



# Borough of Red Bank

90 Monmouth Street ♦ Red Bank, NJ 07701

## MUNICIPAL COUNCIL MEETING AGENDA FEBRUARY 22, 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

Colorectal Cancer Awareness Proclamation

**PRESENTATIONS** Dr. Louis Moore, Superintendent RB Regional High school

RBHA Executive Director Lisa Richardson and RBHA Chair Memone Crystian

### PUBLIC COMMENTS ON AGENDA ITEMS ONLY

### APPROVAL OF MINUTES AND REPORTS

- January 11, 2023 Regular Meeting

### ORDINANCES

- Introduction
  - 2023-07 CHANGING THE NAME OF A PORTION OF HERBERT STREET TO ORATORY WAY IN RED BANK BOROUGH, NEW JERSEY
- Public Hearing Adoption
  - 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)
  - 2023-04 AMENDING AND SUPPLEMENTING CHAPTER 118-16 POLICE DEPARTMENT FEES; ISSUANCE OF FIREARMS PERMITS
  - 2023-05 AN ORDINANCE AUTHORIZING EARLY VOTING FOR THE BOROUGH OF RED BANK'S MUNICIPAL ELECTION OF 2023 PURSUANT TO N.J.S.A.19:1-15A-1, et seq.
  - 2023-06 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

### RESOLUTIONS

#### CONSENT AGENDA

- 23-57 Bills List
- 23-58 Tax Appeal Settlement B 10 L 12
- 23-59 Authorizing Refund of Developers Escrow \$5,712.47
- 23-60 Appointing Parking Enforcement Officers
- 23-61 Refund Parks and Rec Registration Fees
- 23-62 Appoint Alternate Public Defender
- 23-63 Award DMR Consulting Services for Senior Center Renovations
- 23-64 Cannabis Class 5 Fireside Cannabis LLC
- 23-65 Cannabis Class 5 The Canna Club LLC
- 23-66 Cannabis Class 2 MQ3 Manufacturing Inc
- 23-67 Authorizing The Borough Of Red Bank To Participate In The Nationwide Settlement Agreements To Resolve Claims Involving The National Opioid Crisis
- 23-68 Appoint Member to the RB Fire Department
- 23-69 Authorizing the Execution of Deeds of Open Space in Perpetuity: Count Basie Park, Eastside Park and Mohawk Pond
- 23-70 Authorizing MCIA Purchase of Ventrac Sidewalk Snow Vehicles
- 23-71 Authorizing Change Order #4 – Senior Center Improvements

### DISCUSSION AND ACTION (Workshop If Necessary)

- Special Events Requests
- Ordinance standards for the WD Waterfront Development District
- Review Cannabis Businesses within the Borough Code of Red Bank – DRAFT Ordinance

### MAYOR & COUNCIL COMMENTS

### PUBLIC QUESTIONS & COMMENTS

### EXECUTIVE SESSION (If Necessary) 23-xx

7) Matters affecting pending or anticipated litigation to which the public body may be party, matters within the attorney client privilege.

### ADJOURNMENT

*NOTE: This may not be the order of business. There may be additions or deletions.*

# PROCLAMATION

## BOROUGH OF RED BANK

### COLORECTAL CANCER AWARENESS MONTH

**WHEREAS,** colorectal cancer is the second-leading cause of cancer deaths in the United States among men and women combined; and

**WHEREAS** colorectal cancer is one of the few cancers that can be prevented with timely screening, but 1 in 3 eligible Americans are not up to date on screening; and

**WHEREAS** colorectal cancer is estimated to be the number one cancer killer for those ages 20-49 by 2030; and

**WHEREAS** Black Americans are 20% more likely to be diagnosed with colorectal cancer and about 40% more likely to die from the disease than other groups; and

**WHEREAS** colorectal cancer is expected to account for 11% of cancer deaths among Hispanic men and 9% of cancer deaths for Hispanic women; and

**WHEREAS** screening colonoscopy rates have still not returned to pre-COVID-19 levels; and

**WHEREAS** the national goal established by the National Colorectal Cancer Roundtable is to strive to increase timely colorectal cancer screening rates to 80 percent in every community for all Americans eligible for screening; and

**WHEREAS** observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to increase awareness and offer education on the importance of early detection and screening of colorectal cancer.

