

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
May 11, 2022 ♦ Upon adjournment of Workshop Meeting**

**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 December 15, 2021.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Menna and Council Members Mirandi, Triggiano, Ballard, Zipprich and Horgan.

**ALSO PRESENT:** Interim Administrator McConnell, Borough Clerk Reinertsen and Attorney Cannon.

**ABSENT:** Councilwoman Sturdivant

\*Meeting held via video/telephone conference due to Governor’s Executive Order.

**PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS**

a. Proclamations

i. Older Americans Month – May 2022

**PROCLAMATION**

**OLDER AMERICANS MONTH, 2022**

**WHEREAS** it is important to acknowledge the contributions older individuals have made in our communities and in the workplace to the economic well-being of our nation through civic leadership and mentoring; and

**WHEREAS** our expanding elder population profoundly impacts every facet of our lives, redefining our ideas of work, retirement and leisure, altering our housing and living arrangements, challenging our healthcare systems, reshaping our economy, and altering social and public policy; and

**WHEREAS** the opportunities and challenges that await us require our continued commitment to the goal of ensuring that our senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity; and

**WHEREAS** the Borough of Red Bank joins the national tradition of designating the month of May as a time to celebrate the contributions of older Americans and rededicate our efforts to better serving their needs.

**WHEREAS** the Borough Council wishes to express its appreciation for past and continuing contributions of its older residents to the community and to our nation, and recognize that older adults are a vital and growing part of Red Bank; and

**NOW, THEREFORE I, Pasquale Menna, Mayor of the Borough of Red Bank, on behalf of the Borough Council, do hereby proclaim the month of May 2022 as**

**OLDER AMERICANS MONTH**

and express appreciation for the continuing contributions of the Borough’s older residents to our community.

  
PASQUALE MENNA  
MAYOR

ii. **SKIN CANCER AND MELANOMA AWARENESS MONTH**

## PROCLAMATION

### SKIN CANCER AND MELANOMA AWARENESS MONTH

- WHEREAS, Skin cancer is the most common form of cancer in the United States, affecting 5 million individuals each year; one in five Americans will develop skin cancer in the course of a lifetime, and one in fifty will develop melanoma; and
- WHEREAS, according to the CDC, ultraviolet rays from the sun, present even during overcast conditions, cause most cases of melanoma, the most lethal form of skin cancer; and
- WHEREAS, skin cancer is the most common type of cancer in the United States and recent studies indicate sun damage in childhood can lead to skin cancer later in life, it also shows young people are not using proper protection and still seek out indoor tanning facilities; and
- WHEREAS, skin cancer can be easily prevented if the proper precautions are taken such as staying in the shade from the late morning to mid-afternoon, wearing a wide-brimmed hat and a lightweight, long-sleeved shirt, regularly applying a broad-spectrum sunscreen of an SPF 15 or higher with UVA and UVB protection, and avoiding indoor tanning reduce the risk of developing skin cancer; and
- WHEREAS, a periodic skin self-exam, consisting of checking for any new abnormal spots, sores that don't heal, or a mole that changes shape, can detect skin cancer in the earliest stages; and
- WHEREAS, Skin Cancer and Melanoma Awareness Month, an observance recognized by the Skin Cancer Foundation and the American Academy of Dermatology, provides an opportunity to educate people about how to recreate outside in a manner that keeps their skin in good health.
- NOW THEREFORE, I, Pasquale Menna, Mayor of the Borough of Red Bank, to help save lives and raise awareness of skin cancer, do hereby support and recognize May 2022 as

#### *SKIN CANCER AND MELANOMA AWARENESS MONTH*

and urge residents to talk with family and friends about the importance of early detection and prevention measures and to educate ourselves and others about this disease



PASQUALE MENNA  
MAYOR

### iii. BUILDING SAFETY MONTH 2022

## PROCLAMATION

### BUILDING SAFETY MONTH 2022 “Safety for All: Building Codes in Action”

- Whereas, our Borough is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and
- Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and
- Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play; and
- Whereas, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and
- Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown protectors of

public safety--our local code officials--who assure us of safe, sustainable and affordable buildings that are essential to our prosperity; and

Whereas, "Safety for All: Building Codes in Action," the theme for Building Safety Month 2022, encourages us all to raise awareness about planning for safe and sustainable construction; career opportunities in building safety; understanding disaster mitigation, energy conservation; and creating a safe and abundant water supply to all of our benefit; and

Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

Now, Therefore I, Pasquale Menna, Mayor of the Borough of Red Bank, on behalf of the Borough Council, do hereby proclaim the month of May 2022 as **Building Safety Month**, Accordingly, I encourage our citizens to join us as we participate in Building Safety Month activities.



PASQUALE MENNA  
MAYOR

iv. **POLICE WEEK – MAY 11-17**

**PROCLAMATION**

*To recognize national police week 2022 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.*

WHEREAS, there are over 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Red Bank Police Department; and

WHEREAS, since the first recorded death in 1786, nearly 23,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 619 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial, including 319 COVID-19-related, 62 firearms-related, 58 traffic-related, 84 felonious assaults, and 147 officers who died in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's Annual Candlelight Vigil, on the evening of May 13, 2022; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 11-17; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

THEREFORE, BE IT RESOLVED that the Borough of Red Bank formally designates

*May 11-17, 2022, as Police Week in Red Bank,*

and publicly salutes the service of law enforcement officers in our community and in communities across the nation.



PASQUALE MENNA  
MAYOR

v. **STAMP OUT HUNGER 2022**

**PROCLAMATION**

**Letter Carriers' Stamp Out Hunger Food Drive Day**

WHEREAS, every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one-day food drive, distributing the donations to local food banks; and

WHEREAS, the Letter Carriers' Stamp Out Hunger Food Drive is just one example of how letter carriers work to make a difference in the lives of those they serve, having collected and distributed more than 1.82 billion pounds of food since the inception of the program in 1991; and

WHEREAS, the Borough of Red Bank wishes to recognize all letter carriers for their hard work and their commitment to their communities - but especially those in our own community whose efforts benefit those in need here in the Monmouth County area; and

WHEREAS, we also recognize the noteworthy milestone of 30 years that the National Letter Carrier Food Drive celebrates in 2022.

NOW, THEREFORE I, Pasquale Menna, Mayor of the Borough of Red Bank, on behalf of the Borough Council, do hereby proclaim

Saturday, May 14, 2022 as Letter Carriers' Stamp Out Hunger Food Drive Day

and urge all citizens to join me in supporting the food drive by placing non-perishable food items in or near our mailboxes on May 14 for pick-up by our dedicated mail carriers, so that together, we can all help to feed our hungry.



PASQUALE MENNA  
MAYOR

#### **PUBLIC COMMENT (AGENDA ITEMS ONLY)**

There being no comment, Councilman Zipprich motioned to close the floor was closed for public comment; Councilwoman Horgan seconded the motion. Roll call, unanimous, affirmative.

#### **MINUTES & REPORTS**

- a. 04/06/2022 Special Meeting Councilman Zipprich motioned to approve Councilwoman Horgan seconded the motioned. Roll call, Unanimous, affirmative.
- b. 04/06/2022 Executive Session Councilwoman Horgan motioned to approve Councilwoman Triggiano seconded the motioned. Roll call, Unanimous, affirmative.
- c. 04/13/2022 Workshop Meeting Councilwoman Horgan motioned to approve Councilman Zipprich seconded the motioned. Roll call, Unanimous, affirmative.
- d. 04/13/2022 Regular Meeting Councilwoman Horgan motioned to approve Councilwoman Mirandi seconded the motioned. Roll call, Unanimous, affirmative.
- e. 04/27/2022 Regular Meeting Councilwoman Horgan motioned to approve Councilman Zipprich seconded the motioned. Roll call, Unanimous, affirmative.

#### **ORDINANCES – INTRODUCTION**

Councilwoman Mirandi motioned the ordinance; Councilwoman Horgan seconded the introduction. Roll call vote, unanimous, affirmative. Public Hearing and Adoption scheduled for May 25, 2022.

#### **ORDINANCE NO. 2022-08**

#### **ORDINANCE TO EXCEED THE CALENDAR YEAR 2022 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

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

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

WHEREAS, the Mayor and Council of the Borough of Red Bank in the County of Monmouth finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 660,280.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Red Bank, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Red Bank shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$660,280.95, and that the CY 2022 municipal budget for the Borough of Red Bank be approved and adopted in accordance with this ordinance; and,

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

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

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

Councilwoman Mirandi motioned the ordinance; Councilwoman Triggiano seconded the introduction. Roll call vote, unanimous, affirmative. Public Hearing and Adoption scheduled for May 25, 2022.

## **ORDINANCE NO. 2022-09**

### **ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 9, ARTICLE IX, SHADE TREE COMMITTEE AMENDING SECTIONS 9-35 AND 9.36 TO PROVIDE FOR THE APPOINTMENT OF TWO ALTERNATE COMMISSIONERS**

**WHEREAS**, the Mayor and Council of the Borough of Red Bank believe that the work of the Borough's Shade Tree Committee will be enhanced by the addition of two alternate commissioners;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter 9 "Boards, Committees and Commissions" of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, Article IX "Shade Tree Committee", is hereby amended and supplemented as follows:

**SECTION ONE:** Subsections 9-35 and 9-36 are hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

#### **ARTICLE IX SHADE TREE COMMITTEE**

##### **§9-35 Creation; Composition**

There is hereby created a Shade Tree Committee, which will be known as "The Shade Tree Committee of the Borough of Red Bank." The Committee shall consist of five commissioners, plus two (2) Alternate Commissioners, who shall be designated at the times of their appointment as "Alternate No. 1" and "Alternate No. 2", all to be appointed by the Mayor with the advice and consent of Council. The commissioners shall be residents of the Borough and shall serve without compensation except as hereinafter provided. Commissioners shall be appointed on the basis of their qualifications, fitness and desire to fulfill and advance the objectives and purposes of the Committee as set forth herein. An alternate commissioner may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular commissioner. A vote shall not be delayed in order that a regular commissioner may vote instead of an alternate commissioner. In the event that a choice must be made as to which alternate commissioner is to vote, Alternate No. 1 shall vote first.

##### **§9-36 Terms of Appointment**

The initial Committee commissioners to be appointed shall be appointed for staggered terms so that the term of one commissioner shall expire in one year and the terms of two commissioners shall expire in each of the next two years. Thereafter, all commissioners shall be appointed for a three-year term. All vacancies shall be filled for the unexpired term only. Commissioners shall serve until their successors are appointed and qualified and they shall receive no compensation for their services. The initial terms of the alternate commissioners first appointed shall be two

(2) years for Alternate No. 1 and one (1) year for Alternate No. 2, so that the term of not more than one alternate commissioner shall expire in any one year.

**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.

## **RESOLUTIONS**

### By Consent Agenda:

- Resolution 22-102: Resolution Establishing “Broadwalk” Ad Hoc Committee
- Resolution 22-109: Resolution Approving Amendment To Affordable Housing Deed Restriction – The Rail
- Resolution 22-111: Resolution for Payment of Bills Amounting to \$3,424,997.95
- Resolution 22-112: A Resolution Authorizing Person-To-Person Transfer Of Plenary Retail Consumption License No. 1340-33-036-003
- Resolution 22-113: Authorizing Progress Payment #3 Related To The Contract With Z. Brothers Concrete Contractors, Inc. For The Improvement To Spring Street Project
- Resolution 22-114: Resolution Authorizing Final Pay And Closeout Change Order Related To The Contract With Vulcan Construction, Inc. For East Side Park, Mohawk Pond & Count Basie Park Improvement Project
- Resolution 22-115: Resolution Amending The 2022 Temporary Appropriations
- Resolution 22-116: Resolution Governing Body Certification Of Compliance With The United States Equal Employment Opportunity Commission’s “Enforcement Guidance On The Consideration Of Arrest And Conviction Records In Employment Decisions Under Title VII Of The Civil Rights Act Of 1964”
- Resolution 22-117: Resolution Awarding Contract For The Renovation Of The Red Bank Senior Center To J&M Quality Contracting, LLC

Councilwoman Mirandi motioned the approval of resolutions 22-102 through 22-117; Councilman Zipprich seconded the motion. Roll call vote, unanimous, affirmative.

### **22-102 RESOLUTION APPOINTING “BROADWALK” AD HOC COMMITTEE**

**WHEREAS**, residents of the Borough of Red Bank have expressed an interest in continuing “Broadwalk” project within the Borough; and

**WHEREAS**, the Council proposes to establish an Ad Hoc Committee on the “Broadwalk” project to initiate strategic planning, to recommend potential policies, procedures, and initiatives related to the project, and to ensure an effective means of liaising with the Administration, as well as local businesses, residents and groups committed to similar actions within the borough; and

**WHEREAS**, this committee will begin working in the immediately; and

**WHEREAS**, the Mayor with the advice and consent of Council has appointed the following Council members to the Red Bank “Broadwalk” Ad Hoc Committee for 2022:

**Michael Ballard, Kate Triggiano, Edward Zipprich**

**NOW, THEREFORE, BE IT RESOLVED** that the Red Bank “Broadwalk” Ad Hoc Committee is hereby established for the year 2022.

### **22-109 RESOLUTION APPROVING AMENDMENT TO AFFORDABLE HOUSING DEED RESTRICTION**

**WHEREAS**, the Borough of Red Bank, County of Monmouth (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, in consideration of the benefits and/or rights to develop the residential low/ moderate-income rental project received by the Rail at RB, LLC (the “Owner”) from the Borough on September 30, 2021, (the “Deed Restriction”) the Owner agreed to abide by the covenants, terms and conditions set

forth in the Deed Restriction, which was recorded in the Monmouth County Clerk’s Office on February 2, 2022 in Book OR-9576 at Page 226, with respect to the Property as defined herein; and

WHEREAS, the Property consists of two (2) condominium units that include all improvements, rights, privileges, rights of way and appurtenances thereto belonging to the Owner located in the Borough, identified as Block No. 63, Lots 1.01, 3, 4, 8, 9, and 10 on the Borough’s tax map; and

WHEREAS, in accordance with the Deed Restriction, there shall be six (6) affordable housing units, of which two (2) shall be very low income units (affordable to households making thirty (30) percent or less of median income in the housing region, as defined in the New Jersey Fair Housing Act), two (2) low income units, and two (2) moderate income units, and of the six (6) affordable housing units, one (1) shall be a one-bedroom unit and five (5) shall be two-bedroom units; and

WHEREAS, the Deed Restriction identified specific units for restriction and the Owner has requested to revise the list of the specific units for such restriction; and

WHEREAS, no other changes will be made to the Deed Restriction and the Owner’s obligation with respect to the total number of affordable units has not changed; and

WHEREAS, the Borough desires to revise the specific units being deed restricted as follows:

- Unit 408 1 Bedroom Very Low
- Unit 205 2 Bedrooms Very Low
- Unit 305 2 Bedrooms Low
- Unit 311 2 Bedrooms Low
- Unit 210 2 Bedrooms Moderate
- Unit 308 2 Bedrooms Moderate

WHEREAS, a copy of the First Amendment to the Deed Restriction between the Borough’s Administrative Agent, CGP&H, LLC, and the Owner is attached hereto as Exhibit A and is on file with Borough Clerk’s Office; and

WHEREAS, the balance of the Deed Restriction not modified by the First Amendment to the Deed Restriction shall continue in full force and effect; and

WHEREAS, the Borough seeks to approve the First Amendment to the Deed Restriction.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor is hereby authorized to execute the First Amendment to the Deed Restriction substantially in the form attached hereto as Exhibit A and on file with the Borough Clerk’s Office.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect immediately.

**22-111 RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,424,997.95**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers totaling \$3,424,997.95

Check Type	Count	Total
Manual Check	105	\$3,424,997.95
Meeting Check	0	
<b>Total</b>	<b>105</b>	<b>\$3,424,997.95</b>

Checking Account	Count	Total
CAPITAL ACCOUNT	3	\$114,786.67
CURRENT -VALLEY	62	\$581,598.89
DEVELESCROW	1	\$2.04
DEVESCROW2RIVER	4	\$2,859.95
GRANT FUND-VNB	5	\$18,522.65
PAYROLL	1	\$2,820.90

Checking Account	Check Type	Count	Total
CAPITAL ACCOUNT	Manual Check	3	\$114,786.67
CURRENT -VALLEY	Manual Check	62	\$581,598.89
DEVELESCROW	Manual Check	1	\$2.04
DEVESCROW2RIVER	Manual Check	4	\$2,859.95
GRANT FUND-VNB	Manual Check	5	\$18,522.65
PAYROLL	Manual Check	1	\$2,820.90
PKING CAP 2RIVE	Manual Check	1	\$371.50
PKINGOP2RIVER	Manual Check	7	\$14,941.06
TRUST ACCOUNT	Manual Check	2	\$38,495.00
TWO RIVERS	Manual Check	1	\$293.34
WATER OPERATING	Manual Check	16	\$141,236.20
WIRE	Manual Check	2	\$2,509,069.75
Total	All Checking	105	\$3,424,997.95

PKING CAP 2RIVE	1	\$371.50
PKINGOP2RIVER	7	\$14,941.06
TRUST ACCOUNT	2	\$38,495.00
TWO RIVERS	1	\$293.34
WATER OPERATING	16	\$141,236.20
WIRE	2	\$2,509,069.75
Total	105	\$3,424,997.95

**22-112 RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-036-003**

**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 Consumption License No. 1340-33-036-003 currently issued to Walt Street Pub Inc. trading as Walt Street Pub for premises located at 180 Monmouth Street, Red Bank, New Jersey; 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

**WHEREAS**, the applicant has disclosed, and the authority reviewed the source of all funds used in the purchase of the license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank, Monmouth County, New Jersey, that the person-to-person transfer of the Plenary Retail Distribution License No. 1340-33-036-003 to Frederick J. Voccola, to be kept in pocket status, is hereby approved, and the Borough Clerk is authorized to endorse the transfer on the face of the license.

**22-113 AUTHORIZING PROGRESS PAYMENT #3 RELATED TO THE CONTRACT WITH Z. BROTHERS CONCRETE CONTRACTORS, INC. FOR THE IMPROVEMENT TO SPRING STREET PROJECT**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Red Bank of Monmouth County, New Jersey upon recommendation of the Borough Engineer that Payment #3 for the Contract listed below be and is hereby approved.

**BE IT RESOLVED** that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

**TITLE OF JOB:** Spring Street Improvements  
**CONTRACTOR:** Z Brothers Concrete Contractors, Inc.  
304 Jernee Mill Rd., Sayerville, NJ 08872  
**ENGINEER:** CME Associates.  
1460 Route 9 South, Howell, NJ 07731

**Payment #2**

Current to Date Total	\$497,784.96
Less 2% Retainage	\$9,955.70
Less Previous Payments	\$416,430.50

**Amount Due**

**\$71,398.76**

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**22-114 RESOLUTION AUTHORIZING FINAL PAY AND CLOSEOUT CHANGE ORDER**

**RELATED TO THE CONTRACT WITH VULCAN CONSTRUCTION, INC. FOR EAST SIDE PARK, MOHAWK POND & COUNT BASIE PARK IMPROVEMENT PROJECT**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Red Bank of Monmouth County, New Jersey upon recommendation of the Borough Engineer that final payment and change order closeout for the Contract listed below be and is hereby approved.

**BE IT RESOLVED** that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

**TITLE OF JOB:** East Side Park, Mohawk Pond & Count Basie Park Improvement Project  
**CONTRACTOR:** Vulcan Construction, Inc.  
 3 Hance Dr., Cookstown, NJ 08511  
**ENGINEER:** CME Associates.  
 1460 Route 9 South, Howell, NJ 07731

**Payment #2**

Current to Date Total	\$294,448.00
Less 2% Retainage	\$0.00
Less Previous Payments	\$258,776.84

<b>Amount Due</b>	<b>\$35,671.16</b>
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All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**22-115 RESOLUTION FOR EMERGENCY TEMPORARY APPROPRIATIONS AMENDING THE 2022 TEMPORARY APPROPRIATIONS**

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2022 budget and no adequate provision has been made in the 20CY temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$10,819,000.53

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$4,511,051.00 as follows:

Appropriation	Salary & Wages	Other Expenses
<b>Appropriations Inside CAP</b>		
Admin & Executive	23,520.00	
Admin & Executive		678.00
Municipal Clerk	29,630.00	
Mayor & Council	4,370.00	
Finance	12,500.00	
Finance		7,538.00
Education & Technology	1,120.00	
Education & Technology		19,609.00
Revenue Admin	20,650.00	
Revenue Admin		3,541.00
Tax Assessment	19,820.00	
Tax Assessment		1,308.00
Codification		2,916.00
Planning	23,073.00	
Planning		8,282.00
Zoning	15,950.00	
Zoning		3,241.00

<b>Appropriation</b>	<b>Salary &amp; Wages</b>	<b>Other Expenses</b>
Uniform Fire	45,150.00	
Construction Code	93,400.00	
Insurance		974,575.00
Rent Board	950.00	
Rent Board		875.00
Police Dept	1,159,806.00	
Police Dept		7,773.00
OEM	1,330.00	
First Aid		20,000.00
Code Enforcement	18,489.00	
Road Repair & Maint	227,324.00	
Road Repair & Maint		30,942.00
Sanitation		173,033.00
Buildings & Grounds	75,100.00	
Buildings & Grounds		49,018.00
Shade Tree Commission		2,000.00
Redevelopment Agency		4,708.00
Parks & Recreation	64,490.00	
Parks & Recreation		35,620.00
Street Lighting		383.00
Landfill		62,500.00
Social Security-Curr		109,720.00
PERS Employer Contrib-Curr		(10.00)
Municipal Court	52,690.00	
Municipal Court		1,268.00
<b>Totals</b>	<b>1,889,362.00</b>	<b>1,519,518.00</b>
<b>Total Approp Inside CAPS</b>		<b>3,408,880.00</b>
<b>Appropriations Outside CAP</b>		
Public Library	115,079.00	
Public Library		27,136.00
Little Silver Fire Code Shared Service	1,950.00	
Shrewsbury EMS Shared Service		8,000.00
Shrewsbury Court Shared Service	1,120.00	
Shrewsbury Court Shared Service		(2,145.00)
Bond Interest		225,475.00
<b>Totals</b>	<b>118,149.00</b>	<b>258,466.00</b>
<b>Total Approp Outside CAPS</b>		<b>376,615.00</b>
<b>Total Current Fund Appropriations</b>		<b>3,785,495.00</b>
<b>Water/Sewer Utility Appropriations</b>		
Water Sewer Salary & Wages	187,140.00	
Water Sewer Other Expenses		212,554.00
Water/Sewer - Social Security		15,920.00
WATER/SEWER - P.E.R.S.		116,186.00
Water/Sewer - Bond Interest		65,220.00

Appropriation	Salary & Wages	Other Expenses
<b>Totals</b>	187,140.00	409,880.00
<hr/>		
<b>Total Water /Sewer Utility Appropriations</b>		597,020.00
<hr/>		
Parking Utility Salary & Wages	72,095.00	
Parking Utility Other Expenses		51,941.00
Parking Utility - Social Security		4,500.00
<b>Totals</b>	72,095.00	56,441.00
<hr/>		
<b>Total Water /Sewer Utility Appropriations</b>		128,536.00
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Total Salary & Wages/Other Expense	2,266,746.00	2,244,305.00
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Total Appropriations		4,511,051.00

2. Said emergency temporary appropriations will be provided for in the 2022 budget.

3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

**22-116 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964”**

**WHEREAS**, 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW THEREFORE, BE IT RESOLVED**, That the Mayor and Council of the Borough of Red Bank, Monmouth County, State of New Jersey, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**22-117 RESOLUTION AWARING CONTRACT FOR THE RENOVATION OF THE RED BANK SENIOR CENTER TO J&M QUALITY CONTRACTING, LLC**

**WHEREAS**, the Borough of Red Bank advertised for bids for the **Red Bank Senior Center Renovation at 80 Shrewsbury Avenue**; and

**WHEREAS**, 16 (sixteen) sealed bids were received April 26, 2022 at 10am for the project; the 4 (four) apparent low bidders are as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Base Bid + Alt #1</u>
J & M Quality Contracting, LLC	\$1,402,000	\$1,493,107
Shorelands Construction Inc	\$1,420,000	\$1,479,000
Santorini, Inc.	\$1,467,000	\$1,538,000
M & M Construction Co., Inc.	\$1,480,000	\$1,548,000

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of the Borough Engineer, J & M Quality Contracting, LLC has been determined to be the lowest responsible bidder,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that a contract is hereby awarded to J & M Quality Contracting, LLC, 212 Maple Avenue, Neptune, NJ 07753, in the base bid amount of \$1,402,000.00 for the Red Bank Senior Center Renovation at 80 Shrewsbury Avenue, and that the Mayor and the Clerk of the Borough of Red Bank are authorized to execute and attest to an agreement with J & M Quality Contracting, LLC pursuant to bid specifications, and in a form approved by the Borough Attorney; and

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

**BE IT FURTHER RESOLVED**, the account to be charged is C-04-22-003-498 in an amount not to exceed \$1,402,000.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference; and

**BE IT FURTHER RESOLVED** that the bid and bid securities of the second and third lowest bidders shall be retained and held open, pending execution of the awarded contract by J & M Quality Contracting, LLC ; and

**BE IT FURTHER RESOLVED** that the Borough Clerk forward a certified true copy of this resolution to the Borough Administrator, Borough CFO, Borough Engineer, J & M Quality Contracting, LLC , and to the unsuccessful bidders.

- Resolution 22-118: Resolution To Approve The Hiring Of Parks And Recreation Summer Staff (pulled from Consent per Councilman Ballard’s request)

Councilman Ballard inquired on the County’s Grant that provides the funds to cover the salaries for the seasonal employees. Should the County grant not be available in the future is the borough obligated to continue paying at the rate as set per the grant of \$15.00 per hour? It could be a disincentive in the future should the borough choose to lower the rate.

Councilwoman Horgan moved to approve resolution 22-118, Councilman Zipprich seconded the motion. Roll call vote: Mirandi, aye; Sturdivant, absent; Triggiano, aye; Ballard; abstain; Zipprich, aye; Horgan, aye.

**22-118 A RESOLUTION TO APPROVE THE HIRING OF PARKS AND RECREATION SUMMER STAFF**

**WHEREAS**, the Director of Parks and Recreation has advised that it is desirable to fill Summer Staff positions for the Parks and Recreation Department; and

**WHEREAS**, it is recommended the following individuals be appointed, contingent upon successful completion of physical and background checks:

First Name	Last Name	Assignment	Hrs	Previous Year Rate	New Rate	Start Date
Rose	Sestito	Supervisor	25	\$19.20	\$19.73	June 1
Tiffany	Harris	Supervisor	25	\$19.20	\$19.73	June 1
Maya	Williams	Asst. