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
• Presentation of Volunteer Appreciation (Parks and Recreation): Enrico Ciabattoni & Eric Harris
• Volunteer Month
• Building Safety Month
• Firefighter Week
• Apraxia Awareness
• Denim Day

PRESENTATIONS

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES AND REPORTS
• Minutes –
  o 02/08/2023
  o 04/12/2023

ORDINANCES
• Introduction
  o 2023-18 AMENDING BOND ORDINANCE 2023-06 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, INCREASING THE APPROPRIATION BY $1,600,000 FROM $2,400,000 TO $4,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES TO FINANCE THE COST THEREOF

• Public Hearing Adoption
  o 2023-12 ORDINANCE OF THE BOROUGH OF RED, 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 ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES AND TO CREATE NEW CHAPTER 490: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT AND MAKE-READY PARKING SPACE
  o 2023-13 AN ORDINANCE AMENDING CHAPTER 490 ENTITLED “PLANNING AND DEVELOPMENT REGULATIONS” OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY

NOTE: This may not be the order of business. There may be additions or deletions.
INCONSISTENT HEREWITH, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES

○ 2023-16 BOND ORDINANCE OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO PROVIDE FUNDING FOR THE SOUTH STREET ROADWAY IMPROVEMENTS PROJECT

○ 2023-17 BOND ORDINANCE OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO PROVIDE FUNDING FOR IMPROVEMENTS AND OR REHABILITATION OF RED BANK HOUSING AUTHORITY UNITS

○

RESOLUTIONS

• 23-109 Introduction of the 2023 Municipal Budget

CONSENT AGENDA

• 23-110 Bills List
• 23-111 Appoint Police Representative to OEM Committee
• 23-112 Awarding Professional Services – DPW Mechanic Garage Assessment
• 23-113 Authorizing Municipal Grant to Red Bank Housing Authority
• 23-114 Award East Side Park Improvements Contract
• 23-115 FY2024-2026 CDBG Participation Agreement with Monmouth County
• 23-116 Authorize Permit Fee Refund
• 23-117 Awarding Contract for Affordable Housing Program Rehabilitation Services
• 23-118 Authorize Traffic Circulation/On-Street Parking Study Scope Change for Inclusion of 4 Additional Intersections
• 23-119 Appointment of Department of Public Utilities Personnel
• 23-120 Authorize Senior Center Property Subdivision
• 23-121 Appoint Member the Red Bank Fire Department
• 23-122 Authorizing Street Eateries Fees

DISCUSSION AND ACTION (Workshop If Necessary)

• Senior Center Property Sub-Division
• Street Eateries

MAYOR & COUNCIL COMMENTS

PUBLIC QUESTIONS & COMMENTS

EXECUTIVE SESSION (If Necessary) 23-xx (7 Anticipated Litigation / 8 Personnel Matters)

ADJOURNMENT
PROCLAMATION
BOROUGH OF RED BANK

APRIL IS NATIONAL VOLUNTEER MONTH

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, every community member can effect positive change with any volunteer action no matter how big or small, utilizing their time and talent daily to make a real difference in the lives of children, adults, and the elderly; and

WHEREAS, during this month, all over the nation, service projects will be performed, and volunteers recognized for their commitment to service; and

WHEREAS, our community’s volunteers are a vital force to our future as a caring and productive community and should be lauded and treasured; and

WHEREAS, experience teaches us that government by itself cannot solve all of our nation’s social problems; and the giving of one’s self and service to another empowers the giver and the recipient; and

NOW, THEREFORE, BE IT RESOLVED that I, William Portman, Mayor of the Borough of Red Bank, on behalf of the Red Bank Borough Council, do hereby proclaim April as Volunteer Month in the Borough of Red Bank. By volunteering and recognizing those who serve, we can make a difference.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April 2023.

_____________________________
William Portman, Mayor
PROCLAMATION

BOROUGH OF RED BANK

BUILDING SAFETY MONTH – MAY 2023

WHEREAS, our Borough is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play; and

WHEREAS, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according to a FEMA commissioned study by the National Institute Building Science, provide $11 in future mitigation benefits for every dollar invested; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient, and livable buildings that are essential to America’s prosperity; and

WHEREAS, “It Starts with You!,” the theme for Building Safety Month 2023, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2023 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses; and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and.

NOW, THEREFORE, BE IT RESOLVED that I, William Portman, Mayor of the Borough of Red Bank, in acknowledgment of the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property do hereby proclaim the month of May 2023 as Building Safety Month in the Borough of Red Bank.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April 2023.

_________________________________
William Portman, Mayor
PROCLAMATION
BOROUGH OF RED BANK

VOLUNTEER FIREFIGHTER RECOGNITION DAY
DESIGNATING MAY 4, 2023 AS VOLUNTEER FIREFIGHTER APPRECIATION DAY TO HONOR THE MEN AND WOMEN OF THE RED BANK FIRE DEPARTMENT

WHEREAS, throughout our history, the American spirit has been distinguished by the ready willingness of neighbors to join together and help one another. The tradition of voluntary community service is as important today as it was in the founding years of our country; and

WHEREAS, the Red Bank volunteer firefighters carry on this truly American tradition of citizen response for the common good. Volunteer firefighters protect our lives, our families, and the economic life of our communities from the threat of destructive fire, often at great personal sacrifice. But these volunteers are more than firefighters. In many communities, they respond to a wide range of natural and technological emergencies; and

WHEREAS, the members of our fire department respond to approximately 550 - 600 calls in a typical year and spend countless hours in training to maintain and hone their exceptional skills; and

WHEREAS, these trained and organized volunteers, our neighbors, are a valuable resource for our community. It is fitting and proper that a grateful Community should recognize the vital contributions of the volunteer men and women who serve in the Red Bank Volunteer Fire Department.

NOW, THEREFORE, I, William Portman, Mayor of the Borough of Red Bank, do hereby proclaim Thursday, May 4th as Volunteer Firefighter Recognition Day, and I call upon all citizens of Red Bank to join the Mayor and Council in expressing the appreciation of a grateful community for the exemplary services provided by the dedicated members of the Red Bank Fire Department.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, 2023.

William Portman, Mayor.
PROCLAMATION

BOROUGH OF RED BANK

“Apraxia Awareness Day”

WHEREAS, May 14, 2023 marks Childhood Apraxia of Speech Day during which awareness will be raised throughout New Jersey about childhood apraxia of speech, an extremely challenging speech disorder that affects 1-in-1,000 children; and

WHEREAS, childhood apraxia of speech (CAS) causes children to have significant difficulty learning to speak and is among the most severe speech deficits in children; and

WHEREAS, the act of learning to speak comes effortlessly to most children, those with apraxia require early, appropriate, and intensive speech therapy, often for many years to learn to speak; and

WHEREAS, without appropriate speech therapy intervention, children with apraxia will have diminished communication skills, but are also placed at high risk for secondary impacts in reading, writing, spelling, and other school-related skills; and

WHEREAS, that such primary and secondary impacts diminish future independence and employment opportunities and challenge the ability to become productive, contributing citizens if not resolved or improved; and

WHEREAS, public awareness about childhood apraxia of speech in New Jersey is essential for families of children with this neurological disorder and the professionals who support them to achieve the needed services for those learning to use their own voice; and

WHEREAS, our highest respect goes to these children, as well as their families, for their effort, determination, and resilience in the face of such obstacles.

NOW, THEREFORE, I, William Portman, Mayor of the Borough of Red Bank proclaim that May 14, 2023 is “Apraxia Awareness Day” and citizens of Red Bank are encouraged to work to increase awareness and understanding of childhood apraxia of speech.

In Witness Whereof, I have hereunto set my hand this 26th day of April 2023.

William Portman, Mayor
PROCLAMATION
BOROUGH OF RED BANK

DENIM DAY 2023

WHEREAS, sexual assault is an intolerable violent crime with public health implications for every person in our nation as a victim/survivor or as a family member, significant other, neighbor or co-worker of a victim/survivor; and

WHEREAS, no one person, organization, agency or community can eliminate sexual assault on their own – we must work together to educate our entire population about what can be done to prevent sexual assault, support victim’s rights and to increase support for agencies providing services to victims/survivors; and

WHEREAS, international Denim Day has been observed since April 1999 as a symbol of protest in response to an Italian High Court decision to overturn a rape conviction because the victim wore jeans; and

WHEREAS, every year since 1999 community members, elected officials, businesses and students have organized to make a social statement by wearing jeans as a visible means of protest against myths that surround sexual assault; and

WHEREAS, Red Bank is dedicated to support the Denim Day initiative as there is no excuse and never an invitation to rape.

NOW THEREFORE, I, William Portman, Mayor of the Borough of Red Bank, in the State of New Jersey, hereby recognize the 26th day of April, 2023 as;

DENIM DAY

In Witness Whereof, I have hereunto set my hand this 26th day of April 2023.

____________________________________
William Portman, Mayor
ORDINANCE NO. 2023-12

ORDINANCE OF THE BOROUGH OF RED, 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 ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES AND TO CREATE NEW CHAPTER 490: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT AND MAKE-READY PARKING SPACE

WHEREAS, this Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Borough of Red Bank of Monmouth County.

WHEREAS, supporting the transition to electric vehicles contributes to Borough of Red Bank's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Red Bank encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey’s goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ’s 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of the Borough of Red Bank adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with various of the Master Plan as well as the land use, circulation, sustainability, infrastructure and resiliency elements of the Master Plan; and

WHEREAS, the Borough of Red Bank encourages greater ownership and use of electric vehicles, thus the Borough of Red Bank is amending the Chapter 490: Planning and Development Regulation to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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

SECTION 1: 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:

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT OR (EVSE)

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. ”EVSE” may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. “EVSE” is synonymous with “electric vehicle charging station.”
MAKE-READY PARKING SPACE

The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

SECTION 2. The Revised General Ordinances of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article VIII, entitled “Design Standards and Improvement Specifications”, is hereby amended and supplemented as follows (stricken text indicates deletions, underlined text indicates additions):

§490-96. Q. Electric vehicle supply equipment. Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces

(1) Electric vehicle supply equipment (EVSE), commonly referred to as electric vehicle charging stations (EVCS), shall be permitted accessory uses in all zones and for all uses, except one- and two-family dwellings.

(2) Any new parking lot with greater than 20 parking spaces shall provide EVCS’s at a minimum rate of one EVCS for every 20 parking spaces.

(3) EVCS’s shall be designed to current industry standards and adequately lit.

(1) Purpose. The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

a) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.

b) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.

c) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.

d) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

(2) Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.
Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

a) **Level 1** operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.

b) **Level 2** operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.

c) **Direct-current fast charger (DCFC)** operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with “electric vehicle charging station.”

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al)

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

(3) Approvals and Permits

a) An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
b) EVSE and Make-Ready Parking Spaces installed pursuant to Section (4) below in development applications that are subject to site plan approval are considered a permitted accessory use as described in a) above.

c) All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

d) The administrative official shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Borough of Red Bank’s land use regulations.

e) An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

1. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;

2. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and

3. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

f) An application pursuant to Section e) above shall be deemed complete if:

1. the application, including the permit fee and all necessary documentation, is determined to be complete,

2. a notice of incompleteness is not provided within 20 days after the filing of the application, or

3. a one-time written correction notice is not issued by the administrative official within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

g) EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

(4) Requirements for New Installation of EVSE and Make-Ready Parking Spaces

a) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling
that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:

1. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;

2. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and

3. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.

4. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.

5. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

b) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in a) above shall:

1. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.

2. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.

3. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.

4. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.

5. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.

6. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

7. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

8. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

(5) Minimum Parking Requirements
a) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to §490-98.0.

b) A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.

c) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.

d) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section (4) above may be encouraged, but shall not be required in development projects.

(6) Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

a) Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

b) Installation:

1. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

2. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.

3. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

4. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

c) EVSE Parking:

1. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.

2. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

3. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality’s police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle
parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with Section e) below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

4. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

d) Safety

1. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section e) below.

2. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Borough of Red Bank’s ordinances and regulations.

3. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

4. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in 5. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

5. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

6. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

7. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Borough of Red Bank shall require the owners/designee of publicly-accessible EVSE to provide information on the
EVSE’s geographic location, date of installation, equipment type and model, and owner contact information.

e) Signs

1. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

2. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

3. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with 2. above.

4. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

   i. Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;

   ii. Usage fees and parking fees, if applicable; and

   iii. Contact information (telephone number) for reporting when the equipment is not operating or other problems.

f) Usage Fees

1. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be $4.00 for each hour that the electric vehicle is connected to the EVSE.

2. This fee may be amended by a resolution adopted by the governing body.

3. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECTION 3: If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4: All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect after final passage and publication as provided by law.
### Introduction

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**JOHN JACKSON**

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**ANGELA MIRANDI**

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**JACQUELINE STURDIVANT**

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**KATE TRIGGIANO**

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**MICHAEL BALLARD**

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**EDWARD ZIPPRICH**

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

**Laura Reinertsen, Borough Clerk**

---

**Final Adoption**

- **April 26, 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
STATE OF NEW JERSEY

ORDINANCE NO. 2023-13

AN ORDINANCE AMENDING 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

SECTION 1. 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.

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. Hours of delivery and shipping/distribution for cultivation, manufacturing, wholesaling, and distribution uses (Classes 1-4) shall be limited to 9:00 AM to 8:00 PM Monday through Saturday except for on-site Security. The hours of operation for delivery service businesses (Class 6) shall be limited to 9:00 a.m. to 9:00 p.m.

SECTION 2. 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. Hours of operation for Cannabis Retailers (Class 5) shall be limited to 10:00 AM to 8:00 PM Monday through Saturday and 12:00 PM and 6:00 PM on Sundays. Cannabis Retailers may receive deliveries between 9:00 AM and 8:00 PM Monday through Saturday and between 10:00 AM and 6:00 PM on Sundays.

e. Except for the HB Zone, no cannabis retailer shall be located within:

i. 1,000 feet of a public or private school, playground, or housing facility owned by a public housing authority.
ii. 500 feet of parks, houses of worship, and daycare centers.

iii. 100 feet of public or private youth centers, swimming pool, or video arcade facility.

iv. 250-foot radius of any retail cannabis business.

v. 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. Allen Place

vii. Newman Springs Road (Between Shrewsbury Avenue and Route 35)

h. Parking requirements for retail cannabis businesses:

i. 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 3. 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 4. 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 5. 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 6. 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 7. 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.

   * * *

   (20) Cannabis Delivery Services

SECTION 8. 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:

(4) Cannabis Delivery Service.
BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO SOUTH STREET, IN AND FOR THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $1,200,000 THEREFOR (INCLUDING A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF $931,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF

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 as general improvements or purposes to be undertaken by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $1,200,000, which sum includes a $220,000 grant expected to be received from the State of New Jersey Department of Transportation (the "Grant"), and $49,000 as the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet part of the $1,200,000 appropriation not provided for by said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $931,000 pursuant to, and within the 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 $931,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. a. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued include, but are not limited to the repaving, repair and reconstruction of South Street and its adjoining street curbs and sidewalk aprons, and all other related improvements including, but not
limited to, as applicable, all engineering and design work related thereto, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

b. The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $931,000.

c. The estimated cost of said improvements and purposes is $1,200,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor, are the Grant in the amount of $220,000 available for the purpose stated in Section 3(a) herein, and the down payment in the amount of $49,000 available for such improvements and purposes.

SECTION 4. Except for the Grant, 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. Except for the Grant, 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 principal of and interest on 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. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. 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 N.J.S.A. 40A:2-8.1 of the Local Bond Law. 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes or improvements within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) 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, New Jersey Department of Community Affairs, 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 or notes provided for in this bond ordinance by $931,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding $134,000 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 obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the 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 expenditure 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.

SECTION 10. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. 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 12. This bond ordinance shall take effect twenty (20) days after the first publication of the notice of final adoption of this bond ordinance, as provided by the Local Bond Law.
### INTRODUCTION

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JOHN JACKSON

ANGELA MIRANDI

JACQUELINE STURDIVANT

KATE TRIGGIANO

MICHAEL BALLARD

EDWARD ZIPPRICH

MAYOR WILLIAM PORTMAN

**Introduced:**
April 12, 2023

**Final Adoption:**
April 26, 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

Laura Reinertsen, Borough Clerk

---

**ADOPTED ON FIRST READING**

DATED: APRIL 12, 2023

LAURA REINERTSEN, Clerk

---

**ADOPTED ON SECOND READING**

DATED: APRIL 26, 2023

LAURA REINERTSEN, Clerk
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  

ORDINANCE NO. 2023-17  

BOND ORDINANCE PROVIDING FOR PRELIMINARY EXPENSES RELATED TO REDEVELOPMENT BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $332,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF  

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 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 sum of $350,000, which sum includes a down payment in the amount of $17,500 for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.  

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the $350,000 appropriation not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $332,500 pursuant to, and within the 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 $332,500 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.  

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said obligations are to be issued are for preliminary expenses incurred in connection with the evaluation of buildings and properties available for redevelopment within the Borough, including, but not limited to, activities that shall aid the Red Bank Housing Authority in identifying and assessing potential infrastructure projects, and the renovation and reconstruction of existing infrastructures. 

The improvements and purposes set forth in Section 3 shall also include, as applicable, all work, materials, equipment, engineering, design, 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.  

a. The estimated maximum amount of bonds or notes to be issued for said
improvements or purposes is $332,500.

b The estimated cost of said improvements and purposes is $350,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said purposes in the amount of $17,500.

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. 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 Section 8.1 of the Local Bond Law. 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 capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:
a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 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, New Jersey Department of Community Affairs, 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 or notes provided for in this bond ordinance by $332,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An amount not exceeding $350,000 for items of expense listed in and permitted under Section 40A:2-20 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. The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $332,500.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, 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 after the notice of final adoption of this bond ordinance, as provided by the Local Bond Law.
INTRODUCTION

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COUNCILMEMBER

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

Final Adoption: April 26, 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

Laura Reinertsen, Borough Clerk

ADOPTED ON FIRST READING
DATED: April 12, 2023

LAURA REINERTSEN,
Borough Clerk

ADOPTED ON SECOND READING
DATED: April 26, 2023

LAURA REINERTSEN,
Borough Clerk
RESOLUTION TO INTRODUCE THE 2023 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023:

General Appropriations for:
- Appropriations within "CAPS" Municipal Purposes: $19,697,347.56
- Appropriations excluded from "CAPS": Municipal Purposes: $5,161,262.51
- Reserve for Uncollected Taxes: $1,022,446.17
- **Total General Appropriations**: $25,881,056.24

Less: Anticipated Revenues other than current property tax: $10,356,865.83

Difference: Amount to be raised by Taxes for Support of Municipal Budget as follows:
- Local tax for Municipal Purposes including Reserve for Uncollected Taxes: $14,574,278.24
- Minimum Library Tax: $949,912.17

BE IT ALSO RESOLVED, that said Budget be published in the Asbury Park Press in the issue of **May 3, 2023**; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Red Bank does hereby approve the following as the Budget for the year 2023.

BE IT FINALLY RESOLVED that a Hearing on the Budget and Tax Resolution will be held at Red Bank Borough Hall on **May 24, 2023 at 6:30 p.m.** at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

I hereby certify that I was present at the Meeting of the Borough Council held on April 26, 2023, at which time the Resolution was adopted by the Borough Council of the Borough of Red Bank.

_____________________________
Laura Reinertsen, Borough Clerk

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ON CONSENT AGENDA: Yes __ No ___

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

RESOLUTION NO. 23-110

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:

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<tr>
<td>Manual Check</td>
<td>22</td>
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<td>116</td>
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<td>138</td>
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<td>GRANT FUND-VNB</td>
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ON CONSENT AGENDA: Yes x No

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 April 26, 2023.

____________________________________
Laura Reinertsen. Borough Clerk
BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION NO. 23-111

CONFIRMING APPOINTMENT TO EMERGENCY MANAGEMENT COMMITTEE

WHEREAS the OEM coordinator requests the confirmation of the Police Representative to the Emergency Management Committee.

BE IT RESOLVED that the following appointment is hereby confirmed as listed below and the following official is appointed for a term specified by Municipal Ordinance, unless otherwise specified or provided for by statute;

RED BANK EMERGENCY MANAGEMENT COMMITTEE

Police Representative                  Patrolman Darren McConnell

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 April 26, 2023.

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Laura Reinertsen, Borough Clerk

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ON CONSENT AGENDA: Yes _ No ___
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-112  

AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND DESIGN SERVICES FOR DPW MECHANIC GARAGE, 75 CHESTNUT STREET (BLOCK 75.02, LOT 170.01) STRUCTURAL ASSESSMENT AND RECOMMENDATIONS REPORT

WHEREAS, the Borough Governing Body has identified a need for PROFESSIONAL ENGINEERING AND DESIGN SERVICES DPW Mechanic Garage, 75 Chestnut Street (Block 75.02, Lot 170.01) Structural Assessment and recommendations report; 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 DPW Mechanic Garage, 75 Chestnut Street (Block 75.02, Lot 170.01) Structural Assessment and recommendations report.

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: DPW Mechanic Garage, 75 Chestnut Street (Block 75.02, Lot 170.01) Structural Assessment and recommendations report to T&M Associates for the sum not to exceed seventy-nine thousand dollars ($79,000.00); 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.

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 April 26, 2023.

Laura Reinertsen, Borough Clerk
WHEREAS, the Borough desires to further its Fair Share Affordable Housing obligations by supporting the Red Bank Housing Authority’s (RBHA) goal of rehabilitating its properties known as Evergreen Terrace and Montgomery Terrace, and its intention to explore conversion of these housing sites to appropriate Housing Choice Voucher (“HCV”) program(s) or other appropriate rent subsidy program(s), as determined by the RBHA’s pre-development needs assessments (“Pre-Development Project”), as set forth in the Grant Plan attached to the Grant Agreement as Exhibit A; and

WHEREAS, the Borough will provide assistance to the RBHA in the form of a municipal grant of $350,000.00, in accordance with the attached Grant Agreement; and

WHEREAS, it is in the best interest of the Borough and RBHA to enter into such an agreement.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, that the Mayor and Borough Clerk to execute the Grant Agreement between the Borough of Red Bank and the Red Bank Housing Authority; a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

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ON CONSENT AGENDA: Yes | No

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 April 26, 2023.

____________________________________
Laura Reinertsen, Borough Clerk
GRANT AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE HOUSING AUTHORITY OF THE BOROUGH OF RED BANK

This is a Grant Agreement (“Agreement”), dated as of ________, 2023 by and between the Housing Authority of the Borough of Red Bank (hereinafter referred to as the “Authority” or the “Grantee”) and the Borough of Red Bank (hereinafter referred to as the “Grantor” or “Borough”).

1. BACKGROUND

A. The Authority is a body corporate and politic of the State of New Jersey and an instrumentality of the Borough of Red Bank which is governed by N.J.S.A. 40A:12A-1 et seq. Its mission is to provide decent, safe and affordable housing to low- and moderate-income families. The Authority administers a Housing Choice Voucher program and provides public housing at sites known as Montgomery Terrace and Evergreen Terrace, Red Bank (“Project Premises”). In order to access funds to preserve housing affordability and rehabilitate the sites, the Authority through the appropriate U.S. Department of Housing and Urban Development (“HUD”) conversion programs(s), intends to convert the public housing sites to the appropriate Housing Choice Voucher (“HCV”) program or other appropriate rent subsidy program.

B. The Borough desires to further its Fair Share Affordable Housing obligations by supporting the Red Bank Housing Authority’s goal of rehabilitating the Project Premises, and its intention to explore conversion of the Project Premises to appropriate Housing Choice Voucher (“HCV”) program(s) or other appropriate rent subsidy program(s), as determined by the Authority’s pre-development needs assessments (“Pre-Development Project”), as set forth in the Grant Plan attached as Exhibit A.

2. CORE TERMS

2.1 GRANT

Borough will make the Grant to Authority in the amount and in accordance with the schedule set out in the Grant Plan.

2.2 USE OF GRANT

Authority will use the Grant, and any income earned on the Grant funds, for the purpose set forth in the Grant Plan.

2.3 GRANT PERIOD

The grant period (“Grant Period”) is set out in the Grant Plan.

3. COMMUNICATION, REPORTS AND RECORDS

3.1 CONTACT PERSONS

Authority and Borough will each appoint one individual to act as principal contact person (“liaison”) for notices and other communications under this Agreement. The initial appointees are identified in the Grant Plan. Authority and Borough may change their respective contact person at any time by written notice to the other party.

3.2 REPORTING

Authority will provide Borough with narrative and/or financial reports as set out in the Grant Plan.

3.3 RECORDKEEPING

Authority will maintain its books and records in manner that will provide Borough with sufficient detail to review Authority’s receipts and expenditures relating to the Grant. Authority will make
such records available for review by the Borough upon reasonable notice during the Grant Period and for four (4) years after the termination or expiration of this Agreement.

4. GRANT ADMINISTRATION

4.1 The Authority will be responsible for the administration and management of the redevelopment of the Project Premises in accordance with applicable laws, the provisions of this Agreement and Authority policies. The Borough will be responsible for the administration of the Grant Funds in accordance with applicable laws, and the provisions of this Agreement.

4.2 Changed Circumstances

Authority will notify Borough if it determines in good faith that, because of factual or other changes in circumstances, it is no longer possible for the Grant to serve its original purpose. In that case, and in cases where a portion of the Grant remains unspent or unallocated upon completion of the applicable purpose, the unspent funds shall be retained by the Borough and the Borough will determine whether the funds may be used by Authority on an unrestricted basis in accordance with its mission.

5. COMPLIANCE

5.1 Authority is subject federal and state procurement regulations and laws and represents that it will comply with the same in connection with the expenditure of grant funds.

6. REPRESENTATIONS, WARRANTIES AND COVENANTS

6.1 **Representations and Warranties by Authority.** The Authority represents and warrants as follows:

(a) **Legal Capacity:** The Authority has the legal capacity to enter into this Grant Agreement and to perform each of the undertakings set forth herein.

(b) **Organization:** The Authority is a duly organized and validly existing legal entity under the laws of the State of New Jersey, and all necessary resolutions or authorizations have been duly adopted to authorize the execution and delivery of this Agreement and to authorize and direct the person(s) executing this Grant Agreement to do so for and on the Authority’s behalf, as may be applicable.

(c) **No Indictment:** No indictment has been returned against any member, manager or officer of the Authority.

(d) **No Pending Actions:** To the best of the Authority’s knowledge and belief after diligent inquiry, there is no action, proceeding or investigation now pending, nor any basis therefor, known or believed to exist which questions the validity of this Grant Agreement, Authority’s execution hereof, or any action or act taken or to be taken by the Authority pursuant to this Grant Agreement; or is likely to result in a material adverse change in the Authority’s property, assets, liabilities or condition which will materially and substantially impair the Authority’s ability to perform the Project under this Agreement.

(e) **No Violation of Any Agreement:** The Authority’s execution and delivery of this Grant Agreement and its performance hereunder do not constitute a violation of any agreement of the Authority or of any mortgage, indenture, instrument or judgment to which the Authority is a party, as may be applicable.

(f) **True and Accurate Statements:** All information and statements included in any information
submitted by Authority to the Borough and its agents are complete, true and accurate in all material respects. Authority acknowledges that the facts and representations contained in the information submitted by Authority, incorporated herein by reference, are being relied upon by the Borough and are a material factor(s) in the decision of the Borough to enter into this Grant Agreement.

(g) Prohibition on Discrimination: The Authority shall not discriminate against, restrict, or segregate any person, or group of persons, on account of race, color, religion, creed, national origin, ancestry, physical handicap, age, marital status, affectional preference, sexual orientation, or gender in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Project nor shall the Authority itself, or any Person claiming under or through the Authority, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, or use of occupancy of any tenant(s), lessee(s), subtenant(s), subleasee(s), or vendee(s) upon the Project Premises.

6.2 **Representations and Warranties by the Borough.** The Borough hereby represents and warrants, to the best of the Borough’s knowledge after due inquiry, as follows:

(a) **Authority to Enter into Agreement:** The Borough has the legal power, right and authority to enter into this Agreement and the instruments and documents referenced herein to which the Borough is a party, to consummate the transactions contemplated hereby, to take any steps or actions contemplated hereby, and to perform its obligations hereunder.

(b) **Legally Binding upon the Borough:** This Agreement is duly executed by the Borough, and is valid and legally binding upon the Borough and enforceable in accordance with its terms on the basis of applicable laws currently in effect and the execution and delivery thereof shall not constitute a Default under or violate the terms of any indenture, agreement or other instrument to which the Borough is a party.

(c) **No Pending Actions:** There is no action, proceeding or investigation now pending nor any basis therefor, known or believed to exist which questions the validity of this Agreement or any action or act taken or to be taken by the Borough pursuant to this Agreement.

(d) **No Pending Litigation:** There is no pending litigation which affects the Grant Plan or the Borough’s ability to fund the grant and convey same to the Authority.

6.3 **Prohibited Political Contributions.** Authority hereby warrants and covenants that Authority has not made and will not make at any time, any contribution that is in violation of the Borough’s Pay to Play Ordinance, which may be amended from time to time, and which prohibits certain financial contributions to any of the Borough’s political candidates or committees.

6.4 **Conflict of Interest.** No member, agent, official, employee, or representative of the Borough has or shall acquire any interest, direct or indirect, in the Project or the Property or in any property included or planned to be included in this Project, or has or shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with the Project or Property, in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

6.5 **Duration of Authority’s Covenants.** Authority’s covenant to comply with the Borough’s Pay to Play Ordinance, together with all other covenants made by Authority in this Agreement, shall terminate and cease as expressly stated or as may be required or imposed by law.

6.6 **Consistency with Grant Plan.** Authority hereby warrants and covenants that its use of the Project Premises, and any construction upon the Project Premises by Authority, shall be restricted to and
consistent with the current applicable Grant Plan. Authority acknowledges that this section shall comprise a covenant which shall run with the land and shall not be terminated.

7. INDEMNIFICATION, DEFENSE, HOLD HARMLESS AND RELEASE OF THE BOROUGH BY AUTHORITY

7.1 Indemnification, Defense and Hold Harmless. Authority agrees to indemnify, defend and hold harmless the Borough and the Borough’s officers, agents, employees, contractors, and consultants and Authority shall pay and be responsible for any and all Claims, including any Claim related to this Agreement, the Authority’s Pre-Development and any Due Diligence activities, as further set forth herein, the environmental or other nature and condition of the Property, and/or the ownership or marketability of title, which the Borough may sustain at any time by reason of any action relating to or arising out of the Project Premises and/or this Agreement. This Indemnification, Defense and Hold Harmless provision shall survive the termination of this Agreement or the issuance of the Certificate of Completion, as applicable.

