

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 19-187**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE  
BOROUGH OF RED BANK AND DELISA DEMOLITION, INC. FOR SOLID WASTE AND  
RECYCLING COLLECTION PURSUANT TO N.J.S.A. 40A:11-16.5**

**WHEREAS**, the Borough of Red Bank (the “Borough”) and Delisa Demolition, Inc. (“Delisa”) entered into a Contract for a term of three (3) years, commencing on September 1, 2015 and continuing until August 31, 2018; and

**WHEREAS**, said Contract was extended by the Borough via Resolution 18-188 until August 31, 2020; and

**WHEREAS**, prior to the extension of the Contract, Delisa placed the Borough on notice that the tipping fees relative to recycling had gone up considerably from what the tipping fees were at the time the Contract was bid and ultimately granted, and requested owner to pay the differential and tipping fees or a portion thereof; and

**WHEREAS**, pursuant to N.J.S.A. 40A: 11-16.5, Delisa is permitted to re-negotiate the Contract to reflect any increases in solid waste and/or recycling material disposal costs; and

**WHEREAS**, N.J.S.A. 40A: 11-16.5 states that “[a]ny person entering into a contract with a contracting unit pursuant to the provisions of N.J.S.A. 40A:11-1, et seq. which contract requires the Contractor to provide for the disposal of solid waste, shall have the right to renegotiate the contract to reflect any increase in solid waste disposal costs; and

**WHEREAS**, as result of substantial price increases in the disposal of recyclable materials being incurred by Delisa under the Contract, Delisa requested that the Borough re-negotiate the Contract or Delisa would seek judicial modification of same; and

**WHEREAS**, the Borough and Delisa have reached re-negotiated terms that are mutually agreeable to the parties without seeking judicial intervention;

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

1. That the Governing Body authorizes and approves the Amendment to Contract with Delisa Demolition, Inc. attached hereto as Exhibit A; and
2. That the Governing Body does hereby authorize the Mayor to execute and the Clerk to attest to the Mayor’s execution of the Amendment to Contract attached hereto as Exhibit A; and
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Director of Public Utilities, and Delisa Demolition, Inc.

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

Dated: July 24, 2019