. McKenna was.

The McKenna family thanked the governing body.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

**NAYS:** None

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

Mayor McKenna returned to the dais.

**WORKSHOP**

**Shade Tree Commission Ordinance**

Councilwoman Beck said the Environmental Commission and Mike Olympie have been working on the creation of an ordinance establishing a Shade Tree Commission. She said the ordinance would create a five person commission that would identify, prioritize and maintain trees on public property and would identify trees on private property that were a safety hazard. She said that if trees were creating an unsafe condition our code enforcement officer would inform the property owner. She said the Shade Tree Commission would also make recommendation on applications before the planning and zoning boards.

Lou DiMento, Mike Olympie and members of the Environmental Commission appeared before the governing body.

Mr. Olympie said they are here this evening to address the proposed ordinance in more detail and answer questions from the governing body.

Mr. DiMento said that with all of the development Red Bank has been losing some of its charm and beautiful trees are being lost. He said a lot of this could be avoided if the Shade Tree Commission was keeping an eye on things and suggest to developers a way to improve the project. He said the Commission could come up with a plan for public land because we all know what a great benefit trees provide.

Councilwoman Beck said that without a Shade Tree Commission we could not take advantage of grants that are offered from the state to Shade Tree Commissions.

Councilman Bifani said that the Environmental Commission could not serve as the Shade Tree Commission and that we would have to create a separate commission.

Mr. Olympie said the next logical step would be for the Borough to create a Shade Tree Commission because we do not have any resources for replacing trees. He said that creating the commission would open doors to state funds and grants and the state is anxious for Red Bank to become involved in their programs. He said that the state recognizes the fact that volunteers serving on the Shade Tree Commission could be held liable in lawsuits and in 1996 there was tort claim reform to exempt members. He said the Commission could be very helpful to the borough recommending trees that would not cause problems and help with maintaining the trees we have. He said tree roots lifting up the sidewalks are one of the biggest problems we have and the Commission would be very helpful.

Mayor McKenna said the presentation was very informative but this is a very tight budget year. He asked if there was a proposed budget for the Commission and if any borough employees would be needed. He said there is a lot of responsibilities related to this Commission and would like to have a Council Committee met with members of the Environmental Commission. He said he has dealt with Shade Tree Commissions in other municipalities and it could be time consuming to have to go through another committee for approvals. He said we really have to know the expenses associated with creating the Commission.

Councilwoman Beck said she did not think there would have to be a line item in the budget for the Commission. She also said that the Commission members would have to go through training.

Mayor McKenna said there are costs associated with issuing permits, having a recording secretary, attorney, recommendations from the engineer and other items. He said conceptually it is a great idea but we have to know the costs associated with the creation of the Commission.

Mr. Olympie said the points are well taken but he does not anticipate a lot of expenses with the Commission and is not necessarily in favor of issuing permits but if permits were issued it would be used as a tool to create awareness. He said in older developed towns the permits would not generate a lot of revenue.

Councilwoman Thompson said we do not educate the public about trees. She said she has been in towns where they identify the trees and tell how old they are. She said she is in favor of providing education.

Mr. Olympie said the state recognizes the need for education and provides it at no cost.

The governing body agreed that we have to review the cost of creating the Commission and Mayor McKenna said the Code Enforcement Committee consisting of Council Members Beck, Menna and Curley should review this.

Councilwoman Beck said that all questions should be directed to the members of the Council Committee appointed to review this to keep a source of coordination.

The governing body thanked everyone who participated in the presentation.

### **Nursing Homes, Transportation Requirements Ordinance**

Councilman Menna said that in 1997 the governing body had introduced an ordinance regarding nursing homes providing their own transportation for their patients when it is a non-emergency situation that was tabled and never adopted. He said the ordinance was mistakenly printed in the ordinance book. He said there are a couple of nursing homes that use our First Aid Squad for transporting patients in non-emergency situations and it creates a hardship on our volunteers. The nursing homes said we should bill the patient's insurance company but we cannot do this. He said the Borough provides emergency service only and picking up these non-emergency calls are a cost to the taxpayers. He said we have to study the situation and come up with an ordinance that is workable. He said this is not saying we would not pick up emergency calls but would direct the nursing homes to not use our services for non-emergency situations.

Councilman Curley said the nursing homes should not be using our First Aid Squad as a taxi service.

Councilman Menna asked Mr. O'Connor to review the ordinance for possible introduction at the next council meeting.

Mr. O'Connor said that a lot of effort was put into this ordinance years ago and that it would be appropriate to send it to the nursing homes.