8. EVENT OF DEFAULT AND TERMINATION OF THE AGREEMENT

8.1 Event of Default. Any breach of any material warranty, covenant or obligation pursuant to this Agreement (“Event of Default”) may be deemed an Event of Default. Upon determination that an Event of Default has occurred, the party asserting that an Event of Default has occurred shall provide the other party to this Agreement with a notice of said default in order to notify the party of the Event of Default and to provide a period of forty-five (45) calendar days within which Event of Default may be corrected (“Notice of Default”). If the Event of Default cannot be corrected within forty-five (45) calendar days of receipt of the Notice of Default, the party against which the Event of Default is claimed may request a reasonable extension in writing. If the Event of Default is not corrected and no reasonable extension of time has been requested within the timeframe provided herein, this Agreement may be terminated upon written notice (“Termination Notice”).

(a) Default by Authority: In an Event of Default by the Authority, the Borough may pursue any remedies against Authority that are available to it by the terms of this Agreement and/or by law, following the issuance of the Termination Notice. Authority shall also be liable for any damages of any kind sustained by the Borough as a result of any Event of Default.

(b) Default by the Borough: In an Event of Default by the Borough, excluding the pursuit of consequential damages of any kind whatsoever, the Authority, following the issuance of a Termination Notice to the Borough, may take whatever action at law or in equity as may appear necessary or desirable to enforce the terms of this Agreement.

8.2 Force Majeure. For the purposes of this Agreement, neither the Borough nor the Authority shall be considered in breach or in default with respect to its obligations hereunder because of a delay in performance arising from a Force Majeure Event, as that term is defined herein, which shall be an event that is or was beyond the reasonable control of and not due to the fault of either party, such as war, fire, extreme and sustained weather conditions, and the resulting consequences thereof, lasting more than 24 hours or declarations of public emergency, as may be applicable (“Force Majeure Event”). It is the purpose and intent of this provision that in the event of the occurrence of any such delay, the time(s) for performance of the obligations of the Borough or the Authority, as may be applicable, shall be extended for the period of the delay caused by the Force Majeure Event. The party invoking the provisions in this paragraph shall provide written notice to the other party of the occurrence of a Force Majeure Event as soon as practicable but in no event more than thirty (30) days after the occurrence thereof.
8.3 **Termination of the Agreement by the Borough** In the event that this Agreement is terminated by the Borough, the Borough may, at its election, pursue any remedies available to it under this Agreement or at law.

9. **NOTICES**

All Notices permitted or required to be made by the Authority or the Borough under this Agreement shall be made in writing and shall be by overnight delivery or by registered or certified mail, return receipt requested. All such notices shall be deemed provided to the other party as follows: (i) one (1) business day following the date sent, when sent by overnight delivery; or (ii) three (3) business days following the date mailed, when mailed by registered or certified mail, return receipt requested.

Notices to the Borough shall be sent to:

Borough of Red Bank  
Borough Hall  
90 Monmouth Street  
Red Bank, New Jersey 07701  
Attn: Business Administrator

With a copy to:

Office of the Borough Clerk  
Borough Hall  
90 Monmouth Street  
Red Bank, New Jersey 07701

Notices to the Authority shall be sent to:

Red Bank Housing Authority  
52 Evergreen Terrace  
P.O. Box 2158  
Red Bank, New Jersey 07701  
Attn: Executive Director

With a copy to:

Terrence J. Corriston, Esq.  
Breslin & Breslin, P.A.  
41 Main Street  
Hackensack, New Jersey 07601

10. **MISCELLANEOUS**

10.1 **Severability.** If any provision of this Agreement shall be held void, unenforceable or invalid, then the remainder of this Agreement shall not be affected, and each provision of this Agreement shall remain valid and enforceable.

10.2 **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be deemed an original and all of which will be taken together and deemed to be one instrument. Transmission by fax or email PDF of executed counterparts constitutes effective delivery.

10.3 **Successors and Assigns.** Unless otherwise stated in this Agreement, this Agreement shall
be binding upon permitted successors and assigns of the parties executing this Agreement.

10.4 **Modification.** No modification, amendment, revision, or change of this Agreement shall be valid unless the same is in writing, duly authorized, and fully executed.

10.5 **Approvals or Consent by the Borough.** Any approval or consent which may be issued by the Borough pursuant to the terms of this Agreement which is not specifically required to be issued by the Municipal Council pursuant to the terms of this Agreement shall be issued in writing by the Business Administrator of the Borough of Red Bank and filed with the Borough Clerk’s office.

10.6 **Exhibits.** Any and all Exhibits attached to this Agreement are hereby made a part of and incorporated into this Agreement by reference.

10.7 **Entire Agreement.** This Agreement, together with the Grant Plan, expresses the final, complete, and exclusive agreement between Borough and Authority and supersedes any and all prior or contemporaneous written and oral agreements, communications, or course of dealing between Borough and Authority relating to this subject matter. If there are any inconsistencies between the Grant Plan and this Agreement, this Agreement will control.

10.8 **Third Party Beneficiaries.** This Agreement is for the exclusive benefit of Authority and Borough, and not for the benefit of any third party.

10.9 **Governing Law; Jurisdiction; Venue.** This Agreement, and all matters arising directly and indirectly therefrom (the “Covered Matters”), shall be governed in all respects by the laws of the State of New Jersey as such laws are applied to agreements between parties in New Jersey. The Borough and Authority irrevocably submit to the personal jurisdiction of the courts of the State of New Jersey for the purpose of any suit, action, proceeding or judgment relating to or arising out of this Agreement.

[Remainder of this page intentionally left blank.]
IN WITNESS WHEREOF, the Borough has caused this Agreement to be fully executed in its name and on its behalf by its proper officers and its seal to be hereunto duly affixed and attested, and the Authority has caused this Agreement to be duly executed in its name, on or as of the day first above written.

