Borough of Red Bank
90 Monmouth Street ● Red Bank, NJ 07701

MUNICIPAL COUNCIL MEETING AGENDA
FEBRUARY 8, 2023 ● 6:30 PM

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

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS, ANNOUNCEMENTS, APPOINTMENTS Black History Month Proclamation

PRESENTATIONS Ms. Flor of ENGenuity - Lead Service Line Replacement and Test Pit Program

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES AND REPORTS

• Sept. 28, 2022 Regular Meeting
• October 12, 2022 Workshop Meeting
• October 12, 2022 Regular Meeting


ORDINANCES

• Introduction
  o 2023-03 ORDINANCE TO EXCEED THE CALENDAR YEAR 2023 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
  o 2023-04 AMENDING AND SUPPLEMENTING CHAPTER ____ POLICE DEPARTMENT FEES; ISSUANCE OF FIREARMS PERMITS

• Public Hearing Adoption
  o 2023-02 ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CREATING A NEW CHAPTER ENTITLED SHORT TERM RENTALS

RESOLUTIONS

CONSENT AGENDA

• 23-41 Bills List
• 23-42 Right of Way Tax Cancellation
• 23-43 Authorize 2022 LOSAP Payment
• 23-44 Accepting Performance Guarantee Posted By 173 Maple, LLC
• 23-45 Engineering Professional Services Fee Mechanic St and South St Pre-Design Utility
• 23-46 Engineering Professional Services Fee for Senior Center, Boundary and Topographic Survey, Minor Subdivision Plat Preparation and ROSI Update
• 23-47 Authorizing Change Order No. 2 Related To The Contract With J & M Contracting LLC For The Improvement To The Red Bank Senior Center
• 23-48 Professional Engineering Fee for Mechanic Street Pre-design Field Survey
• 23-49 Authorize Signatories for TWA and BWSE Applications
• 23-50 Appoint Borough Engineer
• 23-51 Appoint Member to the Red Bank Fire Department
• 23-52 Authorizing The County Mosquito Control Div. to Conduct Mosquito Control Operations
• 23-53 Approving the Temporary Capital Budget
• 23-54 Appoint Borough Engineer
• 23-55 Professional Services – ENGenuity – Water Rate Study
• 23-56 Implementing Gender Neutral Language

DISCUSSION AND ACTION (Workshop If Necessary)

• Early Voting
• 2021-17 Cannabis Ordinance
• Support and collaboration with the Housing Authority in their affordable housing mission
• Request to officially rename a portion of Herbert Street to Oratory Way
• East Side Park Project
• 2023-xx Bond Ordinance Providing For The Lead Service Line Replacement Project, By And In The Borough Of Red Bank, In The County Of Monmouth, State Of New Jersey, Appropriating
$2,400,000 Therefor And Authorizing The Issuance Of $2,400,000 Bonds Or Notes To Finance The Cost Thereof

- 23-xx DPW Purchase of Sidewalk Snow Removal Vehicles through MCIA
- 23-xx Professional Services – Engenuity – Lead Service Line Replacement and Test Pit Program

MAYOR & COUNCIL COMMENTS
PUBLIC QUESTIONS & COMMENTS
EXECUTIVE SESSION (If Necessary) 23-xx
ADJOURNMENT
PROCLAMATION
BOROUGH OF RED BANK

BLACK HISTORY MONTH

WHEREAS, each February, National Black History Month serves as both a celebration and a powerful reminder that Black history is American history, Black culture is American culture, and Black stories are essential to the ongoing story of America — our faults, our struggles, our progress, and our aspirations; and

WHEREAS, across the generations, countless Black Americans have demonstrated profound moral courage and resilience to shape our nation for the better, and in the face of wounds and obstacles, including enslavement and segregation, perpetuated by the nation itself, Black Americans lead in every part of society today, strengthening and uplifting all of the United States of America; and

WHEREAS, America is a melting pot of cultures and ethnicities; all part of the "Land of the Free", Black History Month fosters cultural awareness and understanding, while encouraging education about contributions made by Americans of color; and

WHEREAS, the celebration of Black History Month is a positive way of recognizing the; culture and history of African Americans as vital to the core beliefs and values of our society; and

WHEREAS, on behalf of the Borough Council and myself, we ask all Borough residents to join in carrying forward the work to build a beloved community as described by Dr. Martin Luther King Jr., “Our goal is to create a beloved community and this will require a qualitative change in our souls as well as a quantitative change in our lives”.

NOW, THEREFORE, I, William Portman, Mayor of the Borough of Red Bank, do hereby proclaim and observe

FEBRUARY 2023 AS BLACK HISTORY MONTH

and encourage the local citizenry to actively raise their own awareness of Black History, to recognize the struggles, achievements, and contributions of Black Americans through local Black History Month events.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February 2023.

____________________________________
William Portman, Mayor.
ORDINANCE TO EXCEED THE CALENDAR YEAR 2023 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Red Bank in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to $683,668.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Red Bank, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Red Bank shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $683,668.44, and that the CY 2023 municipal budget for the Borough of Red Bank be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCTION

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Introduced: February 8, 2023

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk

FINAL ADOPTION

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Final Adoption: February 22, 2023
ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 118 “POLICE DEPARTMENT,” SECTION 118-16, “FEES”

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 118 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, “POLICE DEPARTMENT,” Section 118-16 “FEES,” is hereby amended and supplemented as follows:

SECTION ONE: 118-16 “FEES,” is amended and supplemented in accordance with New Jersey State Guidelines as follows: (strikeouts denote deletions, underlined text denotes additions):

118-16 FEES

A. FIREARMS AND WEAPONS

   i. Initial Firearms Identification Card $50.00
   ii. Pistol Permit $25.00
   iii. Carry Permit $150.00

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.

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Introduced: February 8, 2023

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.

Final Adoption: February 22, 2023

________________________________________
Laura Reinertsen, Borough Clerk

WHEREAS, the Borough of Red Bank is scheduled to hold a Regular Municipal Election in May of 2023 in accordance with the provisions of the “Uniform Nonpartisan Elections Law”; and

WHEREAS, N.J.S.A. 19A:15-1, et seq. (the Early Voting Act), provides that any municipality conduction a regular municipal election pursuant to the provisions of the Uniform Nonpartisan Elections Law, may, by ordinance adopted by the governing body, authorize and conduct an early voting period for the regular municipal election, in accordance with the provisions of the Early Voting Act; and

WHEREAS, the Early Voting Act provides that the early voting period for a regular municipal election shall start on the 4th calendar day before the regular municipal election and end on the 2nd calendar day before the regular municipal election; and

WHEREAS, the Early Voting Act further provides that the voting process during the early voting period shall be conducted using electronic poll books and optical scan voting machines that read hand marked paper ballots or other voting machines that produce a voter verifiable paper ballot; and

WHEREAS, the Mayor and Council of the Borough of Red Bank seek to authorize an early voting period for the upcoming regular municipal election scheduled to take place in May of 2023, in accordance with and pursuant to the provisions of N.J.S.A. 19A:15-1, et seq., the Early Voting Act,

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Red Bank, County of Monmouth and State of New Jersey as follows:

Section 1  Findings. The findings, policies and determination mentioned in the preamble provisions of this Ordinance, set forth above, are hereby adopted and incorporated herein by this reference.

Section 2.  Early Voting Established. The Borough of Red Bank chooses to participate in, and hereby authorizes, Early Voting in accordance with and pursuant to provisions of N.J.S.A. 19A:15-1, et seq., for the Regular Municipal Election to be held in May of 2023.

Section 3.  Period of Early Voting. The Early Voting Period for the Regular Municipal Election to be held in May of 2023 shall begin on the 4th calendar day before the said Regular Municipal Election and shall end on the 2nd calendar day before the said Regular Municipal Election.

Section 4.  Inconsistent Ordinances Repealed; Severability. All other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency. If any portion of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid or unenforceable, that portion shall be deemed severed from and shall not impair the validity or enforceability of, the balance of this ordinance.

Section 5.  Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

INTRODUCTION  COUNCILMEMBER  FINAL ADOPTION

Moved  Sec.  Aye  Nay  Abs.  NP  Moved  Sec.  Aye  Nay  Abs.  NP

JOHN JACKSON
ANGELA MIRANDI
JACQUELINE STURDIVANT
KATE TRIGGIANO
MICHAEL BALLARD
EDWARD ZIPPRICH
MAYOR WILLIAM PORTMAN

Introduced:  February 8, 2023
Final Adoption:  February 22, 2023

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.

________________________________________
Laura Reinertsen, Borough Clerk
ORDINANCE NO. 2023-02

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CREATING A NEW CHAPTER ENTITLED SHORT TERM RENTALS

WHEREAS the Mayor and Council finds and declares that certain transitory uses of residential properties tend to negatively affect the residential character of the community and, if unregulated, can be injurious to the health, safety and welfare of the community.

WHEREAS the intent purposes of this Ordinance are to:

a. Protect the public health, safety and general welfare of individuals and the community at large.

b. Provide for an organized and reasonable process for the short-term rental of certain defined classifications of residential dwelling units in the Borough.

c. Monitor and provide a reasonable means for mitigation of impacts created by such transitory uses of residential properties within the Borough of Red Bank.

d. Preserve and protect the long-term housing market in the Borough; and

e. Ensure that the short-term property inventory in the Borough satisfies basic fire safety standards, in order to protect the safety of occupants and the citizens of the Borough.

WHEREAS, the Mayor and Council has therefore determined that it shall be unlawful for any owner of any property within the boundaries of Borough of Red Bank to rent or operate a short-term rental contrary to procedures and the regulations established in Section or applicable state statute.

