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- 6.I. Draft Minutes Of 10/2/2019 Workshop Meeting

Documents:

[DRAFT MINUTES 10-02-2019 WORKSHOP.PDF](#)

7. ORDINANCES - PUBLIC HEARING/ADOPTION

- 7.I. 2019-69 Amending And Supplementing Chapter 94, Article I: Establishment, Amending Section 64-9 Cadet Corps To Remove The Residency Requirement For Membership

Documents:

[2019-69 PH.PDF](#)

8. ORDINANCES - FIRST READING

- 8.I. 2019-70 Ordinance Amending Chapter 430: "Licenses And Permits" Of The Borough's Revised General Ordinances To Eliminate Citizenship Requirement For Business Licenses

Documents:

[2019-70 INTRO.PDF](#)

- 8.II. 2019-71 Ordinance Amending And Supplementing Chapter 608, Streets And Sidewalks, Relating To The Placement Of Telecommunications Facilities In Public Rights Of Way.

Documents:

[2019-71 INTRO.PDF](#)

9. RESOLUTIONS

- 9.I. 19-263 Resolution For Payment Of Bills (Pending)

- 9.II. 19-264 Resolution Calling For Study Commission To Review The Open Public Records Act.

Documents:

[19-264.PDF](#)

- 9.III. 19-265 Resolution To Establish A Fair And Open Process For Awarding Of Certain Contracts For The 2020 Calendar Year.

Documents:

[19-265.PDF](#)

- 9.IV. 19-266 Resolution Ratifying And Confirming The Appointment Of A Full-Time Police Officer

Documents:

[19-266.PDF](#)

- 9.V. 19-267 Resolution Accepting The Retirement And Confirming Benefits For Police Sergeant Joey N. Fields.

Documents:

[19-267.PDF](#)

- 9.VI. 19-268 Resolution Authorizing The Purchase And Installation Of Roofing Materials Under The Education Services Commission Of New Jersey Cooperative Purchase Agreement.

Documents:

[19-268.PDF](#)

- 9.VII. 19-269 Resolution Authorizing Change Order No. 4 Related To The Contract With Seacoast Construction, Inc. For The English Plaza/White Street Streetscape Improvement Project

Documents:

[19-269.PDF](#)

- 9.VIII. 19-270 Resolution Providing For The Combination Of Certain Bond Ordinances And Determining The Form And Other Details Of The Offering Of \$7,134,000 General Obligation Bonds, Series 2019 Consisting Of \$2,712,000 General Improvement Bonds, Series 2019, \$3,700,000 Water-Sewer Utility Bonds, Series 2019 And \$722,000 Parking Utility Bonds, Series 2019 Of The Borough Of Red Bank, In The County Of Monmouth, State Of New Jersey And Providing For Their Sale.

Documents:

[19-270.PDF](#)

- 9.IX. 19-271 Resolution Authorizing Place-To-Place Transfer Of Plenary Retail Distribution License No. 1340-44-028-005 (TST Beverages, LLC)

Documents:

[19-271.PDF](#)

- 9.X. 19-272 Resolution Awarding A Professional Services Contract To Stephen G. Pfeffer Tor

Financial Accounting Services

Documents:

[19-272.PDF](#)

- 9.XI. 19-273 Resolution Rejecting All Bids Received For The Replacement Of The Fire Suppression System At The Red Bank Senior Center And Authorizing Re-Advertisement And Re-Bidding Of The Project

Documents:

[19-273.PDF](#)

10. MAYOR & COUNCIL COMMENTS

11. DISCUSSION & ACTION

11.I. Mural Request

- a. Request from Jamie Atkins to install mural at 116 Chestnut Street with written consent of the property owner.

11.II. Fire Department Membership Requests

- a. Request from Michael Green for membership in the Liberty Hose Company of the Red Bank Volunteer Fire Department.
- b. Request from Giovanni Carvente-Ajuech for membership in the Union Hose Company of the Red Bank Volunteer Fire Department.
- c. Request from the following individuals for membership in the Cadet Corps of the Red Bank Volunteer Fire Department: Lucas Finkel, Colin McSorley, Jonathan Rivera, Alan Soden III, Salvatore Vitello, Jack Welsh and Kevin Welsh.

11.III. Special Event Recommendations For Approval

- i. Request from St. Anthony of Padua to hold the Our Lady of Guadalupe Procession from Johnny Jazz Park traveling down Dr. Parker Blvd. to Bridge Avenue and ending at the Parish Center at Herbert Street at 7pm on Thursday, 12/12/2019.
- ii. Request from Friends of Clearwater to use Marine Park for a festival to be held on Saturday, 8/15/2020 and Sunday, 8/16/2020. Subject to final plan review by Committee.

12. PUBLIC COMMENT (GOVERNMENTAL ISSUES, 5 MINUTES LIMIT)

13. EXECUTIVE SESSION

- 13.I. Resolution To Adjourn To Executive Session To Discuss Property Acquisition

14. ADJOURNMENT

**MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 2, 2019
6:30 P.M.**

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on July 25, 2019.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

ABSENT: Councilwoman Horgan

ALSO PRESENT: Administrator Shehady, Borough Clerk Borghi, Attorney Cannon, Engineer Neumann and Department Heads.

ADMINISTRATION

Mayor Menna reviewed agenda items beginning with a proposed resolution to accept the resignation of the IT Director. He said everyone had reviewed it and it should move forward.

He asked the Administrator to review the Best Practices Inventory resolution.

Administrator Shehady advised the Council that the Borough was required to adopt a resolution accepting the Best Practices Inventory at the next meeting in order to meet the State deadline. He said he was working with the CFO on the spreadsheet and said it would be shared with the Council when the draft was complete. He explained that it was a survey distributed by the Department of Community Affairs to assess “best practices” and added that it was a tool used to gauge state aid distribution.

Mayor Menna said the next item was resolution to authorize a Grant Agreement with the NJDEP regarding Electric Vehicle Charging Stations.

Administrator Shehady explained that the Borough had submitted a successful grant application for Electric Vehicle Charging Stations. He said this would authorize the grant agreement so the Borough could receive the money.

Mayor Menna said the next item, a resolution to support a Veterans Tax Deduction for those living in Continuing Care Retirement Communities, had been adopted by a number of municipalities and said he saw no reason not to move forward with it.

Under discussion items, Mayor Menna noted the Grants Report had been received.

Administrator Shehady noted the report had been distributed late in the day due to the timing of the Workshop meeting and when the report closed out. He said he could address questions about the grants listed.

Mayor Menna asked the Administrator to address further discussion on the IT Director position.

Mr. Shehady said he had met with the IT Council Subcommittee after the IT Director had tendered his resignation. He said he was exploring different options including a shared service agreement with the County or the Public School system. He said he was also looking at privatization or hiring a Part Time/Consultant hybrid or a Full Time employee with different job specifications. He said his first recommendation would be for a shared service and his second choice would be the Part Time/Consultant hybrid. He said his third choice/last resort would be outsourcing.

Councilman Zipprich the Committee has also discussed reaching out to Red Bank Regional High School.

Administrator Shehady said he had contacted them but they had said there were not capable of doing that right now.

Mayor Menna said he believe they should explore all options and due a financial analysis.

Councilwoman Triggiano asked what the salary was for the current employee.

Administrator Shehady said it had been \$88,000+ without the cost of benefits added in.

Councilwoman Triggiano said she felt that it would not be difficult to fill the position and noted there were several qualified people making less than that.

Councilman Zipprich again noted the committee had wanted to explore various options.

Councilman Yassin asked for a preliminary recommendation.

Administrator Shehady said he did not have one yet but would provide a menu once he completed the research. However, he did add that his preference would be for a shared service agreement.

Councilman Zipprich said he would like to thank the IT Director for his service and review some of his accomplishments.

Administrator Shehady noted an attachment had been provided to the Council regarding the Census 2020 and the outreach process. He said he was soliciting feedback/suggestions on the issue such as who would be included on a municipal Committee.

Councilman Zipprich noted the Human Relations Committee had taken the lead on the project for the previous census.

Councilman Triggiano said the committee had met with interested stakeholders and asked if the HRAC chair would be the appropriate head of the Complete Count Committee.

Administrator Shehady said the Borough could designate whomever they want as the Chair. He said he would reach out to the HRAC Committee to see if there was interest but noted the Governing Body should adopt the resolution to designate the members of the Complete Count Committee.

Councilman Yassin said the State Senate and Assembly had reached out and had said there may be funding available. He suggested forming a combined committee.

Mayor Menna asked Councilman Yassin to address the matter of Commercial Vehicle Parking Regulations.

Councilman Yassin said he would like to defer on the matter for now pending further discussion.

Mayor Menna asked who would be addressing the proposed Balloon Release Ordinance.

Attorney Cannon said Councilwoman Triggiano had requested the ordinance and he said he had drafted it and forwarded to the Council for review.

The Council reviewed the details of the draft ordinance and how it would be enforced.

Councilwoman Triggiano noted similar ordinances had been adopted in other towns and reviewed the reasoning behind the ordinance.

A discussion followed on how it would be applied.

Mayor Menna said the process should start with outreach to the business community.

Councilwoman Triggiano again reviewed the intent behind the ordinance.

The discussion continued on how it would be applied.

Attorney Cannon said the ordinance had been tailor to large scale releases at special events.

Administrator Shehady suggested Council members email their thoughts to Attorney Cannon to be incorporated into a revised ordinance.

Mayor Menna noted the next Council Meeting was scheduled to fall on Yom Kippur and asked for Council comments on how they should proceed.

Councilman Zipprich asked that the discussion be held until Councilwoman Horgan arrived.

Engineering

Engineer Neumann reviewed her report and offered updates on various project. She said the 2018-19 Road Program was substantially complete and outlined remaining details. She also noted the NJEIT had accepted the planning documents for the White Street project. She said they would also be submitted to the DOT for compliance as part of a grant received from that agency. She said the bids for the Senior Center had come in above the estimate so the project would be re-bid. She said they gotten new plans that would convert from a dry system to a wet system which they hoped would lower the cost. She said the new bid opening was scheduled for 10/16.

Administrator Shehady said they hopes to award the contract on 10/23.

Councilman Ballard asked if the Borough had underbonded for the project.

Engineer Neumann said that was not necessarily the case. She said the proposals were not in line with the estimated costs.

There was a discussion regarding the bidders, the estimated costs and the differences between a dry versus wet system. Engineer Neumann noted that the responders had not been local companies but rather larger commercial installers. She said she was hoping to get bids from more local businesses. She reviewed other ways they had tried to cut costs such as having our Public Works employees doing the removal of the old system.

Administrator Shehady thanked Fire Sub Code Official Drucker for his assistance and he offered details on the differences between the two systems.

Construction Official Corcione offered additional information.

Councilman Ballard expressed concern about the length of time the project was taking.

Engineer Neumann said that was why they had tried to turn the bid around as quickly as they could.

Councilman Zipprich also noted the Engineering firm chosen to do the design work had taken a long time to deliver the plan.

Engineer Neumann continued her report noting that Eastside Park was substantially complete. She said the building had been ordered and said there was a 12 week lead time for delivery. She said the Borough would be purchased by the Borough but it was reimbursable under the CDBG grant. She said there were some repairs to be done by the contractor for damages to the irrigation system as part of the work as well as seeding and planting.

Councilman Zipprich asked if there was a deadline when the work had to be completed in regard to the grant.

Ms. Neumann said she followed up regularly with the County and said, as long as the Borough continued to show progress there shouldn't be an issue. She also reported that the Pearl Street Improvement Project had been awarded to Precise Construction and work should be getting underway.

Councilman Yngstrom asked for an update on East Bergen Place.

Engineer Neumann said the contractor was finalizing items. She said there was still an issue at Hudson Avenue and East Bergen Place relating to a pole and the moving of a guy wire.

Administrator Shehady added that JCP&L was looking to charge the Borough for holding the pole in place while work was being done. He said the alternative was that they move the guy wire.

Engineer Neumann said they could also drop the pole, whichever was easier for them. She said there had also been complaints about crab grass and said that would all be addressed on the punch list.

Councilman Ballard said he wanted to revisit the Senior Center project and asked about the timeline.

Engineer Neumann said she anticipated receiving bids on 10/16 with a recommendation for award at the 10/23 Council meeting. She said the timeframe for substantial completion was 45 days and final completion within 60 days. She confirmed the project would essentially be completed in December under that timeline.

Councilman Ballard expressed concern about the length of time the project was taking.

Administrator Shehady said they were doing everything they could to try to stick to the timelines. He reviewed the efforts that had been taken.

Councilman Zipprich also noted that the design specs for the project were not done by the Borough Engineer.

Engineer Neumann said the plan were permit ready.

Councilman Ballard asked about meters that had been destroyed during the English Plaza contact and asked if the contract would be reimbursing the Borough for those.

Administrator Shehady said there was some confusion over what actually happened and the condition of the meters. He said they were not damaged by the contractor.

Councilwoman Triggiano said she understood that, even if they were damaged, that was not the reason why they were being replaced.

Administrator Shehady confirmed that that was the case.

Councilman Ballard said they still had value and the Borough should be compensated if they were damaged.

Administrator Shehady agreed but said that was not the case and said they were functional.

Councilman Yassin asked if they could be sold.

Administrator Shehady said they were going to explore that with the manufacturer or they might be auctioned.

Municipal Clerk

Municipal Clerk Borghi asked if there were any questions regarding her report. She explained that she had been advised that the Senior Center would not be available as a polling location. She said the County Board of Election had visited the location and did not think it should be the location for District 8. She said she had been told that an alternate location needed to be found. She said she had recommended Borough Hall. She noted the offices would be closed, with the exception of the Clerk's Office. She said the County had approved that recommendation.

Councilman Zipprich asked about moving the district into other existing poll locations.

Clerk Borghi noted that the recommendations were further outside the district than Borough Hall. She also noted it was a temporary move due to the construction.

Councilmembers suggested other locations.

Clerk Borghi noted 90 Monmouth Street was handicapped accessible, had a large parking lot and was only two blocks away from the regular location. She again noted it was only for the one election.

The discussion continued on the size and shape of the district and the location.

Councilman Yassin asked if there was anything the Borough could do to provide transportation.

Clerk Borghi said she believed the representative of the political parties usually made arrangements to help those who needed transportation.

Councilwoman Triggiano asked about outreach.

Clerk Borghi said each registered voter in the district would be sent a card and information would be posted on the Borough's website. She also reviewed requests and proclamations on the upcoming agenda.

Finance

Mayor Menna reviewed agenda items listed under Finance including the annual LOSAP payments, a tax appeal resolution and a resolution regarding a tax court settlement. He asked if any Councilmembers had questions about the CFO's report. He asked if there were any questions on the other Finance reports. There were none.

OEM/Fire Marshal/Code Enforcement

Fire Marshal/OEM Coordinator Welsh reviewed a recent County OEM meeting he had attended. He said he would review further at the next local OEM meeting. In regard to the Fire Marshal's Office, he said the State Division of Fire Safety had been in the office earlier in the day to familiarize staff with reporting software. Under Code Enforcement he reviewed issues with brush collection and enforcement concerns. He asked for notification to the public.

Mayor Menna called for information to be placed on the electronic sign, listed on the website and to be sent as an alert.

Police

Police Chief McConnell reviewed his report. He discussed the Department's Coffee with a Cop program and said the event earlier that day had seen the best turnout since they started the program. He said the next event they were having would be the Bike Light Giveaway and Bike Safety Event. He said they were working with local synagogues to host the event on 10/13. He said they had gotten permission to hold it on the NJ Transit property so it would be centrally located. He said the bike lights would be installed directly onto the bikes. He said they would also be giving away bike helmets and used bikes and also handing out bike safety literature. He said all of the Department vacancies had been filled except for the one patrol spot which he said he hoped to fill in the next few weeks.

Administrator Shehady said the Attorney had been working on the resolution for the County Agreement regarding the beacons and said he hoped to have it on the next agenda

Fire Department

Mayor Menna noted there was a proposal to amend the Fire Department Ordinance to remove the residency requirement for members of the Cadets and asked if there were any objections. None were voiced.

Public Utilities

Mayor Menna thanked Director Keen for his report.

Director Keen said there would be some upgrades implemented at Count Basie Park including painting, etc. Regarding the Senior Center, he said he wanted to remind everyone that, once the fire suppression system had been installed, there would still be additional work to be completed. He said the time line needed to account for replacing ceilings, etc. He said he also wanted to note the work done by his staff for various special events including both block parties and larger planned events. He said he wanted to recognize them for their efforts. He noted that the final brush pickups of the year would be 10/10 and 10/17. He said leaf collection would begin 11/7. He said he wanted people to understand that there would be enforcement.

Councilman Ballard said he wanted to thank the Department for their help with an issue on Leighton Avenue.

Parking

Director Calu reported the enforcement productivity had gone up to the point that the numbers at ¾ of the year already exceeded last year's total. He said if the trend continued throughout the year, they would end up with 35 percent more enforcement actions which would translate to additional revenue. He said overall parking revenue was short by 6.5 percent from this time the previous year. He said he attributed this to three issues being 1) the scheduling of monthly reports and revenue collection procedures, they were missing three days of the month, 2) all of the revenues were not collected on the same days which meant some areas weren't collected in time to make the report and 3) the fact that the English Plaza lot had been out of commission.

Administrator Shehady reported that the presentation on the parking meters had gone well. He also discussed the need to rehab the White Street Parking lot. He said he, Parking Director Calu, DPW Director Keen and Engineer Neumann had met to review needs for the upcoming Parking Utility Bond Ordinance regarding White Street Lot and the parking meters. He said they were reviewing the Eastside Lots to see if they needed to be rehabbed and also the grass pad at Marine Park to see if it could be used for temporary parking until that plan was complete. He said he hoped to have cost estimates and proposals to the Council by the end of the month for the November Workshop meeting. He said he expected they would introduce the ordinance in November and adopt it in December which should enable them to procure the meters in January.

Councilwoman Triggiano asked what the cost of the meters was in total.

Director Calu said it was about \$241,000 give or take \$20,000.

A discussion followed on the various technology options of the meters.

Councilman Ballard thanked Mr. Calu for his work. He said one of the takeaways he had gotten from the Parking Study was that there was not enough parking. He said he learned that the Borough owns 25 percent of the parking in the Borough and private companies/churches own 75 percent. He said it had been suggested that the Borough work with the private entities to allow for parking in those lots to increase the inventory. He asked where they were with that.

Director Calu said he had had one meeting with one private entity and said they were reviewing their downtime so they could put forward a proposal for a public/private partnership. He said it had gone nowhere so far. He said he hadn't had the time or opportunity to reach out to any others, yet. He added that that was not his highest priority and also noted that another takeaway was lack of investment in the enforcement function was causing the parking supply to not be properly utilized meaning there was no turnover.

Administrator Shehady said the Management Report had called for managing the existing parking first to determine how much additional parking would be needed.

Councilman Yassin asked if they could move forward with the public/private partnerships while they were working on enforcement.

Director Calu said they were but, to date, they had been focused on operations.

Councilman Ballard said the entire point of the Parking Study was that there was not enough parking.

Administrator Shehady said that had not been the conclusion.

Councilman Zipprich said the conclusion had been that the Borough had ample parking but need to enter into public/private partnerships with the owners.

Administrator Shehady said there had been many different conclusions from the Study but basically said, before the Borough could determine how much inventory was needed, they needed to get a better handle on the existing Borough-owned inventory. He reviewed areas they were looking at and the steps to be taken.

Councilman Ballard encouraged outreach to the businesses.

Recreation

Mayor Menna acknowledged receipt of Recreation Director Hoffmann's report and that there would be a resolution presented to accept a Monmouth Arts Grant.

Senior Center

Mayor Menna acknowledged receipt of Senior Center Director Reynolds's report.

Land Use

Mayor Menna asked if there were any questions regarding the Mural Ordinance.

Administrator Shehady a draft application had been forwarded to the Council and said Attorney Cannon was drafting an ordinance based on the application. He said he was looking for feedback from the Council regarding the application and the process.

Attorney Cannon asked for suggestions.

Councilwoman Triggiano asked the reason for the ordinance and for formalizing the process.

Director Carter reviewed his experience with murals. He said many towns consider them signs and they seldom conformed to the sign ordinance so were forced before the Board of Adjustment. He said several years ago, Red Bank had implemented an information system which forwarded requests to the Governing Body through the Clerk's Office. He said that procedure was not consistent with Land Use Law and it had been decided that the process should be formalized for consistency.

Councilwoman Triggiano said she was aware of places where it was far less formal and was handled as an agreement between the building owner and the artist. She questioned the need for formalization. She said she felt, in places where public art flourished, it was a less formal process. She clarified that content was approved by the building owner rather than the Government. She said she was unsure what the benefit to public art would be.

Attorney Cannon said the Council could not regulate content. He said, because of that, there would be nothing to stop someone from painting a billboard on the side of a building. He said there was a regulatory reason for formalizing the process. He reviewed the draft application.

A discussion followed regarding public art, private art and billboards/signs as they related to Land Use Law.

Councilwoman Triggiano spoke of murals she had viewed in other cities and how the concepts were treated in those locations.

Mayor Menna expressed concern about the Council approving designs and also about vacant properties becoming billboards. He said he felt that called for a need for criteria.

A discussion followed on suggested criteria, jurisdiction issues and an appropriate approval procedure. It was noted that a process was needed to address adversarial situations.

Attorney Cannon said they should not be focusing on content but rather location and size of the proposed art. He said he felt the issue had arisen because the town had been so successful in creating public art. He said if there wasn't a process in place, when someone came through with something that was in the wrong place or objectionable, they would have a difficult time dealing with that issue. He said it was not anticipated that the process would change that much from the existing process but said the ordinance would codify it to ensure everyone went through the process.

Administrator Shehady noted requests came in different formats and with inconsistent information. He confirmed the need to formalize the process.

Councilman Zipprich said many of the murals had been implemented in the Special Improvement District and were reviewed by the RiverCenter Visual Improvement District.

Administrator Shehady pointed out that they did not approve or regulate.

RiverCenter Executive Director Scavone said they could not approve content but reviewed to determine if it was a sign.

There was more discussion on whether or not regulation was needed. Attorney Cannon reviewed specific areas that were under the Council's purview and those that were not.

Administrator Shehady also pointed out that currently murals were not allowed under the Borough's Land Use Ordinance and, therefore, there was not process for approval. He said the process would also address requests for public art projects.

Director Carter noted that the procedure had been that requests were denied by Zoning and the applicants had appealed to the Council for approval. He said, while that process had worked so far, it really wasn't allowed under Land Use Law.

Clerk Borghi added that there had only been a few requests over the past couple of years but said the requests were increasing which had brought the issue to light.

The Council agreed move forward to confirm the process and to have a further discussion later to fine-tune the details including the issue of whether or not to provide for business names within a small percentage of the design.

Director Carter said that if business names were included it could be considered a sign. He also pointed out that if a store went out of business, the mural would still exist.

The Council continued to discuss the Land Use concerns and the problem with approvals done outside of those regulations. Attorney Cannon pointed out that an adjacent property owner could take issue with the types of the approvals that are currently being given.

Councilman Zipprich said the RiverCenter Special Improvement District had been reviewing requests. It was noted that not all of the requests would fall in that district.

Attorney Cannon said he was looking for Council feedback on the matter.

Mayor Menna discussed mural/signs on buildings that were in place 30 years ago and said he felt regulation was needed. He asked Council members to email Attorney Cannon with their comments.

Councilwoman Triggiano said she wanted to stress two points which were 1) she felt areas that had successful public art programs allowed for business names in the murals as an incentive and 2) she asked people to keep in mind that murals were not intended to be permanent.

Attorney Cannon said he would work on a draft.

Director Carter returned to his report and reviewed current projects.

Administrator Shehady also noted there would be a resolution on the next agenda to ratify the hiring of an Administrative Assistant for the Planning/Zoning office. He said there was also a discussion topic listed regarding 5G regulation which he said was something that would carry over a few meetings but he wanted it to be on their radar.

Building/Construction

Construction Official Corcione reviewed his report.

Administrator Shehady noted the office was down a sub-code inspector. He said they have advertised but there had been no applications.

Mayor Menna suggested an inter-local agreement with adjacent municipalities.

Mr. Corcione said he had checked with Tinton Falls to help with an inspection earlier in the week but said they were swamped also. He said he would continue to check with other towns.

October 9, 2019 Council meeting

Mayor Menna returned to discussion on the 10/9/2019 Council meeting which would fall on Yom Kippur. He noted that Councilwoman Horgan had reached out to inform him that she would not be attending the meeting. He asked Council members their opinion.

Councilwoman Triggiano said she did not feel they should meet on Yom Kippur.

Councilman Zipprich suggested they move it to the following Monday.

Clerk Borghi explained that there would not be enough time between meetings to meet advertising requirements for Public Hearings if the Council took action on Ordinances.

Mayor Menna suggested everything could be carried to the following meeting.

Councilman Yngstrom asked if there was anything on the agenda that could not wait until the next meeting scheduled for 10/23.

Administrator Shehady said there was nothing of a critical nature. He agreed that, due to advertising requirements, it would not make sense to reschedule to a different day.

Councilman Zipprich asked about the payment of bills.

Mayor Menna noted the Council had adopted the CFO to pay bills between meetings.

Councilwoman Triggiano said she felt cancelling the meeting was the respectful thing to do.

Councilman Ballard expressed concern about setting a precedent.

Councilman Yassin asked if the cancelling of meetings would be considered for other religious holidays as well.

A discussion followed on the importance of the day and the way it was handled in other organizations. The Council discussed which religions would be considered. It was noted that the calendar was set in January and it was the intent to avoid conflict with religious holidays. It was also pointed out that it was desirous to hold public meeting when members of the public could attend.

Mayor Menna said it was suggested the meeting should not be held out of deference and respect for members of the community who would be unable to attend a public meeting because of religious observances. He said neighboring communities were not holding meetings due to the holiday.

Councilman Yassin again expressed concern about setting a precedent and need to recognize all religions.

Mayor Menna called for a poll of the Council to approve cancelling the meeting.

AYES: Triggiano and Yngstrom.

NAYS: Yassin, Ballard and Zipprich.

There being two ayes and three nays, it was determined that the meeting would be held as scheduled.

COUNCIL COMMENTS

None.

CORRESPONDENCE

None.

PUBLIC COMMENT

Mayor Menna asked if there were any comments from the public.

Mike Vintzileos—264 John Street, South Amboy—said he was a medical cannabis patient and told his story about getting addicted to opioids and how it progressed to heroin before using methodone to try to get off of the drugs. He said he was appearing to thank the Council for their support in approving medical cannabis.

Lefty Grimes—Bayonne—said they had been attending a concert across the street from Borough Hall and had wanted to stop by the meeting to thank the Council for their unanimous support of approval of medical cannabis. He also asked that the handicapped door at the entry to the building be repaired.

No one else appearing, Mayor Menna called for a motion to close the public comment.

Councilman Zipprich made a motion to close the public hearing, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being five ayes and no nays, the motion was declared approved.

19-241 Mayor Menna read a resolution to adjourn to executive session to discuss Personnel and Property Acquisition. No action to be taken.

Councilman Zipprich offered a motion to adjourn to Executive Session, seconded by Councilman Yassin.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being five ayes and no nays, the resolution was declared approved.

ADJOURNMENT

Councilman Yngstrom offered a motion to adjourn the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Yassin, Triggiano, Ballard, Yngstrom and Zipprich.

NAYS: None

There being five ayes and no nays, the resolution was declared approved.

Respectfully submitted,

Pamela Borghi

DRAFT

ORDINANCE NO. 2019-69

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 94,
ARTICLE I: ESTABLISHMENT, AMENDING SECTION 64-9 CADET CORPS
TO REMOVE THE RESIDENCY REQUIREMENT FOR MEMBERS**

WHEREAS, the Mayor and Council of the Borough of Red Bank believe that the Fire Department Cadet Corps would be enhanced by removing the residency restriction currently in place that can prevent children of active volunteers from participating in the worthwhile program;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 64 Fire Department of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, is hereby amended and supplemented as follows:

SECTION ONE: Article I, Subsection 64-9 is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

Article I ESTABLISHMENT.

64-9 Cadet Corps.

A. [*Unchanged*]

B. Established; qualifications.

(1) There is hereby established the Cadet Corps of the Red Bank Fire Department and the Red Bank First Aid and Rescue Squad. ~~Any resident of the Borough~~ Prospective members must be between the ages of 14 and 17, inclusive, is to be eligible to submit an application of membership. The prospective member must have maintained at least a C average, or the equivalent, during his/her last completed year in the school system. All applicants who are presently participating in the school system must have at least a C average, or the equivalent, in order to be favorably accepted.

(2) No application fee is required of any applicant.

C. [*Unchanged*]

D. [*Unchanged*]

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

Introduction: October 23, 2019
Public Hearing/Adoption: November 13, 2019

ORDINANCE NO. 2019-70

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING CHAPTER 430: "LICENSES AND PERMITS"
OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO ELIMINATE
CITIZENSHIP REQUIREMENT FOR BUSINESS LICENSES**

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the following Article 1 of Chapter 430, "Licenses and Permits" of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, is hereby amended as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

§ 430-1 License required.

It shall be unlawful for any person to engage in any new business in the Borough or to perform any act included within the provisions of this article without first obtaining a license as herein provided and the paying of the license fee prescribed therefor when such license fee is required.

- A. Definition. As used in this article, the following terms shall have the meanings indicated:

BUSINESS

(As used in both singular and plural sense.) Includes all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, or any premises in the Borough, as set forth in Section 40:52-1 of the Revised Statutes of the State of New Jersey and the acts amendatory thereof and supplemental thereto. Excluded from the terms of this article shall be occupations, professions or enterprises licensed by the State of New Jersey.

- B. No license shall be issued or renewed unless the applicant therefor shall designate in writing an individual as agent of the business residing or maintaining offices within the Borough, or residing within the State of New Jersey, upon whom service of process against the business may be served.
- C. If at any time thereafter, the address of the office shall change; or if the agent is changed, dies, resigns or ceases to act, then the applicant shall forthwith file in the office of the Borough Clerk a notice setting forth the name of the applicant, the old address and the new address of the principal office, the name of the agent being succeeded, and the name of the successor agent.

§ 430-2 Certain persons exempt from fees.

The requirements of this article shall be held not to exclude the following persons, who are expressly exempt from its application, so far as any fee is required, but shall in all other respects abide by the provisions of this article as a matter of regulation.

- A. Any person selling fruits, vegetables and farm products raised or grown by him.
- B. Any person selling fish, clams or oysters caught or gathered by him.
- C. Any person honorably discharged from the military, naval or marine forces of the United States.
- D. Any blind person who is a resident of this Borough.
- E. Any person who conducts a sale pursuant to statute or court order.
- F. Any person who is an exempt member of a volunteer fire department as defined by New Jersey Public Laws 1911, Ch. 133.

§ 430-3 Application.

Any person desiring a license shall file with the Borough Clerk an application blank, separate blanks being provided for each class of licenses. The blanks shall contain the following information:

- A. Name of applicant.
- B. Permanent home residence.
- C. Name and address of firm represented, the names and addresses of the person from whom goods making up the stock were or are to be purchased.
- D. Three business references.
- E. The place or places of residence of the applicant for the preceding three years.
- F. The length of time for which the license is desired.
- G. A description of the wares to be offered for sale.
- H. The number either of arrests or convictions for misdemeanors or crimes and the nature of the offense for which arrested or convicted.
- I. To the application must be appended a letter from the firm for which he purports to work, authorizing the applicant to act as its representative.

§ 430-4 Verification by Chief of Police.

- A. Following the filing of the application, the Chief of Police shall verify the information respecting the moral character of the applicant and shall signify his approval or rejection on the reverse side of the form; and the Borough Clerk shall verify the financial information, approving or rejecting the application on its reverse side.
- B. The license issued shall not authorize any person, except the designated person named in the license, to engage in the business thereunder. The license shall not be transferable from the person to whom issued to any other person. All licenses provided for this article shall expire on December 31 in the year for which it was issued.

~~§ 430-5 Citizenship requirement.~~

~~No licenses shall be issued or renewed unless the applicant therefor shall be a citizen of the United States and a person of good moral character.~~

§ 430-65 Issuance.

All licenses shall be issued on forms drawn in accordance with this article. They shall be printed in book form, with corresponding stubs, and shall be consecutively numbered. The license shall contain suitable blank spaces for writing in the name, and the class of the license granted, the location of the business and the amount of the fee paid.

- A. There shall be kept in the office of the Borough Clerk the necessary books for recording the time the application for a license is received, whether new or renewal, name of licensee, regular number of blank form, when the application was approved by the Chief of Police and the Borough Clerk, the amount of the fee received therefor, and the date when the license was issued.
- B. The Borough Clerk shall monthly file a report with the Council showing the number of licenses granted by classes and the amounts of fees received therefor. Each report shall state the number and class of licenses revoked and the reasons for such revocation. The monthly report shall be cumulative during the course of the year so that each report summarized the action of all preceding months of the current year.

§ 430-76 Display of license upon request.

Every person holding a license under this article shall be required to carry the license with him or at his business premise while engaged in the business licensed. He must produce the license at the request of any official of the Borough.

§ 430-87 Fees established.

License fees shall be as follows:

- A. Auction stores, \$15 per day.
- B. Auctioneers, \$10 annually.
- C. Billiard and pool tables, other than of fraternal or religious organizations, \$10 per table each, annually.
- D. Dance halls, including cabarets and any public place where food is served accompanied by dancing, other than charitable exhibitions, \$100 annually. No license shall be issued for any dance hall unless the premises comply with and conform to all laws of the United States, State of New Jersey and the ordinances and regulations of the Borough, and are properly ventilated and supplied with sufficient toilet conveniences, and are in the judgment of the Chief of Police, a sufficient and proper place for the purposes for which they are to be used.
- E. Distributors of circulars for commercial advertising, samples and any other similar writings as follows:
 - (1) Fifteen dollars for distribution over a period not to exceed three days.
 - (2) Twenty-five dollars for distribution over a period not to exceed 10 days.
 - (3) One hundred dollars for annual distribution license.
 - (4) Distribution in cars, moving or standing, on private property or in public streets or parking areas is prohibited.
 - (5) Advertising material shall not be distributed on any street or other public place.
- F. Miniature golf courses, \$25 annually.
- G. Theaters, including places where moving pictures are shown, \$100 annually.
- H. Pawnbrokers, \$50 annually.
- I. Retail food establishments.
 - (1) Retail food establishments on the basis of the following:

Square Feet	Fee
Up to 1,000	\$25
1,001 to 2,000	\$50
2,001 to 3,000	\$75
3,001 to 5,000	\$100
5,001 to 10,000	\$150
10,001 to 20,000	\$200
20,001 and over	\$300
 - (2) Itinerant retail food establishment: \$25.
- J. All other businesses: \$25 annually.

§ 430-98 Revocation.

A license may be revoked by the Mayor and Council by reason of the violation of the terms of the license, the violation of any municipal ordinance, state or federal statute or falsification in applying for a license. Before revocation, the licensed person may be granted a hearing by the Mayor and Council, after five days notice thereof and furnishing the person with a written statement of the charges against him.

§ 430-409 Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as established in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Borough of Red Bank.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

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

Introduction: November 13, 2019

ORDINANCE NO. 2019-71

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 608, STREETS AND SIDEWALKS,
RELATING TO THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS OF WAY.**

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 608 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County is hereby amended and supplemented as follows:

SECTION 1. §608 Article X "Telecommunications Facilities in the Public Rights of Way" be added as follows:

Section 608-49, Definitions

The following words and phrases shall, for the purpose of this Chapter, have the meaning herein indicated:

- a. Colocation means the use of a common wireless telecommunications tower or a common structure, by two or more wireless license holders or unlicensed holders, nevertheless regulated by the Federal Communications Commission, or by one wireless license holder for more than one type of communications technology and/or the placement of a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.
- b. "Public Right-of-Way" means the surface of and the space above any public street, road, lane, path, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Borough or County or State as an easement or in fee simple ownership, or any other area that is determined by the Borough or County to be a right-of-way in which the Borough may allow the installation of telecommunications facilities.
- c. "Small Cell Equipment" and "Small Cell Facility" shall have a meaning consistent with Title 47 of the Code of Federal Regulations and include:
 - i. Wireless facilities and transmission media, including femtocells, Pico cells and microcells.
 - ii. Outside Distributed Antenna Systems ("ODAS").
 - iii. A personal wireless service facility as defined by the Federal Telecommunications Act of 1996, as amended, that is attached, mounted or installed on an existing pole or wireless pole in the public rights-of-way and used to provide telecommunications (defined herein) services.
 - iv. A wireless service facility that meets both of the following qualifications:
 1. Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and
 2. Primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.
- d. "Telecommunications" means the transmission by wire, radio, optical, or any electromagnetic system, between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.
- e. "Telecommunications Carrier" means any provider of Telecommunications Services.
- f. "Telecommunications Facility" means any structure or device used for the purpose of providing, supporting, enabling or otherwise facilitating telecommunications, including, but not limited to Small Cell Equipment and Wireless Poles, as defined herein.
- g. "Telecommunications Service(s)" means the offering of telecommunications to the public, regardless of the Telecommunications Facilities used.
- h. "Wireless Pole" means a column or post lawfully located in the Borough or County or State right-of-way used solely to support small cell equipment and/or provide personal wireless services as defined by federal law.

Section 608-50, Purpose

The purpose and intent of this Section is to:

- a. Establish a local policy concerning Telecommunications Facilities, including Small Cell Equipment and Wireless Poles in right of ways of the Borough, County and State.
- b. Conserve the limited physical capacity of the Public Rights-of-Way held in public trust by the Borough and the County.
- c. Assure that any and all Telecommunications Carriers providing Telecommunications Services in the Borough through Telecommunications Facilities, including but not limited to Small Cell Equipment and Wireless Poles, comply with the laws, rules and regulations of the Borough.
- d. Assure that the Borough can continue to fairly and responsibly protect the public health, safety and welfare.
- e. Enable the Borough to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development.
- f. Allow for telecommunications facilities while preserving the historic character of the Borough and allowing safe and efficient pedestrian, bicycle and vehicular use of the right of ways.

Section 608-51, PERMITTED ZONES AND USE FOR TELECOMMUNICATIONS FACILITIES

Placement of Telecommunications Facilities, shall be limited to placements within the boundaries of Zoning Districts HB, NB, I, LI, MS, BR-1, CCD-1 & CCD-2 as depicted on the Official Zoning Map of the Borough of Red Bank.

Section 608-52, Licensing of Small Cell Facilities and Wireless Poles.

The following shall apply to applications for all Small Cell Facilities and Wireless Poles:

- a. Any Telecommunications Carrier who desires to construct, install, operate, maintain, or otherwise locate Small Cell Facilities within any right of way within the Borough, for the purpose of providing Telecommunications Services to persons and areas inside or outside the Borough shall first obtain a license from the Borough in accordance with this Section.
- b. For purposes of this Section, the construction, installation, operation, maintenance or location of Telecommunications Facilities includes the colocation with any Telecommunications Facility.
- c. A Telecommunications Carrier who is issued a license pursuant to this Section who, during the License Term, wishes to add, supplement, or modify the Telecommunications Facility for which the license was granted shall be required to obtain a new license in accordance with the procedures established by this Section; except that no new license shall be required during the License Term if the addition; supplementation or modification does not materially change the size, dimensions, technical aspects, or appearance of the Telecommunications Facility, as reasonably determined by the Borough Administrator. Nothing in this Section shall be construed as eliminating or otherwise altering duration of the License Term.
- d. No application to construct a new wireless Telecommunication Service Facility shall be approved unless the applicant demonstrates to the reasonable satisfaction of the Borough that no existing personal wireless Telecommunication Service Facility within a reasonable distance, regardless of municipal boundaries, can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing personal wireless Telecommunication Service Facility can accommodate the applicant's proposed facility shall consist of one or more of the following:
 - 1. No existing Telecommunications Facilities are located within the geographic area required to meet the applicant's coverage demands.
 - 2. Existing Telecommunications Facilities are not of sufficient height to meet the applicant's coverage demands and cannot be extended to such height.
 - 3. Existing Telecommunications Facilities do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - 4. Existing Telecommunications Facilities do not have adequate space on which proposed equipment can be placed so it can function effectively and reasonably.
 - 5. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing facility, or the antennas on the existing facility would cause interference with the applicant proposed antenna.
 - 6. The applicant demonstrates that there are other compelling limiting factors, including but not limited to economic factors, that render existing facilities or structures unsuitable.
- e. License Term: The term of a license issued pursuant to this Section shall be five (5) years.

- f. License renewals shall be subject to the same standards and application process as new applications.

Section 608-53, SMALL CELL FACILITY LICENSE APPLICATION PROCESS

Any person who desires a license pursuant to this Section shall file an application with the Borough Administrator. The application shall include the following information and requirements:

- a. The identity of the license applicant, including all affiliates of the applicant.
- b. A description of the Telecommunications Services that are or will be offered or provided.
- c. A description of the Telecommunications Facility.
- d. A description of the transmission medium that will be used by the licensee to offer or provide Telecommunications Services.
- e. An RFA report.
- f. Identification of the type of pole being used. If it is a new pole, the Borough standard pole must be used. The Borough standard pole is _____.
- g. Location of all equipment which must be mounted at least 10' above the ground level or below ground.
- h. Preliminary engineering plans by a licensed Professional Engineer, a property survey, specifications, and a network map of the Telecommunications Facility to be located within the Borough, all in sufficient detail to identify:
 - 1. The location and route requested for applicant's proposed Telecommunications Facility.
 - 2. The location of all antennae, cells and nodes for applicant's proposed Telecommunications Facility.
 - 3. The location of all overhead and underground public utility, telecommunications, cable, water, sanitary sewer drainage and other facilities in the public way along the proposed route.
 - 4. The specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove, relocate or alter.
- i. A preliminary construction schedule and completion date.
- j. A traffic control plan.
- k. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the telecommunications facilities.
- l. Information to establish the applicant's technical qualifications, experience and expertise regarding the Telecommunications Facilities and Telecommunications Services described in the application.
- m. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the Telecommunications Facilities and to offer or provide the Telecommunications Services.
- n. Information to establish that the Telecommunications Facility meets the current standards and regulations of any agency of the federal government with the authority to regulate Telecommunications Facilities.
- o. Information to establish that the proposed Telecommunications Facility conforms to the requirements of the International Building Code, National Electrical Code and BPU Regulations, as applicable.
- p. Proof of notice pursuant to the requirements set forth below in "Notification for Telecommunication Facilities.

Telecommunications Facilities providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of facilities, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances, there may be a need for expert review by a third party of the technical data submitted by the provider. The Borough may require such a technical review to be paid for by the applicant for a Telecommunications Service Facility. The selection of the third party expert may be by mutual agreement between the applicant and the Borough or at the discretion of the Borough, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the Telecommunications Facilities and not a subjective review of the site selection. The expert review of the technical submission shall address the following:

- i. The accuracy and completeness of the submission;
- ii. The applicability of analysis techniques and methodologies;
- iii. The validity of conclusions reached; and,
- iv. Any specific technical issues designated by the Borough.

Section 608-54, DETERMINATION BY THE BOROUGH ADMINISTRATOR FOR SMALL CELL FACILITY LICENSES

- a. Upon the Borough Administrator's determination that an application for a license is complete, including obtaining County approval, when necessary in accordance with this Ordinance, the Borough Administrator, after consultation with the Borough Attorney and Borough Engineer, shall issue the determination.
- b. Determination shall be issued within ninety (90) days of the applicant's submission of a complete application.
- c. If the application is denied, the written determination shall include the reasons for denial and supported by facts upon which the denial is based.

Section 608-55, FEES, BONDS & ESCROWS FOR SMALL CELL FACILITY LICENSES

- a. An application for a license under this Section shall be accompanied by a payment of a Five Hundred (\$500.00) dollar fee.
- b. Pursuant to N.J.S.A. § 54:30A-124, the Borough shall recover reasonable professional fees for actual services incurred in the review of applications under this Section. Applicant shall make a deposit in an escrow for professional fees in the amount of Two Thousand (\$2,000.00) dollars. If said escrow account contains insufficient funds to enable the Borough to perform its review, the Chief Financial Officer shall provide the applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within fifteen (15) days, post a deposit to the account in an amount to be mutually agreed upon.
- c. Each owner of a licensed telecommunications facility shall post a \$100,000 bond that can be called by the Borough for the costs of correcting any non-compliance with this ordinance including removing the telecommunications facility and restoring the area in the event of abandonment.

Section 608-56, ASSIGNMENT OR TRANSFERS OF SMALL CELL FACILITY LICENSES

Ownership or control of a license issued pursuant to this Section may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the Borough as expressed by resolution.

Section 608-57, GENERAL INDEMNIFICATION OF BOROUGH IN CONNECTION WITH SMALL CELL FACILITY LICENSES

Each license grantee shall indemnify and hold the Borough and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Telecommunications Facilities, and in providing or offering Telecommunications Services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter.

608-58, REVOCATION OR TERMINATION OF SMALL CELL FACILITY LICENSES

- a. The Borough may revoke a license granted under this Chapter for the following reasons:
 - i. Construction or operation without a license.
 - ii. Construction or operation at an unauthorized location.
 - iii. Unauthorized substantial transfer of control of the grantee.
 - iv. Unauthorized assignment of a license.
 - v. Unauthorized sale, assignment or transfer of grantee's assets, or a substantial interest therein.
 - vi. Misrepresentation or lack of candor by or on behalf of a grantee in any application to the Borough.
 - vii. Abandonment of the Telecommunications Facility. A Telecommunications Facility shall be deemed "abandoned if it is: Disconnected from power service; installed without

proper approvals; or, unused for greater than six (6) months. Abandoned Telecommunications Facilities shall be removed by the owner with the area restored to its pre-telecommunications facility condition. Should the owner fail to remove the Telecommunications Facility and restore the area to its pre-telecommunications facility condition, the Borough may do so at its option, and the costs thereof shall be a charge against the owner.

viii. Insolvency or bankruptcy of the grantee.

ix. Material violation of the Borough General Ordinances.

b. In the event that the Borough believes that grounds exist for revocation of a license, it shall give the grantee written notice of the apparent violation or noncompliance, providing a statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time not exceeding 30 days to furnish evidence:

i. That corrective action has been or is being actively and expeditiously pursued, to remedy the violation or noncompliance; and

ii. That rebuts the alleged violation or noncompliance; and

iii. That it would be in the public interest to impose some penalty or sanction less than revocation.

c. The Borough shall consider the apparent violation or noncompliance in a public meeting, with respect to which the grantee shall be given notice and a reasonable opportunity to be heard concerning the matter.

608-59, NOTIFICATION REQUIRED BY TELECOMMUNICATIONS FACILITY PROVIDERS

a. Any Telecommunications Carrier who desires to change existing use, construct, install, operate, maintain, or otherwise locate a Telecommunications Facility in the Borough shall provide notice to properties certified by the Borough Administrator to be within five hundred (500') feet of the proposed Telecommunications Facility.

b. Notice shall be given to a property owner by:

i. Serving a copy thereof on the property owner as shown on the current certified tax list, or his or her agent in charge of the property; or

ii. Mailing a copy thereof by certified mail and regular mail to the property owner at the address as shown on the said current certified tax list. Service by mailing shall be deemed complete upon deposit with the U.S. Postal Service. Notice pursuant to this Section shall state the identity of the Telecommunications Carrier; a description of the Telecommunications Services that are or will be offered or provided; a description of the location(s) of any Telecommunications Facilities; and a description of the Telecommunications Facilities to be installed. The notice shall also advise that a copy of the applicant's application is on file with the Borough Administrator and may be reviewed by the public. Notice must be provided to the Borough prior to commencement of work.

c. Such other and further information as may be required by the Borough Administrator.

d. In the case of an application that seeks to construct, install, operate, maintain, or otherwise locate a Telecommunications Facility or equipment on any property owned or controlled by the County, including but not limited to, a County right-of-way, the applicant shall also provide notice to and obtain a permit from the County authorizing the placement of such Telecommunications Facility on any such property or right-of-way.

608-59, LAND USE ORDINANCE NOT SUPERSEDED

The requirements of this Chapter shall be in addition to, and shall not be in lieu of any requirements imposed by the Borough's Land Use and Development Ordinance. If the Land Use and Development Ordinance requires site plan approval, or the approval of any variances from the Borough Planning and Zoning Board, the applicant shall be required to secure any approvals and/or variances following the grant of a license under this Chapter. A Planning or Zoning Board application for the construction, installation, or location for Telecommunications Facilities shall not be deemed complete until a license under this Chapter is granted by the Borough.

SECTION 2: A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning or Zoning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION 4: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall take effect immediately upon its passage and adoption according to law.

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

Introduction: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-264**

**RESOLUTION CALLING FOR STUDY COMMISSION
TO REVIEW THE OPEN PUBLIC RECORDS ACT**

WHEREAS, the Borough of Red Bank strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Red Bank has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of Red Bank received and responded to 185 OPRA requests in 2017, 325 OPRA requests in 2018, and to date has received and responded to 296 OPRA requests as of September 1, 2019; and

WHEREAS, the Borough of Red Bank municipal staff has spent approximately 100+ hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 50 to 100 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Red Bank must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

WHEREAS, example(s) of OPRA requests that was costly, interrupted operations etc. include:
; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are

created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Red Bank appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Members Joann Downey and Eric Houghtaling, Senator Vin Gopal, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-265**

**A RESOLUTION TO ESTABLISH A FAIR AND OPEN PROCESS FOR
AWARDING OF CERTAIN CONTRACTS FOR THE 2020 CALENDAR YEAR**

WHEREAS, the Governing Body has determined that a Fair and Open process should be established in 2020 for the awarding of certain contracts pursuant to the provisions of P.L. 2004, Chapter 19 (as amended by P.L. 2005, Chapter 51), *N.J.S.A. 19:44A-20.4*.

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

1. Findings. The Governing Body finds that the provisions of P.L. 2004, Chapter 19 (as amended by P.L. 2005, Chapter 51), at *N.J.S.A. 19:44A-20.4, et seq.* provides for the establishment of a fair and open process for the award of certain contracts with a value in excess of \$17,500 per year, where those contracts are not subject to public bidding or competitive contracting under the provisions of the New Jersey Local Public Contracts Law, and that it is in the best interest of the Borough of Red Bank to establish procedures for a Fair and Open process for the award of those contracts.