**NOW THEREFORE,** I, William Portman Mayor of Red Bank New Jersey , do hereby proclaim March 2023 as: **COLORECTAL CANCER AWARENESS MONTH.**

**IN WITNESS WHEREOF,** I have hereunto set my hand this 22<sup>nd</sup> day of February 2023.



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William Portman, Mayor.

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2023-07**

**CHANGING THE NAME OF A PORTION OF HERBERT STREET TO ORATORY  
WAY IN RED BANK BOROUGH, NEW JERSEY**

The purpose of this Ordinance is to rename a portion of Herbert Street to “Oratory Way”

WHEREAS, the Borough of Red Bank presently intends to change the name of a portion of Herbert Street to Oratory Way; and

WHEREAS, N.J.S.A. 40:67-1(k), provides that the governing body of a municipality may make, amend, repeal and enforce ordinances to provide for changing the names of streets within such municipality; and

WHEREAS, this name change shall affect the length of Herbert Street from the intersection of Bridge Avenue to the easterly terminus of the roadway; and

WHEREAS, the Red Bank Post Office shall be notified of such change by provision of a copy of this Ordinance; and

WHEREAS, the Red Bank Police Department and Red Bank Fire Department shall likewise be notified of such change by provision of a copy of this Ordinance; and

WHEREAS, appropriate signage shall be installed to reflect the street name change.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COMMITTEE OF THE BOROUGH OF RED BANK that the following street name is hereby changed as delineated below:

- Section 1. The name change of Herbert Street shall affect the portion of the length of Herbert Street beginning at Bridge Avenue, running in an easterly direction along Lots 14.01 and 16.01, Block 75.05, to the Block Limit Line of Block 75, as shown on sheet 9 of the Red Bank Borough Tax Maps, dated September 1961 and approved by the New Jersey Department of Treasury, Division of Taxation on August 11, 1983, being also generally described as the portion of Herbert Street running in an easterly direction from Bridge Avenue to the terminus of Herbert Street.
- Section 2. The name of Herbert Street shall become “Oratory Way”
- Section 3. The Red Bank Post Office shall be notified of such change by provision of a copy of this Ordinance.
- Section 4. The Red Bank Police Department and Red Bank Fire Department shall likewise be notified of such change by provision of a copy of this Ordinance; and
- Section 5. The State of New Jersey shall be notified so appropriate signage changes may be made along State Route 124.
- Section 6. Appropriate signage shall be installed to reflect the street name change.
- Section 7. This Ordinance shall become effective on May 8, 2023, two months after adoption and publication according to 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 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.						
Final Adoption: March 8, 2023												
						<hr/> Laura Reinertsen, Borough Clerk						

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**ORDINANCE NO. 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)**

**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						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				JOHN JACKSON						
		X				ANGELA MIRANDI						
		X				JACQUELINE STURDIVANT						
		X				KATE TRIGGIANO						
X		X				MICHAEL BALLARD						
		X				EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
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												
						<hr/> Laura Reinertsen, Borough Clerk						

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2023-04**

**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.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				JOHN JACKSON						
		X				ANGELA MIRANDI						
		X				JACQUELINE STURDIVANT						
X		X				KATE TRIGGIANO						
		X				MICHAEL BALLARD						
		X				EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
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												
						<hr style="width: 20%; margin-left: auto;"/> Laura Reinertsen, Borough Clerk						

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2023-05**

AUTHORIZING EARLY VOTING FOR THE BOROUGH OF RED BANK’S REGULAR  
MUNICIPAL ELECTION OF 2023 PURSUANT TO N.J.S.A.19:1-15A-1, et seq.

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
	X	X				JOHN JACKSON						
		X				ANGELA MIRANDI						
		X				JACQUELINE STURDIVANT						
		X				KATE TRIGGIANO						
X		X				MICHAEL BALLARD						
		X				EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
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												
						<hr/> Laura Reinertsen, Borough Clerk						

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2023-06**

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

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.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
X		X				JOHN JACKSON						
		X				ANGELA MIRANDI						
		X				JACQUELINE STURDIVANT						
		X				KATE TRIGGIANO						
	X	X				MICHAEL BALLARD						
		X				EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
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						