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the Revised General Ordinances of the Borough of Red Bank, Monmouth County; is hereby amended and supplemented as follows:

SECTION ONE: There shall be a new Chapter created entitled “Short Term Rentals”

XXX-1. Definitions. The following terms shall have the meanings indicated below:

DWELLING UNIT OR UNIT
A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

OWNER
An individual or entity holding title to a property proposed for short-term rental, by way of a legally recorded deed.

OWNER-OCCUPIED
"Owner-Occupied" shall mean the owner of the property who resides in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this Section. For purposes of this Section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot and identify same as his or her principal residence as that term is defined in this Section.

PRINCIPAL RESIDENCE
The address: (1) where at the least one of the property owners spends the majority of his or her nonworking time, and (2) which is most clearly the center of his or her domestic life, and (3) which is identified on his or her license or State Identification Card as being his or her legal address. All the above requirements must be met for an address to constitute a principal residence for the purposes of this Section.

PROPERTY
A parcel of real property located within the boundaries of the Borough of Red Bank, Monmouth County, New Jersey.
RESPONSIBLE PARTY
Both the short-term rental property owner and a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property. The responsible party must be a New Jersey resident for the acceptance of legal process and to provide the periodic site inspection required under this ordinance.

SHORT-TERM RENTAL (also referenced as "STR")
The accessory use of a dwelling unit as defined in this Section for occupancy by someone other than the unit’s owner or permanent resident for a period of twenty-eight (28) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this Section.

SHORT-TERM RENTAL PROPERTY (also referenced as "STRP")
A residential dwelling unit, or room within a residential dwelling unit, that is used and/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this Section. Dwelling units rented to the same occupant for more than twenty-eight (28) continuous days, licensed bed-and-breakfast establishments, licensed rooming or boarding houses, hotels and motels shall not be considered short-term rental property.

SHORT-TERM RENTAL PROPERTY AGENT
Any New Jersey licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the STR application to the Borough on behalf of the owner and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such persons shall be available for, and responsive to contact on behalf of, the owner, at all times.

TRANSIENT OCCUPANT
Any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: 1) registered as a short-term rental property, or 2) satisfies the definition of a short-term rental property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

XXX-2. Regulations Pertaining to Short Term Rentals
1. It shall be unlawful for any owner of any property within the geographic bounds of the Borough of Red Bank, New Jersey, to rent or operate a short-term rental contrary to the procedures and regulations established in this Section or applicable state statute.

2. Short-term rentals shall be permitted to be conducted in the Borough of Red Bank in the following designated zones as described in Red Bank’s official Zoning map: BR-1, BR-2, CCD-1, CCD-2, I, L1, NB, HB, WD and PO with the following classifications of property and restrictions provided that all other provisions of this Ordinance are met.
   a. Condominiums, where the Condominium Association Bylaws or Master Deed permits a short-term rental, and where the owner of the unit legally identifies the address as his or her principal residences.
   b. Individual or collectively owned single-family residences.
   c. One unit within a two-family residential dwelling, where the other unit is owner-occupied and identified by the owner as his or her principal residence, as that term is defined herein; and
   d. No more than two units in any multi-family residential dwelling, where one unit is owner-occupied and identified by the owner as his or her principal residence, as that term is defined herein.

3. Limitations. Notwithstanding the provisions of the paragraphs (1) and (2) above, short term rentals shall not be permitted in boarding or rooming houses, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short term rental of the following properties is prohibited:
Condominiums or townhouses, where the Condominium Association By Laws or Master Deed, or Condominium Rules and Regulations, do not permit such short-term rental of condominium units in the development; and

b. Any single-family or multi-unit dwelling in which rent is set or subsidized by HUD, a State or local agency, or designated as affordable housing by Federal, State or Local law.

c. An individual or collectively owned single-family residential dwelling unit, which address none of the owners legally identified as their principal residence; and

d. A unit in a two-family residential dwelling, where the other unit is not occupied by the owner nor legally identified by the owner as his or her principal residence; and

e. A room within a single-family, two family or multifamily residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupants(s) of the dwelling unit in which it is located, which occupants(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multifamily residence as his or her principal residence.

f. Two or more individual rooms within a single-family dwelling.

4. The provisions of this Section shall apply to short-term rentals as defined in Subsection (1) and (2) above. The following do not qualify as a privately-owned residential dwelling unit, as that term is used herein, and therefore, do not need to obtain a short-term rental permit pursuant to this Section: any hotel, motel, studio hotel, boarding house, dormitory, public or private club, bed-and-breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

5. XXX-3. Short Term Rental Business License, Permit, Permit Registration Fee/Application, and Certificate of Occupancy.

1. In addition to any land use requirement(s) set forth by the Borough of Red Bank Planning & Development Regulations, the owner/STRP agent of a short-term rental property shall register such STRP/unit as a commercial entity and register such with the Borough of Red Bank and obtain a short-term rental permit from the Borough of Red Bank Fire Marshall’s Office, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to considered:

a. The person offering a dwelling unit for short-term rental use must be the owner, as defined in Section 1 above, of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term rental basis or operated as an STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this section will result in enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.

b. For existing Short-Term Rentals, the applicant must not have had no more than two documented and verified instances where the Red Bank Police have been called to address complaints of any type attributable to the Short-Term Rental and.

c. For existing Short Terms, the applicant must have no violations of the Borough of Red Bank’s Noise Ordinance. A violation of the Noise Ordinance means a documented violation by the Borough of Red Bank Municipal Court; and

d. The applicant must have no open violations from the Borough of Red Bank’s Code Enforcement; and

e. The applicant must be current with all Borough taxes, water, and sewage charges; and
f. The applicant must close any open constructions permits for the property prior to issuance of a short-term rental permit.

2. The failure to obtain a valid business license and short-term rental permit prior to advertising the short-term rental property in any print, digital or internet advertisement or web-based platform, and/or in the MLS or by any real estate agent licensed by the NJ Real Estate Commission's property listing shall be a violation of this section. No short-term rental permit issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

3. An owner of a property intended to serve as a short-term rental property, as defined herein, or any STRP agent acting on behalf of the owner, shall submit to the Borough of Red Bank Fire Marshall’s Office and short-term rental permit application provided by the Borough, along with an annual application/registration fee of $500. Said fee shall be non-refundable, including if the application is denied. The annual application/registration fee shall also cover the fee for the rental Certificate of Code Compliance application, reference below.

4. The short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance.

5. The owner of short-term rental property, as defined herein, who intends to rent any permitted part of the property as a short-term rental, shall also make application to the Fire Marshall’s Office, in conjunction with the short-term rental permit application, for issuance of a rental Certificate of Code Compliance for the short-term rental property, on such forms as required by that Department.

6. A short-term rental permit and rental Certificate of Code Compliance shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Fire Marshal’s Office, a short-term rental application, a short-term permit application, a rental Certificate of Code Compliance application, an inspection of the property, and a renewal registration fee of $50.

7. The short-term rental permit shall expire automatically when the short-term rental property changes ownership, and a new initial application and first-time registration fee will be required in the event that the new owner intends to use the property as a short-term property. A new application and first-time registration fee shall be required for any short-term rental that had its short-term rental permit revoked or suspended.

XXX-4. Application for process for short term rental permit and inspections.

1. Application process. Application for a short-term rental permit shall be submitted under oath on a form specified by the Borough of Red Bank Fire Marshall’s Office accompanied by the nonrefundable application fee as set forth in Subsection E above. Such application shall include:

   a. The name, address, telephone number and e-mail address of the owner(s) of record of the dwelling unit for which a permit is sought. To verify this information, the applicant shall provide their driver’s license. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them.

   b. Copy of a valid Red Bank Borough business license.

   c. The address of the unit to be used as a short-term rental.

   d. If the property owner is not going to be present for the activities in, and maintenance of, the STR on a seven-day-a-week basis, 24 hours a day, then the name, address, telephone number and email address of the short-term rental property agent, or short-term rental property responsible party who will assume this responsibility shall be available seven-days-a-week, 24 hours a day shall be provided to the Borough Clerk upon execution of each STR agreement.

   e. For a condominium short-term rental permit application, a letter of approval by the condominium association must be submitted with the application.

   f. The owner’s sworn acknowledgement that they comply with the requirements that the short-term rental property constitutes the owner’s principal residence.

   g. A copy of the driver’s license or State-issued Identification Card of the owner of the short-term rental property, conforming, as set forth in this Section, that the property is the principal residence, as that term is defined herein, of the owner making application of the STR permit.
h. The number and location of all parking spaces available on the premises, which shall include the number of legal off-street parking spaces on the premises. The owner shall certify that renters will not use on-street parking unless off-street parking is unavailable. Where no off-street parking is available, on-street parking regulations apply.

i. A certification from the Borough Fire Prevention Office that the premises have the required smoke and CO2 alarms and fire extinguishers and that all are in working order.

j. A zoning compliance certificate, which states that the premises are not being occupied or used in violation of the Borough’s Land Use Regulations, and Zoning or Short-Term Rental Ordinance,

k. The owner’s agreement that all transient renters shall be limited to one vehicle per two occupants in the short-term rental property.

l. The owner’s agreement that uses of the premises by all transient occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.

m. Attached to and concurrent with submission of the permit application the owner shall provide proof of general liability insurance at a minimum amount of $500,000, with the Borough of Red Bank named as an additional insured.

n. A sworn statement that there have been no prior revocations or suspensions of this or a similar permit, in which event a permit shall not be issued, which denial may be appealed as provided herein after.

o. A certification that the STRP owner is current with all taxes assessed to the property prior to the issuance of a short-term rental permit; that any code violations that have been issued by the Borough relating to the STRP have been properly abated; that any open construction permits for the property prior to the issuance of a short-term rental permit have been closed; and that all fines or penalties issued by the Municipal Court for the Borough of Red Bank for any past code violations relating to the STRP, including penalties for failure to appear in court, are satisfied in full.