APPROVED AS TO FORM & LEGALITY:

___________________________________
Daniel Antonelli, Esq., Borough Counsel

BOROUGH OF RED BANK

___________________________________
By: Lisa Hendricks Richardson
   Executive Director

RED BANK HOUSING AUTHORITY
Exhibit A

GRANT PLAN

1. The Authority will be responsible for the administration and management of the redevelopment of the Project Premises in accordance with applicable laws, the provisions of this Agreement and Authority policies. The Borough will be responsible for the administration of the Grant Funds in the amount of Three Hundred Fifty Thousand Dollars ($350,000.00) in accordance with applicable laws, and the provisions of this Agreement, which will be applied toward the following:

2. Pre-development costs, which are those associated with activities that will provide the Authority the ability to identify and assess potential infrastructure projects and modifications to its existing infrastructures, and to advance those projects from the conceptual phase to actual redevelopment. Predevelopment activities may include, but are not limited to:

   (i) project planning, feasibility studies (such as Physical Needs Assessment of the properties), economic assessments and cost-benefit analyses, and public benefit studies and value-for-money analyses;

   (ii) architectural design and engineering;

   (iii) financial planning (including the identification of funding and financing options);

   (iv) permitting, environmental review, and regulatory processes;

   (v) assessment of the impacts of potential projects on the area, including the effect on communities, the environment, the workforce, wages, and benefits, as well as assessment of infrastructure vulnerability and resilience to climate change and other risks;

   (vi) public outreach and community engagement. Pre-development costs include pre-development activities and associated costs, such as relocation consultant and staff, external advisors, convening potential investment partners, and legal costs; and

   (vii) all pre-development costs must be provided in a written narrative to the Borough with contact information for the service providers associated with the pre-development costs and the Borough will be responsible for directly paying same and providing the Authority with documentation of said payments.

3. The Grant Period will be twenty-four (24) months from the date the Borough commits the Grant Fund amount, as evidenced by the execution of the Agreement, which Grant Period may be extended at the request of either party, in writing, which approval will not be unreasonably withheld.

4. The Authority designates its Executive Director, Lisa Hendricks Richardson, to be its Pre-Development Project liaison.

5. The Borough designates its Business Administrator to be its Pre-Development Project liaison.

6. Pre-Development Project will commence upon the Authority’s issuance of Requests for Proposals (“RFP”) for the aforementioned services, of which the Borough will be notified.
7. The review and selection of the RFP respondents (bidders) is the responsibility of the Authority; and the procurement process may be reviewed by the Borough’s purchasing agent to confirm compliance with applicable procurement laws and regulations.

8. It is expressly agreed and understood that the total compensation to be paid by the Borough on behalf of the Authority under the Agreement for the above services, inclusive of all bills, will not exceed $350,000.00. All vendors and/or service providers shall be compensated directly by the Borough.

9. Method of Payment. Upon approval of the aforementioned service contracts by the Authority’s Board of Commissioners, thus obligating any advance payments and/or earned payments, the Authority will submit documentation to the Borough including a written detailed description of the services required or rendered and contact information for the service provider; and the Borough will compensate the service provider accordingly.

10. The Borough will not unreasonably withhold requested payments supported by appropriate voucher and supporting documentation and will make payment within thirty (30) days of receipt of the request.

11. Upon completion of the Authority’s pre-development needs assessments resulting in identifying the appropriate HUD conversion programs(s), or other appropriate rent subsidy program(s) that it will utilize to rehabilitate the Project Premises, it will notify the Borough.

12. If there are any Grant Funds remaining may, upon request of the Authority and approval of the Borough, be used for furtherance of the Project Premises’ redevelopment costs, as specified in the request.
BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION NO. 23-114

AWARDING CONTRACT FOR EAST SIDE PARK IMPROVEMENTS

WHEREAS, the Borough of Red Bank advertised for bids for the East Side Park Improvements – Phase III; and

WHEREAS, four (4) sealed bids were received March 29, 2023 for the project; the 4 (four) apparent low bidders are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Location</th>
<th>Base Bid</th>
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<tbody>
<tr>
<td>1) Precise Construction Inc.</td>
<td>Freehold, NJ</td>
<td>$301,315.00</td>
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<tr>
<td>2) Shore Top Construction Corp.</td>
<td>Freehold, NJ</td>
<td>$308,125.00</td>
</tr>
<tr>
<td>3) D'Avellino Construction Inc.</td>
<td>Freehold, NJ</td>
<td>$371,028.00</td>
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<tr>
<td>4) V+K Construction Inc.</td>
<td>Edison, NJ</td>
<td>$483,000.50</td>
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WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of the Borough Engineer, Precise Construction Incorporated of Freehold, New Jersey has been determined to be the lowest responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that a contract is hereby awarded to Precise Construction Incorporated, in the base bid amount of $301,315.00 for the East Side Park Improvements – Phase III, and that the Mayor and the Clerk of the Borough of Red Bank are authorized to execute and attest to an agreement with Precise Construction Inc., pursuant to bid specifications, and in a form approved by the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall publish a notice of this action in the official newspaper of the Borough within ten (10) days from the adoption of this Resolution; and

BE IT FURTHER RESOLVED, the account to be charged is C-04-22-003-498 in an amount not to exceed $301,315.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference; and

BE IT FURTHER RESOLVED that the bid and bid securities of the second and third lowest bidders shall be retained and held open, pending execution of the awarded contract by Precise Construction Inc., 1016 NJ-33 Building A, Freehold, NJ 07728 ; and

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Borough Administrator, Borough CFO, Borough Engineer, Precise Construction Inc. and to the unsuccessful bidders.

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 April 26, 2023.

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

RESOLUTION NO. 23-115

AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE FY2024-2026 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Borough of Red Bank and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Red Bank to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED THEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of the law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

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\text{MOVED} & \text{SECONDED} & \text{AYES} & \text{NAYS} & \text{ABSTAIN} \\
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\text{Councilman Jackson} & & & & \\
\text{Councilwoman Mirandi} & & & & \\
\text{Councilwoman Sturdivant} & & & & \\
\text{Councilwoman Triggiano} & & & & \\
\text{Councilman Ballard} & & & & \\
\text{Councilman Zipprich} & & & & \\
\text{Mayor Portman} & & & & \\
\hline
\text{ON CONSENT AGENDA} & \text{Yes} & \text{No} & & \\
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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 April 26, 2023.