2. Fair and Open Process. The following contracts with a value in excess of \$17,500 per year, or professional service contracts, shall be awarded in accordance with the following procedures, which are established pursuant to *N.J.S.A. 19:44A-20.4, et seq.* as the Fair and Open Process for the Borough of Red Bank.

a. Requests for Qualifications and Proposals for the positions set forth herein shall be advertised at least ten (10) days before the proposals are to be submitted. All responses shall be opened in public.

b. The responses to the Requests for Qualifications and Proposals for the following positions shall be submitted in writing to the Business Administrator:

1. Borough Attorney
2. Bond Counsel
3. Rent Leveling Board Attorney
4. Construction Board of Appeals Attorney
5. Labor Counsel
6. Borough Auditor
7. Municipal Prosecutor
8. Alternate Prosecutor
9. Public Defender
10. Borough Engineer

c. The responses to the Requests for Qualifications and Proposals for the following positions shall be submitted in writing to the Board Secretary:

1. Planning Board Attorney
2. Planning Board Engineer
3. Zoning Board Attorney
4. Zoning Board Engineer
5. Historic Preservation Commission Attorney

d. Proposals will be evaluated on the basis of the most advantageous to the Borough of Red Bank, price and other factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Availability to accommodate any required meetings;
3. Compensation proposal;
4. Other factors if demonstrated to be in the best interest of the Borough of Red Bank.

e. The award of the contract shall be made in public by Resolution of the Governing Body or appropriate Board.

f. The appointments shall be made in accordance with law and contracts shall be awarded in accordance with the Fair and Open process herein established.

g. All Other provisions of the Local Public Contracts Law regarding contracts made that are not subject to public bidding shall be followed, including the provisions for the publication of notice of the award of contracts.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-266**

**A RESOLUTION RATIFYING AND CONFIRMING THE
APPOINTMENT OF A FULL-TIME POLICE OFFICER**

WHEREAS, the Borough of Red Bank desires to fill a vacancy in the complement of Police Officers as established in Chapter 118, Article I, Section 118-7 of the Code of the Borough of Red Bank; and

WHEREAS, the Chief of Police has recommended that it would be in the best interests of the Borough to appoint Taylor W. Doremus as a Police Officer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that Taylor W. Doremus is hereby appointed as a full-time Police Officer, effective November 16, 2019, with the rank of Patrolman 7, at an annual salary of \$62,960, pending satisfactory completion of a criminal background investigation and subject to satisfactory completion of a probationary period of one (1) year.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-267**

**RESOLUTION ACCEPTING THE RETIREMENT AND CONFIRMING
BENEFITS FOR POLICE SERGEANT JOEY N. FIELDS**

WHEREAS, the Borough of Red Bank (Borough) hired Joey N. Fields in August of 1991; and

WHEREAS, Sgt. Fields will have successfully completed twenty-eight years of continuous service with the Borough of Red Bank; and

WHEREAS, Sgt. Fields has announced his retirement as an employee of the Borough and the Borough has received notice from the New Jersey Division of Pensions and Benefits that he has applied for retirement effective March 1, 2020; and

WHEREAS, a Collective Bargaining Agreement between the Borough of Red Bank and the PBA Local 39 and Chapter 105-2 of the Code of the Borough of Red Bank provides for hospitalization, medical and dental insurance coverage to be afforded to a retiring employee and their eligible spouse and children at the time of retirement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that they do hereby accept the retirement of Joey N. Fields, effective March 1, 2020, and afford him and his eligible spouse and children at the time of retirement, hospitalization, medical and dental insurance coverage in accordance with the Borough Ordinances and Collective Bargaining Agreement.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-268**

**A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF ROOFING
MATERIALS UNDER THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY
COOPERATIVE PURCHASE AGREEMENT**

WHEREAS, The Borough of Red Bank is permitted to join cooperative purchasing agreements under the authority of N.J.S.A. 5:34-7; and

WHEREAS, the OMNIA Partners bidding and contract award process meets the criteria as established by the Department of Community Affairs; and

WHEREAS, The Borough of Red Bank intends to participate in the OMNIA Partners Roofing JOC Master Agreement contract award, specifically contract #R180901, to purchase Roofing Materials and Installation for Bodman Sewer Pump Station and Tower Hill Water Treatment Plant; and

WHEREAS, it is the intent of the Red Bank Borough Purchasing Agent to make a purchase pursuant to said contract award to USA General pursuant to the proposal submitted to the Borough of Red Bank dated June 25, 2019; and

WHEREAS, the Director of the Department of Utilities has reviewed the proposal and has determined that said purchase through the OMNIA Partners Roofing JOC Master Agreement contract award, contract #R180901 will result in significant savings to the Borough, and

WHEREAS, funds in the amount of \$77,500.00 are currently available for this purpose as certified by the Chief Financial Officer in account no(s). W-06-14-305-398 and W-06-16-001-398

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the Purchasing Agent is hereby authorized to authorize the purchase Roofing Materials and Installation for Bodman Sewer Pump Station and Tower Hill Water Treatment Plant, through the OMNIA Partners Roofing JOC Master Agreement contract award contract #R180901, from US General, in the amount of \$77,500.00 as set forth in their proposal dated June 25, 2019.

BE IT FURTHER RESOLVED that, to the extent applicable, this resolution is further contingent upon the Chief Financial Officer's Certification of Sufficient Funds.

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

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-269**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 RELATED TO
THE CONTRACT WITH SEACOAST CONSTRUCTION, INC.
FOR THE ENGLISH PLAZA/WHITE STREET STREETScape IMPROVEMENT PROJECT**

WHEREAS, the Borough previously entered into a contract with Seacoast Construction, Inc. pursuant to the English Plaza/White Street Streetscape Improvement Project; and

WHEREAS, the Borough Engineer has recommended approval of Change Order No. 4, dated December November 1, 2019, to the English Plaza/ White Street Streetscape Improvement Project, related to miscellaneous reductions and extras reflecting as-built quantities, all as specified in the contract document related to this change order; and

WHEREAS, the contract change creates a net zero price change to the contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 4 to the English Plaza/White Street Streetscape Improvement Project, dated November 1, 2019, is hereby approved with no supplementary price change to the contract.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-270**

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$7,134,000 GENERAL OBLIGATION BONDS, SERIES 2019 CONSISTING OF \$2,712,000 GENERAL IMPROVEMENT BONDS, SERIES 2019, \$3,700,000 WATER-SEWER UTILITY BONDS, SERIES 2019 AND \$722,000 PARKING UTILITY BONDS, SERIES 2019 OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE

BE IT RESOLVED by the Borough Council of the Borough of Red Bank, in the County of Monmouth, State of New Jersey, as Follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough"), authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Improvement Bonds, Series 2019 in the aggregate principal amount of \$2,712,000 (the "General Improvement Bonds").

Section 2. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue of General Improvement Bonds as provided above, and the bond ordinances authorizing the General Improvement Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in each of the bond ordinances are, respectively, as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2013-15, as amended by 2015-14 and 2016-15	Acquisition of various capital equipment and the completion of various capital improvements, finally adopted 7/10/13, as amended 4/22/15 and 8/10/16	\$679,000	13.42 Years
2015-08, as amended by 2017-15	Various roadway improvements, finally adopted 4/22/15, as amended 5/10/17	\$468,000	20 years
2017-09	Various park improvements at Count Basie Park and Eastside Park, finally adopted 3/8/17	\$375,500	15 years
2017-22	Various roadway improvements, finally adopted 7/26/17	\$947,500	20 years
2018-33	2018 Capital Improvement Program, finally adopted 11/28/18	\$242,000	12.23 years
TOTALS		<u>\$2,712,000</u>	

Section 3. The following matters are hereby determined with respect to the combined issue of General Improvement Bonds:

(a) The average period of usefulness, computed on the basis of the respective principal amounts of General Improvement Bonds presently authorized to be issued pursuant to each of the bond ordinances described in Section 2 and the respective periods or average periods of usefulness therein determined, is not more than 16.96 years.

(b) The General Improvement Bonds of the combined issue shall be designated “General Improvement Bonds, Series 2019” and shall mature within the average period of usefulness determined in Section 3(a) above.

(c) The General Improvement Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), specifically N.J.S.A. 40A:2-26(f), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the General Improvement Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law.

Section 5. The General Improvement Bonds shall mature in the principal amounts on December 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2020	\$102,000	2028	\$200,000
2021	100,000	2029	200,000
2022	200,000	2030	200,000
2023	200,000	2031	195,000
2024	200,000	2032	170,000
2025	200,000	2033	170,000
2026	200,000	2034	175,000
2027	200,000		

The General Improvement Bonds are subject to redemption prior to their stated maturities in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit D. The General Improvement Bonds shall be fifteen (15) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered GI-1 to GI-15, inclusive.

Section 6. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 7 hereof, shall be combined into a single issue of Water-Sewer Utility Bonds, Series 2019 in the aggregate principal amount of \$3,700,000 (the “Water-Sewer Utility Bonds”).

Section 7. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue of Water-Sewer Utility Bonds as provided above, and the bond ordinances authorizing the Water-Sewer Utility Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in each of the bond ordinances are, respectively, as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2015-10, as amended by 2017-16	Various improvements to the water/ sewer utility, finally adopted 4/22/15, as amended 5/10/17	\$400,000	20 years
2016-02	Acquisition and installation of water and sewer utility meters by the water/sewer utility, finally adopted 2/10/16	\$1,900,000	15 years
2017-21, as amended by 2018-09 and 2017-27	Various improvements to the water/sewer utility, finally adopted 7/26/17, as amended 3/28/18 and 10/10/18	\$1,400,000	20 years
TOTALS		<u>\$3,700,000</u>	

Section 8. The following matters are hereby determined with respect to the combined issue of Water-Sewer Utility Bonds:

(a) The average period of usefulness, computed on the basis of the respective principal amounts of Water-Sewer Utility Bonds presently authorized to be issued pursuant to each of the bond ordinances described in Section 7 and the respective periods or average periods of usefulness therein determined, is not more than 17.43 years.

(b) The Water-Sewer Utility Bonds of the combined issue shall be designated "Water-Sewer Utility Bonds, Series 2019" and shall mature within the average period of usefulness determined in Section 8(a) above.

(c) The Water-Sewer Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), specifically N.J.S.A. 40A:2-26(f), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 9. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Water-Sewer Utility Bonds described in Section 7 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 7 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 7 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 7 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and such improvements or purposes, if applicable and permitted by law, and provided the water-sewer utility of the Borough is self-liquidating, are deductible from gross debt in any annual or supplemental debt statement of the Borough.

Section 10. The Water-Sewer Utility Bonds shall mature in the principal amounts on December 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2020	\$140,000	2028	\$280,000
2021	140,000	2029	280,000
2022	140,000	2030	280,000
2023	280,000	2031	280,000
2024	280,000	2032	280,000
2025	280,000	2033	280,000
2026	280,000	2034	200,000
2027	280,000		

The Water-Sewer Utility Bonds are subject to redemption prior to their stated maturities in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit D. The Water-Sewer Utility Bonds shall be eighteen (18) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered WSU-1 to WSU-15, inclusive.

Section 11. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 12 hereof, shall be combined into a single issue of Parking Utility Bonds, Series 2019 in the aggregate principal amount of \$722,000 (the "Parking Utility Bonds").

Section 12. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue of Parking Utility Bonds as provided above, and the bond ordinances authorizing the Parking Utility Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in each of the bond ordinances are, respectively, as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2017-23	Various improvements by the parking utility, finally adopted 7/26/17	\$300,000	20 years
2018-34	Various improvements by the parking utility, finally adopted 11/28/18	\$422,000	20 years
TOTALS		<u>\$722,000</u>	

Section 13. The following matters are hereby determined with respect to the combined issue of Parking Utility Bonds:

(a) The average period of usefulness, computed on the basis of the respective principal amounts of Parking Utility Bonds presently authorized to be issued pursuant to each of the bond ordinances described in Section 12 and the respective periods or average periods of usefulness therein determined, is not more than 20 years.

(b) The Parking Utility Bonds of the combined issue shall be designated "Parking Utility Bonds, Series 2019" and shall mature within the average period of usefulness determined in Section 13(a) above.

(c) The Parking Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), specifically N.J.S.A. 40A:2-26(f), that

are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 14. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Parking Utility Bonds described in Section 12 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 12 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 12 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 12 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and such improvements or purposes, if applicable and permitted by law, and provided the parking utility of the Borough is self-liquidating, are deductible from gross debt in any annual or supplemental debt statement of the Borough.

Section 15. The Parking Utility Bonds shall mature in the principal amounts on December 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2020	\$42,000	2028	\$50,000
2021	45,000	2029	50,000
2022	45,000	2030	50,000
2023	45,000	2031	50,000
2024	45,000	2032	50,000
2025	50,000	2033	50,000
2026	50,000	2034	50,000
2027	50,000		

The Parking Utility Bonds are subject to redemption prior to their stated maturities in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit D. The Parking Utility Bonds shall be fifteen (15) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered PU-1 to PU-15, inclusive.

Section 16. The General Improvement Bonds, the Water-Sewer Utility Bonds and the Parking Utility Bonds are collectively referred to hereinafter as the “Bonds”.

