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- 19-26.PDF
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Documents:

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Documents:

    - 2019-01 PH.PDF
  73. 2019-02 Ordinance Amending And Supplementing Chapter 680, "Vehicles And Traffic," Section 680-35, "Schedule 1: No Parking."
 

Documents:

    - 2019-02 PH.PDF
  73. 2019-03 Ordinance Amending And Supplementing Chapter 608, "Streets And Sidewalks" To Prohibit The Depositing Of Snow, Slush, And/Or Ice Upon Any Street, Sidewalk, Or Other Public Thoroughfare.
 

Documents:

    - 2019-03 PH.PDF
  73. 2019-04 Ordinance Amending And Supplementing Chapter 361, "Fire Prevention And Protection" And Chapter 505 "Property Maintenance" To Replace Certificate Of Occupancy Requirement With Certificate Of Smoke Detector And Carbon Monoxide Alarm Compliance Requirement For Sale Of Owner-Occupied Single-Family Dwellings And To Adjust Fees For Certificate Of CSDDMAC.
 

Documents:

    - 2019-04 PH.PDF
8. ORDINANCES - FIRST READING
  81. 2019-05 Ordinance Creating The Red Bank Redevelopment Agency
 

Documents:

    - 2019-05 INTRO.PDF
  83. 2019-06 Ordinance Supplementing The Revised General Ordinances Of The Borough To Insert New Chapter 574, "Smoking" To Prohibit The Smoking Of Tobacco And Use Of Electronic Smoking Devices In Certain Public Indoor And Outdoor Spaces.
 

Documents:

    - 2019-06 INTRO.PDF
  83. 2019-07 An Ordinance Granting Renewal Of Municipal Consent To Contract Of Monmouth County, L.L.C. To Construct, Connect, Operate And Maintain A Cable Television And Communications System In The Municipality Of Red Bank, Monmouth County, New Jersey.
 

Documents:

    - 2019-07 INTRO.PDF
  83. 2019-08 Ordinance Approving A One-Year Lease Agreement For An Approximately 5,000 Square-Foot, Fenced In Portion Of Real Property Located At 208 South Pearl Street, Red Bank, New Jersey For The Public Purpose Of A Police Impound Yard.
 

Documents:

    - 2019-08 INTRO.PDF
    - 2019-08 SUP DOC.PDF
9. RESOLUTIONS
  91. 19-34 Payment Of Vouchers In The Amount Of \$3,555,300.29
 

Documents:

    - 19-34 PDV.PDF
    - 19-34 SUP DOC.PDF
  93. 19-35: A Resolution Authorizing Agreement With Inheritance Neighbors, Inc., For 2019 Nutrition Program For Red Bank Senior Center
 

Documents:

    - 19-35.PDF
  93. 19-36: A Resolution Authorizing The County Of Monmouth Mosquito Control Division To Conduct Aerial Mosquito Control Operations Within The Borough Of Red Bank
 

Documents:

    - 19-36.PDF
  93. 19-37: A Resolution Approving Participation With The State Of New Jersey Division Of Alcoholic Beverage Control Program (Caps In Shops Grant)
 

Documents:

    - 19-37.PDF
  93. 19-38: A Resolution Authorizing The Award Of A Professional Services Contract Without Competitive Bidding To Phoenix Advisors LLC For Continuing Disclosure Services.
 

Documents:

    - 19-38.PDF
  93. 19-39: A Resolution Authorizing Tax Credits/Refunds Totaling \$3,852,411 Due To Overpayment By Mortgage Company.
 

Documents:

    - 19-39.PDF
  93. 19-40: A Resolution Awarding A Fair And Open Professional Services Contract For Property & Casualty Insurance Brokerage And Risk Management Services To Fairview Insurance Agency Associates, Inc. Of Verona, New Jersey
 

Documents:

    - 19-40A.PDF
  93. 19-41: A Resolution Authorizing Agreement With The Borough Of Little Silver Wastewater Red Bank Deal Provides Uniform Fire Code Enforcement Services Pursuant To N.J.A.C. 5:70 Through 5:71 Et. Seq. For A Term Through December 31, 2019.
 

Documents:

    - 19-41.PDF
  93. 19-42: A Resolution Ratifying And Confirming The Appointment Of A Full-Time Police Officer.
 

Documents:

    - 19-42.PDF
  93. 19-43: A Resolution Awarding A Professional Services Contract To T&M Associates For Engineering Services For Pearl Street Improvements.
 

Documents:

    - 19-43.PDF
  93. 19-44: A Resolution Awarding A Professional Services Contract To CME Associates For Engineering Services For The 2019 Road Improvements Project
 

Documents:

    - 19-44.PDF
  93. 19-45: Resolution Appointing Lawrence W. Luttrell, Esq. As Alternate Public Defender For The Borough Of Red Bank
 

Documents:

    - 19-45.PDF
10. MAYOR & COUNCIL COMMENTS
11. DISCUSSION & ACTION
  - 11.1. Special Events Requests (All Approvals Subject To Final Plan Review By The Special Events Committee)
    - a. Request from the Dublin House to Erect a Tent in their Front Courtyard from Thursday, March 14 through Monday, March 18, 2019 for St. Patrick's Day celebration.
    - b. Request from Red Bank Environmental Commission to hold Earth Day Event in Parking Lot at 90 Monmouth Street on Sunday, April 28, 2019 with a rain date of Saturday, May 4, 2019 from noon to 4pm.
    - c. Request from members of Liberty Hose Company of the Red Bank Volunteer Fire Department to hold the annual Robert "Doc" Holiday Memorial Car Show in the White Street Parking Lot from 7am to 4pm on Sunday, July 14, 2019 with a rain date of Sunday, July 21, 2019.
    - d. Request from Frank Woods to hold the 6th annual Michael (POF) Contin Irish Wake Fundraiser on Saturday, July 27, 2019 from 6pm to 9pm and to close White Street from English Place to Broad Street, Broad Street between White and Monmouth streets and Monmouth Street from Broad Street to 30 Monmouth Street for approximately 20 minutes to allow for a Marching Band procession.
    - e. Request from RiverCenter for approval of the following annual events:
      1. Red Bank Wedding Walk - Sunday, March 24, 2019
      2. Red Bank Style Week - Thursday, April 4 to Saturday, April 13, 2019
      3. Red Bank Farmers Market - Sundays, May 12 through November 24, 2019
      4. 9th Annual International Beer, Wine & Food Fest - May 5, 2019
      5. Shredfest - Saturdays, June 1 through August 31, 2019
      6. Sunday in the Park with the NJ Symphony - Sunday, June 30, 2019
      7. Red Bank Rocks - Friday, July 19 & 26, August 2, 9 & 16, 201
      8. Red Bank Food & Wine Walk, dates to be determined.
      9. 60th Annual Sweets Sale - July 28, 27 & 29, 2019
      10. 10th Annual Red Bank Guinness Oyster Festival - September 29, 2019 (Rain Date October 6, 2019)
      11. 27th Annual Town Lighting & Holiday Express Concert - Friday, November 29, 2019.
      12. Horse & Carriage Races - Saturdays, November 30 through December 21, 2019
      13. Holiday Harmonies - Saturdays, November 30 through December 21, 2019
      14. Winter on Broad Street - Sunday, December 8, 2019.
12. PUBLIC COMMENT (GOVERNMENTAL ISSUES, 5 MINUTES LIMIT)
13. EXECUTIVE SESSION
14. ADJOURNMENT

**BOROUGH OF RED BANK**  
**COUNTY OF MONMOUTH**  
**RESOLUTION NO. 19-33**

**A RESOLUTION HONORING 2018 FIRE CHIEF**

offered the following resolution and moved its adoption:

**WHEREAS**, J. Stuart “Stu” Jensen served with distinction as Chief of the Red Bank Fire Department for 2018; and

**WHEREAS**, Stu, as Chief of the Department, personified the highest ideals of devotion to duty and service to our community; and

**WHEREAS**, Chief Jensen’s tenure as Chief was marked by the highest degree of professionalism and by unstinted personal attention by the Chief to the needs of the community and by involvement in all areas of concern for the residents of Red Bank; and

**WHEREAS**, J. Stuart Jensen was honored on his retirement as 2018 Chief of the Red Bank Volunteer Fire Department at a dinner on February 1, 2019;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Municipal Council of the Borough of Red Bank that they express the appreciation and respect of all the residents of the Borough of Red Bank and offer sincere thanks to J. Stuart Jensen for his countless hours of devotion to duty and stewardship of the members of the Red Bank Fire Department for 2018.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
January 23, 2019  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Menna and Council Members Hassin, Triggiano, Yngstrom, Ballard, Zipprich, and Horgan.

**ALSO PRESENT:** Administrator Shehady, Borough Clerk Borghi and Attorney Cannon.

**SUNSHINE STATEMENT**

Mayor 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 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 12, 2018.

**PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS**

Mayor Menna read a proclamation proclaiming January 25, 2019 as a Day of Celebration for Monmouth Day Care and presented it to representatives of the organization.

Mayor Menna reviewed the accomplishment of the Red Bank Middle School Soccer Team and presented Certificates of Achievement to the players, managers and coaches.

Mayor Menna made the following appointments:

Rent Leveling Board appointment corrections:

- Gale Soler to full member term for three years to 12/31/2021
- Joan Rothwell to full member for three years to 12/31/2021
- Judy Giunta to Alternate No. 1 for an unexpired three year term to 12/31/2020
- Kristen Collins to Alternate No. 2 for three years to 12/31/2021

Michael Paul Raspanti to the Environmental Commission Creative Team for a term to expire on 12/31/2019.

Councilman Zipprich offered a motion to confirm the appointments, seconded by Councilwoman Horgan.

**ROLL CALL:**

**AYES:** Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

**NAYS:** None

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

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

No one appearing, Councilwoman Horgan made a motion to close the Public Comment portion, seconded by Councilman Zipprich.

**ROLL CALL:**

**AYES:** Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

**NAYS:** None

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

**MINUTES & REPORTS**

Special Meeting Minutes of 12/31/2018

Councilman Ballard offered a motion to approve the minutes, seconded by Councilman Zipprich.

**ROLL CALL:**

**AYES:** Yngstrom, Ballard, Zipprich, Horgan

**NAYS:** None

**ABSTAIN:** Yassin, Triggiano

There being four ayes and two abstentions, the motion was declared approved.

Reorganization Meeting Minutes of 1/1/2019

Councilman Ballard offered a motion to approve the minutes, seconded by Councilwoman Horgan.

**ROLL CALL:**

**AYES:** Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Workshop Meeting Minutes of 1/9/2019

Councilman Ballard offered a motion to approve the minutes, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Regular Meeting Minutes of 1/9/2019

Councilman Zipprich offered a motion to approve the minutes, seconded by Councilman Ballard.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

2018 Zoning Board of Adjustment 2018 Annual Report

Councilman Zipprich offered a motion to acknowledge receipt of the report, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

**ORDINANCES - Public Hearing/Adoption:**

None.

**ORDINANCES - First Reading:**

2019-01 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 300, "Construction Codes, Uniform," Chapter 361, "Fire Prevention and Protection" and Chapter 505 "Property Maintenance."

Councilman Yassin offered a motion to approve the introduction of the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna announced the Public Hearing would be held 2/13/2019 at 6:30 pm.

2019-02 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 680, "Vehicles and Traffic," Section 680-35, "Schedule I: "No Parking."

Councilman Yngstrom offered a motion to approve the introduction of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna announced the Public Hearing would be held 2/13/2019 at 6:30 pm.

2019-03 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 608: "Streets and Sidewalks" to Prohibit the Depositing of Snow, Slush, and/or Ice Upon Any Street, Sidewalk, or Other Public Thoroughfare."

Councilman Zipprich offered a motion to approve the introduction of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna announced the Public Hearing would be held 2/13/2019 at 6:30 pm.

2019-04 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 361: "Fire Prevention and Protection" and Chapter 505 "Property Maintenance" to Replace Certificate of Occupancy Requirement with Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance Requirement for Sale of Owner-Occupied Single-family Dwellings and to Adjust Fees for Certificate of CSDCMAC."

Councilman Yassin offered a motion to approve the introduction of the ordinance, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Mayor Menna announced the Public Hearing would be held 2/13/2019 at 6:30 pm.