2. Required Inspections: Every application for a short-term rental permit shall require annual inspections for STRP’s compliance with the Borough’s fire safety regulations.

3. Other Requirements:

a. The STRP owner/permit holder shall include the short-term rental business license and permit number issued by the Borough in every print, digital, or internet advertisement, and/or in the Multiple Listing Service (hereinafter “MLS”) or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, in which the short-term rental property is advertised for rent on a short-term basis.

b. The primary occupant of all short-term rentals executing the agreement between the owner/short-term rental property agent and the occupant must be over the age of 18 and must be the party who will occupy the property during the term of the short-term rental.

c. The STRP owner/permit holder shall provide the name, address, telephone number and e-mail address as well as a copy of a valid State-issued Identification Card of the transient occupant of the STR unit to the Borough Clerk immediately upon entering into each agreement for a STR, and the fully executed agreement will also be provided to the clerk.

XXX-5. Insurance of Permit and Appeal Procedure.

1. Once an application is submitted, complete with all required information, documentation and fees, the Borough Clerk, following any necessary investigation for compliance with this Section, shall either issue the short-term rental permit or issue a written denial of the permit application (with the reasons for such denial being stated therein), within 10 business days.

2. If denied, the applicant shall have seven (7) business days to appeal in writing to the Office of the Business Administrator.

3. Within 30 days thereafter, the Business Administrator or their designee shall hear and provide a written decision on the appeal stating the reason(s) for the decision. Such a decision will be provided to the
XXX-6. Short Term Rental Operational Requirements.

1. The owner/STRP agent/responsible party shall ensure that the short-term rental is used in a manner that complies with all applicable State and local laws, rules and regulations pertaining to the use and occupancy of a short-term rental.

2. A dwelling unit shall be limited to one single short-term rental contract of less than 28 days, at a time.

3. The owner/STRP agent shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.

4. Transient occupants of the STRP shall comply with all ordinances of the Borough of Red Bank including, but not limited to, those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party and/or the Short-Term Rental agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.

5. The owner/STRP agent/responsible party of a STRP shall post the following information in a prominent location within the short-term rental and prospective tenants should provide written acknowledgement of receipt of said materials:
   
   a. Owner name: if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
   
   b. The names and phone numbers for the responsible party and the short-term rental agent, as those terms are defined in this Section;
   
   c. The phone numbers for the Red Bank Police Department, the Red Bank Fire Department, the Red Bank Code Enforcement and the Fire Marshall’s Office;
   
   d. Borough Noise and Nuisance Ordinances.
   
   e. The maximum number of parking spaces available on site.
   
   f. On-street parking regulations applicable to the adjacent streets.
   
   g. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling; and
   
   h. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or STRP owner may be cited or fined by the Borough of Red Bank for violations of any applicable ordinances of the Borough of Red Bank.

6. While a STRP is rented, the owner, the short-term rental agent, or the responsible party shall be available 24 hours a day, seven days a week for the purpose of responding within two hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, conduct of the guests at the STRP, or nuisance complaints from the Red Bank Police Department, and/or other Borough Departments, and/or neighbors, arising by virtue of the short-term rental of the property.

7. If the STRP is the subject of a substantiated civil and/or criminal the STR permit will be revoked for the property, in which case, the STRP may not be the subject of a new STRP permit application for one year following the date of revocation of the permit.

8. If the Borough receives two complaints in a one-year period concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property will be revoked.

9. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit or the short-term rental property agent. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis or operated as a STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the STRP owner, the Short-Term Rental
agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.

10. Rentals of amenities. The lease or rental, for any purpose and for any period of time, of any amenity, feature, or accessory that is appurtenant to or associated with any rental unit dwelling (including, but not limited to, a duplex, multiple, or single-family) or residential structure (including, but not limited to, the residential structures), is prohibited. “Amenity, feature, or accessory” shall include, but is not limited to, swimming pools, pool cabanas, accessory structures, hot tubs, decks, patios, yards, and the like.

XXX-7. Violations and Penalties.

1. A violation of any provision of the within Section(s) may subject STRP owner, Transient Occupants (s), the Short-Term Property Rental Agent, and The Responsible Party or their agents, upon conviction, in the Municipal Court of the Borough of Red Bank or such other court having jurisdiction, be liable to a fine as provided in Chapter 1, General Provisions, Article II, General Penalty. The penalty that shall be imposed for a violation of this article shall be up to a maximum of $2,500 per violation, per day that the violation exists. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section.

2. Any STRP Owner convicted of three (3) separate violations of any rule in this Ordinance shall be permanently banned from operating a STRP in the Borough of Red Bank.

3. The STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent and the responsible Party or their agents shall have two (2) hours to cure any reported violation. Should the violation not be cured within the two-hour period, a summons will be issued.

4. Any ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

5. If any part of this section is declared unconstitutional or illegal by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

6. This section shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey, following the required twenty-day period after adoption, as set forth in N.J.S.A. 40:69A181(b).

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.

<table>
<thead>
<tr>
<th>INTRODUCTION</th>
<th>COUNCILMEMBER</th>
<th>FINAL ADOPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved Sec.</td>
<td>Aye Nay Abs.</td>
<td>Moved Sec. Aye</td>
</tr>
<tr>
<td>x</td>
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<td>x</td>
</tr>
<tr>
<td></td>
<td>JOHN JACKSON</td>
<td></td>
</tr>
<tr>
<td>x</td>
<td>ANGELA MIRANDI</td>
<td></td>
</tr>
<tr>
<td>x x</td>
<td>JACQUELINE STURDIVANT</td>
<td></td>
</tr>
<tr>
<td>x</td>
<td>KATE TRIGGIANO</td>
<td></td>
</tr>
<tr>
<td>x</td>
<td>MICHAEL BALLARD</td>
<td></td>
</tr>
<tr>
<td>x</td>
<td>EDWARD ZIPPRICH</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MAYOR WILLIAM PORTMAN</td>
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</tbody>
</table>

Introduced: January 25, 2023

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.

Laura Reinertsen, Borough Clerk
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-41  

RESOLUTION FOR PAYMENT OF BILLS

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers:

<table>
<thead>
<tr>
<th>Checking Account</th>
<th>Check Type</th>
<th>Count</th>
<th>Total</th>
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<tbody>
<tr>
<td>CAPITAL ACCOUNT</td>
<td>Manual Check</td>
<td>4</td>
<td>$224,214.73</td>
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<tr>
<td>CURRENT - VALLEY</td>
<td>Manual Check</td>
<td>63</td>
<td>$1,111,612.23</td>
</tr>
<tr>
<td>DEVELESCROW</td>
<td>Manual Check</td>
<td>1</td>
<td>$436.00</td>
</tr>
<tr>
<td>DEVESCROW2RIVER</td>
<td>Manual Check</td>
<td>7</td>
<td>$22,871.49</td>
</tr>
<tr>
<td>DOG LICENSE AC</td>
<td>Manual Check</td>
<td>1</td>
<td>$417.00</td>
</tr>
<tr>
<td>GRANT FUND-VNB</td>
<td>Manual Check</td>
<td>3</td>
<td>$26,837.85</td>
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<td>MCIA LEASE</td>
<td>Manual Check</td>
<td>2</td>
<td>$79,495.45</td>
</tr>
<tr>
<td>PARKSRECTRUST</td>
<td>Manual Check</td>
<td>1</td>
<td>$4,210.00</td>
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<tr>
<td>PAYROLL</td>
<td>Manual Check</td>
<td>1</td>
<td>$3,005.44</td>
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<td>PKING CAP 2RIVE</td>
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<tr>
<td>PKINGOP2RIVER</td>
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<td>RECREATION-VNB</td>
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<td>TRUST ACCOUNT</td>
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<td>TTL REDEMPTION</td>
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<td>$18,342.99</td>
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<tr>
<td>TWO RIVERS</td>
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<td>$401.01</td>
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<tr>
<td>WATER CAPITAL</td>
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<td>1</td>
<td>$55.00</td>
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<tr>
<td>WATER OPERATING</td>
<td>Manual Check</td>
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<tr>
<td>WIRE</td>
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<td>8</td>
<td>$9,693,543.50</td>
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Total All Checking 127 $11,393,464.46

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-42

RIGHT OF WAY TAX CANCELLATION BLOCK 46 LOT 36.01

WHEREAS, Block 46, Lot 36.01 is utilized as a right of way for borough parking meter purposes; and

WHEREAS, the Tax Assessor has recommended the cancellation of property taxes as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>AMOUNT TO BE CANCELED</th>
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</thead>
<tbody>
<tr>
<td>2022</td>
<td>$961.35</td>
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<tr>
<td>2023</td>
<td>$480.68</td>
</tr>
<tr>
<td>Total</td>
<td>$1,442.03</td>
</tr>
</tbody>
</table>

NOW, BE IT HEREBY RESOLVED, that the Borough Council of the Borough of Red Bank hereby approves the proposed cancellation of taxes with regard to Block 46, Lot 36.01.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Laura Reinertsen, Borough Clerk

