PLEDGE OF ALLEGIANCE

SUNSHINE STATEMENT
Mayor Portman requested the minutes reflect that this meeting is 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 December 24, 2022.

ROLL CALL
PRESENT: Mayor Portman, Council Members: Jackson, Mirandi (Virtual), Triggiano, Sturdivant, Ballard, and Zipprich (Virtual)
ABSENT: Councilmembers:
ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Reinertsen, Borough Attorney Antonelli

PROCLAMATIONS, ANNOUNCEMENTS, APPOINTMENTS – Black History Month Proclamation

PRESENTATIONS Ms. Flor of ENGenuity - Lead Service Line Replacement and Test Pit Program
LEAD SERVICE LINE REPLACEMENT PROGRAM OVERVIEW

- Lead Service Line Identification and Replacement Plan: Completed 7/22/22
- Lead Service Line Inventory compiled from historic records and hosted on Borough’s website: Completed 9/22/22
- Updated Borough’s GIS to reflect historical records: Complete and ongoing
- Certified letters sent to all known lead & galvanized service lines: Completed by 8/22/22

- The Federal Lead and Copper Rule Revisions (LCRR) requires all utilities to submit a LSLRP plan by October 16, 2024, which will be similar to the New Jersey plan, along with notifications to all those with lead, galvanized or unknown services. Therefore targeting October 2024 to identify all unknowns.
- The Borough of Red Bank’s LSLRP aims to achieve 100% verifications and LSL replacements by July 2023; 10% per year. Need to replace 10% lead service lines by July 2023 to meet 30% requirement of known lead replacements.

2023 Lead Service Line Replacement Program Overview

- I-Bank funded project in Census Tract 803400
  - 125 Known Lead Service Line Replacements
  - Approximately 1,000 Test Pits to Identify Unknowns
  - 50% Principal Forgiveness
  - I-Bank Application Completed; construction project awarded by June 2023

2023 Project Details

- Isolate Census Tract Meeting Affordability Criteria
- Clean Water and Drinking Water Affordability Criteria is 35% of Median Household Income (MHI) less than $68,196
  - Tract 803400: 47.6%

2023 Project Details

- Total Known Lead and Unknown Service Line Material in Tract 803400:
  - Total Lead: 125
  - Total Non-Lead: 64
  - Total Unknown: 1,000
PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Barbara Boas 135 Branch Ave - Regarding cannabis ordinance map, noted 4 public schools and 1 private school is left off the map would like them included. They are all pre-school programs which are part of the school system. Ms. Boas listed the schools and locations. Argued that if some of the children are included, they should all be included. Two other areas in this town that great numbers of children are housed that should be included are the YMCA and the Boys & Girls Club. Also for consideration should be the Library and borough parks.

BA McConnell noted that the map was based on the federal Drug Free School Zones, under those guidelines pre-schools are not included.

Sue Viscomi 25 Cedar St – Noted that at a Zoning Board meeting an applicant was approved for a school zone. There needs to be more discussion with the other departments and boards.

Anthony Privetere from St Anthony’s Church – In regard to the renaming of a portion of Oratory Way. The initial renaming was honorary, the request is for an official renaming. Understands it requires an ordinance. Thanks the governing body for their consideration.
APPROVAL OF MINUTES AND REPORTS


  Motioned by Councilmember Triggiano, seconded by Councilmember Ballard. Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich

ORDINANCES

- Introduction
  - 2023-03 ORDINANCE TO EXCEED THE CALENDAR YEAR 2023 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
  Councilmember Ballard motioned to approve the ordinance 2023-03 on introduction, seconded by Councilmember Jackson Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich.

  - 2023-04 AMENDING AND SUPPLEMENTING CHAPTER ____ POLICE DEPARTMENT FEES; ISSUANCE OF FIREARMS PERMITS
  Councilmember Ballard motioned to approve the ordinance 2023-04 on introduction, seconded by Councilmember Jackson Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich.

  Councilmember Ballard motioned to approve the ordinance 2023-05 on introduction, seconded by Councilmember Jackson Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich.

  - 2023-06 BOND ORDINANCE PROVIDING FOR THE LEAD SERVICE LINE REPLACEMENT PROJECT, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING $2,400,000 THEREOF AND AUTHORIZING THE ISSUANCE OF $2,400,000 BONDS OR NOTES TO FINANCE THE COST THEREOF
  Councilmember Jackson motioned to approve the ordinance 2023-06 on introduction, seconded by Councilmember Ballard. Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich.

- Public Hearing Adoption
  - 2023-02 ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CREATING A NEW CHAPTER ENTITLED SHORT TERM RENTALS
  Councilmember Jackson motioned to open the floor to public comment on ordinance 2023-02; Councilmember Triggiano seconded the motion.
  Mayor Portman noted that Clerk Reinertsen would be keeping commenters time for the 5-minute allotment.

COMMENTS
Michael Gegan 156 W Front St – During the pandemic the only thing that kept him from losing his home was the ability to rent a room. He summarized the review structure, the vetting process as well as his experience with short term renting. Beneficial not only personally but to the community as well. In 6 years has not experienced one negative experience.

Kathy Sweat East West Side Avenue – (did not want to be videotaped, spoke from the audience) Opined that the language was wrong, no landlord tenant relationship established; this is home sharing. No one has the status of renter. Rule breakers stays can be terminated by the hosting website. Language has to be accurate. Spoke of some of the recommendations made by the hosting websites to insure good stays and experiences, i.e. decibel meters. This is not the way to address absentee landlord issues.

Vaheed Walker 1 Allen Place – Asked for evidence that if short term rentals were banned that affordable housing would be provided. The STR option assists homeowners pay their mortgages and property taxes. Taxes have dramatically increased and would like to stay in Red Bank.

Councilmember Ballard noted that the ordinance does not preclude homeowners from renting their homes, just making the rentals long term to help families that want to live in Red Bank.

Marybeth Glaccum 53 Wallace St – Agrees that regulation is necessary but this legislation is written so badly, it is discriminatory. This Council will be responsible when the borough ends up in court.

Bruce Shapiro NJ Realtors 10 Hamilton Ave, Trenton – Previously sent correspondence to the Mayor and Council. Does not agree with allowing certain homeowners the opportunity to rent their homes and not others. Recommends permitting STRs across town but regulate and address any problems that come up. Discussed economic benefits to the community. Asked that ordinance be tabled for further discussion and offered assistance.

Brian Hutchinson, Howell – Represents over 16,000 realtors across the state. All property owners matter and should be allowed to enjoy their properties within the constraints of federal law. Discussed fair housing and the elimination of creating housing districts, the elimination of red lining. This ordinance is a step backwards. STR allow property owners maintain and take care of their properties. Requests to table for reconsideration and offered assistance of their association’s attorneys.

Maryellen Mess 95 Hudson Ave – In favor of the ordinance, this version is an improvement from the last version. Red Bank is not the only community trying to protect their residents. Red Bank has a long history of commercial, business districts receiving variances and encroaching on residential zones. Argued that roughly half of the STR property owners are not Red Bank residents; this is an investment strategy. It’s a complicated issue that does need to be regulated for Red Bank’s future. Agrees the ordinance is not perfect but it sends a message to potential property investors that the town is looking for families.

Antony Sitaro 135-137 Oakland St. – Curious how many emails that were received by the elected officials from residents not in favor of this ordinance.

Councilmember Jackson noted that he received over 100 emailed form letter, of which approximately 20% were Red Bank residents.

Mayor Portman noted he received about 50. It is our job to listen to the residents.

Councilmember Triggiano noted regardless of the form letter format, there is a real person behind the email and she responded to as many as she was able.

Councilmember Ballard argued that as many times as this has been tabled and discussed, the residents input was taken into consideration.

Anthony Scannell 70 Wallace St – Understood from previous meetings that there was going to be a “workshop” where a collaborative effort would be made to resolve this and other issues; this never happened.
Ben Forest 16 Locust Ave – Still thinks that having a compromise of having an owner occupied is appropriate. Doesn’t make sense to permit only in the business district. We have heard compelling stories of homeowners needing the option to help pay their mortgages and taxes. Banning STRs on the agreement of affordable housing doesn’t seem to be a realistic solution for Red Bank’s obligation. Owner occupied should address many of the issues that have come up. Noted that the STRs he is aware of are very well maintained. Councilmember Ballard divulged that during discussions, when owner occupied was posed, it was rejected.

Cindy Burnham 71 Wallace St. – Red Bank has a law, no commercial in residential zones. STRs are profit driven and therefore a commercial business. Complained about a STR property near her property that park and drive erratically. STRs ruin neighborhoods. Many people won’t call the police because they don’t want to cause problems.

Doug Miller 68 Wallace St – Lives next door to an Air B&B, experience has been pleasant only issue was with smoking and addressed it with the owner and it was resolved. As for parking, it is a community issue. STRs versus long-term rentals would not change the problem. If the community is going to be marketed as a destination it doesn’t make sense to not support STRs. Feels Council should be listening to the lawyers and recommend the tabling of the ordinance.

Councilmember Jackson motioned to close the floor to public comment on ordinance 2023-02; Councilmember Ballard seconded the motion.

Councilmember Ballard read into the record: 22 March 2019 - UN Special Rapporteur on adequate housing

For Leilani Farha, housing is the 21st Centuries’ biggest battleground.

The UN Special Rapporteur on adequate housing says a worldwide housing crisis is being fuelled by financial speculation that is pushing affordable rents or homeownership out of the hands of many, especially in cities.

"Under the new financialised model, housing isn’t viewed as a home or a place where families grow, a place where you generate memories. Housing is an asset. It’s a place to park capital,” she said.

To challenge this, Farha, along with the UN Human Rights Office, and United Cities and Local Governments (a world wide network of cities), have embarked on The Shift initiative. The Shift is a worldwide movement to reclaim and realize the fundamental human right to housing, said Farha. The initiative works with local governments, NGOs, and individuals, to shift the current discourse on housing as a place to park capital and make returns, back to housing as a fundamental human right.

"What we’re trying to do is build a global movement that’s multi-stakeholder – where all involved believe that housing is a human right and want to reclaim housing as a human right,” she said.

UN Deputy High Commissioner for Human Rights Kate Gilmore says cities can be dehumanising to citizens, and housing can either contribute to this or reverse it. She called for an intentional urbanization aimed at eliminating inequalities and discrimination, a priority for decision makers in the field of housing.

"We are speaking of a major shift that needs to occur, a shift from housing as an instrument of urban planning to an understanding that housing is a fundamental right because it is the infrastructure for humanising and dignifying the lives of people around the world,” Gilmore said in a message at the launch of The Shift in Barcelona in November 2017.

Housing as a money maker

Housing is a commodity, and pension funds and financial institutions are increasingly investing in it to increase their profits, Farha said. According to Farha, residential real estate is the biggest business in the world, with values of US$163 trillion – tantamount to three times the entire world’s gross domestic product. Here housing is a place to park and grow that capital for shareholders.

And how is that capital increased? Through escalating rents and prices, Farha said. She pointed out that some financial companies swoop into what they deem to be “under-valued” areas, buy up housing stock, make minimal repairs and then increase rents at a rate tenants cannot afford.
"This does not benefit the tenants whose incomes remain fairly stable. That’s why this is a human rights issue, because of course, the right to housing is about security and housing that is affordable to people who are trying to live in that housing."

The consequences are dramatic. People are displaced far from their places of work and social networks. Families are evicted because they cannot cover monthly rents or pay back their mortgages. And many are left with literally no place to go. In most countries there has been a marked increase in homelessness.

Farha said there are things individuals can do to shift housing back into the human rights arena. For example, those contributing to a pension fund should look to see where that money is going and make it clear that they do not want their money invested in real estate transactions that privatize social housing stock or that result in unaffordable rents and evictions.

"That’s done with respect to environmental issues...where we’re asking pension funds not to invest in things that are bad for the environment,” she said. "We can do the same thing for housing."

Councilmember Jackson thanked those that spoke to this topic and will vote for what he feels is best for Red Bank in the long term.

Councilmember Triggiano divulged that she has personal reasons for feeling strongly about affordable housing but to manipulate this issue as an affordable housing issue is wrong and will not be supporting this ordinance. Is grateful for her home in Red Bank and likes having the rights to her home.

Councilmember Sturdivant stated that when she ran for office, it was to represent all of Red Bank not just a few and that is how she will vote.