The governing body agreed to move forward with the ordinance.

### **World Trade Center Memorial**

Mr. Sickels said that a tentative date has been scheduled for June 14, 2003 at 10 a.m. to dedicate the memorial to the two residents we lost at the World Trade Center.

Councilwoman Thompson asked what is the cost.

Mr. Sickels said approximately \$6,000.

Councilwoman Thompson said we just heard the Mayor say that there is a budget crisis.

Councilman Bifani said that the funding was in last year's budget.

Mayor McKenna said that we had also talked about soliciting private donations for the memorial. Mr. Sickels said that we are using the money from the Eisner Trust Account.

Mayor McKenna said that we would replace the money when we receive donations.

## **APPROVAL OF MINUTES – May 13, 2003**

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

### **ROLL CALL:**

AYES: Beck, Hintelmann, Menna, Bifani, Thompson, 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 that during the budget meetings there were discussions about amending the planning and zoning regulations so that when parking variances were granted the applicants were charged for any spaces they were deficient. She said that there is no charge for the first ten spaces and amending the ordinance would increase our revenues. She asked the Borough Clerk to distribute a memo from Donna Barr to the governing body and continue this discussion at the next meeting.

Councilman Hintelmann reported that starting June 1, 2003 the Police Records Department would be open on Tuesday, Wednesday and Thursday evening until 8:00 p.m. He said that staying open until 8:00 p.m. would help the residents with no additional costs to the Borough.

Councilman Menna reported that Hook and Ladder Fire Company would be honoring Jack Oakley and Stanley “Ducky” Moore for fifty years of service on June 8, 2003. He also said that last month there were 66 fire calls and 67 first aid calls. He said this is a very high number of calls and we are responding the best we can.

Councilman Curley reported that the Human Relations Committee would be meeting tomorrow night at 6 p.m. and that RiverCenter would hold a Tiki party on June 19, 2003 at the Red Bank Elks and the cost is \$30. He also reported on an article that was in the Hub last week that quoted Mr. Sickels as saying that the job of Deputy Administrator did not have a job description and his job was what Mr. Sickels told him to do. He said the governing body did develop a job description and said there should be a job description for all employees. He said he just wanted to clarify that there was a very specific job description for the Deputy Administrator.

Mr. Sickels said he wanted to apologize to the governing body but he spoke to the paper when he was rushing out. He said that he is currently working on a table of organization and job descriptions for everyone. He said that Mr. Watson has been very busy reorganizing public utilities and that he has a great knowledge of the town and the people and has already proven to be an asset.

Mayor McKenna thanked the Fire Chief for assisting in the Memorial Day service and that the children from the school were a great addition to the service. He said it is great to have Mr. Watson back in Red Bank.

## **COMMUNICATIONS AND PETITIONS**

**Mayor McKenna read a request from Red Bank CROP Walk to hold their 23<sup>rd</sup> Annual CROP WALK for the Hungry on Sunday, October 19, 2003 between the hours of 2 p.m. and 5 p.m.**

Mr. Menna offered a motion to approve the requests, 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 Jason's Dreams for Kids, Inc. for raffle license.**

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

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 the Freedom Film Society, Inc. to place a banner in the RiverCenter location on Broad Street from Monday, September 15, 2003 until Monday, October 6, 2003 to advertise the 3<sup>rd</sup> Annual Red Bank International Film Festival.**

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 Navesink Hook & Ladder Company to close the portion of Mechanic Street from Globe Court to Broad Street on June 8, 2003 from 12 noon to 6 p.m. for a celebration honoring Jack Oakley and Stanley "Ducky" Moore for their fifty years of service.**

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

ROLL CALL:

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

NAYS: None

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

#### **ORDINANCES – First Reading**

**2003-16 Mayor McKenna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, VACATING BURROWES STREET."**

Councilwoman Beck asked if the property owners were notified.

Mr. O'Connor said they were notified and it is being worked out so each property owner would have access and not be hurt. He said the Walt Street Pub had recently received approvals from the planning board and part of their approval was the paving of the area off of Monmouth Street. He said all of the property owners were at this hearing to make sure they have access to their properties.

Councilman Curley said that he was involved in the planning board hearing and the Walt Street Pub has to pave the area and move their garbage.

Councilwoman Beck asked if the entire street would be paved.

Mr. O'Connor said that it would.

Mr. Hintelmann 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 June 24, 2003.

**2003-17 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, ADDING SECTION 3-9.14 “GRAFFITI” TO CHAPTER III, POLICE REGULATIONS, 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, 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 June 7, 2003.

