

UNAPPROVED DRAFT



MUNICIPAL COUNCIL ♦ REGULAR MEETING MINUTES

JULY 27, 2023 ♦ 6:30PM

SUNSHINE STATEMENT This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, Two River Times and Star Ledger and posted in the Main Lobby of the Municipal Building and on the municipal website. (N.J.S.A. 10:4-6)

PLEDGE OF ALLEGIANCE

Mayor Portman read the Sunshine statement and led the assemblage in the pledge of allegiance

I. **ROLL CALL:** Present – Portman, Bonatakis, Cassidy, Facey-Blackwood, Forest, Jannone, Triggiano
Absent -

II. **PROCLAMATIONS, ANNOUNCEMENTS, APPOINTMENTS –**

III. **PRESENTATIONS -**

a) **Code Changes – Michael Collins, Esq. (KING MOENCH & COLLINS LLP)**

The purpose of this presentation is to explain the Council-Manager Form of government Implementation Process. Mr. Collins summarized the approximate 2 years it took to get to this point. Proceeded to share the following:

BOROUGH OF RED BANK

COUNCIL-MANAGER FORM IMPLEMENTATION

MICHAEL L. COLLINS, ESQ.
KING, MOENCH & COLLINS LLP
JULY 27, 2023

HOW WE GOT HERE?

- 5/26/21 – Red Bank Borough Council adopts an ordinance to hold referendum on creating a charter study commission
- 11/2/21 – Red Bank residents vote to establish a charter study commission and elect five commissioners
- 11/30/21 – Red Bank Charter Study Commission (CSC) holds inaugural meeting
- 7/19/22 – CSC adopts report and calls for referendum to adopt council-manager plan in November general election
- 11/8/22 – Red Bank residents vote to adopt CSC's recommendation of council-manager form of government
- 5/9/23 – Red Bank holds municipal election under the council-manager form of government
- 7/13/23 – New council-manager form of government takes office

CHARTER STUDY COMMISSION ADOPTED RECOMMENDATIONS

- COUNCIL MANAGER FORM OF GOVERNMENT
- DIRECTLY ELECTED MAYOR
- SIX COUNCILMEMBERS
- AT-LARGE ELECTIONS
- STAGGERED TERMS
- NON-PARTISAN ELECTIONS with runoffs

Mayor Comparison

OLD BOROUGH	NEW COUNCIL-MANAGER
<ul style="list-style-type: none">Mayor votes only in event of tieMayor appoints officers and nominates certain employeesMayor has veto power over ordinances	<ul style="list-style-type: none">Mayor is a full voting member of the governing bodyEither full governing body or manager appoints employees and officersMayor does not have any greater powers than councilmembers

IN BOTH FORMS

- Mayor presides at meetings and executes documents

N.J.S.A. 40A:60-5; N.J.S.A. 40A:69A-87

Council Comparison

<p>OLD BOROUGH</p> <ul style="list-style-type: none"> • Council serves as executive and legislative body • Council may establish an administrator to carry out certain executive functions • Council acts as appointing authority for employees unless it delegates such authority • Council may appoint councilmembers to oversee departments 	<p>NEW COUNCIL-MANAGER</p> <ul style="list-style-type: none"> • Council only serves as a legislative body • Mandatory municipal manager that carries out executive functions • Council hires manager and clerk and establishes positions, but manager appoints to positions • Council must act through the full governing body
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N.J.S.A. 40A:60-6; N.J.S.A. 40A:69A-88 to -91

Administrator/Manager Comparison

<p>OLD BOROUGH</p> <ul style="list-style-type: none"> • Administrator optional and established by ordinance • Administrator nominated by Mayor and confirmed by Council • Administrator subject to removal by 2/3 supermajority vote of council 	<p>NEW COUNCIL-MANAGER</p> <ul style="list-style-type: none"> • Manager is a mandatory position under State law • Manager is appointed by full governing body • Manager is subject to removal by a simple majority vote of council upon notice and public hearing if requested
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IN BOTH FORMS

- 3 months severance upon no-fault removal

N.J.S.A. 40A:60-7(a); N.J.S.A. 40A:9-136 et seq.; N.J.S.A. 40A:69A-92 et seq.

Municipal Manager Qualifications and Appointment

- Chosen solely on the basis of qualifications and experience
- Residency requirement unless waived by council
- Manager may designate a qualified officer to perform duties in his or her absence
- Only if the manager fails to make such a designation, the council may appoint an officer to perform the duties of manager during such absence or disability

N.J.S.A. 40A:69A-92 et seq.

Municipal Manager Powers and Duties

- Chief executive and administrative official
- Executes all laws and ordinances
- Appoints and removes all officials (except tax assessor)
 - May delegate appointment and removal to department heads
 - Council informed of all appointments and removals
- Negotiate contracts subject to council approval
- Make recommendations concerning municipal improvements
- Attend all meetings of Council as a non-voting member

N.J.S.A. 40A:69A-95

Municipal Manager Powers and Duties

- Recommends measures to the Mayor and Council
- Can investigate the affairs of the municipality
- Responsible for carrying out all policies established by the council
- Responsible for the proper administration of all affairs of the municipality
- Responsible for preparing the municipal budget

N.J.S.A. 40A:69A-95 to -97

Next Steps

- Red Bank's code reflects former Borough form of government
- Under State law, any provisions inconsistent with council-manager are automatically superseded.
- Within 90 days of the start of the new form of government (by October 1, 2023), the Council is required to adopt an ordinance implementing the new form, including:
 - Organizing the municipal government
 - Setting forth duties of all officers, departments, agencies
 - Restating the election procedures
- Draft ordinance to implement council-manager form will be prepared for council consideration and adoption within the 90-day timeframe

N.J.S.A. 40A:69A-205 et seq.

Public Comment:
Cindy Burnham 71 Wallace Street – Asked who the presenter is.

Michael Collins introduced himself as managing partner of King, Moench & Collins LLP, a full-service law firm. Mr . Collins maintains a law practice providing robust representation to both public sector and private sector clients, with a focus on matters involving interactions with state and local government.

Councilmember Facey-Blackwood thanked Mr. Collins for his work with the Charter Commission.

b) Marine Park – CME

BA McConnell provided an update on CAFRA Permit; the DEP was not willing to accept the impervious material. The material was changed to an acceptable material and the permit has been preliminarily approved (Sept Oct).

Councilmember Triggiano asked if helpful to let the engineer know that the council is in favor of moving forward?

BA McConnell affirmed and would notify the engineer.

Councilmember Facey-Blackwood asked for confirmation of the relocation of the parking area improving public enjoyment; Councilmember Triggiano stated it does.

IV. **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Alan Hill 64 McLaren Street – Minutes spelled his name incorrectly: Alan.

Bond ordinance contains a lot of additional large items, PD vehicles, FD PPE (NP23-33) lowering greenhouse gases. Considering different types of vehicles. Seems contradictory.

BA McConnell stated the type of engine can be modified there has to be a useful life of at least 5 years. There are infrastructure vehicles requirements but is being considered where eligible pending the enhancement of the infrastructure and availability of the vehicles. Auto dealers can get more money for the e-vehicles from the regular consumer than State contract or Purchasing Co-ops. Hoping the supply will meet the demand.

Mayor Portman stated that the purpose of the resolution is to set a policy of making the committees meetings available to the public and that the committees are expected to take minutes. The OPMA requirements paragraph is being pulled as it is understood as volunteer committee some of the business is handled through other forms of communication. Some committees handle business via alternate communications as they are volunteers.

NP23-34 Committee Conduct – Roberts Rules of Order is extensive. Is the Council expecting the Committees to pick and choose what to follow?

Cindy Burnham 71 Wallace St - Make everyone aware that where the parking is going to go at the tennis courts is on DEP property, only people using the courts can park there.

There being no further discussion; Councilmember Forest motioned to close the floor to the public; Councilmember Facey-Blackwood seconded the motion. Roll call vote, unanimous, affirmative.