Councilmember Ballard motioned to approve ordinance 2023-02 for adoption; Councilmember Jackson seconded the motion. Roll call: Ayes – Jackson, Mirandi, Sturdivant, Ballard, Zipprich; Nay - Triggiano

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

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

WHEREAS the intent purposes of this Ordinance are to:

a. Protect the public health, safety and general welfare of individuals and the community at large.
b. Provide for an organized and reasonable process for the short-term rental of certain defined classifications of residential dwelling units in the Borough.
c. Monitor and provide a reasonable means for mitigation of impacts created by such transitory uses of residential properties within the Borough of Red Bank.
   Preserve and protect the long-term housing market in the Borough; and
d. Ensure that the short-term property inventory in the Borough satisfies basic fire safety standards, in order to protect the safety of occupants and the citizens of the Borough.

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

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

SECTION ONE: There shall be a new Chapter created entitled “Short Term Rentals”
XXX-1. Definitions. The following terms shall have the meanings indicated below:

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

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

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

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

**PROPERTY**
A parcel of real property located within the boundaries of the Borough of Red Bank, Monmouth County, New Jersey.

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

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

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

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

**TRANSIENT OCCUPANT**

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

XXX-2. Regulations Pertaining to Short Term Rentals

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

2. Short-term rentals shall be permitted to be conducted in the Borough of Red Bank in the following designated zones as described in Red Bank’s official Zoning map: BR-1, BR-2, CCD-1, CCD-2, I, L1, NB, HB, WD and PO with the following classifications of property and restrictions provided that all other provisions of this Ordinance are met.

   a. Condominiums, where the Condominium Association Bylaws or Master Deed permits a short-term rental, and where the owner of the unit legally identifies the address as his or her principal residences.

   b. Individual or collectively owned single-family residences.

   c. One unit within a two-family residential dwelling, where the other unit is owner-occupied and identified by the owner as his or her principal residence, as that term is defined herein; and

   d. No more than two units in any multi-family residential dwelling, where one unit is owner-occupied and identified by the owner as his or her principal residence, as that term is defined herein.

3. Limitations. Notwithstanding the provisions of the paragraphs (1) and (2) above, short term rentals shall not be permitted in boarding or rooming houses, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short term rental of the following properties is prohibited:

   a. Condominiums or townhouses, where the Condominium Association By Laws or Master Deed, or Condominium Rules and Regulations, do not permit such short-term rental of condominium units in the development; and

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

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

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

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

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

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

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

1. In addition to any land use requirement(s) set forth by the Borough of Red Bank Planning & Development Regulations, the owner/STRP agent of a short-term rental property shall register such STRP/unit as a commercial entity and register such with the Borough of Red Bank and obtain a short-term rental permit from the Borough of Red Bank Fire Marshall’s Office, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to considered:
   a. The person offering a dwelling unit for short-term rental use must be the owner, as defined in Section 1 above, of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term rental basis or operated as an STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this section will result in enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.
   b. For existing Short-Term Rentals, the applicant must not have had no more than two documented and verified instances where the Red Bank Police have been called to address complaints of any type attributable to the Short-Term Rental and.
   c. For existing Short Terms, the applicant must have no violations of the Borough of Red Bank’s Noise Ordinance. A violation of the Noise Ordinance means a documented violation by the Borough of Red Bank Municipal Court; and
   d. The applicant must have no open violations from the Borough of Red Bank’s Code Enforcement; and
   e. The applicant must be current with all Borough taxes, water, and sewage charges; and
   f. The applicant must close any open constructions permits for the property prior to issuance of a short-term rental permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   g. A copy of the driver’s license or State-issued Identification Card of the owner of the short-term rental property, conforming, as set forth in this Section, that the property is the principal residence, as that term is defined herein, of the owner making application of the STR permit.

   h. The number and location of all parking spaces available on the premises, which shall include the number of legal off-street parking spaces on the premises. The owner shall certify that renters will not use on-street parking unless off-street parking is unavailable. Where no off-street parking is available, on-street parking regulations apply.

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

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

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

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

   m. Attached to and concurrent with submission of the permit application the owner shall provide proof of general liability insurance at a minimum amount of $500,000, with the Borough of Red Bank named as an additional insured.
n. A sworn statement that there have been no prior revocations or suspensions of this or a similar permit, in which event a permit shall not be issued, which denial may be appealed as provided hereinafter.

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

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

3. Other Requirements:

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

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

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

XXX-5. Insurance of Permit and Appeal Procedure.

