

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 adoption:

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 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: February 13, 2019

Second Reading/Public Hearing: February 27, 2019