### RESOLUTIONS

19-24 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$4,516,738.32.."

Councilman Ballard offered a motion to approve the resolution, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-25 Mayor Menna read, "Resolution Approving the Proposed Settlement Agreement with the Fair Share Housing Center in the Pending Declaratory Judgment Action and Authorizing its Execution and Submission to the New Jersey Superior Court for Review and Approval"

Councilman Yngstrom offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-26 Mayor Menna read, "Resolution Authorizing Application for NJDOT Transit Village Designation."

Councilwoman Horgan offered a motion to approve the resolution, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-27 Mayor Menna read, "Resolution Ratifying and Confirming the Appointment of a Part-time Property Inspector."

Councilman Ballard offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-28 Mayor Menna read, "Resolution Authorizing Cancellation of 1st and 2nd Quarter Taxes for 2019 in the Amount of \$4,187.01 due to Disabled Veteran Status."

Councilman Ballard offered a motion to approve the resolution, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-29 Mayor Menna read, "Resolution Authorizing Cancellation of 1st and 2nd Quarter Taxes for 2019 in the Amount of \$3,517.79 due to Disabled Veteran Status."

Councilman Ballard offered a motion to approve the resolution, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-30 Mayor Menna read, "Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12a." (Police Vehicles)

Councilwoman Triggiano offered a motion to approve the resolution, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-31 Mayor Menna read, "Resolution Rescinding Award of Banking Services to Valley National Bank and Rejecting All Responses to the Borough's September 11, 2018 Request for Proposals for Same and Authorizing Re-advertisement of the Borough's Request for Proposals for Banking Services."

Councilman Ballard offered a motion to approve the resolution, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

19-32 Mayor Menna read, "Resolution Ratifying and Confirming the Appointment of a Full-time Communications Officer." (Dispatcher)

Councilwoman Triggiano offered a motion to approve the resolution, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

#### **MAYOR & COUNCIL COMMENTS**

Councilman Ballard reported that the Finance Department had closed out 2018 and reopened 2019. He said the Committee was currently working on the Budget Process.

Councilman Zipprich offered condolences to the families of Gladys Bowden and Arthur Murphy Jr. both of whom had recently passed away.

Mayor Menna also express condolences for those affected by a shooting in Florida earlier in the day.

Councilwoman Horgan had no report.

Councilwoman Triggiano reported that the Environmental Commission had partnered with the Library to begin a Sustainable Jersey speaker series and were also participating in the "Let's Talk about Race" series, focusing on Environmental Racism.

Councilman Yngstrom thanked all of those who had helped out with the recent Parks & Recreation Career Workshop. He said there would be a Parks & Recreation Committee the following Monday where plans for Bellhaven would be discussed.

Councilman Yassin had no report.

#### **DISCUSSION & ACTION**

No items.

#### **PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Danny Murphy – 11 Bridge Avenue – thanked the Red Bank Volunteer Fire Department for their efforts during a recent fire at his business. He commended their ability to put the fire out with minimal damage.

Allison Gregory – 109 Bank Street – asked about Ordinance 2019-04 and asked if a checklist would still be in place.

Mayor Menna reviewed the Ordinance.

Administrator Shehady reviewed the changes to the ordinance that would eliminate inspections for single-family owner-occupied homes.

Ms. Gregory asked for the reasons behind the changes.

Administrator Shehady said the current ordinance was overly burdensome because most owner obtain a private inspection. He said it could delay sales and would inconvenience buyers and sellers.

Attorney Cannon added that it would also reduce fees.

Sean DiSomma – 142 South Street – asked what process had been used to determine who was appointed.

Mayor Menna said he would need more information as “appointed” could refer to different things.

Mr. DiSomma clarified that he was asking about Boards and Committees.

Mayor Menna reviewed the process.

Mr. DiSomma questioned the appointment of Memone Crystian and asked who on the Council had a personal relationship with her.

Mayor Menna said he was not aware of any personal relationship.

Mr. DiSomma continued to question the appointment. He attempted to question individual Councilmembers but was told to address his comments to the Mayor. He asked how he could find out if there were personal relationships there.

Mayor Menna said he would look into it and get back to Mr. DiSomma.

William Poku – 90 Bank Street – said he was appearing on behalf of the NAACP in regard to the Declaratory Judgement Action and asked what role was envisions for the NAACP.

Mayor Menna said the NAACP was a partner in the action and an integral part. He said, upon court approval, there would be further instructions but, as of now, the order has not been entered.

Mr. Poku questioned the reference in the resolution to an attachment.

Mayor Menna explained that the draft agreement would not be released until the approving resolution was adopted.

Mr. Poku said it was dangerous to have the Council of one party and urged members to vote responsibly and not rubberstamp based on party.

Mayor Menna said it was a system of one person, one vote. He said the reason the people were on the dais was that they had received the majority of votes.

#### **EXECUTIVE SESSION**

None.

#### **ADJOURNMENT**

Councilman Zipprich offered a motion to adjourn the meeting, seconded by Councilman Yassin.

#### **ROLL CALL:**

AYES: Yassin, Triggiano, Yngstrom, Ballard, Zipprich and Horgan.

NAYS: None

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

Respectfully submitted,

Pamela Borghi

ORDINANCE NO. 2019-01

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 300,  
“CONSTRUCTION CODES, UNIFORM,” CHAPTER 361, “FIRE PREVENTION  
AND PROTECTION” AND CHAPTER 505 “PROPERTY MAINTENANCE”

offered the following ordinance and moved its adoption:

**WHEREAS**, the Mayor and Council of the Borough of Red Bank desire to abolish the local Construction Board of Appeals and have all matters referred to the Monmouth County Construction Board of Appeals;

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that the following sections of Chapter 300, “Construction Codes, Uniform;” Chapter 361, “Fire Prevention and Protection;” and Chapter 505 “Property Maintenance” of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, are hereby amended and supplemented as follows:

**SECTION ONE:** Chapter 300, Construction Codes, Uniform, Subsection 300-2, "Board of Appeals established" is hereby amended and supplemented as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

**~~§300-2 Board of Appeals established.~~ Appeals.**

~~A. There is hereby established a Construction Board of Appeals to hear appeals from decisions by the Enforcing Agency. Such Board shall consist of five members. At least one Board member shall be a registered architect or licensed professional engineer of building construction experience, and at least one Board member shall be as qualified as a Plumbing Subcode Official, and one as qualified as an Electrical Subcode Official. No more than two Board members shall be selected from the same business or profession. Each Board member shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or, in the alternative, five years' experience in construction, design or supervision as an architect or engineer with a bachelors degree in architecture or engineering, respectively, from an accredited institution of higher education; or, as a further alternative, 10 years' experience in construction, design or supervision as a journeyman in a construction trade or as a construction contractor, subcontractor or inspector.~~

~~B. Appointment of members.~~

~~(1) The Mayor and Council shall appoint the Board members and any alternate members. For the members first appointed, the Mayor and Council shall designate the appointees' terms so that one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. At the expiration of such terms and thereafter, appointments shall be made for terms of four years. Vacancies shall be filled for the unexpired term.~~

~~(2) The Mayor and Council shall appoint such number of alternates, as may be appropriate, for terms not to exceed four years; or may in the alternative, appoint alternates on a case-by-case basis.~~

~~(3) No regular or alternate Board member may be a member of the enforcing agency, the decisions of which are subject to the review of the Board.~~

A. All appeals will be handled by the Monmouth County Construction Board of Appeals pursuant to N.J.A.C. 5:23A-1.2

**SECTION TWO:** Chapter 361, Fire Prevention and Protection, Subsection 361-7, "Board of Appeals" is hereby amended and supplemented as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

**~~§361-7~~ Board of Appeals.**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the Office of Fire Marshal shall have the right to appeal to the Construction Board of Appeals of the ~~Borough of Red Bank,~~ County of Monmouth, New Jersey.





ORDINANCE NO. 2019-02

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 680, "VEHICLES AND TRAFFIC," SECTION 680-35, "SCHEDULE I: "NO PARKING"

offered the following ordinance and moved its introduction:

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 680 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Vehicles and Traffic," Section 680-35 Schedule I, "No Parking," is hereby amended and supplemented as follows:

SECTION ONE: Schedule I, "No Parking," is amended and supplemented as follows: (strikeouts denote deletions, underlined text denotes additions):

SCHEDULE I: No Parking

In accordance with the provisions of Subsection 680-3C, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

Name of Street	Side	Location
<del>Shrewsbury Avenue</del>	<del>West</del>	<del>Starting at a point 65 feet south of River Street and extending 100 feet in a southerly direction</del>

[All other provisions remain unchanged]

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

First Reading/Introduction: January 23, 2019  
Second Reading/Public Hearing: February 13, 2019  
Adoption: February 13, 2019

I hereby certify the above to be a true copy.

Pamela Borghi, Municipal Clerk

ORDINANCE NO. 2019-03

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 608: "STREETS AND SIDEWALKS" TO PROHIBIT THE DEPOSITING OF SNOW, SLUSH, AND/OR ICE UPON ANY STREET, SIDEWALK, OR OTHER PUBLIC THOROUGHFARE

offered the following ordinance and moved its introduction:

WHEREAS, the Mayor and Council of the Borough of Red Bank desire to ensure the safe and orderly removal of snow, slush, and ice from all properties within the Borough during inclement weather;

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the following sections of Chapter 608: "Streets and Sidewalks" of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, State of New Jersey are hereby amended and supplemented as follows:

SECTION ONE: Chapter 608: "Streets and Sidewalks" Uniform, Subsection 608-9 "Required" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denotes additions):

§ 608-9 Required.

Any owner or owners, occupant or occupants, tenant or tenants, building superintendent, rental agent or person in charge of premises abutting or bordering upon any public street in the Borough shall remove all snow, slush and ice from the abutting sidewalks of such streets, or in the case of ice which may be so frozen as to make removal impracticable, shall cause the same to be thoroughly covered with sand or salt, within 24 hours of daylight after the same shall fall or be formed thereon. Removal of any snow, slush or ice should be conducted along the full paved width of the sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush, snow or ice shall be conducted in a manner that clears the full paved sidewalk or a minimum of 42 inches wide, including removal of snow, slush and ice from all curb cuts, intersections, crosswalks, handicapped ramps and sidewalk locations. When removing snow, slush, or ice from any driveway, parking area, sidewalk area, or any portion of privately-owned property, it shall be unlawful for the owner, occupant, tenant, building superintendent, contractor, rental agent or person in charge of such property to cause the depositing of snow, slush, or ice upon any street, sidewalk, or other public thoroughfare.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

First Reading/Introduction: January 23, 2019  
Second Reading/Public Hearing: February 13, 2019  
Adoption: February 13, 2019

I hereby certify the above to be a true copy.

**ORDINANCE NO. 2019-04**

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 361:  
“FIRE PREVENTION AND PROTECTION” AND CHAPTER 505 “PROPERTY  
MAINTENANCE” TO REPLACE CERTIFICATE OF OCCUPANCY REQUIREMENT  
WITH CERTIFICATE OF SMOKE DETECTOR AND CARBON MONOXIDE ALARM  
COMPLIANCE REQUIREMENT FOR SALE OF OWNER-OCCUPIED SINGLE-FAMILY  
DWELLINGS AND TO ADJUST FEES FOR CERTIFICATE OF CSDCMAC**

offered the following ordinance and moved its introduction:

**WHEREAS**, the Mayor and Council of the Borough of Red Bank have determined that, for purposes of economy and efficiency in the Borough’s Code Enforcement Department, and in the best interests of residents and prospective residents of the Borough, it is advisable to eliminate the requirement that owner-occupied single-family dwellings must obtain a certificate of occupancy and to require only a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance; and

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that the following sections of Chapter 361: “Fire Prevention and Protection” and Chapter 505: “Property Maintenance” of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, are hereby amended and supplemented as follows:

**SECTION ONE:** Chapter 361: “Fire Prevention and Protection”, Subsection 361-8(K) is hereby amended and supplemented as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

**§ 361-8(K).**

Certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC). The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

- (1) Requests for CSDCMAC received more than 10 business days prior to the change of occupant: ~~\$45~~ \$100;
- (2) Requests for a CSDCMAC received four to 10 business days prior to the change of occupant: ~~\$90~~ \$125; and
- (3) Requests for a CSDCMAC received fewer than four business days prior to change of occupant: ~~\$164~~ \$150.