V. **APPROVAL OF MINUTES AND REPORTS**

- a) 07/13/2023 Regular Meeting - Councilmember Forest motioned to approve the minutes of the Special Meeting, 7/6/20203; Councilmember Bonatakis seconded the motion. Roll call, unanimous, affirmative.
- b) 07/13/2023 Executive Session - Councilmember Triggiano motioned to approve the minutes of the Special Meeting, 7/6/20203; Councilmember Bonatakis seconded the motion. Roll call, unanimous, affirmative.

VI. **ORDINANCES**

- a) INTRODUCTION #NP2023-01 ORDINANCE CHANGING THE DATE OF RED BANK REGULAR MUNICIPAL ELECTIONS TO THE SAME DATE AS THE GENERAL ELECTION HELD IN NOVEMBER

Mayor Portman motioned to open the floor for discussion on NP2023-01; Councilmember Bonatakis seconded the motion.

There being no discussion, Councilmember Triggiano motioned to close the floor for discussion on NP2023-01; Councilmember Bonatakis seconded the motion.

Mayor Portman motioned to approve ordinance NP2023-01; Councilmember Bonatakis seconded the motion. Roll call vote, unanimous, affirmative.

b) INTRODUCTION #NP2023-02 ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 680-61 VEHICLES AND TRAFFIC, SCHEDULE XXVII TIME LIMIT PARKING (NONMETERED)

Councilmember Triggiano motioned to open the floor for discussion on NP2023-02; Councilmember Cassidy seconded the motion.

There being no discussion, Councilmember Triggiano motioned to close the floor for discussion on NP2023-02; Councilmember Forest seconded the motion.

Councilmember Triggiano motioned to approve ordinance NP2023-02; Councilmember Facey-Blackwood seconded the motion. Roll call vote, unanimous, affirmative.

c) INTRODUCTION #NP2023- AMENDING AND SUPPLEMENTING SECTION 680-60, SCHEDULE XXVI: RESTRICTED PARKING FOR HANDICAPPED PERSONS

Councilmember Triggiano motioned to approve ordinance NP2023-03; Councilmember Bonatakis seconded the motion. Roll call vote, unanimous, affirmative.

d) INTRODUCTION #NP2023-04 AMENDING AND SUPPLEMENTING CHAPTER 680, "VEHICLES AND TRAFFIC," SECTION 680-38, "SCHEDULE IV: "TIME-LIMIT PARKING"

Councilmember Facey-Blackwood motioned to approve ordinance NP2023-04; Councilmember Cassidy seconded the motion. Roll call vote, unanimous, affirmative.

e) INTRODUCTION #NP2023-05 BOND ORDINANCE AUTHORIZING THE 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 AND AGREEMENT RELATING THERETO

Councilmember Triggiano motioned to approve ordinance NP2023-05; Councilmember Jannone seconded the motion. Roll call vote, unanimous, affirmative.

f) INTRODUCTION #NP2023-06 AMENDING CHAPTER 300-3 CONSTRUCTION CODES, UNIFORM – FEES

Councilmember Forest motioned to approve ordinance NP2023-06; Councilmember Bonatakis seconded the motion. Roll call vote, unanimous, affirmative.

g) INTRODUCTION #NP2023-07 AMENDING CHAPTER 490-104 F SIDEWALK SIGNS

Councilmember Forest motioned to approve ordinance NP2023-07; Councilmember Bonatakis seconded the motion. Roll call vote, unanimous, affirmative.

The aforementioned ordinances, approved on introduction, are scheduled for public hearing and adoption on August 10, 2023.

h) INTRODUCTION #NP2023-xx GRAFFITI ORDINANCE

Was moved to Discussion and Action

VII. **RESOLUTIONS**

There being no questions or comments on resolutions NP23-26 through NP23-37 (sans NP23-34), Forest asked for a motion to approve the resolutions by consent. Councilmember Jannone moved to approve resolutions NP23-26 through NP23-37; Councilmember Forest seconded the motion to approve. Roll call vote, unanimous, affirmative.