ON CONSENT AGENDA

Yes _ No ___

Councilmember Jackson
Councilmember Mirandi
Councilmember Sturdivant
Councilmember Triggiano
Councilmember Ballard
Councilmember Zipprich
Mayor Portman
RESOLUTION NO. 23-43

AWARD PAYMENT OF 2022 LOSAP BENEFITS TO ELIGIBLE MEMBERS OF THE RED BANK VOLUNTEER FIRE DEPARTMENT AND FIRST AID SQUAD

WHEREAS, the Mayor and Council of the Borough of Red Bank, Monmouth County, New Jersey, has adopted Ordinance #2002-25 and Amending Ordinances #2004-4 and #2017-37 establishing and implementing Length of Service Awards Program (LOSAP) pursuant to P.L. 1997, c. 399, and

WHEREAS, in accordance with the LOSAP program, a list of eligible members and corresponding award has been presented to the Chief Financial Officer, a copy of the same being annexed hereto; and

WHEREAS, a list of eligible members and proposed award has been reviewed and approved by the Chief Financial Officer and the Chief Financial Officer hereby certifies that the account number(s) to be charged is/are 2-01-42-854-298 in the 2022 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank, does hereby approve the list of thirty-one (31) eligible members to receive full benefits, One Thousand One Hundred Fifty Dollars and no cents ($1,150.00) per eligible member, for a proposed total award of Twenty Six Thousand Four Hundred Fifty dollars ($35,650.00) for 2022 LOSAP benefits, for eligible members of the Red Bank Volunteer Fire Department and First Aid Squad as annexed hereto and made a part hereof and authorizes payment in accordance therewith.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Laura Reinertsen, Borough Clerk

| Councilmember Jackson |  |  |  |
|------------------------|  |  |  |
| Councilmember Mirandi |  |  |  |
| Councilmember Sturdivant |  |  |  |
| Councilmember Triggiano |  |  |  |
| Councilmember Ballard |  |  |  |
| Councilmember Zipprich |  |  |  |
| Mayor Portman |  |  |  |

ON CONSENT AGENDA Yes _ No ___
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-44

ACCEPTING THE PERFORMANCE GUARANTEE POSTED BY 173 MAPLE, LLC FOR THE DEVELOPMENT PROJECT LOCATED AT BLOCK 103, LOT 1

WHEREAS, pursuant to the Planning and Development Regulations of the Borough of Red Bank (the “Borough”), 173 Maple, LLC is required to post $19,818.00 in the form of an acceptable bond or letter of credit, together with a cash deposit of $2,202.00, for a total performance guarantee in the amount of $22,020.00 in connection with a development project located upon the properties known as Block 103, Lot 1, which guarantee must be posted before starting construction of the improvements; and

WHEREAS, the Governing Body of the Borough has been advised by the Planning and Zoning Department that a performance bond in the amount of $19,818.00 has been issued by First Indemnity of America Insurance Company, 2740 Rt. 10 West, Suite 205, Morris Plains, New Jersey 07950 for Block 103 Lot 1; and

WHEREAS, the Governing Body has been advised by the Borough Planning and Zoning Department that 173 Maple, LLC posted a cash deposit in the amount of $2,202.00; and

WHEREAS, the acceptance of this performance guarantee is permitted and in accordance with the provisions of the New Jersey Municipal Land Use Law and the Borough’s Planning and Development Regulations:

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 does hereby accept the performance bond in the amount of $19,818.00 has been issued by First Indemnity of America Insurance Company, 2740 Rt. 10 West, Suite 205, Morris Plains, New Jersey 07950 and the cash deposit in the amount of $2,202.00 from 173 Maple, LLC for Block 103, Lot 1; and

2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Planning and Zoning Department, and 173 Maple, LLC.

_____________________________
Laura Reinertsen, Borough Clerk

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Mayor Portman

\[\begin{array}{|c|c|c|c|}
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Councilmember Jackson & AYES & \_ & \_ \\
Councilmember Mirandi & AYES & \_ & \_ \\
Councilmember Sturdivant & AYES & \_ & \_ \\
Councilmember Triggiano & AYES & \_ & \_ \\
Councilmember Ballard & AYES & \_ & \_ \\
Councilmember Zipprich & AYES & \_ & \_ \\
Mayor Portman & AYES & \_ & \_ \\
\hline
\end{array}\]
AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND CONSTRUCTION MANagements SERVICES FOR SOUTH STREET AND MECHANIC STREET PRE-DESIGN UTILITY TESTING

WHEREAS, the Borough Governing Body has identified a need for South Street and Mechanic Street Pre-design Utility Testing; and,

WHEREAS, based on the size and scope of such undertaking, the professional services of the Borough Engineer are considered desirable by Borough management; and,

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as South Street and Mechanic Street Pre-design Utility Testing.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: South Street and Mechanic Street Pre-design Utility Testing to T&M Associates for the sum not to exceed thirty-eight thousand dollars ($38,000.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #23-02 of January 4, 2023.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Laura Reinertsen, Borough Clerk

<table>
<thead>
<tr>
<th>Councilmember Jackson</th>
<th>Councilmember Mirandi</th>
<th>Councilmember Sturdivant</th>
<th>Councilmember Triggiano</th>
<th>Councilmember Ballard</th>
<th>Councilmember Zipprich</th>
<th>Mayor Portman</th>
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<td>ON CONSENT AGENDA</td>
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ON CONSENT AGENDA | Yes | No |
BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION 23-46

AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND CONSTRUCTION MANagements SERVICES FOR SENIOR CENTER, 80 SHREWSBURY AVENUE (BLOCK 39, LOTS 23 & 24) BOUNDARY AND TOPOGRAPHIC SURVEY, MINOR SUBDIVISION PLAT PREPARATION AND ROSI UPDATE

WHEREAS, the Borough Governing Body has identified a need for SENIOR CENTER, 80 SHREWSBURY AVENUE (BLOCK 39, LOTS 23 & 24) BOUNDARY AND TOPOGRAPHIC SURVEY, MINOR SUBDIVISION PLAT PREPARATION AND ROSI UPDATE and,

WHEREAS, based on the size and scope of such undertaking, the professional services of the Borough Engineer are considered desirable by Borough management; and,

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as SENIOR CENTER, 80 SHREWSBURY AVENUE (BLOCK 39, LOTS 23 & 24) BOUNDARY AND TOPOGRAPHIC SURVEY, MINOR SUBDIVISION PLAT PREPARATION AND ROSI UPDATE.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: “SENIOR CENTER, 80 SHREWSBURY AVENUE (BLOCK 39, LOTS 23 & 24) BOUNDARY AND TOPOGRAPHIC SURVEY, MINOR SUBDIVISION PLAT PREPARATION AND ROSI UPDATE” to T&M Associates for the sum not to exceed twelve thousand seven hundred fifty dollars ($12,750.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #23-02 of January _4_ 2023.

MOVED
SECONDED
AYES
NAYS
ABSTAIN
ABSENT

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk

ON CONSENT AGENDA Yes_x No ___
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-47  

AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH J & M CONTRACTING LLC FOR THE IMPROVEMENT TO THE RED BANK SENIOR CENTER

WHEREAS, the Borough previously entered into a contract with J & M Contracting LLC for the Improvement to the Red Bank Senior Center project; and

WHEREAS, the Public Works Director has recommended approval of Change Order No. 2, dated November 29, 2022 to the aforementioned Project, in order to address actual field quantities needed for completion of the project; and

WHEREAS, these contract changes yield a total net cost not to exceed $7,451.95.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 2 to the Improvements the Red Bank Senior Center Project, dated November 29, 2022 is hereby approved with a supplementary price increase not to exceed $7,451.95; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are current available in account No. C-04-22-003-498; and

BE IT FURTHER RESOLVED, to the extent applicable, this resolution is further contingent upon the expiration of the twenty-day estoppel period for any and all bonded funds for this project.

<table>
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<tr>
<th>MOVED</th>
<th>SECONDED</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilmember Jackson</td>
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<td>Councilmember Mirandi</td>
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<td>Councilmember Triggiano</td>
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<td>Councilmember Ballard</td>
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<tr>
<td>Councilmember Zipprich</td>
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<tr>
<td>Mayor Portman</td>
<td>Yes</td>
<td></td>
<td>No</td>
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</tbody>
</table>

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk
AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND CONSTRUCTION MANAGEMENTS SERVICES FOR MECHANIC STREET IMPROVEMENTS, (NJDOT-FY22) ENGINEERING PRE-DESIGN FIELD SURVEY

WHEREAS, the Borough Governing Body has identified a need for MECHANIC STREET IMPROVEMENTS, (NJDOT-FY22) ENGINEERING PRE-DESIGN FIELD SURVEY; and,

WHEREAS, based on the size and scope of such undertaking, the professional services of the Borough Engineer are considered desirable by Borough management; and,

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as MECHANIC STREET IMPROVEMENTS, (NJDOT-FY22) ENGINEERING PRE-DESIGN FIELD SURVEY.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: “MECHANIC STREET IMPROVEMENTS, (NJDOT-FY22) ENGINEERING PRE-DESIGN FIELD SURVEY” to T&M Associates for the sum not to exceed nine thousand six hundred dollars ($9,600.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #23-02 of January 4, 2023.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk

Councilmember Jackson
Councilmember Mirandi
Councilmember Sturdivant
Councilmember Triggiano
Councilmember Ballard
Councilmember Zipprich
Mayor Portman