**SECTION TWO:** Chapter 361, Fire Prevention and Protection, Subsection 505-3, "Amendments" is hereby amended and supplemented as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

**§ 505-3 Amendments.**

A. Article I, Section 102.1 is hereby amended by adding the following sections:

- (1) Article I, Section 102.1A.
  - (a) It shall be unlawful for the owner, real estate agent or broker firm, company, partnership, corporation or person or persons to sell, rent, transfer, grant, lease, assign, sublease, let, release or relet or otherwise dispose the ownership or occupancy thereof, whether or not for a consideration and whether such disposal or transfer of ownership or occupancy thereof be temporary or permanent, any commercial, industrial premises, dwelling, multifamily dwelling, dwelling unit, hotel, motel, boardinghouse, rooming unit, rooming house, or premises on which a building is located and is used

or intended to be used for human occupancy, until a certificate of occupancy is obtained from the Code Enforcement Officer, stating that the building and premises comply with the requirements of this code. Any person occupying such premises or any person contracting with the owner for occupancy of the premises by another shall be bound by the provisions of this paragraph and the penalties imposed for the violation of the same.

- (b) In addition to and exclusive of any certificate of occupancy issued pursuant to the provisions of Subsection A(1)(a) above, no dwelling unit shall be continued to be occupied unless the same, together with all common areas as regulated hereunder, shall have been inspected and issued a certificate of occupancy at least once every 60 months whether the inspection shall be conducted by the State of New Jersey under applicable state statutes or the Borough of Red Bank pursuant to this chapter.
- (c) Notice by owner required. The owner of any dwelling or dwelling unit or part thereof subject to the provisions of this paragraph, Section 102.1A, (1), (2), shall be required to give a minimum notice of 14 calendar days to the Department of Code Enforcement for the purpose of a compliance inspection prior to the issuance of a certificate of occupancy.
- (d) This Section 102.1A shall not apply to the sale or transfer of single-family dwellings that are owner-occupied or to be owner-occupied upon sale or transfer. For the sale or transfer of owner-occupied single-family dwellings, only a Certificate of CSDCMAC under Borough Code Section 361-8(K) shall be required.

(2) Article I, Section 102.1B, Certificate of Occupancy Required.

- (a) It shall be unlawful for any premises, subject to the provisions of Section 102.1A, to be occupied until such time as a certificate of occupancy has been issued by the Department of Code Enforcement. The certificate of occupancy so issued shall state that the occupancy complies with the provisions of this code. This section does not apply to any occupancy in existence at the time of the adoption of this code.
- (b) Rental Inspection Fee Schedule for a certificate of occupancy required by Section 103.6A shall be the following:
  - [1] Fifty dollars per rental dwelling or rental dwelling unit.
  - [2] Twenty-five dollars per rental unit for a hotel, motel, boarding house, rooming unit, rooming house.
  - [3] One hundred dollars per rental unit, building or premise for a commercial and/or industrial building or premises.
  - [4] Reinspection. Upon second reinspection and failure, the fee shall be \$50 for residential (R-1, R-2, R-3), \$75 for all other use groups.
- (c) Inspection Fee Schedule for a certificate of occupancy required by Section 102.1A upon the sale, transfer, mortgage, lease or otherwise disposed of shall be the following:
  - [1] One- or two-family dwellings: \$100 a dwelling unit. Multifamily dwellings (three or more), the fee shall be \$25 a unit, provided the minimum fee shall be \$200 a building. In such case, a single unit is sold under the condominium form of ownership, the fee shall be \$50 a unit.
  - [2] Commercial and industrial buildings and premises: \$150 from 0 to 10,000 square feet, \$250 from 10,001 square feet to 25,000 square feet, \$250 from 25,001 square feet to 150,000 square feet, \$300 from 150,001 square feet to 500,000 square feet, \$500 flat for over 50,000 square feet.
  - [3] Reinspection. Upon second reinspection and failure, the fee shall be \$50 for residential (R-1, R-2, R-3), \$100 for all other use groups.

- (d) In the case of sale ~~or~~ of owner-occupied structures containing ~~one~~ two to three dwelling units, the Code Enforcement Officer may issue a conditional certificate of occupancy. The conditional certificate of occupancy may only be issued if disclosure of all defects is made to a prospective purchaser prior to the entering into a binding commitment to sell, and if:
- [1] Satisfactory proof is given that financial difficulties make it impossible to effect immediate compliance, in which case, outstanding violations shall be checked at periodic intervals;
  - [2] Weather conditions prevent compliance, in which case, violations shall be corrected as soon as the weather permits;
  - [3] The violations are not classified by the Public Officer as creating an immediate danger to life and health, or as violations that may have a blighting influence on the immediate neighborhood; or
  - [4] The transfer is between members of an immediate family, through the distribution of an estate, or by judicial sale;
  - [5] If a certificate of compliance has been issued within the six months period immediately prior to a request for such certificate, a copy of the prior certificate will suffice to meet the requirements of this section.

(3) Article I, Section 102.1C. A conditional certificate of occupancy may be granted on the following conditions:

- (a) That there are no defects causing the hazard of fire, accident or other calamities: lack of adequate ventilation; lack of adequate heat, light or sanitary facilities; dilapidation, disrepair, structural defects or uncleanness, so as to tend to cause or spread disease or harbor insects, rodents or vermin.
- (b) That there are no defects in any vital facility such as broken toilets, lack of hot or cold running water, lack of heat or light, or broken windows.
- (c) That there are no defects which would constitute a threat to health, safety or welfare or whose repair would be a major inconvenience to the tenant after occupancy. An illustrative, but not exhaustive, list of the foregoing includes:
  - [1] Broken or loose glass or handrails.
  - [2] Falling plaster or wall board; rotten, saturated, cracked, or damaged walls or ceilings where the possibility exists that there may be collapse of any part thereof or injury from falling objects.
  - [3] Sharp protrusion of woodwork, metalwork, lathing, screws or nails, warped floors, doors, windows or frames.
  - [4] Exposed electrical wiring or switches, steam and hot water pipes, gas or water leaks or inoperable drains.
  - [5] Unsecured lighting fixtures, shelves or cabinets.
  - [6] Flooring, stairs, or landings which are loose, not level, rotten, or damaged.
  - [7] Presence of garbage, sewage, accumulated foreign matter or vermin.
  - [8] A dirty oven or any condition interfering with proper gas distribution or use, or which might promote a fire.
  - [9] Heat or heat fixtures which do not work properly, fail to open or close, or have inoperable valves, switches, or other devices.

[10] Any lock to which a prior tenant or other person has been issued a key (excluding the landlord and his authorized management) or which does not adequately secure the premises.

(4) Article 1, Section 102.1D. Post-Inspection Notification. Upon completion of any inspection, the landlord, agent or broker shall be informed in writing by the Department of Code Enforcement as to the result of the inspection. In the event that an apartment receives either a conditional certificate of occupancy or fails the inspection, the Department of Code Enforcement shall provide the owner, agent or broker with written information from which they will know the nature of the necessary repairs. A copy of this information shall be posted prominently in the rental unit.

(5) Article 1, Section 102.1E. Responsibilities.

- (a) The owner of the inspected property shall be responsible for the correction of violations of this code and applicable ordinances, laws and codes as indicated in the written notice of violation by the Department of Code Enforcement to the owner. Upon correction of the violations, the owner of the inspected property shall notify the Department of Code Enforcement in order that a reinspection may be made. This procedure shall be followed and repeated until violations have been corrected.
- (b) This section shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of any other applicable laws or ordinances nor bar prosecution for any such violation.
- (c) The Borough of Red Bank makes no guarantee or warranty as to the conditions of buildings, dwellings or common areas inspected, nor does the Borough assume any liability in the inspection and in certification of compliance.

(6) Article I, Section 111.10, is hereby deleted in its entirety.

**SECTION THREE:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

**SECTION FOUR:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FIVE:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

First Reading/Introduction: January 23, 2019  
Second Reading/Public Hearing: February 13, 2019  
Adoption: February 13, 2019

I hereby certify the above to be a true copy.

\_\_\_\_\_  
Pamela Borghi, Municipal Clerk

**ORDINANCE NO. 2019-05**

**ORDINANCE OF THE BOROUGH OF RED BANK,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY  
CREATING THE RED BANK REDEVELOPMENT AGENCY**

offered the following ordinance and moved its introduction:

**WHEREAS**, the Borough of Red Bank, in the County of Monmouth, New Jersey (the "Borough") seeks to stimulate and encourage the development and growth of a varied mixture of appropriate economic activities within its borders so as to increase available services, create additional employment, expand the municipal tax base, improve and upgrade unused or inappropriately used properties and to provide for greater financial and economic stability in the future for the Borough and its citizens; and

**WHEREAS**, aside from such general and specific promotional efforts as may be undertaken, the Borough recognizes that there are various parcels of property located within its boundaries that may be suitable for development, redevelopment and rehabilitation in a manner contemplated by the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-1 et seq. (the "Redevelopment Law"); and

**WHEREAS**, the Mayor and Borough Council have determined that the issues and concerns relative to general economic development and encouragement and the development and redevelopment of areas which may be deemed to be in need of redevelopment or rehabilitation pursuant to the Redevelopment Law, can best be achieved and resolved through the uniform and coordinated efforts of a dedicated municipal agency established for such sole purposes; and

**WHEREAS**, in order to address such matters and undertake such efforts, the Borough believes it is in the best interests of the citizens and inhabitants of the Borough, and therefore, the Borough desires to create a body corporate and politic to be known as the "Red Bank Redevelopment Agency" (hereinafter the "Agency") to serve as the primary municipal agency for the encouragement, promotion and coordination of appropriate economic activities and growth within the Borough and as the redevelopment entity which shall be responsible for the clearance, replanning, development and redevelopment of such redevelopment or rehabilitation areas for redevelopment plans that presently exist or may hereafter be adopted pursuant to the Redevelopment Law; and

**WHEREAS**, the Local Finance Board, in the Division of Local Government Services, Department of Community Affairs, State of New Jersey, has prior to the date of introduction of this Ordinance, approved the creation of the Agency pursuant to N.J.S.A. 40A:5A-4.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Red Bank, in the County of Monmouth, New Jersey, as follows:

**Section 1.** Pursuant to the provisions of Section 11 of the Redevelopment Law, the Borough hereby creates a body corporate and politic to be known as the "Red Bank Redevelopment Agency". Such Agency is and shall be an agency and instrumentality of the Borough created by ordinance duly adopted by the Borough Council, and is a "redevelopment agency" as contemplated and provided for by the Redevelopment Law and shall have and exercise all of the powers and perform all of the duties provided for by said Redevelopment Law and any other statutes heretofore or hereafter enacted and applicable thereto.

**Section 2.** (a) Pursuant to the Redevelopment Law, there shall be seven (7) commissioners of the Agency, to be appointed by the [Mayor with the advice and consent of the Borough Council]. Commissioners shall each serve for a term of five (5) years, except that the first set of Commissioner appointees shall be designated to serve for the following terms: one (1) Commissioner for a term of one (1) year, one (1) Commissioner for a term of two (2) years, two (2) Commissioners for terms of three (3) years, one (1) Commissioner for a term of four (4) years and two (2) Commissioners for terms of five (5) years. Not more than two (2) of the seven (7) Commissioners shall be members of the Borough Council or employees of the Borough. Any Member of the Borough Council so appointed shall serve for a term of one (1) year. A certificate of the appointment or reappointment of a Commissioner shall be filed with the Borough Clerk and shall serve as conclusive evidence of the proper appointment of such Commissioner.

(b) Each Commissioner shall hold office for the term of his/her appointment and until his/her successor shall have been appointed and qualified. Any vacancy occurring in the office of a Commissioner, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term.