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

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

3. Within 30 days thereafter, the Business Administrator or their designee shall hear and provide a written decision on the appeal stating the reason(s) for the decision. Such a decision will be provided to the applicant, with a copy kept on file by the Department of Code Enforcement and Borough Clerk. A permit shall only be issued after all outstanding violations have been abated.

XXX-6. Short Term Rental Operational Requirements.

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

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

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

4. Transient occupants of the STRP shall comply with all ordinances of the Borough of Red Bank including, but not limited to, those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party and/or the Short-Term Rental agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.
5. The owner/STRP agent/responsible party of a STRP shall post the following information in a prominent location within the short-term rental and prospective tenants should provide written acknowledgement of receipt of said materials:
   a. Owner name: if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
   b. The names and phone numbers for the responsible party and the short-term rental agent, as those terms are defined in this Section;
   c. The phone numbers for the Red Bank Police Department, the Red Bank Fire Department, the Red Bank Code Enforcement and the Fire Marshall’s Office;
   d. Borough Noise and Nuisance Ordinances.
   e. The maximum number of parking spaces available on site.
   f. On-street parking regulations applicable to the adjacent streets.
   g. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling; and
   h. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or STRP owner may be cited or fined by the Borough of Red Bank for violations of any applicable ordinances of the Borough of Red Bank.

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

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

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

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

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

XXX-7. Violations and Penalties.

1. A violation of any provision of the within Section(s) may subject STRP owner, Transient Occupants (s), the Short-Term Property Rental Agent, and The Responsible Party or their agents, upon conviction, in the Municipal Court of the Borough of Red Bank or such other court having jurisdiction, be liable to a fine as provided in Chapter 1, General Provisions, Article II, General Penalty. The penalty that shall be imposed for a violation of this article shall be up to a maximum of $2,500 per violation, per day that the violation exists. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section.
2. Any STRP Owner convicted of three (3) separate violations of any rule in this Ordinance shall be permanently banned from operating a STRP in the Borough of Red Bank.

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

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

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

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

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

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

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

RESOLUTIONS
Councilmember Zipprich motioned to approve the consent agenda; Councilmember Jackson seconded the motion. Roll call: Ayes – Jackson, Mirandi, Triggiano, Sturdivant, Ballard, Zipprich

CONSENT AGENDA

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

Councilmember Zipprich motioned to approve the consent agenda; Councilmember Ballard seconded the motion. Roll call: Ayes – Jackson, Mirandi, Triggiano, Sturdivant, Ballard, Zipprich

Councilmember Ballard asked if Councilmember Triggiano could vote on resolution 23-43; Councilmember Triggiano stated she did not receive LOSAP so there is no conflict.
RESOLUTION NO. 23-41