ON CONSENT AGENDA  Yes  No
AUTHORIZING THE MAYOR, BOROUGH ADMINISTRATOR, AND/OR THE LICENSED WATER/SEWER OPERATOR TO SIGN TREATMENT WORKS APPROVAL (TWA) AND BUREAU OF WATER SYSTEM ENGINEERING (BWSE) APPLICATIONS

Whereas the Borough of Red Bank is required from time to time to execute TWA and BWSE applications on land development projects as required by the State of New Jersey, NJDEP and

Therefore, Be It Resolved, that the Mayor, Pasquale Menna, the Administrator, Darren McConnell, and/or the licensed water/sewer operator, Tom Branch, be hereby authorized to act as the signatory authority representing the Borough of Red Bank in all matters relating to proper execution of all TWA and BWSE applications as required, and

Be It Further Resolved that the Borough Clerk is authorized to forward copies of this Resolution, certified to be a true copy, to:

1. Mayor William Portman
2. Administrator Darren McConnell
3. Water/Sewer Operator Tom Branch

<table>
<thead>
<tr>
<th>Councilmember Jackson</th>
<th>AYES</th>
<th>NO</th>
<th>ABSTAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilmember Mirandi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Councilmember Sturdivant</td>
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<tr>
<td>Councilmember Trigiano</td>
<td></td>
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<tr>
<td>Councilmember Ballard</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Councilmember Zipprich</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mayor Portman</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk

ON CONSENT AGENDA Yes _ No ___
BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 23-50

AUTHORIZING THE AWARD OF FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES

WHEREAS, the Borough of Red Bank has solicited proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq., which requires that award of contract for “Professional Services” through the fair and open process must be made by resolution authorizing the award of said contract and must be publicly advertised; and

WHEREAS, the Borough of Red Bank has a need to acquire the services of a Borough Engineer; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, the following business entity have submitted proposal indicating they will provide the engineering service for amounts specified in the 2023 Municipal Budget:

Borough Engineer:    T&M Associates

WHEREAS, funds have been made available in the Annual Municipal Budget of the Borough of Red Bank to support these services.

NOW, THEREFORE, BE IT RESOLVED that:

1) The above appointments are hereby ratified and confirmed for the year 2023.

2) The amounts charged for these services will be determined in accordance with the contracts dated as of January 1, 2023 and in effect through December 31, 2023.

3) The said contracts were awarded without public bidding as “Professional Services” under the provisions of said Local Public Contracts Law.

4) A copy of this Resolution shall be published in the Asbury Park Press within ten (10) days of its passage.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign and deliver on behalf of the Borough the contract for these professional services which is contingent upon the negotiation, execution and award of a final contract between the appointee and the Borough, to the extent necessary under the laws of the Borough and the State of New Jersey;

BE IT FURTHER RESOLVED that the Clerk cause notice of this action to be printed once in an official newspaper of the Borough of Red Bank.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Laura Reinertsen, Borough Clerk

<table>
<thead>
<tr>
<th>Councilmember Jackson</th>
<th>A</th>
<th>N</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilmember Mirandi</td>
<td>A</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>Councilmember Sturdivant</td>
<td>A</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>Councilmember Triggano</td>
<td>A</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>Councilmember Ballard</td>
<td>A</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>Councilmember Zipprich</td>
<td>A</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>Mayor Portman</td>
<td>A</td>
<td>N</td>
<td>A</td>
</tr>
</tbody>
</table>

ON CONSENT AGENDA  Yes _  No ___

MOVED
SECONDED
AYES
NAYS
ABSTAIN
ABSENT
APPOINTING MEMBER TO THE RED BANK VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Red Bank Borough Council wish to appoint the following volunteer firefighter to the Red Bank Volunteer Fire Department; and

WHEREAS, Wayne Hartman, Fire Chief, unconditionally recommends the appointment.

NOW THEREFORE, BE IT THEREFORE RESOLVED that following individual is hereby appointed to the Red Bank Volunteer Fire Department:

Chris Lucas  Navesink Hook and Ladder

MOVED
SECONDED
AYES
NAYS
ABSTAIN
ABSENT

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, in the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk

ON CONSENT AGENDA Yes _ No _
RESOLUTION NO. 23-52

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN RED BANK

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination of Mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the Governing Body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Red Bank is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this Governing Body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body of the Borough of Red Bank hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that:
   a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by applicable Federal (USEPA) and State (NJDEP) agencies, and
   b. Such operations will be performed in compliance with applicable Federal and State regulations, and
   c. The County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to the Monmouth County Mosquito Control Division, 1901 Wayside Road, Tinton Falls, NJ 07724, Attn: Victoria Thompson, Acting Superintendent and to the Chief of Police.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk

ON CONSENT AGENDA Yes _ No __
### Resolution 23-53

**Temporary Capital Budget**

Whereas, it is desired to adopt a temporary capital budget,

Now, Therefore Be It Resolved, by the Governing Body of the Borough of Red Bank, County of Monmouth, that the following temporary capital budget be adopted:

#### Capital Budget (Current Year Action)

<table>
<thead>
<tr>
<th>Project</th>
<th>Number</th>
<th>Estimated</th>
<th>Total Cost</th>
<th>Capital Improvement Fund</th>
<th>Debt</th>
<th>Grants in Aid and Other Funds</th>
<th>Total Cost Prior Years</th>
<th>Total Cost Future</th>
<th>Capital Reserve</th>
<th>Appropriations</th>
<th>Budget Year</th>
<th>Estimated Completion Year</th>
<th>Project Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Line Replacement Project</td>
<td>2</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td></td>
<td></td>
<td></td>
<td>2,400,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2023</td>
<td></td>
</tr>
</tbody>
</table>

**TOTALS ALL PROJECTS**

| | 2,400,000.00 | 1,200,000.00 | | | | | 2,400,000.00 | | | | | |

***Recorded Vote***

- Ayes: [Names]
- Nays: [Names]
- Abstain: [Names]
- Absent: [Names]

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

Laura Reinertsen, Borough Clerk
BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION NO. 23-54

REGARDING THE IMPLEMENTATION OF GENDER-NEUTRAL LANGUAGE IN OFFICIAL WRITTEN AND VERBAL COMMUNICATIONS BY THE BOROUGH OF RED BANK

WHEREAS, the Borough of Red Bank ("Borough") is a home rule unit of local government pursuant the New Jersey Constitution, Article 4 § 7 ¶ 10 Private, special or local laws; municipalities and counties - Upon petition by the governing body of any municipal corporation formed for local government, or of any county, and by vote of two-thirds of all the members of each house, the Legislature may pass private, special or local laws regulating the internal affairs of the municipality or county; and

WHEREAS, the Borough recognizes that gender-neutral language is a generic term covering the use of non-sexist language, inclusive language, or gender-fair language, that the purpose of gender neutral language is to avoid word choices that may be interpreted as biased, discriminatory, or demeaning by implying that one sex or social gender is the norm; and

WHEREAS, the Borough recognizes that gender-neutral language also helps reduce gender stereotyping, promotes social change, and contributes to achieving gender equality; and

WHEREAS, the Borough recognizes that gender-neutral language is more than a matter of political correctness, that language powerfully reflects and influences attitudes, behavior, and perceptions; and

WHEREAS, the Borough believes that all individuals living in or visiting the Borough should be treated fairly and with respect and dignity; and

WHEREAS, the use of gender-neutral language by the Borough can be expected to further enhance and demonstrate the Borough's commitment to being a safe, inclusive, diverse, and welcoming community; and

WHEREAS, ever-increasing awareness exists that language matters, and in particular with regard to the subtle and not so subtle, and intended and unintended consequences of language, including implicit or explicit bias; and

WHEREAS, linguistic conventions that differentiate and identify people by perceived gender may fail to respect the broad spectrum of sex, gender, gender identity, and gender expression of those individuals living, working, and visiting our community.

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

Section 1. The Borough shall work to update the Red Bank Borough Code to replace instances of gender specific language with appropriate gender-neutral language.

Section 2. When brought forward to future Committee and Council meetings, all future additions, amendments, or other changes unspecified here to the Borough Code will utilize gender-neutral language, rather than gender-specific language.

Section 3. All future proposed Resolutions and Ordinances will utilize gender-neutral language, rather than gender-specific language.

Section 4. The language used in the conduct of routine parliamentary proceedings during meetings, staff presentations, official videos, and other verbal communications, whenever practical and possible, shall utilize gender-neutral language, rather than gender-specific language.

Section 5. Borough officers and staff, including members of boards, commissions, and committees, shall strive to use gender-neutral language, whenever possible and practicable, in official documents and non-verbal communications pertaining to the Borough and official Borough business. The Borough will provide training to facilitate greater understanding of gender-neutral options in communications.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Laura Reinertsen, Borough Clerk
AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING SERVICES – WATER RATE STUDY

WHEREAS, the Borough Governing Body has identified a need for WATER RATE STUDY; and,

WHEREAS, based on the size and scope of such undertaking, the professional services of the ENGenuity Infrastructure, LLC are considered desirable by Borough management; and,

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of ENGenuity Infrastructure, LLC for the necessary services associated with the project here forward known as WATER RATE STUDY.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: “WATER RATE STUDY” to ENGenuity Infrastructure, LLC for the sum not to exceed one hundred six thousand six hundred ten dollars ($106,610.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #23-02 of January _4_ 2023.

MOVED
SECONDED
AYES
NAYS
ABSTAIN
ABSENT

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

_____________________________
Laura Reinertsen, Borough Clerk

Councilmember Jackson
Councilmember Mirandi
Councilmember Sturdvant
Councilmember Triggiano
Councilmember Ballard
Councilmember Zipprich
Mayor Portman

ON CONSENT AGENDA Yes _ No ___
TO: Laura Reinertsen, Borough Clerk  
Borough of Red Bank

FROM: Monmouth County Board of Elections

DATE: January 23, 2023

RE: Estimate: Red Bank Municipal Election - Early Voting

EARLY VOTING: May 5th, 6th & 7th 2023

ADVERTISING: NJ Advance Star Ledger

1st Info. Ad $500.00
2nd Info. Ad $450.00
1st & 2nd Challenge Ads $400.00

Total Advertising: $1,350.00

TRANSPORTATION: Cargo Van Rental (3 days @ $95.00 per day)

Cargo Van Fuel $150.00

Total Transportation: $285.00

BALLOT DROP BOXES: Drop Box Team /2 Staff - Labor

Pick up Ballots/Prep Site for Early Voting $1,600.00

Total Ballot Drop Boxes: $1,600.00

ELECTION SUPPLIES: Voting Authorities (1 site)

Kits/Printing/Badges/Envelopes/Instruction Books @ $6.00 per district

$54.00

Total Election Supplies: $75.00

STAFF/OFFICE EXP: Staff Overtime & Temporary Staff with Overtime

Office Supplies/Expenses/Transportation $1,000.00

Total Staff/Office Exp: $10,000.00

Estimated Total: $14,514.00

NOTE: Red Bank pays directly for Poll Workers and Poll Site Rental Fees.
(see attached)
## Red Bank Municipal Estimate for Direct Pay Expenses:

### Early Voting - Poll Workers & Poll Site Rental

3 days (5/5-5/7/23)

<table>
<thead>
<tr>
<th>Hourly</th>
<th>Hours</th>
<th>Daily Rate</th>
<th>Poll Workers</th>
<th>PW Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$21.44</td>
<td>11.5</td>
<td>$246.56</td>
<td>6</td>
<td>$1,479.36</td>
</tr>
<tr>
<td>$21.44</td>
<td>11.5</td>
<td>$246.56</td>
<td>6</td>
<td>$1,479.36</td>
</tr>
<tr>
<td>$21.44</td>
<td>9.5</td>
<td>$203.68</td>
<td>6</td>
<td>$1,222.08</td>
</tr>
</tbody>
</table>

Est. Exp: $4,180.80

<table>
<thead>
<tr>
<th>Daily Rate</th>
<th>Supvr Poll Worker</th>
<th>Supv cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$360.00</td>
<td>2</td>
<td>$720.00</td>
</tr>
<tr>
<td>$360.00</td>
<td>2</td>
<td>$720.00</td>
</tr>
<tr>
<td>$330.00</td>
<td>2</td>
<td>$660.00</td>
</tr>
</tbody>
</table>

Est. Exp: $2,100.00

Total EV Exp: $6,280.80

### Red Bank - Early Voting Poll Site Rental Fees: $0
TO: Laura Reinertsen, Borough Clerk  
Borough of Red Bank

FROM: Monmouth County Board of Elections

DATE: January 23, 2023

RE: Estimate: Red Bank Municipal Election

**ELECTION DAY: May 9, 2023**

<table>
<thead>
<tr>
<th>ADVERTISING:</th>
<th>NJ Advance Star Ledger</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st Info. Ad          $ 500.00</td>
</tr>
<tr>
<td></td>
<td>2nd Info. Ad          $ 450.00</td>
</tr>
<tr>
<td></td>
<td>1st &amp; 2nd Challenge Ads $ 400.00</td>
</tr>
<tr>
<td></td>
<td>Mail-in Ballot Challenge Ad $ 40.00</td>
</tr>
<tr>
<td></td>
<td>144 Hr Mail-in Ballot &amp; Provisional Count Ad $ 40.00</td>
</tr>
<tr>
<td></td>
<td>Equipment Test Ad     $ 40.00</td>
</tr>
<tr>
<td></td>
<td>Canvass Ad            $ 40.00</td>
</tr>
<tr>
<td></td>
<td>$ 1,510.00</td>
</tr>
</tbody>
</table>

| TRANSPORTATION: | Cargo Van Rental (3/27-5/9/23) $ 2,710.50 |
|                | Cargo Van Fuel        $ 350.00 |

| BALLOT DROP BOXES: | Drop Box Team/2 Staff - Labor $3,600.00 |
|                   | Pick up Ballots three days per week @ $400. per day. |

| ELECTION SUPPLIES: | Voting Authorities $150.00 |
|                   | Printing /Paper/Evelopes/Instruction Books, Kit Supplies $54.00 |
|                   | @ $6.00 per district. |

| STAFF/OFFICE EXP: | Staff Overtime & Temp Staff Hours with Overtime $ 3,500.00 |
|                  | Office Supplies/Expense/Transportation $ 800.00 |
|                  | Setup Poll Sites for Poll Book Connectivity $ 100.00 |

**Estimate Total:** $12,774.50

**NOTE:** Red Bank Pays directly for Poll Workers and Poll Site Rental Fees.  
(see attached)
TO: Laura Reinertsen, Borough Clerk  
Borough of Red Bank

FROM: Monmouth County Board of Elections

DATE: January 23, 2023

RE: Estimate: Red Bank Municipal Election - Early Voting

EARLY VOTING: May 5th, 6th & 7th 2023

ADVERTISING:  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>NJ Advance Star Ledger</td>
<td></td>
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<tr>
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<tr>
<td>2nd Info. Ad</td>
<td>$450.00</td>
</tr>
<tr>
<td>1st &amp; 2nd Challenge Ads</td>
<td>$400.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,350.00</strong></td>
</tr>
</tbody>
</table>

TRANSPORTATION:  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cargo Van Rental (3 days @ $95.00 per day)</td>
<td>$285.00</td>
</tr>
<tr>
<td>Cargo Van Fuel</td>
<td>$150.00</td>
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</tbody>
</table>

BALLOT DROP BOXES:  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drop Box Team /2 Staff - Labor</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>Pick up Ballots/Prep Site for Early Voting</td>
<td></td>
</tr>
</tbody>
</table>

ELECTION SUPPLIES:  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting Authorities (1 site)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Kits/Printing/Badges/Envelopes/Instruction Books @$6.00 per district</td>
<td>$54.00</td>
</tr>
</tbody>
</table>

STAFF/OFFICE EXP:  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Overtime &amp; Temporary Staff with Overtime</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Office Supplies/Expenses/Transportation</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

**Estimated Total:** $14,514.00

NOTE: Red Bank pays directly for Poll Workers and Poll Site Rental Fees.  
(see attached)
ORDINANCE NO. 2021-17

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH TO AMEND CHAPTER 490: “PLANNING AND DEVELOPMENT REGULATIONS” TO PERMIT AND REGULATE CANNABIS BUSINESSES, AND TO AMEND CHAPTER 478: “PARKS AND RECREATION” AND CHAPTER 574: “SMOKING” TO PROHIBIT POSSESSION OF CANNABIS IN BOROUGH PARKS AND CONSUMPTION OF CANNABIS ON BOROUGH PROPERTY, AND TO CREATE NEW CHAPTER 270: “CANNABIS” TO PROHIBIT CONSUMPTION OF CANNABIS IN PUBLIC PLACES AND PROHIBIT ALL UNDERAGE POSSESSION OF CANNABIS AND IMPOSE A LOCAL CANNABIS TRANSFER TAX AND LOCAL CANNABIS USER TAX WITHIN THE BOROUGH

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, the Act establishes six classes of licensed cannabis businesses, including:

- Class 1 – Cannabis Cultivator license, for facilities involved in growing cannabis;
- Class 2 – Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 – Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 – Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from a licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 – Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 – Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis businesses allowed to operate within their boundaries, as well as the location, manner, and times of operation of such businesses, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis businesses, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Act stipulates, however, that any regulation or prohibition must be adopted within 180 days of the effective date of the Act, or by August 22, 2021; and

WHEREAS, in advance of the aforementioned deadline under the Act, the Mayor and Council of the Borough of Red Bank (the "Borough") find it necessary to establish land use regulations and local taxes for regulated cannabis businesses within the Borough in accordance with the Act and the New Jersey Municipal Land Use Law; and
WHEREAS, the Borough finds, given the Schedule I status of cannabis under the federal Controlled Substance Act, complexities with access to banking and the level of cash transactions in cannabis related businesses, and other concerns associated with cannabis-related businesses, that only qualified operators should be permitted to safely operate strictly regulated cannabis facilities within the Borough on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance the creation of jobs and economic opportunity within the Borough with public safety and the best interests of Borough residents;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION 1. The Revised General Ordinances of the Borough of Red Bank are hereby supplemented with new Chapter 270 entitled “Cannabis” as follows:

CHAPTER 270: CANNABIS.

§ 270-1 Cannabis Businesses Permitted As Provided By Chapter 490.
The establishment and/or operation of Cannabis Cultivators, Cannabis Distributers, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, and Cannabis Delivery Services within the Borough of Red Bank is defined and governed by Chapter 490 of the Borough’s Revised General Ordinances and the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

§ 270-2 Public Consumption of Cannabis Prohibited.
A. It shall be unlawful for any person to consume a cannabis item available for lawful consumption pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act in any public place as defined in said Act, including any public highway, public street, public sidewalk, public parking lot or lot, playground, park or other property owned by, belonging to or over which the Borough has control, other than school property for which unlawful consumption is a disorderly persons offense, or when not prohibited by the owner or person responsible for the operation of that public place.