**Section 3.** In addition to all such powers as are specifically granted to the Agency pursuant to the Redevelopment Law, and as may otherwise be generally allowed pursuant to other applicable New Jersey statutes, the Agency shall also have the power to:

- (i) Execute plans and projects, pursuant to the approval of the Borough Council as provided by applicable law;
- (ii) Inquire into, survey and publicize the extent, advantages and utility of vacant land and other dormant and underutilized properties of the Borough;
- (iii) Classify such land and properties according to its adaptability for the establishment and development thereon of various types of economic activities;
- (iv) Generally engage in marketing activities to promote the Borough and its assets as a community, for the purpose of attracting desirable redevelopment;
- (v) Study and analyze business trends, requirements and developments to ascertain the opportunities for "smart growth" and economic expansion in the Borough;
- (vi) Advertise the business advantages and opportunities and the availability of suitable sites and facilities in the Borough and otherwise initiate and pursue appropriate efforts to encourage and accomplish economic development within the Borough;
- (vii) Cooperate with other Borough departments, agencies, committees and local civic organizations to promote, encourage and assist economic development within the Borough;
- (viii) Arrange for the sale or lease of the Borough's vacant lands to businesses whose location thereon is best calculated, in the judgment of the Agency, to advance the interests of the Borough and of its citizens, all in accordance with plans as approved by the Borough; and
- (ix) Exercise such other powers as may be reasonably necessary and appropriate to accomplish its purposes and goals in accordance with New Jersey statutes and Borough ordinances.

**Section 4.** Commissioners shall receive no compensation. Commissioners shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of their duties as Commissioners, including reasonable travel expenses.

**Section 5.** (a) Four (4) Commissioners shall constitute a quorum for the purpose of conducting business and exercising powers and all other purposes.

(b) Action may be taken by the Agency upon the affirmative vote of the majority, but not less than four (4) of the Commissioners present, unless in any case the by-laws of the Agency shall require a larger number.

(c) The Agency shall select a chairman and a vice-chairman from among the Commissioners, and it shall employ an executive director, who shall be its secretary.

(d) The Agency shall adopt such by-laws as it deems necessary and appropriate for the conduct of business.

**Section 6.** No commissioner or employee of the Agency shall acquire any interest, direct or indirect, in a redevelopment project or in any property included or planned to be included in a project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials and services to be furnished or used in connection with a project. If any commissioner or employee of the Agency owns or controls an interest, direct or indirect, in any property included or planned to be included in a project, he or she shall immediately disclose the same in writing to the Agency and the disclosure shall be entered upon the minutes of the Agency. Failure so to disclose such an interest shall constitute misconduct in office. A commissioner or employee required by this Section to make a disclosure shall not participate in any action by the Agency affecting the property with respect to which disclosure is required.

**Section 7.** For inefficiency or neglect of duty or misconduct in office a commissioner may be removed by the Borough; but a commissioner may be removed only after he or she has been given a copy of the charges at least ten (10) days prior to the hearing thereon and has had the opportunity to be heard in person or by counsel. In the event of a removal of a commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Borough Clerk.

**Section 8.** Copies of this Ordinance, certified by the Borough Clerk, shall be filed in the office of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, after the effective date of this Ordinance.

**Section 9.** Any ordinance of the Borough adopted prior to the date of adoption of this Ordinance that is inconsistent herewith is hereby amended, superseded or repealed, as applicable, to the extent of any such inconsistency.

**Section 10.** This Ordinance shall take effect in accordance with applicable law.

Seconded by

and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**ORDINANCE NO. 2019-06**

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY SUPPLEMENTING THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH TO INSERT NEW CHAPTER 574: "SMOKING" TO PROHIBIT  
THE SMOKING OF TOBACCO AND USE OF ELECTRONIC SMOKING DEVICES  
IN CERTAIN PUBLIC INDOOR AND OUTDOOR SPACES**

offered the following ordinance and moved its introduction:

**WHEREAS**, the Mayor and Council of the Borough of Red Bank find and declare that tobacco is the leading cause of preventable disease and death in the State and the nation; and

**WHEREAS**, tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public; and

**WHEREAS**, electronic smoking devices have not been approved as to safety and efficacy by the federal Food and Drug Administration, and their use may pose a health risk to persons exposed to their smoke or vapor because of a known irritant contained therein and other substances that may, upon evaluation by that agency, be identified as potentially toxic to those inhaling the smoke or vapor; and

**WHEREAS**, the prohibition of smoking at all Borough buildings, parks, and facilities would better preserve and maintain the natural assets of the Borough by reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand smoke and providing for a more pleasant experience for the public; and

**WHEREAS**, it is clearly in the public interest to prohibit the smoking of tobacco products and the use of electronic smoking devices in all Borough owned or controlled places of public accommodation;

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that the following sections of Chapter 361: "Fire Prevention and Protection" and Chapter 505: "Property Maintenance" of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, are hereby amended and supplemented as follows:

**SECTION ONE:** The Borough's Revised General Ordinances are hereby amended to insert new Chapter 574: "Smoking" as follows:

**CHAPTER 574: SMOKING.**

**§ 574-1 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

*Municipal Buildings* shall include all structures owned, leased, rented and/or operated by the Borough and/or occupied by Borough employees and/or used for official business of the Borough.

*Parks and Public Recreational Facilities* shall include all public parks, playgrounds, pavilions, recreation centers, and fields publicly owned or leased by the Borough and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational or leisure activities, including all areas adjacent to such facilities such as parking areas, driveways, or drive aisles. This definition shall also include the Borough's public lands, streets, and rights of way not ordinarily utilized for recreational or leisure activities during such times when said public lands, streets, and rights of way are being utilized for public special events or for public recreational or leisure activities.

*Smoking* shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco or

any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

**§ 574-2 Prohibition of Smoking in Borough Owned or Controlled Public Places.**

- a. Smoking shall be prohibited inside of all Municipal Buildings and within a fifty (50) foot radius of all Municipal Buildings. No-Smoking signs of the international no-smoking signal (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be conspicuously posted at each Municipal Building entrance. The signs shall be clearly visible to the public and indicate that smoking is prohibited inside said Municipal Building and within a fifty (50) foot radius thereof.
- b. Smoking shall be prohibited in all Parks and Public Recreational Facilities. No-Smoking signs of the international no-smoking signal (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be posted in at least one conspicuous location upon the grounds of all Parks and Public Recreational Facilities. The signs shall be clearly visible to the public and indicate that smoking is prohibited at the Park or Public Recreational Facility.

**§ 574-3 Enforcement.**

The enforcement authority of this Chapter shall be the Red Bank Borough Police Department.

**§ 574-4 Violations and Penalties.**

A violation of this Chapter shall be punishable for each violation with a minimum fine of fifty (\$50.00) dollars, not to exceed two hundred (\$200.00) dollars.

**SECTION TWO:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

**SECTION THREE:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FOUR:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by \_\_\_\_\_ and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019



ORDINANCE NO. 2019-07

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF MONMOUTH COUNTY, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF RED BANK, MONMOUTH COUNTY, NEW JERSEY

offered the following ordinance and moved its introduction:

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" is the Borough of Red Bank, County of Monmouth, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Monmouth County LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, *et seq.*
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.

c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

d. Temporary removal of cables: The Company shall, upon request of the Borough, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.

e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough upon written request of the Borough Administrator or Clerk.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of

same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).

d. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

#### SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

#### SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

#### SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.

c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time Technology Grant in the amount of \$18,000 to meet the technology and/or cable related needs of the community.

d. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.



SECTION 15. GOVERNMENTAL ACCESS.

a. The Company will continue to provide one (1) channel for governmental access. It will be on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611 [47 U.S.C. § 531], and as further set forth below.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for PEG use. Any PEG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over the use of any educational or governmental channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of any public or governmental access program that contains obscenity, indecency, or nudity.

d. Government Access. “Government Access” shall mean non-commercial use by the governing bodies of the Township for the purpose of showing the public local government at work.

f. Fallow Time. Because blank or underutilized PG channels are not in the public interest, in the event the Township or other EG access users elect not to fully program the PG access channel, the Company may program unused time on those channels subject to reclamation by the Township upon no less than sixty (60) days’ written notice.

SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Seconded by \_\_\_\_\_ and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**ORDINANCE NO. 2019-08**

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROVING A ONE-YEAR LEASE AGREEMENT FOR AN APPROXIMATE 5,000 SQUARE-FOOT, FENCED-IN PORTION OF REAL PROPERTY LOCATED AT 208 SOUTH PEARL STREET, RED BANK, NEW JERSEY FOR THE PUBLIC PURPOSE OF A POLICE IMPOUND YARD**

offered the following ordinance and moved its introduction:

**WHEREAS**, R.J.E.S., LLC, 208 South Pearl Street, Red Bank, New Jersey (hereinafter, the "Owner"), is the titled owner of real property located at 208 South Pearl Street, Red Bank, New Jersey, also known as Block 75, Lot 174 on the Tax Map of the Borough of Red Bank (hereinafter, the "Property"); and

**WHEREAS**, the Borough of Red Bank, 90 Monmouth Street, Red Bank, New Jersey (hereinafter, the "Borough"), is a municipal corporation of the State of New Jersey and is authorized, pursuant to N.J.S.A. 40A:12-5, to acquire leasehold interests in real property for public business and use by Ordinance; and

**WHEREAS**, the Borough requires a secure impound yard for its Police Department to properly carry out and execute its public duties; and

**WHEREAS**, the Owner's Property contains an approximately 5,000 square-foot, fenced-in area suitable for the Borough Police Department's use as a secure impound yard (hereinafter, the "Premises"), which Premises Lessor is willing to lease to Lessee; and

**WHEREAS**, the Borough has been leasing the Premises for the past year for use as a secure impound yard for its Police Department with successful results;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

1. That the Governing Body does hereby approve the Commercial Lease Agreement attached hereto as Exhibit A; and
2. That the Mayor is hereby authorized to execute the Commercial Lease Agreement attached hereto as Exhibit A; and
3. That a certified copy of this Ordinance, together with a copy of the Commercial Lease Agreement attached hereto as Exhibit A., shall be forwarded to the Chief Financial Officer, the Borough Clerk, the Borough Administrator, the Red Bank Police Department, and R.J.E.S., LLC; and

**BE IT FURTHER ORDAINED** that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

**BE IT FURTHER ORDAINED** that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by

and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

## **COMMERCIAL PROPERTY LEASE AGREEMENT**

**THIS AGREEMENT** is hereby made between R.J.E.S., LLC., 208 South Pearl Street, Red Bank, New Jersey (hereinafter, "Lessor"), and the Borough of Red Bank, 90 Monmouth Street, Red Bank, New Jersey (hereinafter, "Lessee"). This Lease replaces all other written and verbal agreements.

**WHEREAS**, Lessor is the titled owner of real property located at 208 South Pearl Street, Red Bank, New Jersey, also known as Block 75, Lot 174 on the Tax Map of the Borough of Red Bank (hereinafter, the "Property"); and

**WHEREAS**, Lessee is a municipal corporation of the State of New Jersey and is authorized, pursuant to N.J.S.A. 40A:12-5, to acquire leasehold interests in real property for public business and use; and

**WHEREAS**, Lessee requires a secure impound yard for its Police Department to properly carry out and execute its public duties; and

**WHEREAS**, Lessor's Property contains an approximately 5,000 square-foot, fenced-in area suitable for Lessee's use as a secure impound yard, as depicted on Exhibit A attached hereto (hereinafter, the "Premises"), which Premises Lessor is willing to lease to Lessee;

**NOW THEREFORE**, in accordance with the Ordinance adopted by Lessee attached hereto as Exhibit B, Lessor hereby demises the Premises to Lessee, and Lessee hereby rents the Premises from Lessor, upon the following terms and conditions.

### **1. Term and Rental Payments**

The term of this Lease shall be for one (1) year beginning on February 15, 2019 and ending on February 14, 2020. The annual Gross Rent shall be \$16,800.00, paid in equal monthly installments of \$1,400.00 which shall be postmarked or delivered on or before the fifteenth day of every month in advance, and shall be delivered or mailed to Lessor at the Property's address. The Lessee is permitted to pay Rent in advance at any interval most convenient for Lessee.

### **2. The Premises**

The Premises shall be used only as an impound yard for the storage of vehicles and related equipment and items by the Red Bank Police Department. Lessor shall be responsible for repairing any damaged fencing surrounding the Premises prior to the commencement of this Lease. Lessor shall further be responsible for maintaining the fencing surrounding the Premises during the term of this Lease. Other than the aforementioned fencing, Lessee acknowledges that the Premises and all other aspects thereof, are delivered by Lessor in "as is" condition without any warranty or representation as to condition or fitness for any particular purpose. Lessee agrees to accept the Premises in "as is" condition. Any damage, additions, or changes to the Premises caused by the Lessee are the sole responsibility of the Lessee to repair, restore and/or replace.

**3. Late Fees**

The parties agree that if the Lessee fails to make any monthly payments by the 15<sup>th</sup> of the month when they are due, there shall be added to the payment due for such month in which payment is late, a sum equal to \$50 for that month as Additional Rent. This is in addition to any other remedies the Lessor may have hereunder or by law.

**4. Security Deposit**

There shall not be any Security Deposit required under this Lease.

**5. Cost of Operation**

This is a Full Gross Rent Lease. Lessee shall not be responsible for the payment of any expenses associated with the Property or the Premises, including, by way of example and without limitation, the cost of utilities, water or sewer usage, security, refuse removal, insurance, maintenance or repair of fixtures, supplies, sundries, sales or use tax on supplies or services, wages or salaries of persons engaged in the operation, maintenance and repair of the Property or the Premises, expenses incurred for legal and accounting expenses, the cost of capital improvements or other modifications to the Property, or any other expense or cost, which, in accordance with generally accepted accounting principles and the standard management practices for properties comparable to the Property and the Premises would be considered an expense of operating and/or maintaining the Property and/or Premises.

**6. Prohibition Against Activities**

The Premises shall be used only as set forth and provided above, and Lessee shall not use, or permit the use of, the Premises, or any part of the Premises, for any other purpose or purposes, without the written consent of Lessor. Lessee shall not commit, or suffer to be committed, any waste upon the Premises, any public or private nuisance, or other act or thing that may disturb the quiet enjoyment of any other occupant of the Property.

**7. Signs**

Lessee at its cost and expense may install appropriate signage, if any, in or about the Premises, subject to any applicable governmental regulations. Upon termination of this Lease, Lessee shall remove all signage and repair any damage to the Premises related thereto.

**8. Maintenance of Premises**

All maintenance and repairs, except as described in paragraph 2 herein above, are Lessee's obligation. Lessee shall be responsible for renovations and maintenance of any new installations on the Premises. Lessee shall be responsible for removal of its trash and for snow removal. Lessee shall provide a chain and padlock to secure the Premises for its purposes. Lessee covenants to take good care of the Premises and keep the Premises clean of any garbage, trash and other refuse.

**9. Liability for Damages**

Lessee, as a material part of the consideration to be rendered to Lessor under this Lease, waives all claims against Lessor for damages to vehicles, equipment, and items in, upon, or about the Premises from any cause arising at any time, including water damage, fire or any other cause, and Lessee will hold Lessor exempt and harmless for and on account of any damage or injury to the vehicles, equipment, and items of any person, arising from the use of the Premises by Lessee, or arising from the failure of Lessee to keep the Premises in good condition and/or secured.

**10. Assignments or Sublease**

The Lessee may not sublease or assign the Premises without Lessor's prior written consent.

**11. Lessor's Remedies in Event of Breach**

If the Lessee defaults in the performance of any of the terms, covenants and conditions hereof, except for payment of rent or of any financial obligation under this Lease, or permits the Premises to become deserted, abandoned or vacated, the Lessor may give the Lessee notice of such default, and if Lessee does not cure within ten (10) days, after giving of such notice, or if such other default is of such nature that it cannot be completely cured within such period, if the Lessee does not commence such curing within such ten (10) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then, in any such event the Lessor may terminate this Lease pursuant to applicable law, and on the date specified in said notice, the Lessee's right to possession of the Premises shall cease, and the Lessee shall then quit and surrender the Premises to the Lessor. Should Lessor at any time terminate this Lease for any breach, in addition to any other remedy it may have, it may recover from Lessee all damages it may incur by reason of such breach.

**12. Surrender by Lessee of Lease**

The voluntary or other surrender of this Lease by Lessee, or a mutual cancellation of the Lease, shall at the option of Lessor, terminate all or any existing subleases or sub tenancies, or may, at the option of Lessor, operate as an assignment of any or all such subleases or sub tenancies to the Lessor.

**13. Notices**

All notices by the parties under this Lease shall be transmitted in writing by certified mail, return receipt requested or by overnight courier, and addressed to: (1) Lessee at: Pamela Borghi, Municipal Clerk, Borough of Red Bank, 90 Monmouth Street, New Jersey 07701; and to (2) Lessor at: R.J.E.S., LLC, 208 South Pearl Street, Red Bank, New Jersey 07701, unless either party provides the other party with a different address to which notices are to be transmitted in writing by certified mail, return receipt requested.

**14. Effect of Waiver of Breach of Covenants**

The waiver by Lessor of any breach of any covenant or condition contained in this Lease shall not be deemed to be a waiver of such a covenant or condition or any subsequent breach of the covenant or condition or any other covenant or condition. The subsequent acceptance of rent under this Lease by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any covenant or condition of this Lease, other than the failure of Lessee to timely pay the particular rent so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

**15. Lessor's Remedies on Default**

It is understood and agreed that the remedies given to Lessor shall be cumulative, and the exercise of any one remedy by Lessor shall not be to the exclusion of any other remedy.

**16. Binding Effect on Successors and Assigns**

The covenants and conditions contained in this Lease, subject to the provisions as to assignment, shall apply to and bind the heirs, successors, executors, administrators and assigns of all of Lessee, and all such heirs, successors, executors, administrators and assignees of Lessee shall be jointly and severally liable under this Lease.

**17. Indemnification by Lessee and Lessee's Insurance**

Lessee shall be responsible for and shall relieve, indemnify and save Lessor harmless from and against (a) all liability for loss of life, personal injury and/or damage to property occurring in or around the Premises including, but not limited to any claims made by Lessee's agents, vendors, service providers, guests, invitees, clients, customers, investors or patrons and (b) any loss or damage from Lessee's failure to perform its obligations under this Lease.

**18. Entire Agreement**

This instrument, contains the entire agreement and understanding between the parties hereto with respect to the Lease of the Premises to Lessee. This Lease supersedes and cancels any and all previous negotiations, arrangements, brochures, agreements and understandings, if any, between the parties hereto or displayed by Lessor to Lessee with respect to the subject thereof, and none thereof shall be used to interpret or construe this Lease. This Lease is and shall be considered to be the only Lease agreement relative to the Premises between the parties hereto and their respective representatives and agents as of the date hereof. No modification of this Lease shall be effective unless the same shall be in writing and be signed by the parties hereto or, as the case may be, their respective successors or assigns.

**19. Validity of Lease**

If any clause or provision of this Lease is legally invalid, the remaining clauses and provisions of this Lease shall remain in full force and effect.



**IN WITNESS WHEREOF**, the parties have respectively executed this Lease as of the dates hereinafter written below.

**LESSOR**

**R.J.E.S., LLC**

Signature: \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

**LESSEE**

**BOROUGH OF RED BANK**

Signature: \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 19-34**

**A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,555,350.29**

offered the following resolution and moved its adoption:

**BE IT RESOLVED** by the Mayor and Council that the bills be paid as on the attached check registers totaling \$3,555,350.29.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

Range of Checking Accts: First to Last      Range of Check Dates: 01/24/19 to 02/13/19  
Report Type: All Checks      Report Format: Super Condensed      Check Type: Computer: Y      Manual: Y      Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num																								
CAPITAL ACCOUNT CAPITAL ACCOUNT-SSB																													
2244	02/13/19	C0321 CME ASSOCIATES	2,169.37		11259																								
2245	02/13/19	T0004 T&M ASSOCIATES	9,176.85		11259																								
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202	02/13/19	B0222 BANISCH ASSOCIATES INC	1,820.00		11266																								
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Checking Account Totals</td> <td style="width:10%;"></td> <td style="width:10%;"><u>Paid</u></td> <td style="width:10%;"><u>Void</u></td> <td style="width:10%;"><u>Amount Paid</u></td> <td style="width:10%;"><u>Amount Void</u></td> </tr> <tr> <td>    Checks:</td> <td></td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> <td style="text-align: right;">1,820.00</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>    Direct Deposit:</td> <td></td> <td style="text-align: right;"><u>0</u></td> <td style="text-align: right;"><u>0</u></td> <td style="text-align: right;"><u>0.00</u></td> <td style="text-align: right;"><u>0.00</u></td> </tr> <tr> <td>    Total:</td> <td></td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> <td style="text-align: right;">1,820.00</td> <td style="text-align: right;">0.00</td> </tr> </table>						Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>	Checks:		1	0	1,820.00	0.00	Direct Deposit:		<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	Total:		1	0	1,820.00	0.00
Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>																								
Checks:		1	0	1,820.00	0.00																								
Direct Deposit:		<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>																								
Total:		1	0	1,820.00	0.00																								
CURRENT -VALLEY CURRENT OPERATING-VALLEY BK																													
10318	01/24/19	A0223 AT&T (BOX 105068)	33.77		11219																								
10319	01/24/19	B0010 VERIZON	4,232.38		11219																								
10320	01/24/19	B0185 BROADVIEW NETWORKS	901.60		11219																								
10321	01/24/19	J0045 JCP&L	14,837.56		11219																								
10322	01/28/19	B0019 BOROUGH OF RED BANK,PAYROLL AC	390,859.76		11220																								
10323	01/30/19	C0244 COMCAST LLC	143.71		11231																								
10324	01/30/19	J0045 JCP&L	11,615.29		11231																								
10325	01/30/19	L0036 AVAYA (NY)	85.74		11231																								
10326	01/30/19	M0205 MONMOUTH TELECOM	729.10		11231																								
10327	01/30/19	N0021 NEW JERSEY NATURAL GAS CO	2,007.58		11231																								
10328	02/05/19	B0019 BOROUGH OF RED BANK,PAYROLL AC	39.12		11232																								
10329	02/07/19	A0223 AT&T (BOX 105068)	117.61		11236																								
10330	02/07/19	C0244 COMCAST LLC	165.84		11236																								
10331	02/07/19	D0201 DIRECT ENERGY BUSINESS	1,920.04		11236																								
10332	02/07/19	N0021 NEW JERSEY NATURAL GAS CO	2,676.29		11236																								
10333	02/07/19	V0023 VERIZON WIRELESS (NEWARK)	578.15		11236																								
10334	02/07/19	V0040 VERIZON WIRELESS (PA25505)	1,925.27		11236																								
10335	02/07/19	X0004 Xfinity	151.85		11236																								
10336	02/13/19	91309 National Parts Supply INC	443.16		11255																								
10337	02/13/19	A0017 GENE J ANTHONY ESQ	1,186.42		11255																								
10338	02/13/19	A0036 A.R. COMMUNICATIONS	165.00		11255																								
10339	02/13/19	A0040 ASBURY PARK PRESS	215.00		11255																								
10340	02/13/19	A0050 ATHLETES ALLEY	1,167.40		11255																								
10341	02/13/19	A0066 AIR BRAKE & EQUIPMENT	31.38		11255																								
10342	02/13/19	A0080 AIR DYNAMIC SYSTEMS	1,968.12		11255																								
10343	02/13/19	A0114 ALLIED OIL COMPANY	4,987.99		11255																								
10344	02/13/19	A0120 AIR & GAS TECHNOLOGIES INC	911.00		11255																								
10345	02/13/19	A0253 AMAZON.COM LLC	0.00	02/13/19 VOID	0																								
10346	02/13/19	A0253 AMAZON.COM LLC	1,523.00		11255																								
10347	02/13/19	B0040 BUTCH'S CAR WASH CO.	152.00		11255																								
10348	02/13/19	B0107 BAKER & TAYLOR BOOKS W510486	0.00	02/13/19 VOID	0																								
10349	02/13/19	B0107 BAKER & TAYLOR BOOKS W510486	0.00	02/13/19 VOID	0																								
10350	02/13/19	B0107 BAKER & TAYLOR BOOKS W510486	1,521.20		11255																								