_____________________________
Laura Reinertsen, Borough Clerk

Page 1 of 1
Whereas, the following property was issued a permit, and fees were received by the Code Department;

Whereas, a permit fee was not required;

Now, Therefore, Be It Resolved, that the Treasurer be and is hereby authorized to draw a warrant to refund the following to:

Amount of $75.00 to be refunded to the owner:
Bethel R. E. Investments
1126 Raritan Road
Clark, NJ 07066

For Permit on 2/27/23
Receipt#847655

3-01-55-106-104
AWARDING CONTRACT FOR REHABILITATION HOUSING SERVICES FOR 15 WEST WESTSIDE AVENUE TO ENR REMODELING IN ORDER TO ADVANCE THE BOROUGH’S AFFORDABLE HOUSING REHABILITATION PROGRAM

WHEREAS, the Borough of Red Bank, County of Monmouth, State of New Jersey (the “Borough”) has a need to retain the services of a qualified contractor for housing rehabilitation for 15 West Westside Avenue to advance the Borough’s Affordable Housing Rehabilitation Program; and

WHEREAS, the Municipal Housing Liaison solicited quotes from three (3) contractors to perform the rehabilitation and scope of work for 15 West Westside Avenue as follows:

1) ENR Remodeling $9,500.00,
2) Woodhaven Lumber & Millwork $15,144.59,
3) Renewal by Anderson $10,010.00; and

WHEREAS, because the value of the services will not exceed the bid threshold of $17,500, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, the Borough is permitted to award a contract to the contractor “whose response is most advantageous, price and other factors considered”; and

WHEREAS, ENR Remodeling was selected by the property owner; and

WHEREAS, ENR Remodeling submitted the lowest monetary bid; and

WHEREAS, ENR Remodeling is located within the Borough of Red Bank; and

WHEREAS, after reviewing the quotes, in light of price and other factors considered, the Municipal Housing Liaison recommends awarding a contract for the affordable housing rehabilitation of 15 West Westside Avenue to ENR Remodeling; and

WHEREAS, the Borough of Red Bank will pay $9,500.00 of the total contract amount; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Red Bank hereby awards a contract in the amount of $9,500.00 to ENR Remodeling for the affordable housing rehabilitation of 15 West Westside Avenue; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the Chief Financial Officer, Municipal Housing Liaison, Red Bank Affordable Housing Corporation, and ENR Remodeling.

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<th>No (_)</th>
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Councilman Jackson
Councilwoman Mirandi
Councilwoman Sturdivant
Councilwoman Triggiano
Councilman Ballard
Councilman Zipprich
Mayor Portman

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 April 26, 2023.

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

RESOLUTION NO. 23-118

AUTHORIZING SCOPE CHANGE TO THE TRAFFIC CIRCULATION AND ON-STREET PARKING STUDY SERVICES PROVIDED BY CME

WHEREAS, the Borough of Red Bank, County of Monmouth, State of New Jersey (the “Borough”) required the services of a professional engineer to perform a traffic circulation and on-street parking study in the downtown area of the Borough (the “Project”); and

WHEREAS, CME Associates, was authorized by the Governing Body to perform professional engineering services as per Proposal No. 2018-211 in an amount not to exceed $59,500.00; and

WHEREAS, four additional intersections have been added to the scope of work of the project in accordance with CME Proposal No. 2018-211;

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 additional professional engineering services for the inclusion of four additional intersections.
2. That the account to be charged is C-4-21-001-101 in an amount not to exceed $14,000.00 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 Parking Utility Director, the Borough DPU Director and the Borough Engineer.

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 April 26, 2023.

Laura Reinertsen, Borough Clerk

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ON CONSENT AGENDA: Yes __ No ___
BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION NO. 23-119

RATIFYING AND CONFIRMING THE APPOINTMENT OF A FULL-TIME DPW OPERATOR

WHEREAS, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a full-time Laborer and full-time Secretary to the DPW; and

WHEREAS, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Business Administrator appoints the following individuals:

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<tr>
<th>POSITION</th>
<th>NAME</th>
<th>PAY SCALE</th>
<th>EFFECTIVE DATE</th>
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<tbody>
<tr>
<td>Full-time DPW Laborer</td>
<td>Earl J. Mackason</td>
<td>$20.91 per hour</td>
<td>5/16/2023</td>
</tr>
<tr>
<td>Full-time DPW Secretary</td>
<td>Tianna Riggi</td>
<td>$21.16 per hour</td>
<td>5/16/2023</td>
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</table>

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the aforementioned Business Administrator’s appointments, at the rate(s) of pay consistent with the 2022 CWA Local 1075 Pay Scale pending successful completion of criminal background investigation, physical and drug screening.

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 April 26 2023.

____________________________________
Laura Reinertsen. Borough Clerk
BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-121  

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:

Jonathan Balanzar-Tepox Navesink Hook and Ladder

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ON CONSENT AGENDA

Yes _  No ___

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 April 26, 2023.

_____________________________
Laura Reinertsen, Borough Clerk
RESOLUTION NO. 23-122

BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION ESTABLISHING FEE SCHEDULE FOR STREET EATERIES WITHIN THE BOROUGH OF RED BANK

WHEREAS, the River Center has requested the consideration of a tiered pricing matrix based on business type for establishments utilizing streets outside of the Broadwalk area; and

WHEREAS, it is the recommendation of the governing body to establish a set fee schedule for the Street Eateries in line with the following:

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

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<tr>
<th>TYPE OF ESTABLISHMENT</th>
<th>MONTHLY PER SPACE FEE</th>
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<tr>
<td>Retail</td>
<td>$150.00</td>
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<tr>
<td>Restaurant (BYOB)</td>
<td>$200.00</td>
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<tr>
<td>Restaurant (Active Liquor Licensee)</td>
<td>$250.00</td>
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BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the City, and accordingly no property rights are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that, upon the effective date of this Resolution, all requirements of prior ordinances inconsistent with this temporary Resolution are hereby temporarily suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Red Bank that should any section, paragraph, sentence, clause or phrase of this Resolution or the accompanying ordinance be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable; and
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**ON CONSENT AGENDA**

Yes  No

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 April 26, 2023.

Laura Reinertsen, Borough Clerk
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.

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<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
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<td>Councilmember Jackson</td>
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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