B. Any person violating this Section 270-2 shall be subject to a civil penalty of up to $200.00, which shall be recovered in a civil action by a summary proceeding in the name of the Borough pursuant to the Penalty Enforcement Law of 1999. The Municipal Court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

§ 270-3 Possession or Consumption by Underaged Persons on Private Property.
A. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes a cannabis item on private property.

B. Any person violating this Section 270-3, in the case of an adult under the legal age to purchase cannabis items, shall be punished as follows:

(1) If the cannabis item possessed is an amount which may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to N.J.S.A. 2C:35-10a: for a first offense, a civil penalty of $100.00; for a second offense, a civil penalty of $200.00; and for a third or subsequent offense, a fine of $350.00. The civil penalties provided for in this section shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the Penalty Enforcement Law of 1999. The Municipal Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

(2) If the cannabis item possessed is an amount that exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to N.J.S.A. 2C:35-10a, or if any cannabis item is consumed: for a first offense, a fine of $250.00; and for a second or subsequent offense, a fine of $350.00.
§ 270-4 Local Cannabis Transfer Tax and User Tax.

A. Local Cannabis Transfer Tax.

(1) The Borough of Red Bank hereby adopts and imposes a Local Cannabis Transfer Tax on the sale of any cannabis or cannabis items by any cannabis business within the Borough, which Local Cannabis Transfer Tax shall be imposed upon all:

(a) Receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator;
(b) Receipts from the sale of cannabis items from one cannabis business to another cannabis business;
(c) Receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; and
(d) Any combination of any of the above-listed transfers.

(2) The Local Cannabis Transfer Tax established pursuant to subsection (A)(1) hereinabove shall be charged at the following rates upon cannabis businesses within the Borough:

(a) Two-percent (2%) of the receipts from each sale by a Cannabis Cultivator;
(b) Two-percent (2%) of the receipts from each sale by a Cannabis Manufacturer;
(c) One-percent (1%) of the receipts from each sale by a Cannabis Wholesaler; and
(d) Two-percent (2%) of the receipts from each sale by a Cannabis Retailer.

B. Local Cannabis User Tax.

(1) The Borough of Red Bank hereby adopts and imposes a Local Cannabis User Tax, at the same and equivalent rates as established for the Local Cannabis Transfer Tax rates set forth in subsection (A)(2) hereinabove.

(2) The Local Cannabis User Tax shall be imposed upon any concurrent license holder operating more than one cannabis business, and shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the Local Cannabis Transfer Tax imposed pursuant to subsection (A) hereinabove, from the license holder’s business that is located in the Borough to any of the other license holder’s businesses, whether located in the Borough or in another municipality.

C. Other Local Cannabis Tax Regulations.

(1) The Local Cannabis Transfer Tax and User Tax imposed pursuant to this section shall be in addition to any other tax imposed by law.

(2) The Local Cannabis Transfer Tax and User Tax shall be collected or paid, and remitted to the Borough by the cannabis business from the cannabis business purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the Borough by the cannabis retailer selling the cannabis item to that consumer.

(3) The Local Cannabis Transfer Tax and User Tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
(4) Every cannabis business required to collect the Local Cannabis Transfer Tax and User Tax imposed by this section shall be personally liable for the Local Cannabis Transfer Tax and User Tax imposed, collected, or required to be collected under this section. Any cannabis business shall have the same right with respect to collecting the Local Cannabis Transfer Tax and User Tax from another cannabis business or the consumer as if the Local Cannabis Transfer Tax or User Tax was a part of the sale and payable at the same time, or with respect to non-payment of the Local Cannabis Transfer Tax and User Tax by the cannabis business or consumer, as if the Local Cannabis Transfer Tax and User Tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of the Borough shall be joined as a party in any action or proceeding brought to collect a Local Cannabis Transfer Tax and User Tax.

(5) No cannabis business required to collect the Local Cannabis Transfer Tax and User Tax pursuant to this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the Local Cannabis Transfer Tax and User Tax will not be separately charged and stated to another cannabis business or the consumer, or that the Local Cannabis Transfer Tax and User Tax will be refunded to the cannabis business or the consumer.

(6) All revenues collected from the Local Cannabis Transfer Tax and User Tax pursuant to this section shall be remitted to the Chief Financial Officer of the Borough. The Chief Financial Officer shall collect and administer the Local Cannabis Transfer Tax and User Tax imposed by this section. The Borough shall enforce the payment of delinquent Local Cannabis Transfer Tax and User Tax in the same manner as provided for municipal real property taxes.

(7) In the event that the Local Cannabis Transfer Tax and User Tax imposed by this section is not paid as and when due by a cannabis business, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis business in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. In the event of a delinquency, the Chief Financial Officer shall file with the Tax Collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis business. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

SECTION 2. Section 490-6 entitled “Definitions” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby supplemented with the following new definitions as follows:

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS DELIVERY SERVICE - Any licensed person or entity providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from
any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

CANNABIS MANUFACTURER – Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS RETAILER – Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

SECTION 3. Article V entitled “General Regulations” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby supplemented with the following new Section 490-56.2 as follows:

§ 490-56.2 Cannabis Businesses.

Cannabis businesses shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

A. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.

B. Prior to the operation of any cannabis business, a permit or license must be obtained from the State of New Jersey and from the Borough of Red Bank for the applicable type(s) of cannabis business. No cannabis business shall be permitted to operate without State and Borough permits or licenses.

C. Permitted uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis business license for permits or licenses issued by the State of New Jersey and the Borough.

D. No cannabis business shall be allowed as a Home Profession as defined in Borough Code Section 490-6.

E. No cannabis business shall be housed in a vehicle or any movable or mobile structure.

F. Cannabis businesses shall have equipment to mitigate odor. The cannabis business shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.

G. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

H. All cannabis businesses shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite at all times during operating hours.

I. All cannabis businesses must provide the Red Bank Police Department with access to security footage immediately upon request by the Borough.
J. Cannabis business signage shall not contain text and/or image intended to promote excessive consumption of legal cannabis products. The signage shall not have the words “Weed” or “Marijuana”, or depict marijuana or cannabis plants, or contain graphics indicating such images or wording.

K. The applicant shall submit a written report setting forth the full particulars of the proposed use, including hours of operation, anticipated customer volume, parking facilities necessary to service such customer volume and measures to be taken to avoid nuisance effects upon adjacent and nearby residential areas.

L. Cannabis businesses shall be prohibited in any area in which, under State or Federal law, any cannabis business would be prohibited from operating based upon its proximity to a school, park, housing authority property, public or private youth center, or swimming pool.

SECTION 4. Article IX entitled “Conditional Uses” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby supplemented with the following new Section 490-122 (previously Reserved) as follows:

§ 490-122 Cannabis Retailer.

A. Cannabis Retailers shall not sell alcohol or tobacco within the facility.

B. Cannabis Retailers may not be located within any other businesses, and may only be located in buildings with other uses only if the cannabis business is separated by full walls and with a separate entrance. No more than one cannabis business shall be located on a single parcel.

C. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Cannabis Retailer is located.

D. No Cannabis Retailer may open to customers for business before 8:00 am or remain open to customers for business after 10:00 pm.

E. Cannabis Retailers must provide a detailed security plan and receive approval of such plan from the Red Bank Police Department.

F. Otherwise compliant signage shall be permitted as specified for the zone in which the Cannabis Retailer is proposed or operating.

SECTION 5. Section 490-143 entitled “HB Highway Business Zone District,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

A. Permitted Uses.

20. Cannabis Delivery Services

D. Conditional Uses.

7. Cannabis Retailers

SECTION 6. Section 490-144 entitled “CCD-1 Central Commercial District-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):
A. Permitted Uses.
   * * *
(12) Cannabis Delivery Services

D. Conditional Uses.
   * * *
(4) Cannabis Retailers

SECTION 7. Section 490-145 entitled “CCD-2 Central Commercial District-2,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

A. Permitted Uses.
   * * *
(14) Cannabis Delivery Services

D. Conditional Uses.
   * * *
(4) Cannabis Retailers

SECTION 8. Section 490-146 entitled “BR-1 Business/Residential-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

A. Permitted Uses.
   * * *
(20) Cannabis Delivery Services

D. Conditional Uses.
   * * *
(7) Cannabis Retailers

SECTION 9. Section 490-148 entitled “WD Waterfront Development District,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):
A. Permitted Uses.

(10) Cannabis Delivery Services

D. Conditional Uses.

(4) Cannabis Retailers

SECTION 10. Section 490-150 entitled “I Industrial Zone; LI Light Industrial Zone,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

A. Permitted Uses.

(2) In either the Industrial (I) or Light Industrial (LI) Zone:

(m) Cannabis Cultivator.
(n) Cannabis Manufacturer.
(o) Cannabis Wholesaler.
(p) Cannabis Distributor.
(q) Cannabis Delivery Service.

SECTION 11. Section 478-34 entitled “Alcoholic Beverages and Illegal Drugs,” of Article IX entitled “Park Rules” of Chapter 478 entitled “Parks and Recreation” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

§ 478-34 Alcoholic Beverages, Cannabis, and Illegal Drugs.

No one shall possess or consume an alcoholic beverage, cannabis, cannabis item(s), or illegal or hallucinogenic drug.

SECTION 12. Section 574-2 entitled “Smoking in Borough-owned or -controlled Public Places Prohibited” of Chapter 574 entitled “Smoking” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

§ 574-2 Smoking in Borough-owned or -controlled Public Places Prohibited.