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CURRENT	-VALLEY	CURRENT OPERATING-VALLEY BK	Continued		
10351	02/13/19	B0108 BAKER & TAYLOR ENTER.W510334	104.36		11255
10352	02/13/19	B0178 BYRNES O'HERN LLC	304.50		11255
10353	02/13/19	B0217 BOMGAR CORPORATION	1,021.71		11255
10354	02/13/19	C0001 JAMES CLAYTON	751.00		11255
10355	02/13/19	C0027 CENTRAL JERSEY HEALTH INS.FUND	228,720.27		11255
10356	02/13/19	C0032 CHESAPEAKE EXTERMINATING	270.00		11255
10357	02/13/19	C0037 CITY CENTRE PLAZA LLC	1,028.00		11255
10358	02/13/19	C0051 COMPLETE SECURITY SYSTEMS INC	639.00		11255
10359	02/13/19	C0060 SHORE BUSINESS SOLUTIONS	110.00		11255
10360	02/13/19	C0208 CENTRAL JESERY REGISTRAR'S AS	80.00		11255
10361	02/13/19	C0246 CONTINENTAL FIRE & SAFETY INC	860.40		11255
10362	02/13/19	C0279 CAPTUREPOINT.COM	1,750.00		11255
10363	02/13/19	C0321 CME ASSOCIATES	1,784.75		11255
10364	02/13/19	C0328 CRANEY INTERPRETING	668.75		11255
10365	02/13/19	C0335 GLENN CARTER	587.00		11255
10366	02/13/19	D0026 DEPTCOR	135.00		11255
10367	02/13/19	D0178 DYNAMIC TESTING SERVICE LLC	500.00		11255
10368	02/13/19	D0200 DE LAGE LANDEN LLC	427.98		11255
10369	02/13/19	D0331 DELISA DEMOLITION INC	38,459.67		11255
10370	02/13/19	E0012 ELECTRO MAINTENANCE INC	4,173.00		11255
10371	02/13/19	E0050 EVIDENT CRIME SCENE PRODUCTS	95.06		11255
10372	02/13/19	F0025 FOODTOWN RB	17.97		11255
10373	02/13/19	F0181 FASTENAL	360.46		11255
10374	02/13/19	G0017 GRAMCO	1,045.00		11255
10375	02/13/19	G0021 GREENLEAF LANDSCAPING	5,145.00		11255
10376	02/13/19	G0159 GOLD TYPE BUSINESS MACHINES	396.63		11255
10377	02/13/19	G0161 IVAN GRILLI	1,701.00		11255
10378	02/13/19	H0065 PAMELA HUGHES BORGHI	281.21		11255
10379	02/13/19	H0121 MITCHELL HUMPHREY CORP	2,140.00		11255
10380	02/13/19	H0220 JOSEPH HOFFMAN	405.00		11255
10381	02/13/19	I0092 INTEGRATED GRAPHIC RESOURCES	184.00		11255
10382	02/13/19	J0031 JAMAR TECHNOLOGIES INC	75.00		11255
10383	02/13/19	J0044 JOHNNY ON THE SPOT LLC	67.00		11255
10384	02/13/19	K0022 KEVIN E KENNEDY ESQ	840.00		11255
10385	02/13/19	L0043 MICHAEL R LECKSTEIN ESQ	350.00		11255
10386	02/13/19	L0096 LIFESAVERS INC	989.00		11255
10387	02/13/19	L0103 L-3 COMMUNICATIONS MOBILE	796.50		11255
10388	02/13/19	L0166 LERETA LLC	1,357.20		11255
10389	02/13/19	L0168 LINSTAR	25.60		11255
10390	02/13/19	M0040 MONMOUTH BUILDING CENTER LLC	49.65		11255
10391	02/13/19	M0063 MUNICIPAL CLERKS ASSOC OF MC	75.00		11255
10392	02/13/19	M0067 MUNICIPAL COURT ADMIN ASSOC NJ	100.00		11255
10393	02/13/19	M0108 MON CTY REG HEALTH COMMISSION	5,925.00		11255
10394	02/13/19	M0322 MON.CTY COURT ADM.ASSOC	90.00		11255
10395	02/13/19	M0325 MSC INDUSTRIAL SUPPLY CO	2,334.91		11255
10396	02/13/19	M0337 MONMOUTH COUNTY FLEET SERVICE	1,885.74		11255
10397	02/13/19	M0363 MONMOUTH/OCEAN TCTA	80.00		11255
10398	02/13/19	M0398 MCMANIMON,SCOTLAND & BAUMANN L	107.50		11255
10399	02/13/19	M0424 ELLEN MACARTHUR	546.97		11255
10400	02/13/19	M0425 MUNCO OF NEW JERSEY	75.00		11255
10401	02/13/19	N0022 NJ FIRE EQUIPMENT CO INC	1,785.00		11255
10402	02/13/19	N0035 NJRPA	375.00		11255

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CURRENT -VALLEY CURRENT OPERATING-VALLEY BK Continued					
10403	02/13/19	N0037 NJ LEAGUE OF MUNICIPALITIES	275.00		11255
10404	02/13/19	N0154 NEW JERSEY PLANNING OFFICIALS	370.00		11255
10405	02/13/19	N0159 NJSACOP	299.00		11255
10406	02/13/19	N0244 NATIONAL PARTS SUPPLY CO.INC	308.39		11255
10407	02/13/19	P0094 1ST PRIORITY EMERGENCY VEH INC	537.40		11255
10408	02/13/19	P0140 RESERVE ACCOUNT	2,450.00		11255
10409	02/13/19	P0181 POWER PLACE INC	423.40		11255
10410	02/13/19	R0001 RED BANK PUBLIC LIBRARY	400.00		11255
10411	02/13/19	R0012 RED BANK REGIONAL BOE	807,829.33		11255
10412	02/13/19	R0013 RED BANK BOARD OF EDUCATION	1,435,448.75		11255
10413	02/13/19	R0028 RED BANK VETERINARY HOSPITAL	111.75		11255
10414	02/13/19	R0081 RED BANK SELF STORAGE	940.00		11255
10415	02/13/19	R0174 RR DONNELLEY CORP	1,029.00		11255
10416	02/13/19	R0187 RECORDED BOOKS	707.85		11255
10417	02/13/19	S0012 SEABOARD FIRE & SAFETY EQUIP.	222.00		11255
10418	02/13/19	S0029 SHREWSBURY OFFICE SUPPLY	48.20		11255
10419	02/13/19	S0187 STEWART BUSINESS SYSTEMS	141.97		11255
10420	02/13/19	S0228 STAPLES BUSINESS ADVANTAGE (MA	0.00	02/13/19 VOID	0
10421	02/13/19	S0228 STAPLES BUSINESS ADVANTAGE (MA	631.76		11255
10422	02/13/19	S0263 SHREWSBURY CAR WASH	45.00		11255
10423	02/13/19	S0287 SHI INTERNATIONAL CORP	645.34		11255
10424	02/13/19	T0020 TWO RIVER TIMES	50.22		11255
10425	02/13/19	T0096 TRIANGLE COMMUNICATIONS LLC	931.30		11255
10426	02/13/19	W0037 GEORGE WALL LINCOLN MERCURY IN	522.81		11255
10427	02/13/19	W0075 W.B.MASON CO INC	2,270.75		11255
10428	02/13/19	W0126 WEINER LAW GROUP LLP	11,475.00		11255

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	107	4	3,027,483.34	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	107	4	3,027,483.34	0.00

DEVELESCROW DEVELOPERS ESCROW-COMMERCE BK					
3520	02/13/19	C0321 CME ASSOCIATES	41.00		11258
3521	02/13/19	K0022 KEVIN E KENNEDY ESQ	864.00		11258
3522	02/13/19	T0004 T&M ASSOCIATES	0.00	02/13/19 VOID	0
3523	02/13/19	T0004 T&M ASSOCIATES	9,356.92		11258

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	3	1	10,261.92	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	3	1	10,261.92	0.00

DEVESCROW2RIVER DEV ESCROW TWO RIVER BK					
1215	02/13/19	C0321 CME ASSOCIATES	211.00		11239
1216	02/13/19	C0321 CME ASSOCIATES	136.00		11240
1217	02/13/19	C0321 CME ASSOCIATES	174.00		11241
1218	02/13/19	B0018 BOROUGH OF RED BANK,CURRENT AC	1,696.21		11242
1219	02/13/19	T0004 T&M ASSOCIATES	3,928.75		11243
1220	02/13/19	T0004 T&M ASSOCIATES	986.57		11244
1221	02/13/19	T0004 T&M ASSOCIATES	4,396.02		11245
1222	02/13/19	T0004 T&M ASSOCIATES	626.00		11246
1223	02/13/19	T0004 T&M ASSOCIATES	84.66		11247

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
DEVESCROW2RIVER DEV ESCROW TWO RIVER BK Continued					
1224	02/13/19	T0004 T&M ASSOCIATES	533.16		11248
1225	02/13/19	L0043 MICHAEL R LECKSTEIN ESQ	168.75		11249
1226	02/13/19	L0043 MICHAEL R LECKSTEIN ESQ	337.50		11250
1227	02/13/19	K0022 KEVIN E KENNEDY ESQ	288.00		11251
1228	02/13/19	K0022 KEVIN E KENNEDY ESQ	36.00		11252
1229	02/13/19	K0022 KEVIN E KENNEDY ESQ	276.00		11253
1230	02/13/19	K0022 KEVIN E KENNEDY ESQ	540.00		11254
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 16	0	14,418.62	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 16	0	14,418.62	0.00
DOG LICENSE AC DOG LICENSE A/C-SSB					
1968	01/28/19	B0019 BOROUGH OF RED BANK, PAYROLL AC	100.00		11227
1969	02/13/19	J0133 JERSEY WHOLESALE TIRE	464.00		11265
1970	02/13/19	M0024 MGL PRINTING SOLUTIONS LLC	379.00		11265
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 3	0	943.00	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 3	0	943.00	0.00
GRANT FUND-VNB GRANT FUND-VALLEY NATIONAL					
1413	01/28/19	B0019 BOROUGH OF RED BANK, PAYROLL AC	9,642.45		11223
1414	02/07/19	D0201 DIRECT ENERGY BUSINESS	472.65		11233
1415	02/13/19	F0025 FOODTOWN RB	54.91		11260
1416	02/13/19	S0323 JUDGE THOMAS SMITH	350.00		11260
1417	02/13/19	X0002 XEROX FINANCIAL SERVICE LLC	140.63		11260
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 5	0	10,660.64	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 5	0	10,660.64	0.00
MCIA LEASE MCIA NON CASH MEMO ONLY					
751	02/13/19	N0022 NJ FIRE EQUIPMENT CO INC	5,166.00		11261
752	02/13/19	R0220 REX SIGNS	25,960.00		11261
753	02/13/19	S0367 RICHARD SUTCH INC	437.16		11261
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks: 3	0	31,563.16	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 3	0	31,563.16	0.00
PARKSRECTRUST PARKS & REC TRUST-TWO RIVER					
1077	02/13/19	B0170 BECKER TREE SERVICE	4,500.00		11267
1078	02/13/19	J0044 JOHNNY ON THE SPOT LLC	180.00		11267