RESOLUTION FOR PAYMENT OF BILLS

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

<table>
<thead>
<tr>
<th>Check Type</th>
<th>Count</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual Check</td>
<td>127</td>
<td>$11,393,464.46</td>
</tr>
<tr>
<td>Meeting Check</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>127</td>
<td>$11,393,464.46</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Checking Account</th>
<th>Check Type</th>
<th>Count</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAPITAL ACCOUNT</td>
<td>Manual Check</td>
<td>4</td>
<td>$224,214.73</td>
</tr>
<tr>
<td>CURRENT -VALLEY</td>
<td>Manual Check</td>
<td>63</td>
<td>$1,111,612.23</td>
</tr>
<tr>
<td>DEVLESCROW</td>
<td>Manual Check</td>
<td>1</td>
<td>$436.00</td>
</tr>
<tr>
<td>DEVSCROW2RIVER</td>
<td>Manual Check</td>
<td>7</td>
<td>$22,871.49</td>
</tr>
<tr>
<td>DOG LICENSE AC</td>
<td>Manual Check</td>
<td>1</td>
<td>$417.00</td>
</tr>
<tr>
<td>GRANT FUND-VNB</td>
<td>Manual Check</td>
<td>3</td>
<td>$26,837.85</td>
</tr>
<tr>
<td>MCI LEASE</td>
<td>Manual Check</td>
<td>2</td>
<td>$79,495.45</td>
</tr>
<tr>
<td>PARKSRECSTUST</td>
<td>Manual Check</td>
<td>1</td>
<td>$4,210.00</td>
</tr>
<tr>
<td>PAYROLL</td>
<td>Manual Check</td>
<td>1</td>
<td>$3,005.44</td>
</tr>
<tr>
<td>PKING CAP 2RIVE</td>
<td>Manual Check</td>
<td>1</td>
<td>$136.00</td>
</tr>
<tr>
<td>PKINGOP2RIVER</td>
<td>Manual Check</td>
<td>10</td>
<td>$37,853.40</td>
</tr>
<tr>
<td>RECREATION-VNB</td>
<td>Manual Check</td>
<td>1</td>
<td>$560.00</td>
</tr>
<tr>
<td>TRUST ACCOUNT</td>
<td>Manual Check</td>
<td>5</td>
<td>$38,075.32</td>
</tr>
<tr>
<td>TTL REDEMPTION</td>
<td>Manual Check</td>
<td>3</td>
<td>$18,342.99</td>
</tr>
<tr>
<td>TWO RIVERS</td>
<td>Manual Check</td>
<td>1</td>
<td>$401.01</td>
</tr>
<tr>
<td>WATER CAPITAL</td>
<td>Manual Check</td>
<td>1</td>
<td>$55.00</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>Manual Check</td>
<td>14</td>
<td>$131,397.05</td>
</tr>
<tr>
<td>WIRE</td>
<td>Manual Check</td>
<td>8</td>
<td>$9,693,543.50</td>
</tr>
<tr>
<td>Total</td>
<td>All Checking</td>
<td>127</td>
<td>$11,393,464.46</td>
</tr>
</tbody>
</table>

RESOLUTION NO. 23-42

RIGHT OF WAY TAX CANCELLATION BLOCK 46 LOT 36.01

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

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

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

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

RESOLUTION NO. 23-43

AWARD PAYMENT OF 2022 LOSAP BENEFITS TO ELIGIBLE MEMBERS OF THE RED BANK VOLUNTEER FIRE DEPARTMENT AND FIRST AID SQUAD
WHEREAS, the Mayor and Council of the Borough of Red Bank, Monmouth County, New Jersey, has adopted Ordinance #2002-25 and Amending Ordinances #2004-4 and #2017-37 establishing and implementing Length of Service Awards Program (LOSAP) pursuant to P.L. 1997, c. 399, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank, does hereby approve the list of thirty-one (31) eligible members to receive full benefits, One Thousand One Hundred Fifty Dollars and no cents ($1,150.00) per eligible member, for a proposed total award of Twenty Six Thousand Four Hundred Fifty dollars ($26,450.00) for 2022 LOSAP benefits, for eligible members of the Red Bank Volunteer Fire Department and First Aid Squad as annexed hereto and made a part hereof and authorizes payment in accordance therewith.

RESOLUTION NO. 23-44

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:
1. That the Governing Body does hereby accept the performance bond in the amount of $19,818.00 has been issued by First Indemnity of America Insurance Company, 2740 Rt. 10 West, Suite 205, Morris Plains, New Jersey 07950 and the cash deposit in the amount of $2,202.00 from 173 Maple, LLC for Block 103, Lot 1; and
2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Planning and Zoning Department, and 173 Maple, LLC.

RESOLUTION NO. 23-45

AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND CONSTRUCTION MANAGEMENTS SERVICES FOR SOUTH STREET AND MECHANIC STREET PRE-DESIGN UTILITY TESTING

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

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

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

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

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

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

RESOLUTION 23-46

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

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

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

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

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

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

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

RESOLUTION NO. 23-47

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

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

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

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

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

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

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

RESOLUTION NO. 23-48

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

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

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

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as MECHANIC STREET IMPROVEMENTS, (NJDOT-FY22) ENGINEERING PRE-DESIGN FIELD SURVEY.
NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: "MECHANIC STREET IMPROVEMENTS, (NJDOT-FY22) ENGINEERING PRE-DESIGN FIELD SURVEY" to T&M Associates for the sum not to exceed nine thousand six hundred dollars ($9,600.00); and,

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

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

RESOLUTION NO. 23-49
AUTHORIZING THE MAYOR, BOROUGH ADMINISTRATOR, AND/OR THE LICENSED WATER/SEWER OPERATOR TO SIGN TREATMENT WORKS APPROVAL (TWA) AND BUREAU OF WATER SYSTEM ENGINEERING (BWSE) APPLICATIONS