Section 17. The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as Securities Depository (the “Securities Depository”) for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book entry system for recording the interests of its Participants (“Participants”) or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$1,000 each or any integral multiple thereof, with a minimum purchase of \$5,000 required, through book entries made on the books and records of DTC and its Participants. The Bonds will be dated their date of delivery and shall bear interest from such date, which interest shall be payable semiannually on the first day of June and December in each year until maturity or prior redemption, commencing June 1, 2020, at a rate or rates per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough, or some other paying agent as the Borough may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the Participants of DTC as listed on the records of DTC as of each May 15 and November 15 for the Bonds (the “Record Dates”). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer of the Borough under

the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Borough. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery;
Principal Payment Date:	December 1, 2020 and each December 1 thereafter until respective maturity or prior redemption;
Interest Payment Dates:	Semiannually on each June 1 and December 1 until respective maturity or prior redemption, commencing June 1, 2020;
Place of Payment:	Cede & Co., New York, New York.

Section 18. The Bonds shall be respectively and substantially in the forms set forth in Exhibit A, Exhibit B and Exhibit C, respectively, attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel to the Borough (as hereinafter defined).

Section 19. The Bonds shall be sold upon receipt of electronic bids on Tuesday, November 26, 2019 at 11:00 a.m. by the Chief Financial Officer of the Borough on i-Deal's Bidcomp®/PARITY® electronic competitive bidding system ("PARITY"), in accordance with the Notice of Sale authorized herein in Exhibit D. The use of the services provided by PARITY and the fees associated therewith are hereby approved. Bond Counsel to the Borough, on behalf of the Clerk of the Borough, is hereby authorized and directed to arrange for the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a financial newspaper published and circulating in the Borough of New York, New York and the full text of such Notice of Sale in the Asbury Park Press, such Notice of Sale to be published not less than seven (7) days prior to the date of sale. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer of the Borough as the financial officer authorized to sell and award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officers shall report in writing the results of the sale to the Borough Council at its next regularly scheduled meeting thereafter. The Chief Financial Officer is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

Section 20. The Notice of Sale for the Bonds shall be in the form set forth at Exhibit D attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, upon advice of the Municipal Advisor (as hereinafter defined) and Bond Counsel to the Borough (as hereinafter defined).

Section 21. The Bonds shall have attached a copy thereto of the written opinion with respect to such Bonds that is to be rendered by the law firm of Wilentz, Goldman & Spitzer, P.A., Bond Counsel to the Borough ("Bond Counsel"). The Clerk of the Borough is hereby authorized and directed to file a signed duplicate of such written opinion in the office of the Clerk of the Borough.

Section 22. Bond Counsel is hereby authorized and directed to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Final Official Statement (as hereinafter defined), which Preliminary Official Statement and Final Official Statement are each hereby authorized and directed to be prepared by Bond Counsel, Fallon & Company LLP, Hazlet, New Jersey, auditor to the Borough (the "Auditor"), Phoenix Advisors, LLC, Bordentown, New Jersey, municipal advisor to the Borough (the "Municipal Advisor") and other Borough officials. Bond Counsel, the Auditor and the Municipal Advisor are also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds. The Mayor, Chief Financial Officer and Clerk of the Borough are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the

Preliminary Official Statement and the Final Official Statement. Bond Counsel, the Auditor and the Municipal Advisor are hereby further authorized and directed, to obtain ratings on the Bonds and to prequalify the Bonds for municipal bond insurance and to prepare and submit financial and other information on the Borough to a rating agency and municipal bond insurers.

Section 23. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended and supplemented (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 24. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any Obligation undertaken in connection therewith.

Section 25. In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry only form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$1,000 or any integral multiple thereof, with a minimum purchase of \$5,000 required. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Obligations. The Borough shall be obligated to provide for the execution and delivery of the Registered Obligations in certified form.

Section 26. The Chief Financial Officer is hereby authorized and directed to "deem final" the Official Statement (the "Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the "Preliminary Official Statement") in connection with the offering and sale of the Bonds. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser of the Bonds in accordance with the provisions of the Rule, for its use in the sale, resale and distribution of the Bonds, where and if applicable.

Section 27. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the respective Continuing Disclosure Certificate for the Bonds (the "Certificate"), which will set forth the obligation of the Borough to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material with respect to the Bonds, in accordance with the provisions of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver the respective Certificate to the purchaser of the Bonds evidencing the Borough's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its Obligations hereunder and thereunder.

Section 28. The Chief Financial Officer of the Borough is hereby authorized and directed to sell the aforesaid Bonds and to determine all matters in connection with the Bonds (including adjusting the maturity schedule or any other matters set forth in this resolution that are deemed necessary and advisable to change by the Chief Financial Officer, prior to the sale or closing of the Bonds, all in consultation with Bond Counsel, the Auditor and the Municipal Advisor), and the manual or facsimile signature of the Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such

determinations. The Mayor, the Chief Financial Officer, the Clerk of the Borough and any other Borough Official or professional, including but not limited to Bond Counsel, the Auditor, the Municipal Advisor, the Borough Engineer and the Borough Attorney (collectively, the "Borough Officials"), are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds and all such actions or inactions taken by the aforesaid Borough Officials heretofore are hereby ratified and confirmed.

Section 29. This resolution shall take effect immediately.

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

Dated: November 13, 2019

CERTIFICATION

I, PAMELA BORGHI, Clerk of the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing annexed extract from the minutes of the regular meeting of the Borough Council of the Borough duly called and held on November 13, 2019, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended and supplemented, has been compared by me with the original minutes thereof as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this ____ day of November, 2019.

(SEAL)

PAMELA BORGHI,
Clerk of the Borough of Red Bank

EXHIBIT A

**UNITED STATES OF AMERICA
BOROUGH OF RED BANK
IN THE COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

GENERAL IMPROVEMENT BOND, SERIES 2019

NUMBER GI-_____

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
Date of Delivery	December 1, _____	_____%	756299_____

REGISTERED OWNER: Cede & Co., New York, New York

PRINCIPAL SUM: _____ Dollars
(\$_____)

THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, New York, New York, which will act as Securities Depository ("Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond at the Rate of Interest Per Annum specified above semiannually on the first day of June and December (each an "Interest Payment Date") in each year until maturity or prior redemption, commencing June 1, 2020. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough or a duly designated paying agent and will be credited to the Participants ("Participants") of The Depository Trust Company as listed on the records of The Depository Trust Company as of the fifteenth day of May and November preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to December 1, 2027 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after December 1, 2027 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after December 1, 2026, upon notice as required herein at one

hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

This Bond is one of an authorized issue of Bonds issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), various bond ordinances duly adopted by the Borough Council of the Borough and a resolution of the Borough Council of the Borough duly adopted on November 13, 2019 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$7,134,000 GENERAL OBLIGATION BONDS, SERIES 2019 CONSISTING OF \$2,712,000 GENERAL IMPROVEMENT BONDS, SERIES 2019, \$3,700,000 WATER-SEWER UTILITY BONDS, SERIES 2019 AND \$722,000 PARKING UTILITY BONDS, SERIES 2019 OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Borough of Red Bank, in the County of Monmouth, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal

to be hereunto imprinted or affixed to this Bond, and the seal to be attested to by the manual signature of the its Clerk, and this Bond to be dated the Date of Original Issue as specified above.

**BOROUGH OF RED BANK,
IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

ATTEST:

(SEAL)

[FORM OF BOND; DO NOT EXECUTE]

**PASQUALE MENNA,
Mayor**

[FORM OF BOND; DO NOT EXECUTE]

**PAMELA BORGHI,
Clerk**

[FORM OF BOND; DO NOT EXECUTE]

**PETER O'REILLY,
Chief Financial Officer**

EXHIBIT B

**UNITED STATES OF AMERICA
BOROUGH OF RED BANK
IN THE COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

WATER-SEWER UTILITY BOND, SERIES 2019

NUMBER WSU- _____

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
Date of Delivery	December 1, _____	_____ %	756299 _____

REGISTERED OWNER: Cede & Co., New York, New York

PRINCIPAL SUM: _____ Dollars
(\$ _____)

THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, New York, New York, which will act as Securities Depository ("Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond at the Rate of Interest Per Annum specified above semiannually on the first day of June and December (each an "Interest Payment Date") in each year until maturity or prior redemption, commencing June 1, 2020. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough or a duly designated paying agent and will be credited to the Participants ("Participants") of The Depository Trust Company as listed on the records of The Depository Trust Company as of the fifteenth day of May and November preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to December 1, 2027 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after December 1, 2027 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after December 1, 2026, upon notice as required herein at one

hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

This Bond is one of an authorized issue of Bonds issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), various bond ordinances duly adopted by the Borough Council of the Borough and a resolution of the Borough Council of the Borough duly adopted on November 13, 2019 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$7,134,000 GENERAL OBLIGATION BONDS, SERIES 2019 CONSISTING OF \$2,712,000 GENERAL IMPROVEMENT BONDS, SERIES 2019, \$3,700,000 WATER-SEWER UTILITY BONDS, SERIES 2019 AND \$722,000 PARKING UTILITY BONDS, SERIES 2019 OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Borough of Red Bank, in the County of Monmouth, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal

to be hereunto imprinted or affixed to this Bond, and the seal to be attested to by the manual signature of the its Clerk, and this Bond to be dated the Date of Original Issue as specified above.

**BOROUGH OF RED BANK,
IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

ATTEST:

(SEAL)

**[FORM OF BOND; DO NOT EXECUTE]
PASQUALE MENNA,
Mayor**

**[FORM OF BOND; DO NOT EXECUTE]
PAMELA BORGHI,
Clerk**

**[FORM OF BOND; DO NOT EXECUTE]
PETER O'REILLY,
Chief Financial Officer**

EXHIBIT C

**UNITED STATES OF AMERICA
BOROUGH OF RED BANK
IN THE COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

PARKING UTILITY BOND, SERIES 2019

NUMBER PU-_____

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
Date of Delivery	December 1, _____	_____%	642815_____

REGISTERED OWNER: Cede & Co., New York, New York

PRINCIPAL SUM: _____ Dollars
(\$_____)

THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, New York, New York, which will act as Securities Depository ("Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond at the Rate of Interest Per Annum specified above semiannually on the first day of June and December (each an "Interest Payment Date") in each year until maturity or prior redemption, commencing June 1, 2020. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough or a duly designated paying agent and will be credited to the Participants ("Participants") of The Depository Trust Company as listed on the records of The Depository Trust Company as of the fifteenth day of May and November preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to December 1, 2027 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after December 1, 2027 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after December 1, 2026, upon notice as required herein at one

hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

This Bond is one of an authorized issue of Bonds issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), various bond ordinances duly adopted by the Borough Council of the Borough and a resolution of the Borough Council of the Borough duly adopted on November 13, 2019 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$7,134,000 GENERAL OBLIGATION BONDS, SERIES 2019 CONSISTING OF \$2,712,000 GENERAL IMPROVEMENT BONDS, SERIES 2019, \$3,700,000 WATER-SEWER UTILITY BONDS, SERIES 2019 AND \$722,000 PARKING UTILITY BONDS, SERIES 2019 OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Borough of Red Bank, in the County of Monmouth, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal

to be hereunto imprinted or affixed to this Bond, and the seal to be attested to by the manual signature of the its Clerk, and this Bond to be dated the Date of Original Issue as specified above.

**BOROUGH OF RED BANK,
IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

ATTEST:

(SEAL)

**[FORM OF BOND; DO NOT EXECUTE]
PASQUALE MENNA,
Mayor**

**[FORM OF BOND; DO NOT EXECUTE]
PAMELA BORGHI,
Clerk**

**[FORM OF BOND; DO NOT EXECUTE]
PETER O'REILLY,
Chief Financial Officer**

EXHIBIT D

**BOROUGH OF RED BANK
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**NOTICE OF SALE
\$7,134,000* GENERAL OBLIGATION BONDS, SERIES 2019
Consisting of:
\$2,712,000* General Improvement Bonds, Series 2019,
\$3,700,000* Water-Sewer Utility Bonds, Series 2019 and
\$722,000* Parking Utility Bonds, Series 2019**

CALLABLE

SUMMARY

ISSUER: Borough of Red Bank, in the County of Monmouth, State of New Jersey

PAR AMOUNT: \$7,134,000* General Obligation Bonds, Series 2019 Consisting of: \$2,712,000* General Improvement Bonds, Series 2019, \$3,700,000* Water-Sewer Utility Bonds, Series 2019 and \$722,000* Parking Utility Bonds, Series 2019

FORM: Book-Entry Only

SECURITY: General Obligations of the Borough

TAX EXEMPT: Yes

RATING: Moody's: Expected

INSURANCE: The Winning Bidder of the Bonds may, at its sole option and expense, purchase a policy of municipal bond insurance.

TYPE OF SALE: Electronic proposals via the Parity Electronic Bid System ("PARITY") of i-Deal LLC ("i-Deal") (See Bidding Details Item (8) herein).

BOND SALE AGENT: PARITY

BID/AWARD DATE: The Bonds are being sold on the basis of the Combined Maturity Schedule set forth herein on November 26, 2019 at 11:00 a.m. Award by 2:00 p.m.

DATED DATE: Date of Delivery

DELIVERY DATE: On or about December 10, 2019

INTEREST PAYMENT DATES: June 1 and December 1, commencing June 1, 2020

CALL DATE: December 1, 2026

MINIMUM BID: \$7,134,000 (Par)

MAXIMUM BID: \$7,847,400 (110% of Par)

* Preliminary, subject to change as described herein.

BID SECURITY: Good Faith Check or wire transfer in the amount of \$142,680 received by Borough prior to bidding or a Financial Surety Bond, as provided in this Notice, if available.

BASIS OF AWARD: True Interest Cost

OFFERING STATEMENT: Preliminary Official Statement available at www.munihub.com.

NOTICE

NOTICE IS HEREBY GIVEN that bids will be received by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough") for the purchase of the Borough's \$7,134,000* aggregate principal amount of General Obligation Bonds, Series 2019 (the "Bonds") Consisting of: \$2,712,000* General Improvement Bonds, Series 2019, \$3,700,000* Water-Sewer Utility Bonds, Series 2019 and \$722,000* Parking Utility Bonds, Series 2019. **All Bids (as defined below) must be submitted in their entirety on i-Deal's PARITY website ("PARITY") prior to 11:00 a.m., prevailing New Jersey time on November 26, 2019 (the "Bid Date"). To bid via PARITY, Bidders (as defined below) must have submitted a good faith check in the form of a certified, cashier's or treasurer's check, a wire transfer or a Financial Surety Bond, if available, payable to the Borough in the amount of \$142,680 no later than 11:00 a.m. on November 26, 2019 (see Bidding Details below).**

Preliminary and Final Official Statement

The Borough's Preliminary Official Statement (the "POS") is available for viewing in electronic format on www.munihub.com. In addition, broker dealers registered with the National Association of Securities Dealers (the "NASD") and dealer banks with The Depository Trust Company, New York, New York (the "DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer, or (b) at any time prior to 11:00 a.m. (prevailing New Jersey time) on November 26, 2019, elect to receive a photocopy of the POS in the mail by requesting it on PARITY or by calling the Borough's bond counsel, Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095. Calls should be directed to Lisa A. Gorab, Esq. at (732) 855-6459. All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Borough to be final as of its date, for purposes of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Borough at its expense, will make available to the Winning Bidder (as defined herein) a reasonable number of Final Official Statements, within seven (7) business days following the date of acceptance of the Bid.

Types of Bids Allowed

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$7,134,000*. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Borough, the Bidder will be required to purchase the entire issue in accordance with such Bid.

* Preliminary, subject to change as described herein.

Insurance

If the Bonds qualify for the issuance of any policy of municipal bond insurance, the Bidder of the Bonds may, at its sole option and expense, purchase such insurance. The insurance premium, if any, will be paid by the Bidder. Any failure of the Bonds to be so insured shall not in any way relieve the Winning Bidder of its contractual Obligations arising from the acceptance of its proposal for the purchase of the Bonds.

Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each June 1 and December 1 (each an "Interest Payment Date"), commencing June 1, 2020, in each year until maturity, by payment of money to DTC or its authorized nominee. DTC will credit payments of principal of and interest on the Bonds to the Participants of DTC as listed on the records of DTC as of each May 15 and November 15 preceding each Interest Payment Date for the Bonds (the "Record Dates").

Principal Amortization

The Bonds will consist of three series of bonds (**with one CUSIP for the aggregate amount of each maturity**) maturing on December 1 in each year, as indicated on the respective maturity schedule set forth below, inclusive. The principal amounts of each serial maturity shall be as set forth below.

The Bonds shall mature on December 1 as set forth in the following table:

<u>Year</u>	<u>General Improvement Bonds*</u>	<u>Water-Sewer Utility Bonds*</u>	<u>Parking Utility Bonds*</u>	<u>Combined Principal Amounts*</u>
2020	\$102,000	\$140,000	\$42,000	\$284,000
2021	100,000	140,000	45,000	285,000
2022	200,000	140,000	45,000	385,000
2023	200,000	280,000	45,000	525,000
2024	200,000	280,000	45,000	525,000
2025	200,000	280,000	50,000	530,000
2026	200,000	280,000	50,000	530,000
2027	200,000	280,000	50,000	530,000
2028	200,000	280,000	50,000	530,000
2029	200,000	280,000	50,000	530,000
2030	200,000	280,000	50,000	530,000
2031	195,000	280,000	50,000	525,000
2032	170,000	280,000	50,000	500,000
2033	170,000	280,000	50,000	500,000
2034	<u>175,000</u>	<u>200,000</u>	<u>50,000</u>	<u>425,000</u>
	\$2,712,000*	\$3,700,000*	\$3,700,000*	\$7,134,000*

* Preliminary, subject to change as described herein.

Adjustment of Maturities

The Borough may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed ten percent (10%) upward or downward of the principal for any maturity of a series as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed ten percent (10%) upward or downward of the aggregate principal amount of each series of Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, shall not exceed \$7,134,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the bid, and the Initial Public Offering Prices required to be delivered to the Borough, as stated herein.

Book-Entry Only

The Bonds will be issued in book-entry only form, and each certificate will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. The Bonds will be issued in the form of one certificate for the aggregate principal amount of the Bonds of each series maturing in each year and will be payable as to both principal and interest in lawful money of the United States of America. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of the individual purchasers. The Winning Bidder will not receive certificates representing their interests in the Bonds. Individual purchases may be made in the principal amount of \$1,000 each or any integral multiple thereof, with a minimum purchase of \$5,000 required, through book entries made on the books and records of DTC and its participants. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to Participants to then be remitted to the Beneficial Owners of the Bonds. It shall be the Obligation of the Winning Bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Redemption Provisions

The Bonds of this issue maturing prior to December 1, 2027 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after December 1, 2027 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after December 1, 2026, upon notice as required herein at one hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its Participants or

any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

No Term Bond Option

Bidders may not elect to structure the issue to include term bonds.

Terms of PARITY

Each electronic bid must be submitted via PARITY. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). To the extent any instructions or directions set forth on PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact the Borough's Municipal Advisor, Sherry Tracey of Phoenix Advisors, LLC, at (609) 291-0130 or PARITY at (212) 849-5021. The Borough may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via PARITY. When a bid for the Bonds is submitted via PARITY, the bidder further agrees that: the Borough may regard the electronic transmission of the bid via PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as the official "Bid for Bonds" executed by a duly authorized signatory of the bidder. If the bid submitted electronically via PARITY is accepted by the Borough, the terms of the bid and this Notice of Sale and the information that is electronically transmitted via PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

PARITY is not an agent of the Borough, and the Borough shall have no liability whatsoever based on any bidder's use of PARITY, including but not limited to any failure by PARITY to correctly or timely transmit information provided by the Borough or information provided by the bidder.

The Borough may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via Thomson News Service ("TM3"), or by other available means, no later than 3:00 p.m., prevailing New Jersey time, on the last business date prior to the bid date.

Once the bids are communicated electronically via PARITY to the Borough, each bid will constitute an official "Bid for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Bids for Bonds" electronically via PARITY, the time as maintained on PARITY shall constitute the official time.

Each bidder shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Borough nor PARITY shall have any duty or obligation to provide or assure to any bidder, and neither the Borough nor PARITY shall be

responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, PARITY. The Borough is using PARITY as a communication mechanism, and not as the Borough's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Borough harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

The Borough may, in its sole discretion and prior to the electronic receipt of bids, clarify any term hereof, including, without limitation, its decision to discontinue use of electronic bidding via PARITY, by issuing a notification of the clarification via TM3, or any other available means, no later than 11:00 a.m. (prevailing New Jersey time) on the Bid Date.

Bidding Details

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

(1) **THE BONDS ARE BEING SOLD ON THE BASIS OF THE COMBINED MATURITY SCHEDULE SET FORTH ABOVE.**

(2) **BIDDERS MUST SUBMIT EITHER A GOOD FAITH CHECK, WIRE TRANSFER OR A FINANCIAL SURETY BOND (IF AVAILABLE) IN THE AMOUNT OF \$142,680 PAYABLE TO THE BOROUGH NO LATER THAN 11:00 A.M. ON THE BID DATE. CHECKS SHOULD BE SUBMITTED TO THE FOLLOWING ADDRESS:**

**Wilentz, Goldman & Spitzer, P.A.
90 Woodbridge Center Drive
Woodbridge, New Jersey 07095
Attn: Lisa A. Gorab, Esq.**

BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE BOROUGH. TO OBTAIN WIRE TRANSFER INSTRUCTIONS PLEASE CONTACT THE BOROUGH'S MUNICIPAL ADVISOR, SHERRY TRACEY AT (609) 291-0130 OR stracey@muniadvisors.com.

(3) All Bids must be submitted via the PARITY website at www.newissuehome.i-deal.com. **No telephone, telefax, telegraph or personal delivery Bids will be accepted.**

(4) All Bids for the Bonds must be submitted on an AON basis.

(5) Bidders may bid to purchase Bonds from the Borough at a price which is no less than the par amount and no greater than 110% of the par amount. No Bid shall be considered that offers to pay an amount less than the total principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest True Interest Cost to the Borough under any legally acceptable Bid. Please note that the Borough expects to adjust the amount of Bonds, as described in "Adjustment of Maturities" herein.

- (6) Bidders must specify a rate of interest for each maturity of the Bonds which rate of interest must be expressed in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). The difference between the highest and lowest rates of interest named in the Bid shall not exceed three percent (3%) and not more than one rate of interest may be named for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be named.
- (7) Bidders are only permitted to submit Bids for the Bonds during the bidding period.
- (8) The Winning Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours prior to the date of delivery of the Bonds a certificate satisfactory to Bond Counsel to the Borough, the form of which is attached hereto as Exhibit A, to the effect that: (i) each maturity of the Bonds has been the subject of a bona fide initial offering to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price set forth in such certificate; (ii) ten percent (10%) or more in par amount of the Bonds of each maturity were sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price for such maturity set forth in such certificate; (iii) at the time the Winning Bidder submitted its bid to the Borough, based upon then prevailing market conditions, the Winning Bidder had no reason to believe that any maturity of the Bonds would be sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price greater than the initial public offering price for that maturity, or that the fair market of any maturity of the Bonds would be in excess of the initial public offering price for that maturity (in the event the Borough receives fewer than three (3) bids for the Bonds, then the issue price of the Bonds shall be established based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below)); or (iv) the initial offering price to the Public as of the Sale Date of any Maturity of the Bonds as the issue price of that Maturity (the "hold-the-offering-price rule"), in each case applied on a Maturity-by-Maturity basis (and if different interest rates apply within a Maturity, to each separate CUSIP number within that Maturity). The Winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Borough, in writing, evidence satisfactory to Bond Counsel to the Borough of such sales prices for each maturity of the Bonds. In the event that the Winning Bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Sale Date (each, an "Unsold Maturity"), the Winning Bidder shall be subject to the hold-the-offering-price rule. Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter (as defined herein) or a related party to the Underwriter. The term "related party" generally means any two or more persons who have greater than fifty percent (50%) common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public). Such

certificate shall state that it is made to the best knowledge, information and belief of the Winning Bidder.

- (9) Additionally, the Winning Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours of the Bid Date the public offering prices and reoffering yields for each maturity of each series of Bonds.

Definitions

- “Bid” any confirmed purchase offer received by PARITY on or before the auction deadline.
- “Bidder” any firm registered and approved for participation in the sale.
- “True Interest Cost” computed by determining the interest rate, compounded semiannually, necessary to discount the debt service payments to the date of the bonds and to the price bid, excluding accrued interest to the delivery date. The True Interest Cost serves as the basis for awarding bonds to Winning Bidders.
- “Winning Bid” any purchase offer made by a Bidder and received by PARITY which, at the end of the bidding time period, results in the lowest True Interest Cost which is acceptable to the Borough.

Bid Procedure and Basis of Award

Subject to the right reserved by the Borough to reject any or all Bids, the Bonds will be sold to the Bidder whose Bid produces the lowest True Interest Cost for the Borough and otherwise complies with this Notice of Sale.

Bids must remain valid until at least 2:00 p.m., prevailing New Jersey time, on the date of the sale, and if accepted by the Borough, prior to such time, shall be irrevocable except as otherwise provided in this Notice of Sale. Upon selection of the Winning Bidder, the Borough will execute an award certificate to award the Bonds and will promptly communicate with the Winning Bidder by telephone, e-mail or fax.

Bid Security and Method of Payment for Bonds

A Good Faith Deposit (“Deposit”) in the form of a certified or cashier’s or treasurer’s check, wire transfer or a Financial Surety Bond, if available, in the amount of \$142,680, payable to the order of the Borough, is required for each Bid to be considered. Wire instructions can be obtained by contacting Sherry Tracey, Municipal Advisor at (609) 291-0130 and such wire must be received and confirmed by the Borough prior to 11:00 a.m. (New York time) on the Bid Date. If a check is used, it must be a certified or cashier’s or treasurer’s check and must be provided to the Borough prior to 11:00 a.m. on the Bid Date. Each Bidder accepts responsibility for delivering such deposit on time and the Borough is not responsible for any deposit that is not received on time. If a Financial Surety Bond is available and used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”)

and such bond must be submitted to the Borough no later than 11:00 a.m. on November 26, 2019 at the address referred to above. Use of any Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Borough unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the Bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a Bidder utilizing a Financial Surety Bond, then that Winning Bidder is required to submit its Deposit to the Borough by wire transfer as instructed by the Borough not later than 3:30 p.m. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Borough to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Winning Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the Winning Bidder fails to honor its accepted Bid or fails (other than for reasons permitted under this Notice) to accept delivery of and pay for the Bonds on the closing date, the Deposit shall be retained by the Borough as and for full liquidated damages to secure the Borough from any loss resulting from such failure by the Winning Bidder. Award of the Bonds to the Winning Bidder or rejection of all Bids is expected to be made within two hours after opening of the Bids, but such Winning Bidder may not withdraw its proposal until after 2:00 p.m. on the Bid Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Borough on or about December 10, 2019.

Right to Reject Bids; Waive Irregularities

The Borough reserves the right to reject any and all Bids and to the extent permitted by law to waive any irregularity or informality in any Bid.

Delivery of the Bonds

The Bonds will be delivered on or about December 10, 2019 (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON PARITY NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York Borough at DTC against payment of the purchase price therefor (less the amount of the good faith deposit). PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE BY WIRE TRANSFER OF IMMEDIATELY AVAILABLE FUNDS.

There will also be furnished the usual closing certificates papers, including (1) a certificate, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery of the Bonds, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds, (2) certificates in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor and compliance with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") necessary to preserve tax exemption, (3) a certificate signed by the Borough relating to the Official Statement, and (4) a Continuing Disclosure Certificate evidencing compliance with the Rule (as defined herein) and the undertaking of the Borough with respect thereto.

CUSIP Identification Numbers

The request for the assignment of CUSIP identification numbers shall be the responsibility of Phoenix Advisors, LLC, Bordentown, New Jersey, the Municipal Advisor to the Borough (the "Municipal Advisor"), and the CUSIP Service Bureau charge therefor shall be the responsibility of, and shall be paid for by, the purchaser. CUSIP numbers must be communicated to Bond Counsel

within twenty-four (24) hours of the award of the Bonds to have the CUSIP numbers printed on the Bonds. Neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and make payment for the Bonds in accordance with the terms of this Notice of Sale.

Legal Opinion

The approving opinion of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Borough, will be furnished without cost to the Winning Bidder, such opinion to be substantially in the form set forth in the Official Statement distributed in preliminary form in connection with the sale of the Bonds, to the effect that the Bonds are valid and legally binding general obligations of the Borough, that all the taxable property therein will be subject to the levy of *ad valorem* taxes to pay the principal of the Bonds and the interest thereon without limitation as to rate or amount and that interest on the Bonds is not includable as gross income under the Code if the Borough complies with all conditions subsequent contained in the Code, and that interest on the Bonds and any gain on the sale thereof is not includable as gross income under the existing New Jersey Gross Income Tax Act.

Postponement

The Borough reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED ON PARITY, BEFORE 11:00 A.M. ON THE BID DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via PARITY at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any Bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of this Notice of Sale, except for the date of sale and except for the changes announced on PARITY at the time the sale date and time are announced.

Termination

The Winning Bidder at its option may refuse to accept the Bonds if prior to their delivery any change in any income tax law of the United States of America, shall provide that the interest thereon is includable or shall be includable in gross income at a future date for Federal income tax purposes. In such case, the deposit made by such Winning Bidder shall be returned and such bidder will be relieved of its contractual Obligations arising from the acceptance of its Winning Bid.

Additional Information

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Borough. This Notice of Sale and the POS may be viewed on www.munihub.com. However, the Borough makes no assurance or representation with respect to the form of this Notice of Sale and the POS on www.munihub.com, and no investment decision should be made in reliance thereon. Printed copies of the POS and this Notice of Sale may be obtained from the Bond Counsel at the address and phone number stated below. Additional information relating to the financing of the Borough can be obtained by contacting Peter O'Reilly, Chief Financial Officer, Borough of Red Bank, Borough Hall, 90 Monmouth Street, Red Bank, New Jersey 07701, or by telephone at (732) 530-2742; Borough Bond Counsel, Lisa A. Gorab, Esq., Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095, or by telephone at (732) 855-6459, or the Borough Municipal Advisor, Sherry Tracey,

Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505, or by telephone at (609) 291-0130.

/s/ Peter O'Reilly

Peter O'Reilly
Chief Financial Officer
Borough of Red Bank
in the County of Monmouth
State of New Jersey

Dated: November 19, 2019

EXHIBIT A to the Notice of Sale

Form of Issue Price Certificate

December ____, 2019

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

Wilentz, Goldman & Spitzer, P.A.
90 Woodbridge Center Drive
Woodbridge, New Jersey 07095

Re: Borough of Red Bank, in the County of Monmouth, State of
New Jersey
\$7,134,000 Aggregate Principal Amount of General Obligation
Bonds, Series 2019 Consisting of \$2,712,000 General Improvement
Bonds, Series 2019, \$3,700,000 Water-Sewer Utility Bonds,
Series 2019 and \$722,000 Parking Utility Bonds, Series 2019

Ladies and Gentlemen:

The undersigned, as a representative of _____, the Underwriter (the "Underwriter") of the \$7,134,000 aggregate principal amount of General Obligation Bonds, Series 2019, consisting of \$2,712,000 aggregate principal amount of General Improvement Bonds, Series 2019, \$3,700,000 aggregate principal amount of Water-Sewer Utility Bonds, Series 2019 and \$722,000 Parking Utility Bonds, Series 2019 (collectively, the "Bonds") sold on November 26, 2019 (the "Sale Date"), dated and issued on the date hereof, of the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Issuer" or the "Borough"), hereby certifies as follows:

[1. [Alternate 1 - ***Bids Received From at Least 3 Underwriters and Release of 10% Rule.***]

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by the undersigned are the prices listed in Exhibit A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Maturities of the Bonds used by the undersigned in formulating its bid to purchase the Bonds.

(b) The undersigned was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by the undersigned constituted a firm offer to purchase the Bonds.

(d) Based on the Expected Offering Prices, the aggregate offering prices of the Bonds to the Public is \$_____ (face amount of \$_____, plus original issue premium of \$_____).]

[1. [Alternate 2 - **Competitive Sale Requirements not satisfied - Actual sale of at least 10% of Bonds by closing**] As of the date of this certificate, for each Maturity of the Bonds, the first price at which at least 10% of such Maturity of the Bonds was sold to the Public are the respective prices listed in Exhibit A (collectively, the "Offering Prices"). Based on the Offering Prices, the aggregate Offering Prices of the Bonds to the Public is \$_____ (face amount of \$_____, plus original issue premium of \$_____).]

[1. **Hold-the-Price language**] As of the Sale Date, the Underwriter offered the Bonds to the Public for purchase at the respective Offering Prices listed in Exhibit A. The Underwriter agrees that (i) for each Maturity of Bonds it will neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Offering Price listed in Exhibit A for such Maturity during the Holding Period for such Maturity (the "Hold-The-Offering-Price Rule") and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the Hold-The-Offering-Price Rule. Pursuant to such agreement, no Underwriter has offered or sold any Maturity of Bonds at a price that is higher than the respective Offering Price for that Maturity of the Bonds for the Holding Period.

2. **Defined Terms.** In addition to the terms defined above, the following terms used herein shall have the meanings therefor set forth below:

[(a) "Holding Period" means for each Maturity of the Bonds, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date, or (ii) the date on which the Underwriter has sold at least 10% of such Maturity of the Bonds to the Public at prices that are no higher than the Offering Price for such Maturity.]

(b) "Maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate Maturities.

(c) "Public" means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than fifty percent (50%) common ownership, directly or indirectly.

(d) "Sale Date" means the first day on which there is a binding contract in writing for the sale of a Maturity of Bonds. The Sale Date of the Bonds is November 26, 2019.

(e) "Underwriter" means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate)

to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

(f) "Yield" means the discount rate which, when used in computing the present value of the expected issue payments (principal and interest components, qualified guarantee payments, and the retirement price) to be paid on the Bonds, produces an amount equal to the issue price of the Bonds as of the date hereof.

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents the undersigned's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to compliance with the federal income tax rules affecting the Bonds, and by bond counsel in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

Very truly yours,

_____ [UNDERWRITER]

By: _____

Name: _____

Title _____

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-271**

**A RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF
PLENARY RETAIL DISTRIBUTION LICENSE NO. 1340-44-028-005
(TST Beverages, LLC)**

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Red Bank, Monmouth County, New Jersey to transfer Plenary Retail Distribution License No. 1340-44-028-005, currently issued to TST Beverages, LLC as a pocket license; and

WHEREAS, the Mayor and Council have determined that the application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the place-to-place transfer of the Plenary Retail Consumption License No. 1340-44-028-005 issued to TST Beverages, LLC for premises located at 200 Monmouth Street, Red Bank, New Jersey is hereby approved.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-272**

**RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
STEPHEN G. PFEFFER FOR FINANCIAL ACCOUNTING SERVICES**

WHEREAS, the Borough of Red Bank (the "Borough") requires financial accounting services for year-end matters; and

WHEREAS, pursuant to N.J.S.A. 40A:11-1 *et seq.*, the Borough desires to retain Stephen G. Pfeffer to perform financial accounting services for the Borough under the terms of a non-fair and open contract; and

WHEREAS, the terms of the Borough's contract shall include that Stephen G. Pfeffer will be compensated for said services at a rate of \$70.00 per hour; and

WHEREAS, the term of the Borough's contract with Stephen G. Pfeffer shall be from November 14, 2019 to March 14, 2020; and

WHEREAS, the value of the services to be provided by Stephen G. Pfeffer may not exceed \$17,500.00; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor & Council of the Borough of Red Bank hereby authorizes the Mayor and Borough Clerk to enter into a contract with Stephen G. Pfeffer in accordance with the foregoing parameters and the following terms:

1. The Mayor and Borough Clerk, on behalf of the Borough, are hereby authorized and directed to execute a contract with Stephen G. Pfeffer for financial accounting services at an hourly rate of \$75.00 with a term of November 14, 2019 to March 14, 2020.
2. The contract is awarded without competitive bidding as a professional service under the provisions of N.J.S.A. 40A: 11-5(1)(a)(i).
3. The account(s) to be charged is/are 9-01-20-701-239 & 9-09-55-525-210 in an amount not to exceed \$17,500 and the Chief Financial Officer has issued a Certificate of Available Funds which is attached hereto and incorporated herein by reference.
4. That a notice in accordance with this Resolution and the New Jersey Local Public Contracts Law shall be published at least one time in the Borough's official newspaper.
5. That a certified copy of this Resolution shall be provided to the Mayor, Borough Administrator, and Stephen G. Pfeffer.

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

Dated: November 13, 2019

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-273**

**RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE REPLACEMENT OF
THE FIRE SUPPRESSION SYSTEM AT THE RED BANK SENIOR CENTER AND
AUTHORIZING RE-ADVERTISEMENT AND RE-BIDDING OF THE PROJECT**

WHEREAS, the Borough of Red Bank (the "Borough") duly advertised for the receipt of bids for the replacement of the fire suppression system at the Red Bank Senior Center (the "Project"); and

WHEREAS, three (3) bids were received on October 16, 2019 in response to the aforementioned invitation to bidders for the Project, as follows:

- (1) ABJ Sprinkler Company, Inc. \$191,800.00;
- (2) K & D Contractors, LLC \$237,000.00;
- (3) EACM Corp. Mechanical & Construction \$267,000.00; and

WHEREAS, the bids were reviewed by the Borough Engineer, and it was determined that both bids substantially exceed the Borough Engineer's cost estimate for the Project; and

WHEREAS, given the absence of an acceptable bid, it is the desire of the Borough's Governing Body to reject all bids received and re-advertise and re-bid for the Project;

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

1. All bids received on October 16, 2019 for the replacement of the fire suppression system at the Red Bank Senior Center are hereby rejected.
2. The Borough Engineer is hereby authorized to re-advertise and re-bid for the replacement of the fire suppression system at the Red Bank Senior Center.
3. The bid securities tendered with the rejected bids listed hereinabove shall be forthwith returned to ABJ Sprinkler Company, Inc., K & D Contractors, LLC, and EACM Corp. Mechanical & Construction.
4. That a certified copy of this Resolution be forwarded to the Borough Administrator, Borough Engineer, Borough CFO, ABJ Sprinkler Company, Inc., K & D Contractors, LLC, and EACM Corp. Mechanical & Construction.

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

Dated: November 13, 2019