ADOPTED ON FIRST READING

DATED: February 8, 2023

*Laura Reinertsen*

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LAURA REINERTSEN, Clerk

ADOPTED ON SECOND READING

DATED: February 22, 2023

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LAURA REINERTSEN, Clerk

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-57**

**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:

Check Type	Count	Total
Manual Check	27	\$2,253,023.68
Meeting Check	86	\$603,084.46
<b>Total</b>	<b>113</b>	<b>\$2,856,108.14</b>

Checking Account	Count	Total
CAPITAL ACCOUNT	2	\$5,495.50
CURRENT -VALLEY	67	\$588,686.14
DEVELESCROW	3	\$71,556.75
DEVEESCROW2RIVER	1	\$5,828.75
GRANT FUND-VNB	10	\$18,171.54
MCIA LEASE	4	\$38,630.94
PKING CAP 2RIVE	1	\$790.00
PKINGOP2RIVER	6	\$20,895.73
RECREATION-VNB	2	\$7,261.15
TRUST ACCOUNT	4	\$56,286.62
TWO RIVERS	1	\$396.02
UNEMPLOYTRUST	1	\$3,589.55
WATER OPERATING	10	\$423,930.15
WIRE	1	\$1,614,589.30
<b>Total</b>	<b>113</b>	<b>\$2,856,108.14</b>

Checking Account	Check Type	Count	Total
CAPITAL ACCOUNT	Meeting Check	2	\$5,495.50
CURRENT -VALLEY	Manual Check	9	\$443,739.42
CURRENT -VALLEY	Meeting Check	58	\$144,946.72
DEVELESCROW	Manual Check	3	\$71,556.75
DEVEESCROW2RIVER	Meeting Check	1	\$5,828.75
GRANT FUND-VNB	Manual Check	5	\$14,482.87
GRANT FUND-VNB	Meeting Check	5	\$3,688.67
MCIA LEASE	Meeting Check	4	\$38,630.94
PKING CAP 2RIVE	Meeting Check	1	\$790.00
PKINGOP2RIVER	Manual Check	2	\$14,513.46
PKINGOP2RIVER	Meeting Check	4	\$6,382.27
RECREATION-VNB	Meeting Check	2	\$7,261.15
TRUST ACCOUNT	Manual Check	1	\$44,842.25
TRUST ACCOUNT	Meeting Check	3	\$11,444.37
TWO RIVERS	Manual Check	1	\$396.02
UNEMPLOYTRUST	Meeting Check	1	\$3,589.55
WATER OPERATING	Manual Check	5	\$48,903.61
WATER OPERATING	Meeting Check	5	\$375,026.54
WIRE	Manual Check	1	\$1,614,589.30
<b>Total</b>	<b>All Checking</b>	<b>113</b>	<b>\$2,856,108.14</b>

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Councilmember Jackson							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 22, 2023.  _____ Laura Reinertsen, Borough Clerk
Councilmember Mirandi							
Councilmember Sturdivant							
Councilmember Triggiano							
Councilmember Ballard							
Councilmember Zipprich							
Mayor Portman							
<b>ON CONSENT AGENDA</b>	Yes	__	No	__			

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-58**

**AUTHORIZING TAX CREDITS/REFUNDS DUE TO JUDGMENTS OF THE TAX COURT OF  
NEW JERSEY**

**WHEREAS**, on the below reference property, overpayments have occurred due to a judgment of the Tax Court of New Jersey, February 8, 2023; and

**WHEREAS**, Ashlesha Deshpande, tax collector has verified proof of payment and hereby recommends said overpayments totaling \$7,199.32 be credited/refunded; and

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

BL & Lot	Address	Property Owner	Year	\$ Amount
B 10 L 12	6 Riverview Plaza	CJS Enterprises LLC	2022	\$ 7,199.32
<b>TOTAL</b>				<b>\$ 7,199.32</b>

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

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>	Yes <u>  </u>	No <u>  </u>				

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 22, 2023.

\_\_\_\_\_  
Laura Reinertsen, Borough Clerk

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-59**

**AUTHORIZING REFUND OF DEVELOPERS ECROW ACCOUNT BALANCES TOTALING \$5,712.47**

**WHEREAS**, the following applicants have deposited Escrow amounts as required by the Planning and Zoning Department for a development project; and

**WHEREAS**, the Planning and Zoning Department have determined that the applicants' corresponding projects are substantially complete and therefore the balance of Escrows can be released; and

**WHEREAS**, the Escrow Accounts identified in the enclosed schedule, 'Schedule A' identify balances remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposits;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Red Bank that the Escrow balances be released and that the Chief Financial Officer is hereby directed to issue checks for the refunds.