A. Smoking shall be prohibited inside of all municipal buildings and within a fifty-foot radius of all municipal buildings, which radius shall extend from the outer wall of the municipal building, but shall not extend beyond the boundary of the property upon which the municipal building is located. 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-foot radius thereof on the public property.

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.

C. Prohibited “Smoking” shall include the smoking, vaping, or aerosolizing of cannabis and/or cannabis items.

SECTION 13. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 14. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Red Bank are ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 15. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough for its review under N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 16. This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final adopted Ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

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Introduced: July 21, 2021
Public Hearing/Adoption: August 18, 2021

I hereby certify the above to be a true copy.

Pamela Borghi
Pamela Borghi, Municipal Clerk
Chief Darren McConnell  
Business Administrator  
Borough of Red Bank  
90 Monmouth Street  
Red Bank, New Jersey

Dear Chief McConnell,

I pray that this letter finds you doing well and enjoying these wonderful winter days. As you know, the Borough Council and Mayor Menna recently voted to change the designation of our small section of Herbert Street as Oratory Way. We are so grateful and honored by this designation and humbled by the people’s desire and work to get the signatures to bring before all of our leaders. I am also grateful to Cliff and the Public Works crew for doing such a beautiful job with the signage. It is really humbling to see that sign with the name of the Oratory.

I was writing to ask if possible, that this designation might be made official. When the people of our community first approached us about their desire to undertake this endeavor and to set about to gather signatures, it was their hope that this could be the official street name and that we could even use Oratory Way as our official mailing address. We are so grateful for all that you and the Council and Mayor have done for us already. If it is possible to make that designation the official address, I know that our people be most grateful.

Thank you for your kind attention to this matter.

In Christ,

Father Alberto W. Tamayo  
Pastor

Cc Laura Reinertsen, Borough Clerk
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  

ORDINANCE NO. 2023-xx  

BOND ORDINANCE PROVIDING FOR THE LEAD SERVICE LINE REPLACEMENT PROJECT, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING $2,400,000 THEREFORTH AND AUTHORIZING THE ISSUANCE OF $2,400,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.

WHEREAS, the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the “Borough”) desires to replace all or a portion of its lead service lines in the Borough’s public water distribution system with copper service lines (the “Project”); and

WHEREAS, the Borough has filed an application seeking financial assistance with the New Jersey Infrastructure Bank (“I-Bank”) and the New Jersey Department of Environmental Protection (“NJDEP”) under the New Jersey Water Bank Financing Program for the financing of the Project; and

WHEREAS, Senators Rice and Ruiz sponsored and introduced legislation in the New Jersey Senate identified as Senate Bill 2695 and Assemblywomen Pintor Marin and Tucker sponsored and introduced legislation in the New Jersey General Assembly identified as Assembly Bill 4120, authorizing, among other things, municipalities, including the Borough, to construct, reconstruct and finance the replacement of service connections to a publicly-owned water system, from the distribution main onto privately-owned real property and into a privately-owned structure, in connection with a project undertaken for the purpose of replacing lead-contaminated service connections, regardless of possible private service connection ownership, so long as the project is (1) an environmental infrastructure project, as defined under section 3 of P.L.1985, c.334 (C.58:11B-3), and (2) funded either by loans from the I-Bank or by loans issued through the NJDEP (the “I-Bank Loan”); and

WHEREAS, Assembly Bill 4120 was passed by the Assembly on June 21, 2018, was received in the Senate, substituted for Senate Bill 2695 and passed by the Senate on June 25, 2018, and was approved by the Governor on August 24, 2018 as Chapter 114 of the Public Laws of 2018; and

WHEREAS, the United States Environmental Protection Agency (the "USEPA") has adopted regulations to control lead and copper in drinking water and the NJDEP has directed the Borough to replace lead service lines in accordance with the USEPA's lead and copper rule; and

WHEREAS, the Project will improve the Borough’s drinking water quality and public health conditions; and

WHEREAS, the Borough believes that the provision of clean, lead free drinking water to its residents is a public purpose beneficial to the Borough as a whole and any benefit to any private land owner in accomplishing this purpose is incidental and subordinate to this primary public and governmental purpose; and
WHEREAS, the Borough now desires to adopt a bond ordinance in the amount of $2,400,000 to finance the Project.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the amount of $2,400,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as this bond ordinance involves environmental infrastructure projects, which are funded by loans from the New Jersey Infrastructure Bank (the “I-Bank”) or the State of New Jersey, acting by and through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the $2,400,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $2,400,000 pursuant to, and within all limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding $2,400,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the replacement of lead service lines from the main up to the curb, including the curb box and, as applicable, from the curb onto real property, including, but not limited to, privately-owned real property and privately-owned structures at various locations within and throughout the Borough.

a. All improvements shall include, as applicable, treatment improvements to mitigate lead contamination, reservoir/piping improvements to reduce potential for algae growth, the furnishing and installation of lead rated filters, lead service inventory development, all field work, site restoration of the trench, materials, equipment, engineering, design, architectural, environmental consulting work, preparation of plans and specifications, permits, bid documents, conducting and preparation of reports and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $2,400,000.

c. The aggregate estimated cost of said improvements or purposes is $2,400,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In
the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 (“NJIT Act”). The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement which the Borough may lawfully undertake as a local improvement, the cost of which may be specially assessed on property specially benefitted thereby via the levy of a special assessment against the benefitted properties. The portion of the costs of such purpose not specially assessed on property specially benefitted thereby shall be undertaken as a general improvement by the Borough.

b. The period of usefulness of said improvements is within the limitations of said Local Bond Law and, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, the period of usefulness is thirty (30) years.

c. The supplemental debt statement required by the Local Bond Law
has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by $2,400,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding $400,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

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<th>INTRODUCTION</th>
<th>COUNCILMEMBER</th>
<th>FINAL ADOPTION</th>
</tr>
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<tbody>
<tr>
<td>Moved</td>
<td>Sec.</td>
<td>Aye</td>
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<td>Moved</td>
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<td>Aye</td>
</tr>
</tbody>
</table>

JOHN JACKSON

ANGELA MIRANDI
<table>
<thead>
<tr>
<th>JACQUELINE STURDIVANT</th>
<th>KATE TRIGGIANO</th>
<th>MICHAEL BALLARD</th>
<th>EDWARD ZIPPRICH</th>
<th>MAYOR WILLIAM PORTMAN</th>
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</table>

Introduced: February 8, 2023

I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.

________________________________________
Laura Reinertsen,

Borough Clerk

ADOPTED ON FIRST READING
DATED: February 8, 2023

LAURA REINERTSEN, Clerk

ADOPTED ON SECOND READING
DATED: February 22, 2023

LAURA REINERTSEN, Clerk
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-xx  

AUTHORIZING MCIA PURCHASE OF A VENTRAC SIDEWALK SNOW VEHICLES

WHEREAS, Storr Tractor Company has provided proposed quote # 74247-1005 dated January 17, 2023; and

WHEREAS, it is the intent of the Red Bank Borough Purchasing Agent to make a purchase pursuant to said contract award to Storr Tractor Company pursuant to the proposal submitted to the Borough of Red Bank; and

WHEREAS, the Consultant of the Department of Utilities has reviewed the proposal and recommends the purchase; and

WHEREAS, funds in the amount of $95,924.85 are currently available for this purpose as certified by the Chief Financial Officer in Monmouth County Improvement Authority “MCIA” account no(s). M-17-00-101-208.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the Purchasing Agent is hereby authorized to authorize the purchase of a three (3) from Storr Tractor Company, in the amount of $95,924.85 as set forth in their proposal/quote.

BE IT FURTHER RESOLVED that, to the extent applicable, this resolution is further contingent upon the Chief Financial Officer’s Certification of sufficient funds.

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

[Table with voting details]

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on February 8, 2023.

[Signature]
Laura Reinertsen, Borough Clerk

[ON CONSENT AGENDA] Yes _ No _
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-____

EXECUTIVE SESSION RESOLUTION

WHEREAS, the members of the Borough Council are mindful of the right of the public to attend and witness meetings of the governmental bodies at which public business is discussed, and to be involved in all phases of governmental action, and

WHEREAS, the Open Public Meetings Act nonetheless recognizes the authority of a public body to exclude the public from meetings in certain enumerated instances in which disclosure of matters discussed could endanger public safety, property or other public interest, or invade individual privacy, and

WHEREAS, as authorized by the Open Public Meetings Act, NJSA 10:4-12 (b), the Borough Council has a need to meet in private session to discuss:

1) Matters expressly rendered confidential by law;
2) Matters the disclosure or which would jeopardize the receipt of federal funds;
3) Matters threatening unwarranted invasion of individual privacy;
4) Matters affecting collective bargaining of public employees;
5) Matters involving acquisition of real property with public funds, or investment of public funds, where disclosure would jeopardize such acquisition or investment.
6) Tactics and techniques utilized in protection of public safety or property, matters concerning investigations of violations of the law;
7) Matters affecting pending or anticipated litigation to which the public body may be party, matters within the attorney client privilege.
8) Personnel matters concerning the employment, appointment, evaluation, promotion or termination of a public officer or employee;
9) Deliberations which may result in the imposition of civil penalty or the suspension or loss of license or permit;

BE IT RESOLVED, that the Borough Council will meet in private session on _________ to discuss the following specific items:

Item # ____As enumerated above

BE IT FURTHER RESOLVED, that the matters so discussed will be disclosed to the public as determined during closed session.

_________________________________  
Laura Reinertsen, Borough Clerk

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth  
at a Meeting held on _____________________, 2023.

_________________________________  
Mayor Portman

ON CONSENT AGENDA  Yes  No ___