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

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

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

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

RESOLUTION NO. 23-50
AUTHORIZING THE AWARD OF FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES

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

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

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

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

Borough Engineer: T&M Associates

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

NOW, THEREFORE, BE IT RESOLVED that:

1) The above appointments are hereby ratified and confirmed for the year 2023.
2) The amounts charged for these services will be determined in accordance with the contracts dated as of January 1, 2023 and in effect through December 31, 2023.
3) The said contracts were awarded without public bidding as “Professional Services” under the provisions of said Local Public Contracts Law.
4) A copy of this Resolution shall be published in the Asbury Park Press within ten (10) days of its passage.

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

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

RESOLUTION NO. 23-51
APPOINTING MEMBER TO THE RED BANK VOLUNTEER FIRE DEPARTMENT
WHEREAS, the Red Bank Borough Council wish to appoint the following volunteer firefighter to the Red Bank Volunteer Fire Department; and

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

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

Chris Lucas
Navesink Hook and Ladder

RESOLUTION NO. 23-52

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

RESOLUTION 23-53

TEMPORARY CAPITAL BUDGET
RESOLUTION NO. 23-54

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

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

### TEMPORARY CAPITAL BUDGET

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

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

<table>
<thead>
<tr>
<th>PROJECT NUMBER</th>
<th>TOTAL COST</th>
<th>PRIOR YEARS</th>
<th>FUNDED IN</th>
<th>RESERVED IN</th>
<th>APPROPRIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CURRENT YEAR 2023</td>
<td>2022 Budget</td>
<td>Capital Improvement Fund</td>
<td>Surplus</td>
<td>Other Funds</td>
</tr>
<tr>
<td>1</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
</tr>
<tr>
<td>2</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
</tr>
<tr>
<td>3</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
</tr>
<tr>
<td>4</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
</tr>
<tr>
<td>5</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
</tr>
<tr>
<td>6</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
<td>1,200,000.00</td>
</tr>
</tbody>
</table>

**Lead Line Replacement Project**

- Estimated Cost: $2,400,000.00
- Estimated Completion Year: 2023

**TOTALS ALL PROJECTS**

- 2,400,000.00
- 0.00
- 0.00
- 1,200,000.00
- 1,200,000.00

**RECORDED VOTE**

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 23-55

AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING SERVICES – WATER RATE STUDY

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

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

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

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

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

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

RESOLUTION NO. 23-56

AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING SERVICES – WATER RATE STUDY
WHEREAS, the Borough Governing Body has identified a need for WATER RATE STUDY; and,

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

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of ENGenuity Infrastructure, LLC for the necessary services associated with the project here forward known as LEAD SERVICE LINE REPLACEMENT AND TEST PIT PROGRAM CENSUS TRACT 803400 BID SPECIFICATION AND PLAN SHEETS.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: “LEAD SERVICE LINE REPLACEMENT AND TEST PIT PROGRAM CENSUS TRACT 803400 BID SPECIFICATION AND PLAN SHEETS” to ENGenuity Infrastructure, LLC for the sum not to exceed one hundred thirty-eight thousand eight hundred dollars ($138,800.00); and,

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

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

DISCUSSION AND ACTION (Workshop if necessary)

- Early Voting – It was noted that the costs of the municipal election are solely born by the borough. If another municipality were to hold early voting the participating municipality would share the costs. Should there be a runoff, there would be no early voting option as there is not enough time. It was noted that the estimates discussed were just that, estimates. The final costs could come in higher or lower.

Mayor Portman opined that this could be a one-time cost as he agrees with the Charter Study Commission to change the municipal election date to November thereby permitting the residents to vote in November and should he be part of the governing body he will support that change.

Councilmember Zipprich asked how that would work. Mayor Portman believed that would be addressed by adoption of the ordinance to extend the terms from June 30th to December 31st.

Councilmember Zipprich inquired about early voting costs. The Clerk noted that would be included in the borough costs.

- 2021-17 Cannabis Ordinance – Councilmember Ballard summarized the discussions had at the Code committee meetings and asked the Council for their input to make this ordinance better to be forwarded ultimately to the Planning Board.

Councilmember Studdivant said she needs to review and would get back to him.