**Schedule A**

<b>Applicant</b>	<b>Address</b>	<b>Balance</b>
Buzzanco, Joseph & Maria (PR12256)	208 Maple Ave.	\$ 883.26
Camargo Real Estate (ZI10195)	183 Shrewsbury Ave.	\$2,100.00
Centerline Consulting (ZR11525)	135 Maple Ave.	\$ 225.17
Macleod, Gerald (ZR14853)	187 E. Bergen Pl.	\$ 2.77
Meridian Hospitals Corp. (PR11655)	1 Riverview Plaza	\$ 269.36
Metrovation Anderson (ZI10998)	218 Monmouth St.	\$1,053.13
Strategic Advisors (ZR12078)	7 Broad St.	\$1,178.78
<b>Total</b>		<b>\$5,712.47</b>

	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 22, 2023.  _____ Laura Reinertsen, Borough Clerk
Councilmember Jackson							
Councilmember Mirandi							
Councilmember Sturdivant							
Councilmember Triggiano							
Councilmember Ballard							
Councilmember Zipprich							
Mayor Portman							
<b>ON CONSENT AGENDA</b>	Yes <u>  </u>	No <u>  </u>					

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-60**

**RATIFYING AND CONFIRMING THE APPOINTMENT OF A PART-TIME PARKING  
ENFORCEMENT / SLEO CLASS 1 OFFICERS**

**WHEREAS**, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a part-time Parking Enforcement Officers/Class I Special Law Enforcement Officers; and

**WHEREAS**, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Borough Administrator appoints the following individuals as part-time Parking Enforcement Officers/Class I Special Law Enforcement Officers:

<u>NAME</u>	<u>EFFECTIVE DATE</u>	<u>HOURLY RATE</u>
Brent Bennett	2/24/2023	\$16.70
Jonathan Balanzar-Tepox	2/24/2023	\$16.70

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Borough Administrator’s aforementioned appointments.

**BE IT FURTHER RESOLVED**, these appointments are subject to statutory requirements, successful completion of criminal background checks and a ninety-day probationary period.

	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 22, 2023.  _____ Laura Reinertsen, Borough Clerk
Councilmember Jackson							
Councilmember Mirandi							
Councilmember Sturdivant							
Councilmember Triggiano							
Councilmember Ballard							
Councilmember Zipprich							
Mayor Portman							
<b>ON CONSENT AGENDA</b>	Yes <u>  </u>	No <u>  </u>					

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23- 61**

**WHEREAS**, registration fees were accepted for Parks and Recreation Soccer programs; and  
**WHEREAS**, the registrant will no longer be able to participate.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Red Bank that the attached listed individual be reimbursed the registration fee(s) as noted.

<b>Name</b>	<b>Prog Desc</b>	<b>Amt Pd</b>	<b>Total</b>
Marybeth Galinski	Baseball	75.00	\$75.00
Anna Cotis	Softball	60.00	\$60.00
Eugene Urbanowicz	Baseball	\$200.00	\$200.00
<b>TOTAL</b>			<b>\$335.00</b>

**BE IT FURTHER RESOLVED**, that the Mayor and Council authorize the Chief Finance Officer to issue the aforementioned refund

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>	Yes <u>  </u>	No <u>  </u>				

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 22, 2023.

\_\_\_\_\_  
 Laura Reinertsen, Borough Clerk

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-62**

**APPOINTING LAWRENCE W. LUTTRELL, ESQ. AS ALTERNATE PUBLIC DEFENDER**

**WHEREAS**, the Borough of Red Bank (the “Borough”) requires the services an Alternate Public Defender for 2023; and

**WHEREAS**, Lawrence W. Luttrell, Esq. has expressed his intent and willingness to continue serving as the Borough’s Alternate Public Defender during 2023; and

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

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

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

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor & Council of the Borough of Red Bank awards a contract for legal services to Lawrence W. Luttrell, Esq. to serve as the Borough’s Alternate Public Defender until December 31, 2023 at an hourly rate of \$150.00; and

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

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Councilmember Jackson							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 22, 2023.  _____ Laura Reinertsen, Borough Clerk
Councilmember Mirandi							
Councilmember Sturdivant							
Councilmember Triggiano							
Councilmember Ballard							
Councilmember Zipprich							
Mayor Portman							
<b>ON CONSENT AGENDA</b>		Yes _		No _			



**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-63**

**AWARDING A PROFESSIONAL SERVICES CONTRACT TO DMR ARCHITECTURE  
PLANNING ENGINEERING INTERIORS CONSULTING FOR CONSTRUCTION  
ADMINISTRATION SERVICES FOR SENIOR CENTER RENOVATIONS**

**WHEREAS**, the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough") requires Construction Administration Services for Senior Center Renovations (the "Project"); and

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

**WHEREAS, DMR ARCHITECTURE PLANNING ENGINEERING INTERIORS CONSULTING** has provided the Borough with their proposal dated February 2, 2023 for the Project at a cost of \$16,668.00 and is attached hereto as Exhibit A.

**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. The Borough Engineer, CME Associates, is authorized by the Governing Body to perform Construction Administration Services as per their proposal dated February 4, 2023 in an amount not to exceed \$16,668.00 which proposal is attached as Exhibit A.
2. That the account(s) to be charged are 2-01-20-715-210 and 3-01-20-715-210 in an amount not to exceed \$16,668.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Administrator, the Borough DPU Director, and the Borough Engineer.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>	Yes <input type="checkbox"/>		No <input type="checkbox"/>			

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 22, 2023.

\_\_\_\_\_  
Laura Reinertsen, Borough Clerk

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-64**

**ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED  
A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND  
WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT**

**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**, 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**, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the “Borough”) permitted and established 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**, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

**WHEREAS**, the Borough has received a request for such an aforementioned Resolution from ***Fireside Cannabis LLC.***, which seeks a license from the Commission for a ***Class 5*** cannabis business license to be potentially located within the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of ***Fireside Cannabis LLC.*** for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally-imposed limit; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and ***Fireside Cannabis LLC.***

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Councilmember Jackson							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 22, 2023.           <div style="text-align: right; margin-top: 20px;"> <hr style="width: 20%; margin: 0 auto;"/>                     Laura Reinertsen, Borough Clerk                 </div>
Councilmember Mirandi							
Councilmember Sturdivant							
Councilmember Triggiano							
Councilmember Ballard							
Councilmember Zipprich							
Mayor Portman							
<b>ON CONSENT AGENDA</b>			Yes <u>  </u>	No <u>  </u>			

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-65**

**ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED  
A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND  
WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT**

**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**, 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**, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the “Borough”) permitted and established 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**, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

**WHEREAS**, the Borough has received a request for such an aforementioned Resolution from **The Canna Club LLC**, which seeks a license from the Commission for a **Class 5** cannabis business license to be potentially located within the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of **The Canna Club LLC** for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally-imposed limit; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and **The Canna Club LLC**.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>				

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 22, 2023.

\_\_\_\_\_  
Laura Reinertsen, Borough Clerk



**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-67**

**AUTHORIZING THE BOROUGH OF RED BANK TO PARTICIPATE IN THE NATIONWIDE SETTLEMENT AGREEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, WALMART TO RESOLVE CLAIMS INVOLVING THEIR ROLES IN THE NATIONAL OPIOID CRISIS**

**WHEREAS**, the ongoing opioid crisis in America has had a devastating effect on individuals and communities, including the Borough of Red Bank, County of Monmouth, State of New Jersey (the “Borough”); and

**WHEREAS**, the Borough is a member of a class action lawsuit filed by state, local, and tribal governments, hospitals, individuals, and insurers, seeking damages against opioid manufacturers, distributors, and retailers in *In re National Prescription Opiate Litigation*, Case No. 17-md-02804, MDL No. 2804, in the District Court for the Northern District of Ohio; and

**WHEREAS**, on August 20, 2021, Acting Attorney General Andrew J. Bruck announced that New Jersey intends to join nationwide settlement agreements with New Jersey based pharmaceutical company TEVA, ALLERGAN, CVS, WALGREENS, and WALMART (reference number CL-390584) to resolve claims involving their roles in fomenting the country’s opioid crisis; and

**WHEREAS**, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$26 billion, the settlements will provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in the pharmaceutical industry aimed at preventing similar crises in the future; and

**WHEREAS**, the proposed settlements provide: “the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the “Settlement Amount”). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states’ and subdivisions’ lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids;” and

**WHEREAS**, participation by a significant number of states, county, and municipal governments nationwide must agree to the proposed terms in order for the settlements to take effect; and

**WHEREAS**, the Borough’s share in the settlement funds will ultimately depend on the number of counties and municipalities that opt-in, population of each participating county and municipality, and effects of the opioid epidemic on each participating community; and

**WHEREAS**, it is in the best interests of the Borough and its residents to participate and join in the settlement agreements in order to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again in the near future;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey that the Borough Administrator and/or Borough Attorney are authorized to sign any documents necessary in order to join the settlement agreements with TEVA, ALLERGAN, CVS, WALGREENS, and WALMART (reference number CL-390584) to resolve claims involving their participation in the opioid crisis; and

**BE IT FURTHER RESOLVED** that upon effectuation of the settlement agreement, the Borough agrees to release its claims against the settling parties; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough Administrator, Borough Attorney, and the Office of the Attorney General of New Jersey.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>	Yes <u>  </u>	No <u>  </u>				

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 22, 2023.

\_\_\_\_\_  
Laura Reinertsen, Borough Clerk

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. 23-68**

**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:

Johnathan Munoz-Valente

Liberty Hose Company

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>		Yes <u>  </u>	No <u>  </u>			

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 22, 2023.

\_\_\_\_\_  
Laura Reinertsen, Borough Clerk



**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION 23-71**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 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. 4**, dated **February 13, 2023** 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 **\$27,416.00**.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that Change Order **No. 4** to the **Improvements the Red Bank Senior Center Project**, dated **February 13, 2023** is hereby approved with a supplementary price increase not to exceed **\$27,416.00**; 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.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson						
Councilmember Mirandi						
Councilmember Sturdivant						
Councilmember Triggiano						
Councilmember Ballard						
Councilmember Zipprich						
Mayor Portman						
<b>ON CONSENT AGENDA</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>			

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 22, 2023.

\_\_\_\_\_  
Laura Reinertsen, Borough Clerk



Ordinance No. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 270 ENTITLED "CANNABIS" AND CHAPTER 490 ENTITLED "PLANNING AND DEVELOPMENT REGULATIONS" OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES AND LICENSURE PROCEDURE

SECTION 1. The Revised General Ordinances of the Borough of Red Bank, Chapter 270, "Cannabis "is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

270-5.6 Cannabis Application Review

- A. Cannabis Review Board. There is hereby created a review board to be known as the "Cannabis Review Board", which shall serve as an advisory committee to the Borough of Red Bank Council whose duty it shall be to (i) review license applications for Class 1-5 cannabis business within the Borough of Red Bank (ii) conduct hearings with the applicant and (iii) provide recommendation to Council for awarding licenses.
1. The purpose of the Cannabis Review Board is to assure the public health, safety and general welfare of the Borough of Red Bank and its residents, business establishments and visitors and to provide a recommendation to Council for awarding licenses for a cannabis establishment within the Borough of Red Bank.
  2. The Review Board shall be comprised of the following members: Borough Council appointed Councilmember, Chief of Police, Director of Community Development, and Director of Code Enforcement.
  3. The Review Board and the action thereof are subject to the enabling authority of the State New Jersey "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Personal Use Act"). If any provision of this section is found to be inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.
- B. Classification of Licenses. The Borough, subject to land use approval and State licensure, may issue municipal licenses to operate Class 1-5 cannabis businesses.
- C. Maximum number of licenses. The Borough may issue a maximum of one (1) Class I, one (1) Class II, one (1) Class III, one (1) Class IV and two (2) Class V licenses. The Borough adopts license limitation per N.J.A.C. 17:30-6.8.
- D. Administrative and municipal license application. In order to obtain a Borough license, a prospective licensee must submit an application and fee to the Clerk's Office. The application must include:
1. Business Certification. Cannabis Business operators must submit a NJ Business License to operate within the State of New Jersey.
  2. Resolution of Support. Prospective licensee must provide the resolution of support provided by the Borough Council.
  3. State Licensure. Applicant must demonstrate proof of submission for state license. A Cannabis business must first obtain a license from the Cannabis Regulatory Commission. Such license must be in good standing during the entirety of the term of

the business' operation with the Borough. The applicant must follow the State licensing requirements set for in N.J.A.C 17:30-6.1.