- a) #NP23-26 Bill List
- b) #NP23-27 Profession Engineering and Construction Management Service Fee – Riverside Gardens Park Improvements
- c) #NP23-28 Ratifying Appointment of Parking Enforcement Officer
- d) #NP23-29 Amendment to Boards and Committees Appointments
- e) #NP23-30 Chap 159 Assistance to Firefighters Grant
- f) #NP23-31 NJ DCA ROID Grant Submittal
- g) #NP23-32 Cannabis Board Activation and Appointment
- h) #NP23-33 Reduce Municipal Operations Greenhouse Gases
- i) ~~#NP23-34 Adopting Policy for Committee Conduct~~
- j) #NP23-35 RBF Volunteer Facilities Rent Annual Allowance
- k) #NP23-36 Authorizing Extension of Grace Period 2023 August Taxes
- l) #NP23-37 Awarding Riverside Gardens Park Improvements

Councilmember Forest moved to approve resolutions NP23-34 as follows; Councilmember Jannone seconded the motion to approve. Roll call vote, unanimous, affirmative.

NP23-34 Amending to remove:

“BE IT FURTHER RESOLVED that all Brough Committees’ conduct their meetings in accordance with the Open Public Meetings Act “OPMA” (NJSA10:4-6 et seq.)”

Replaced with:

“BE IT FURTHER RESOLVED that all Borough Committees’ keep minutes of their meetings, that will be provided to the governing body and the public upon approval.”

Principle purpose of Robert Rules is to ensure everyone is heard and business is conducted in a diplomatic manner.

VIII. **DISCUSSION AND ACTION**

Special Events

1. VNA/National Health Center Week Event; 66 Bridge Ave.; Thursday, August 10th; 10am-2pm
2. Tigger House; International Overdose Awareness Day; Marine Park; Thursday, August 31st; 5pm-7:30pm

3. Cirque de Peace; Riverside Gardens Park; Saturday, September 9th
4. Pre-School Olympics; Count Basie Field; Friday, May 3, 2024; 8:00am -12:00pm

Councilmember Bonatakis motioned the approval of the Special Events; Councilmember Triggiano seconded the motion. All in favor, unanimous, affirmative.

#NP2023-xx GRAFFITI ORDINANCE

Councilmember Triggiano asked that this ordinance be considered for review and revision. Proposed making the property owners accountable with the imposition of a fine for property owners that do not remediate the graffiti.

Atty Cannon summarized the ordinance noting that there is no mechanism to levy fines, and it should be added. Defined "graffiti" and proposed the amending of the definition in the borough code to clarify the vagueness and support enforcement.

"Act of graffiti" - proposed clarification to definition.

"Graffiti Actor" – proposes implementation of "minor" actors and the addresses parental responsibility. Community Service stipulation

Graffiti Trust was discussed as to how it can be used now and how it can be improved upon.

Concerns were discussed on "artistic expression, parental culpability and rewards".

Enforcement –needs to be included in the provisions as well.

Council voiced concerns on placing an undue burden on parents and family dynamics.

BA McConnell noted that graffiti appears to be recurring from the same person or persons. This year is a bigger problem than most.

Would like to see property owners fined if they do not remediate, and the utilization of Graffiti Fund to remediate the defacement of public properties.

The query was posed as to how much is in the graffiti fund? BA McConnell will check with the CFO, but feels that it would be nominal.

Council authorized Atty Cannon to proceed with drafting revisions to the ordinance for consideration.

IX. PUBLIC QUESTIONS & COMMENTS

Councilmember Forest motioned to open the floor to the public: Councilmember Triggiano seconded the motion.

Adrian Bilaal 266 S Pearl St - What was the process for choosing committee members? What was being looked for, particularly Parks and Recreation. Wants to know why she was not chosen as she was already on the committee and why weren't prior committee members notified. There was someone chosen that didn't want to be on it. Ms. Bilaal summarized her history in the borough and her experience that made her a good candidate. Asking for fairness and accountability.

Mayor Portman divulged that many applicants were interested but there are only so many spots. There was no specific criterion, the council reviewed the applications and made their decisions.

Sue Viscomi 25 Cedar St – Thanked DPW crosswalks cedar Crossing and Bridge. Issue of eBikes, will anything be done to regulate. There is an issue of parking cones on public streets to save parking spots causing animosity with neighbors. Will this be enforced? On the subject on rewards can something be done about dog poop, its all over and litter. Can bike Patrol be used to discourage offenders? Its disheartening to see people not taking pride in their community.