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PARKSRECTRUST    PARKS & REC TRUST-TWO RIVER    Continued					
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
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		Void			
			4,680.00	0.00	
		Checks: 2			
		Direct Deposit: 0	0.00	0.00	
		Total: 2	4,680.00	0.00	
PAYROLL    PAYROLL ACCOUNT					
2140	01/29/19	C0334    CWA LOCAL 1075	2,795.02		11229
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid			
		Void			
			2,795.02	0.00	
		Checks: 1			
		Direct Deposit: 0	0.00	0.00	
		Total: 1	2,795.02	0.00	
PKINGOP2RIVER    PARKING OPERATING TWO RIVER BK					
1696	01/24/19	B0010    VERIZON	96.06		11217
1697	01/28/19	B0019    BOROUGH OF RED BANK, PAYROLL AC	9,195.61		11222
1698	02/07/19	V0040    VERIZON WIRELESS (PA25505)	710.58		11234
1699	02/13/19	B0217    BOMGAR CORPORATION	94.35		11257
1700	02/13/19	C0027    CENTRAL JERSEY HEALTH INS.FUND	21,121.59		11257
1701	02/13/19	G0003    GARDEN STATE HIGHWAY PROD INC	1,841.52		11257
1702	02/13/19	G0023    GardaWorld	238.24		11257
1703	02/13/19	G0159    GOLD TYPE BUSINESS MACHINES	396.63		11257
1704	02/13/19	I0080    INTERGRATED TECHNIAL SYSTEM IN	37,519.00		11257
1705	02/13/19	M0390    MONMOUTH HOSE & HYDRAULICS	1,950.00		11257
1706	02/13/19	R0081    RED BANK SELF STORAGE	280.00		11257
1707	02/13/19	S0287    SHI INTERNATIONAL CORP	1.62		11257
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid			
		Void			
			73,445.20	0.00	
		Checks: 12			
		Direct Deposit: 0	0.00	0.00	
		Total: 12	73,445.20	0.00	
RECREATION-VNB    RECREATION TRUST-VNB					
1195	02/13/19	M0244    M.O.S.A.	1,250.00		11268
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid			
		Void			
			1,250.00	0.00	
		Checks: 1			
		Direct Deposit: 0	0.00	0.00	
		Total: 1	1,250.00	0.00	
TRUST ACCOUNT    TRUST ACCOUNT-SSB					
5412	01/28/19	B0019    BOROUGH OF RED BANK, PAYROLL AC	19,457.50		11225
5413	02/13/19	F0205    FIG AS CUST FIG NJ18 LLC	400.00		11237
5414	02/13/19	F0205    FIG AS CUST FIG NJ18 LLC	400.00		11262
5415	02/13/19	M0391    US BANK CUST BV002 (3106)	1,800.00		11262
5416	02/13/19	M0401    MAZZA MULCH INC	2,280.00		11262
5417	02/13/19	R0218    R.J.E.S.LLC	2,800.00		11262
5418	02/13/19	Y0086    JING YANG 3132	500.00		11262

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
TRUST ACCOUNT TRUST ACCOUNT-SSB Continued					
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid	Void		
		Checks: 7	0	27,637.50	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 7	0	27,637.50	0.00
TTL REDEMPTION TAX LIEN REDEMPTION					
3724	02/13/19	F0205 FIG AS CUST FIG NJ18 LLC	246.78		11238
3725	02/13/19	F0205 FIG AS CUST FIG NJ18 LLC	157.44		11263
3726	02/13/19	IN0391 US BANK CUST BV002 (3106)	1,223.30		11263
3727	02/13/19	IN066 ROYAL TAX LIEN SERVICE LLC	1,682.49		11263
3728	02/13/19	INY086 JING YANG 3132	6.34		11263
3729	02/13/19	M0391 US BANK CUST BV002 (3106)	5,848.57		11263
3730	02/13/19	U0066 US BANK CUST FOR PC6 (3085)	8,359.33		11263
3731	02/13/19	Y0086 JING YANG 3132	481.28		11263
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid	Void		
		Checks: 8	0	18,005.53	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 8	0	18,005.53	0.00
TWO RIVERS RCA WITH MANALAPAN					
1866	01/28/19	B0019 BOROUGH OF RED BANK,PAYROLL AC	275.62		11224
1867	02/13/19	M0051 MON CTY CLERKS OFFICE	48.00		11264
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid	Void		
		Checks: 2	0	323.62	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 2	0	323.62	0.00
UNEMPLOYTRUST UNEMPLOYMENT TRUST-					
1098	01/29/19	S0082 NJ DEPT OF LABOR&WRKFRCE(059)	5,448.00		11228
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid	Void		
		Checks: 1	0	5,448.00	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 1	0	5,448.00	0.00
WATER CAPITAL WATER/SEWER CAPITAL-SSB					
1979	01/28/19	B0019 BOROUGH OF RED BANK,PAYROLL AC	280.91		11226
1980	02/13/19	C0321 CME ASSOCIATES	289.88		11269
1981	02/13/19	L0186 LUCAS BROTHERS INC	33,148.50		11269
Checking Account Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
		Paid	Void		
		Checks: 3	0	33,719.29	0.00
		Direct Deposit: 0	0	0.00	0.00
		Total: 3	0	33,719.29	0.00
WATER OPERATING WATER OPERATING SSB					
10631	01/24/19	B0010 VERIZON	841.92		11218
10632	01/24/19	J0045 JCP&L	6,108.39		11218
10633	01/24/19	N0014 NJ AMERICAN WATER COMPANY	67,284.06		11218
10634	01/24/19	V0051 VERIZON COMM.(15124)	71.97		11218
10635	01/24/19	X0004 Xfinity	289.70		11218



Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
WATER OPERATING WATER OPERATING SSB			Continued		
10636	01/28/19	B0019 BOROUGH OF RED BANK,PAYROLL AC	38,453.16		11221
10637	01/30/19	N0014 NJ AMERICAN WATER COMPANY	598.00		11230
10638	01/30/19	N0239 AMERICAN WATER	52.37		11230
10639	01/30/19	V0028 VERIZON (PO4648)	280.01		11230
10640	02/07/19	D0201 DIRECT ENERGY BUSINESS	2,118.89		11235
10641	02/07/19	N0021 NEW JERSEY NATURAL GAS CO	2,548.27		11235
10642	02/07/19	V0040 VERIZON WIRELESS (PA25505)	76.02		11235
10643	02/07/19	X0004 Xfinity	147.97		11235
10644	02/13/19	A0078 ATLANTIC PLUMBING SUPPLY	705.00		11256
10645	02/13/19	A0114 ALLIED OIL COMPANY	4,547.46		11256
10646	02/13/19	B0217 BONGAR CORPORATION	326.63		11256
10647	02/13/19	C0027 CENTRAL JERSEY HEALTH INS.FUND	73,118.14		11256
10648	02/13/19	C0321 CME ASSOCIATES	1,878.00		11256
10649	02/13/19	C0331 MIKE CONLIN	31.03		11256
10650	02/13/19	E0012 ELECTRO MAINTENANCE INC	3,701.41		11256
10651	02/13/19	G0018 GRAINGER INC	538.68		11256
10652	02/13/19	K0073 KYOCERA DOCUMENT SOLUTIONS AME	341.08		11256
10653	02/13/19	K0082 CLIFFORD KEEN	16.18		11256
10654	02/13/19	P0140 RESERVE ACCOUNT	1,625.00		11256
10655	02/13/19	S0287 SHI INTERNATIONAL CORP	251.20		11256
10656	02/13/19	W0021 MARK WOSZCZAK MECHANICAL CONT.	38,916.20		11256
10657	02/13/19	W0126 WEINER LAW GROUP LLP	645.00		11256

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	27	0	245,511.74	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	27	0	245,511.74	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	204	5	3,521,312.80	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	204	5	3,521,312.80	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	8-01	82,602.36	0.00	0.00	82,602.36
	8-05	79,559.18	0.00	0.00	79,559.18
	8-09	4,564.12	0.00	0.00	4,564.12
Year Total:		166,725.66	0.00	0.00	166,725.66
	9-01	2,944,880.98	0.00	0.00	2,944,880.98
	9-05	165,952.56	0.00	0.00	165,952.56
	9-09	68,881.08	0.00	0.00	68,881.08
Year Total:		3,179,714.62	0.00	0.00	3,179,714.62
	C-04	11,346.22	0.00	0.00	11,346.22
	G-01	350.00	0.00	0.00	350.00
	G-02	10,310.64	0.00	0.00	10,310.64
Year Total:		10,660.64	0.00	0.00	10,660.64
	M-11	437.16	0.00	0.00	437.16
	M-17	31,126.00	0.00	0.00	31,126.00
Year Total:		31,563.16	0.00	0.00	31,563.16
	T-12	27,637.50	0.00	0.00	27,637.50
	T-13	18,005.53	0.00	0.00	18,005.53
	T-14	323.62	0.00	0.00	323.62
ANIMAL CONTROL TRUST FUND	T-15	943.00	0.00	0.00	943.00
	T-17	5,448.00	0.00	0.00	5,448.00
	T-18	1,820.00	0.00	0.00	1,820.00
PARKS & REC TRUST-GREEN ACRES	T-21	4,680.00	0.00	0.00	4,680.00
PAYROLL FUND BUDGET	T-22	2,795.02	0.00	0.00	2,795.02
RECREATION TRUST	T-23	1,250.00	0.00	0.00	1,250.00
Year Total:		62,902.67	0.00	0.00	62,902.67
	W-06	33,719.29	0.00	0.00	33,719.29
Total of All Funds:		3,496,632.26	0.00	0.00	3,496,632.26

Project Description	Project No.	Project Total
Ins- Total Storage Concepts	PI11423	1,339.97
Rev-Prospect Hill,LLC./Apts.	PR12092	1,288.75
Rev-KLE Properties, LLC. (2)	PR12385	174.00
Rev-BML Realty Corp	PR12575	710.66
Rev- Melissa & Stephen Houck	PR12615	2,043.21
Rev- D&D Bar & Restaurant, Inc	PR13004	168.75
Rev-RNL Enterprises/Tacoholics	PR13096	337.50
Rev - RB River Properties, LLC	PR13098	3,928.75
Ins-Metrovation Anderson, LLC.	ZI10998	1,193.50
Ins-Fortune Sq/YellowBrook Pr	ZI11871	1,990.25
Ins-Brownstones @ Red Bank,LLC	ZI12368	533.16
Review- Karen Barnes	ZR11292	2,487.45
Review-Phoenix Productions	ZR11840	41.00
Review - Ray Rap Realty	ZR12059	642.00
Rev-David Popkin	ZR12376	1,279.00
Rev-Phoenix of Matawan, Inc.	ZR12490	36.00
Rev - 390 Red Bank, LLC.	ZR12780	276.00
Rev - Donald DeRosa	ZR12852	540.00
Rev- Denholtz Associates, LLC.	ZR12922	4,396.02
Rev - Michael Ianelli	ZR13035	288.00
Rev - Denholtz Associates	ZR13066	986.57
Total of All Projects:		<u>24,680.54</u>

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 19-35**

**A RESOLUTION AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC.,  
FOR 2019 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER**

offered the following resolution and moved its adoption:

**WHEREAS**, Interfaith Neighbors, Inc. has for several years operated a nutrition project at the Senior Citizen Center of the Borough of Red Bank, 80 Shrewsbury Avenue; and

**WHEREAS**, Interfaith Neighbors, Inc. has proposed an agreement for the year 2018, beginning January 1, 2018, as set forth in a "Lease Agreement" on file in the office of the Borough Clerk; and

**WHEREAS**, the Borough of Red Bank appreciates this service provided by Interfaith Neighbors, Inc., and desires to authorize the proposed agreement for the year 2018.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk are hereby authorized to execute the proposed "Lease Agreement" with Interfaith Neighbors, Inc., a non-profit corporation providing nutritional services in cooperation with the Monmouth County Office on Aging for the 2018 Nutrition Program at the Red Bank Senior Center, Shrewsbury Avenue.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this Resolution to Interfaith Neighbors, Inc., 810 Fourth Avenue, Asbury Park, New Jersey 07712-5982, Attn: Joseph Marmora, Executive Director and to Jacqueline Reynolds, Director of the Red Bank Senior Center.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-37**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROGRAM  
(Cops in Shops Grant)**

offered the following resolution and moved its adoption:

**WHEREAS**, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking Laws; and

**WHEREAS**, the Red Bank Police Department has to applied to ABC for funds in connection with a project entitled "Cops in Shops" will receive funding and wishes to accept funding from the New Jersey Department of Law and Public Safety for Cops in Shops ( Summer Shore Initiative 2019) in the amount of \$3,080.00 under grant No. AL-18-45-05-01; and

**WHEREAS**, the Red Bank Police Department has to applied to ABC for funds in connection with a project entitled "Cops in Shops" will receive funding and wishes to accept funding from the New Jersey Department of Law and Public Safety for Cops in Shops ( College Fall Initiative 2018-2019) in the amount of \$3,080.00 under grant No. AL-18-45-05-01; and

**WHEREAS**, the Borough of Red Bank has reviewed said applications and funds approval thereof to be in the best interests of the municipality; and

**WHEREAS**, said project is a joint project between the State of New Jersey (ABC) and the Borough of Red Bank for the purposes therein described;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that: 1) as a matter of public policy the Red Bank Police Department wishes to participate with the State of New Jersey (ABC) to the greatest extent possible; 2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said applications on behalf of the municipality; and 3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

**BE IT FURTHER RESOLVED** that the Chief of Police, or his designee, is authorized to take all necessary or desirable steps to implement this resolution.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Chief of Police and to the Chief Financial Officer.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on.