4. Site Plan Approval. Applicants must obtain site plan approval from the Red Bank Planning Board and submit a copy of the resolution.
  5. A summary of applicant's plan for storage of products and currency, physical security, video surveillance, security personnel and visitor management.
  6. Applicant's willing commitment to the Community and its support for, by example, local cannabis education programs, local employment and job training, public safety programs, RiverCenter, etc.
  7. Applicant's overview plans for security, reduction in noise, infrastructure, utilities, and order control.
  8. The applicant shall submit proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking the Borough's license. Standards for proof of financial capability shall be determined by the Borough's CFO.
- E. The Review Board shall receive and review all license applications for cannabis businesses and conduct a hearing with each applicant. The Board will review and provide recommendations to Council for a resolution awarding the applicant's cannabis license or deny the application.
- F. A waiting list shall be kept of the applicants that's have gone through the hearing process.

SECTION 3. The Revised General Ordinances of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article V, entitled "General Regulations, is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-56.2. Cannabis Establishments. Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

~~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.~~

L. Site plan review is required. All proposed cannabis businesses must obtain site plan approval from the Planning Board. All such applications must be reviewed Monmouth County Health Department and Red Bank Police Department, prior to a Planning Board hearing.

M. Any cannabis microbusiness, as defined in the Cannabis Regulations shall comply with N.J.A.C. 17:30-6.7. A cannabis microbusiness shall be limited to 10 employees and premises no larger than 2,500 square feet.

N. Deliveries for Class 1-4 are required to operate between 9 AM to 8 PM.

O. Queuing of customers outside a cannabis retailer is prohibited. The cannabis retailer shall have a sufficient waiting area inside the facility to accommodate customers, or shall provide a reservation service, phone/text notification service or other alternatives to waiting on the public right of way. Loitering is prohibited and shall be managed by the facility.

SECTION 4. The Revised General Ordinance of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article IX, entitled "Conditional Uses", is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-122. Cannabis Retailer.

d. No Cannabis Retailer may open to customers for business before & 10 AM and after 8:00 PM from Monday to Saturday and not open for business before 12 PM and after 6 PM on Sundays. Cannabis Retailers may receive deliveries between 8 am and 8 pm Monday to Saturday and between 10 am and 6 pm on Sundays.

e. No cannabis retailer shall be located within:

- i. A 250-foot radius of any retail cannabis business.
- ii. Distances shall be measured from the property lines of the cannabis business site.

g. Cannabis Retailers are only permitted on and fronting the following streets:

- i. Riverside Avenue (Between Bridge Avenue and Pearl Street)
- ii. Shrewsbury Avenue (Between W Front and Monmouth Street)
- iii. Bridge Avenue (Between Riverside Avenue and Monmouth Street)
- iv. West Front Street (Between Shrewsbury Avenue and Pearl Street)
- v. Brower Street
- vi. West Street (Between Wall Street and West Front Street)
- vii. Newman Springs Road (Between Shrewsbury Avenue and Route 35)

h. Parking requirements for retail cannabis businesses:

- i. A retail cannabis business establishment shall be required to provide no less than six off-street parking per 1000 square feet.
- ii. Retail cannabis businesses shall all follow the loading and parking regulations set forth in Sections 490-97 and Section 490-98 of the Borough's Planning and Development Regulations.

I. Consumption Lounges defined as public consumption of cannabis products purchased from a Class 5 retailer cannabis are not permitted within the Borough.

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

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~~

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~~

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~~

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~~

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:

\* \* \*

~~(g) — Cannabis Delivery Service.~~

**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 of 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.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Councilmember Jackson							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.  _____ Laura Reinertsen, Borough Clerk
Councilmember Mirandi							
Councilmember Sturdivant							
Councilmember Triggiano							
Councilmember Ballard							
Councilmember Zipprich							
Mayor Portman							
<b>ON CONSENT AGENDA</b>			Yes _	No _			