BA McConnell noted that Parking Enforcement officers have been hired and they do pick up cones but do not regularly patrol residential streets. Dog poop is more of a code enforcement issue.

Dan Riordan 20 Irving Place - Marine Parking lot the old lot be removed? Yes

Nicole Taetsch 153 Hudson Ave – Appreciates the resource of Council Hours, hopes it continues. Expressed need for more volunteers the soccer and track program. Regarding the City Manager, is excited to have a dedicated city manager. What is the process, what is the council looking for? Would like to see someone with strong qualifications and experience.

Cindy Burnham 71 Wallace St – Senior Center liaison? As an Active Senior, would like to see more programs in the evening. Who do we speak to? *Senior Director and Borough*

Asked about the status of the Historic Preservation Committee. *Mayor divulged that the HPC Attorney Michele Donato will be making a presentation scheduled for the August 24, 2023 Council meeting to go over the authority and responsibilities of an HPC.*

Senior Center – Rosi status? – *Pending review/report from NDEP*

Flyers – taped on light spots Suggests follow up with contacts listed on the flyer. *BA McConnell noted that it is not permissible, PD has taken some down. PD does reach out. Code Enforcement office is responsible.*

Freddie Boynton PO Box 2074 - Status on bench at Johnny Jazz Park? Can a bench be taken from Marine Park and installed at Johnny Jazz? Flyers for the block party were taken down, it was on private property and permission was given by the property owners.

BA McConnell stated it was ordered but not delivered yet. He will look into how it is mounted and speak with Terrence.

Cindy Burnham 71 Wallace – Sidewalk signs Ordinance for Introduction – what is it? Needs to be enforced, signs are blocking the walk ways and inhibiting parking.

BA McConnell noted that the ordinance is to extend a new expiration date for the ordinance since it has sunset. It must be in effect to enforce.

Adrian Bilaal 267 S Pearl St – Hydrant painted yellow the curb is painted creating a spot that would not fit a full size vehicle. Results in blocking her driveway.

Chief McConnell will have Traffic Enforcement take a look.

There being no further discussion, Councilmember Forest motioned to close the floor to the public: Councilmember Triggiano seconded the motion.

X. **MAYOR & COUNCIL COMMENTS**

Councilmember Triggiano – No report

Councilmember Jannone – Summarize a public health opportunity, “All of Us” mobile unit large research unit. The goal is to understand why people get sick or stay healthy. At the Library meeting

it was announced that the staff is trained for Narcan and will be receiving a defibrillator from the VNA. Senator Vin Gopal's Food Pantry is a year old, today was a celebration of the 1 year anniversary.

Councilmember Forest – Shared various Parks & Rec events; details can be found on the Borough Website and on Facebook. Had a nice event with Senator Vin Gopal. Feedback on Council Hours has been well received.

Councilmember Facey-Blackwood – Grateful for the Council Hours, looking forward to National Night Out, details on the website and Facebook. Looking forward to implementing electrical vehicles in the borough fleet. Borough is working on the Sustainable NJ Certification. Many actions that will help foster knowledge and making the borough more sustainable. Hoping to promote community engagement.

Councilmember Bonatakis – Enthusiastic about the Council hours feels there have been great conversations. Resident Cristian Aparicio has volunteered to act as a translator for the council members.

Councilmember Cassidy – Feels like this meeting was productive and acknowledged how everyone is receptive to dialogue. Promoted Jazz in the Park, wonderful event. Looking forward to National Night Out

Mayor Portman - Mayor Portman divulged, BA McConnell will be staying for another month, due to pension requirements. Expect to begin borough manager search, will discuss further at the next council meeting.

Cpt. Frazee will be appointed the next Police Chief of the Red Bank Police Department.

XI. **EXECUTIVE SESSION** None

XII. **ADJOURNMENT** **8:29 PM**

There being no further business, Councilmember Triggiano motioned to adjourn; Councilmember Facey-Blackwood seconded the motion. Roll call, affirmative, unanimous.

Respectfully submitted,

Laura Reinertsen, RMC, CMR, AHP
Borough Clerk