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-38**

**A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL  
SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING  
TO PHOENIX ADVISORS LLC FOR CONTINUING DISCLOSURE SERVICES**

**WHEREAS**, the Borough of Red Bank, in the County of Monmouth, New Jersey has previously issued its bonds, bond anticipation notes and/or other debt obligations (the "Bonds") and

**WHEREAS**, in connection with the issuance of certain Bonds and for purposes of assisting underwriters to comply with Rule 15c-12 under the Securities Exchange Act of 1934, the Borough has covenanted and/or entered into one or more undertakings or agreements to provide Continuing Disclosure Agent Services agreement (the "CDA's") to the public marketplace; and

**WHEREAS**, it is beneficial to retain assistance of appropriately registered experts in the field of municipal bond finance, with knowledge and experience in these matters, to assist in assuring compliance with CDA's and to stand ready to provide advice as needed with the issuance of municipal debt as Municipal Advisor of Record; and

**WHEREAS**, Phoenix Advisors LLC provides such Continuing Disclosure Agent Services and is an independent registered municipal advisor under the SEC regulations; and

**WHEREAS**, Phoenix Advisors LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit the firm of Phoenix Advisors from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has recommended that Phoenix Advisors LLC be retained to provide Continuing Disclosure Agent Services agreement services to the Borough of Bloomingdale;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank, the following:

1. The Chief Financial Officer is hereby authorized to execute a contract with Phoenix Advisors LLC for Continuing Disclosure Agent Services applicable to bonds and notes.
2. This contract is awarded without competitive bidding as a "Professional Services" pursuant to N.J.S.A. 19:44A-20 et seq. and the local public contracts law.
3. The term of this contract shall be until December 31, 2019.
4. The total fee authorized for this contract shall be \$1,050.00 for the annual base fee, plus \$100.00 for each additional outstanding issue, and a setup fee of \$200.00 for any new bond issue set up during the year on which Phoenix Advisors acts as Municipal Advisor or \$450 if Phoenix Advisor is not engaged as Municipal Advisor.
5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of Municipal Clerk

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 19-39**

**A RESOLUTION AUTHORIZING TAX CREDITS/REFUNDS TOTALING \$3,852.41  
DUE TO OVER PAYMENT BY MORTGAGE COMPANY**

offered the following resolution and moved its adoption:

**WHEREAS**, A mortgage company erroneously made an over payment on taxes for two properties that have recently been granted tax exempt status; and

**WHEREAS**, the mortgage services company, Core Logic, has requested a refund of said payments; and

**WHEREAS**, Ashlesha Deshpande, Tax Collector has verified proof of the overpayment and hereby recommends said overpayments totaling \$3,852.41 be credited/refunded to Core Logic, 95 Methodist Hill Dr., Suite 100, Rochester, NY 14623; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Red Bank that it does hereby authorize the following credits/refunds:

BL & Lot	Address	Property Owner	Tax Year	\$ Amount
B15.01 Lot 26.02	39 Marion Street	Cecilia Davis	2019	\$ 2,093.51
B97.01 Lot 49.04	255 Pearl Street	Michael and Marla Allgood	2019	\$ 1,758.90
		TOTAL		\$ 3,852.41

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Tax Collector.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019



**RESOLUTION NO. 19-40**

**A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AWARDING A FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR PROPERTY & CASUALTY INSURANCE BROKERAGE AND RISK MANAGEMENT SERVICES TO FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC. OF VERONA, NEW JERSEY**

offered the following resolution and moved its approval:

**WHEREAS**, the Borough of Red Bank is a member of the Central Jersey Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance fund; and

**WHEREAS**, the bylaws of the funds require that each municipality appoint a Risk Management Consultant to perform various professional services detailed in the bylaws; and

**WHEREAS**, the bylaws for the funds indicate a minimum fee equal to six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and is included in the assessment for this fund.; and

**WHEREAS**, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that:

1. The Mayor and/or Borough Administrator are hereby authorized and directed to enter into a professional services contract with Fairview Insurance Agency Associates, Inc. of Verona, New Jersey to perform Property & Casualty Insurance Brokerage and Risk Management Services as set forth in Fairview Insurance Agency Associates, Inc.'s response to the Borough's "Request for Qualifications" with a contract term of one (1) year to terminate on January 31, 2020.
2. The engagement of Fairview Insurance Agency Associates, Inc. is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a non "fair and open" process in accordance with New Jersey' Pay-to-Play law.
3. Notice of the Resolution shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution.
4. A certified copy of this resolution be forwarded to the Borough Administrator, Chief Financial Officer, Monmouth County Joint Insurance Fund, and Fairview Insurance Agency Associates, Inc.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-41**

**A RESOLUTION AUTHORIZING AGREEMENT WITH THE BOROUGH OF LITTLE SILVER  
WHEREBY RED BANK SHALL PROVIDE UNIFORM FIRE CODE ENFORCEMENT  
SERVICES PURSUANT TO N.J.A.C. 5:70 THROUGH 5:71 et. seq.  
FOR A TERM THROUGH DECEMBER 31, 2019**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank has been providing Uniform Fire Code Services to the Borough of Little Silver since July 1, 2009; and

**WHEREAS**, the Fire Marshal/Fire Official has recommended that Red Bank continue to provide said services and extend the agreement for another term; and,

**WHEREAS**, said agreement is on file and available for inspection in the office of the Borough Clerk and in the office of the Fire Marshal/ Fire Official; and

**WHEREAS**, it is appropriate for the two municipalities to renew the contract for these services for an additional period expiring December 31, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by Mayor and Council of the Borough of Red Bank that the proposed agreement for Uniform Fire Code Enforcement Services for the term January 1, 2019 through December 31, 2019, as more particularly set forth in the contract on file in the office of the Borough Clerk, be and the same is hereby authorized and the Mayor and Clerk are requested to sign and deliver this agreement on behalf of the Borough of Red Bank.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this Resolution to the Governing Body of the Borough of Little Silver, 480 Prospect Avenue, Little Silver, New Jersey 07739 and to the Fire Marshal/Fire Official.

**BE IT FURTHER RESOLVED** that the Fire Marshal/Fire Official forward a certified true copy of this resolution and the agreement to the Department of Community Affairs, Division of Fire Safety.

Seconded by

and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 19-42**

**A RESOLUTION RATIFYING AND CONFIRMING THE  
APPOINTMENT OF A FULL-TIME POLICE OFFICER**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank desires to fill a vacancy in the complement of Police Officers as established in Chapter 118, Article I, Section 118-7 of the Code of the Borough of Red Bank; and

**WHEREAS**, the Chief of Police has recommended that it would be in the best interests of the Borough to appoint Luke V. Cahill as a Police Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that Luke V. Cahill is hereby appointed as a full-time Police Officer, effective March 1, 2019, with the rank of Patrolman 8, at an annual salary of \$56,659, pending satisfactory completion of a criminal background investigation and subject to satisfactory completion of a probationary period of one (1) year.

Seconded by

and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: January 23, 2019

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-43**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES  
FOR ENGINEERING SERVICES FOR PEARL STREET IMPROVEMENTS**

offered the following resolution and moved its approval:

**WHEREAS**, the Borough of Red Bank is in need of contracting for professional engineering services for the survey, base map, design, permitting, bidding, and construction administration services for the Pearl Street Improvements project; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bids and that the contract itself must be available for inspection; and

**WHEREAS**, T&M Associates has provided a proposal to provide the needed services to complete the project; and

**WHEREAS**, the Borough of Red Bank was awarded a 2017 Municipal Aid grant in the amount of \$225,000 for said improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that the Mayor and the Clerk of the Borough of Red Bank are hereby authorized to execute and attest to an agreement with T&M Associates for professional engineering services for the Pearl Street Improvements to be completed on or before September 1, 2019, at a fee not to exceed \$45,990.00, pursuant to a proposal dated January 30, 2019. This contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5 (1)(a)(I) of the Local Public Contract Law.

**BE IT FURTHER RESOLVED**, that the account to be charged is C-##-##-###-###-### in an amount not to exceed \$45,990.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-44**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO CME ASSOCIATES  
FOR ENGINEERING SERVICES FOR THE 2018-2019 ROAD IMPROVEMENTS**

offered the following resolution and moved its approval:

**WHEREAS**, the Borough of Red Bank is in need of contracting for professional engineering services for the survey, base map, design, permitting, bidding, and construction administration services for the 2018-2019 Road Improvements project; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bids and that the contract itself must be available for inspection; and

**WHEREAS**, CME Associates has provided a proposal to provide the needed services to complete the project.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that the Mayor and the Clerk of the Borough of Red Bank are hereby authorized to execute and attest to an agreement with CME Associates for professional engineering services for the 2018-2019 Road Improvements to be completed on or before December 31, 2019, at a fee not to exceed \$77,000.00, pursuant to Proposal No. 2018-051. This contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5 (1)(a)(I) of the Local Public Contract Law.

**BE IT FURTHER RESOLVED**, that the account to be charged is C-##-##-###-###-### in an amount not to exceed \$77,000.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-45**

**RESOLUTION APPOINTING LAWRENCE W. LUTTRELL, ESQ.  
AS ALTERNATE PUBLIC DEFENDER FOR THE BOROUGH OF RED BANK**

offered the following resolution and moved its approval:

**WHEREAS**, the Borough of Red Bank (the "Borough") requires the services an Alternate Public Defender for 2019; and

**WHEREAS**, in late 2018, the Borough issued a Request for Qualifications seeking proposals for the provision of legal services as Borough Public Defender; and

**WHEREAS**, at that time, only the presently appointed Borough Public Defender submitted a response to the aforementioned Request for Qualifications, with no other responses being received by the Borough; and

**WHEREAS**, Lawrence W. Luttrell, Esq. served as the Borough's Alternate Public Defender during 2018, and is qualified for the position; and

**WHEREAS**, Lawrence W. Luttrell, Esq. did not submit a response to the Request for Qualifications for Borough Public Defender because there was no Request for Alternate Public Defender included therein, and he did not wish to seek or appear to be seeking the position of the long-appointed current Borough Public Defender; and

**WHEREAS**, Lawrence W. Luttrell, Esq. has expressed his intent and willingness to continue serving as the Borough's Alternate Public Defender during 2019; and

**WHEREAS**, the absence of a submittal by Lawrence W. Luttrell, Esq. in response to the Borough's Request for Qualifications renders this award of a contract for legal services as Alternate Public Defender a "non-fair and open" contract under the New Jersey Pay-to-Play Law; and

**WHEREAS**, the value of the services to be provided by Lawrence W. Luttrell, Esq. as the Borough's Alternate Public Defender are unlikely to exceed, but under unforeseen circumstances, may exceed \$17,500.00; and

**WHEREAS**, Lawrence W. Luttrell, Esq. shall be required to complete and submit a Business Entity Disclosure Certification which certifies that Lawrence W. Luttrell, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Red Bank in the previous one year, and that the contract will prohibit Lawrence W. Luttrell, Esq. from making any reportable contributions during the term of the contract; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids;

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor & Council of the Borough of Red Bank awards a contract for legal services to Lawrence W. Luttrell, Esq. to serve as the Borough's Alternate Public Defender until December 31, 2019 at an hourly rate of \$150.00; and

**BE IT FURTHER RESOLVED**, that a notice in accordance with this Resolution and the New Jersey Local Public Contracts Law shall be published at least one time in the Borough's official newspaper and a certified copy of this Resolution shall be provided to the Hon. Frank LaRocca, J.M.C., Borough Municipal Court Administrator, Borough Administrator, Borough CFO, and Lawrence W. Luttrell, Esq.

Seconded by

and introduced on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	( )	( )	( )	( )
Councilwoman Triggiano	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: February 13, 2019