**2003-18 Mayor McKenna read “AN ORDINANCE AUTHORIZING LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF RED BANK, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AGREEMENT RELATING THERETO.”**

Mr. Loversidge said that the Monmouth County Improvement Authority allows us to finance capital equipment at low interest rates every two years. He said that unfortunately there is always a narrow time line involved with producing the list of equipment. He said they would be arranging the financing in June and issue bonds in July. He said that if we do not introduce the ordinance at this meeting we would not be able to participate. He said once we submit the list we do not have to spend all the money but just what we choose to.

Councilman Bifani said we could make changes.

Councilwoman Beck said there are 21 vehicles on the list and asked if there were replacements. She said we have to take a hard look at this list because it is a very tight budget year.

Mr. Loversidge said we could amend the list at any time.

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

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 June 7, 2003.

**2003-19 Mayor McKenna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER VIII “PARKING LOTS AND HANDICAPPED PARKING SPACES” OF THE REVISED GENERAL ORDINANCES.”**

Councilwoman Beck asked what the RCH Investment agreement is that is referred to in the ordinance.

Mr. O’Connor said that in conjunction with a redevelopment agreement with the property currently known as the Merrill Lynch building we leased a small parking lot on Hudson Avenue for twenty years. He said the developer pays an annual fee for private use of this lot.

Mayor McKenna said that we entered into the lease and then the developer purchased additional parking so he could enlarge the lot.

The governing body discussed some of the changes in the ordinance and Mr. O’Connor said that they were all recommended by the parking director.

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

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 June 7, 2003.

**2003-20 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER X “PERSONNEL POLICIES”, SUBSECTION 10-2.7 “RETIREMENT” 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. 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 June 7, 2003.

**ORDINANCES – Public Hearing & Final Adoption**

**2003-13 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” 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.

Councilman Menna said that we should take a comprehensive look at all of the streets and parking and should look at the entire picture.

Mr. O’Connor said this amendment is to allow the new road to the hospital

Councilman Menna said the parking committee should review all changes to parking.

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

ROLL CALL:

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

NAYS: None

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

Mr. Curley offered a motion to adopt the ordinance on final reading, seconded by Mr. Hintelmann.

ROLL CALL:

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

NAYS: None

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

**2003-14 Mayor McKenna read “AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC” 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, Hintelmann, Menna, Bifani, Thompson, Curley

NAYS: None

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

Mr. Hintelmann offered a motion to adopt the ordinance on final reading, seconded by Mr. Curley.

ROLL CALL:

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

NAYS: None

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

**2003-15 Mayor McKenna read “A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY, IN, OF AND BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,330,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,263,500 BONDS OR NOTES TO FINANCE PART OF THE COSTS THEREOF.”**

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

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

ROLL CALL:

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

NAYS: None

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

Mr. Bifani offered a motion to adopt the ordinance on final reading, seconded by Mr. Hintelmann.

ROLL CALL:

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

NAYS: None

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

**RESOLUTIONS**

**03-118 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AWARDDING CONTRACT #03-5 SUMMER FOOD SERVICE LUNCH PROGRAM.”**

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

ROLL CALL:

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

NAYS: None

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

**03-119 Mayor McKenna read “A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY APPROVING CRITERIA OF THE HISTORIC PRESERVATION COMMISSION FOR IDENTIFYING HISTORIC SITES.”**

Councilman Curley said the section regarding criteria had named one of the documents to refer to as the Master Plan and it should have been the Environmental Resource Inventory.

Mr. O'Connor said the Environmental Resource Inventory references three historic districts in Red Bank.

The governing body discussed the ordinance that created the Historic Preservation Commission and Mr. O'Connor said that as part of the ordinance the governing body must approve the criteria.

Mr. Curley 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 one nay, the resolution was declared approved.

**PROCLAMATION**

**PAYMENT OF VOUCHERS**

**03-121 Mayor McKenna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$315,384.40.”**

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.

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

Chris Cole – 1 Fisher Place – said that on behalf of RiverCenter he would like to send condolences to the McKenna family on their loss and said that Dr. McKenna was a great man. He also wanted to thank the governing body for introducing the graffiti ordinance, implementing police presence on Broad Street and said he was sorry to hear that Councilwoman Thompson was not running for reelection. He invited everyone to attend Basil T. Leafs for a kick-off party for Red Hot Red Bank, a publication replacing the visitors guide and said he would like to discuss outdoor displays at the next council meeting. He also invited everyone to the Tiki party.

**EXECUTIVE SESSION**

**ADJOURNMENT**

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