Mayor Portman opined that the 1,000 feet doesn’t make sense since NJ has legalized marijuana. Is there a 1,000 foot regulation on liquor stores? Would be in favor of amending the 1,000 feet.

Councilmember Triggiano asked for details of the discussions at the committee meetings.

Councilmember Ballard revealed that the following are being discussed by the Committee (Councilmembers Ballard/Mirandi/Jackson and the Administrator, Community Development Director, Borough Attorney): parking element, appropriate zones, traffic concerns.

Mayor Portman asked if a special meeting should be scheduled.

Councilmember Triggiano asked for specifics.

Councilmember Ballard noted he had nothing concrete to share and again asked for input.

There was discussion on the possibility of a Special Meeting.
MUNICIPAL COUNCIL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
February 8, 2023 ♦ 6:30 PM

- Support and collaboration with the Housing Authority in their affordable housing mission – Councilmember Ballard shared a portion of the Master Plan that says the borough will collaborate with the Housing Authority to support affordable housing. There is an ask by the RBHA to assist with soft costs on a rehabilitation project. The units have not been upgraded since 1969. The Council is in agreement to support a collaboration.

- Request to officially rename a portion of Herbert Street to Oratory Way – Ordinance will be prepared for the next meeting.

- East Side Park Project – Councilmember Jackson shared that at the committee meeting there was a decision to install pickle ball courts. The committee is very excited, and vendors and products are being researched. Bid specs are being drawn up.

- 2023-06 Bond Ordinance Providing For The Lead Service Line Replacement Project, By And In The Borough Of Red Bank, In The County Of Monmouth, State Of New Jersey, Appropriating $2,400,000 Therefor And Authorizing The Issuance Of $2,400,000 Bonds Or Notes To Finance The Cost Thereof – Introduction for this evening.

- 23-xx DPW Purchase of Sidewalk Snow Removal Vehicles through MCIA – pending further review.

- 23-xx Professional Services – Engenuity – Lead Service Line Replacement and Test Pit Program – Council added to consent agenda for this evening.

MAYOR & COUNCIL COMMENTS

Councilmember Ballard – No report

Councilmember Jackson – No report

Councilmember Sturdivant – Wished everyone Happy Black History Month. Shared a walk through conducted at the new senior center on February 1st. Thanked the staff for all they have done and is looking forward to the grand opening. Also conducted a walk through at the DPW facilities and expressed concern of the conditions of the facilities and safety of the personnel.

Councilmember Triggiano – Expressed condolences to the family of Carl Colmorgen.

Mayor Portman supported the concern of the DPW facilities conditions and will urge the prioritization of the addressing of same.

Councilmember Zipprich – Expressed appreciation to Dominick from DMR for facilitating the walk through at the senior center, the progress is encouraging. Looks forward to the seniors returning to their building.

Councilmember Mirandi – Tree inventory has been updated and is available on the borough website. The finance committee met in January to discuss budget preparation.

PUBLIC QUESTIONS AND COMMENTS

Stephen Hecht 135 Branch Avenue - Asked the Council if there was a 5 year waiting period to make changes to the cannabis ordinance.

The Borough Attorney noted that the 5 year stipulation was for municipalities that did nt adopt an ordinance prior to the initial State appointed deadline in 2021.
Suzanne Viscomi 25 Cedar St - Building off the gender neutrality resolution, has the Council reviewed male/female compensation to insure borough employees are being paid equally regardless of gender? Hopes the employees are being paid equally. Revealed graffiti at the parks and noted locations. Encouraged maintenance of the parks, they could use a little attention with the weather improving.

Freddie Boyton PO Box 2074 – Noted disappointment in some Councilmembers for lack of attendance at community events; summarized specific events. Expressed disappointment in councilmembers for not supporting SROs in the schools.

Cindy Burnham 71 Wallace St – Everyone was all hyped up on the Air B and Bs, there should be a forum for the cannabis topic.

There being no further discussion, Councilmember Triggiano moved to close the floor to the public; Councilmember Sturdivant seconded the motion.

EXECUTIVE SESSION (If necessary)

ADJOURNMENT
Councilmember Triggiano moved to adjourn the Council meeting; Councilmember Ballard seconded the motion. Roll call, unanimous, affirmative.

9:38PM

Respectfully submitted,

Laura Reinertsen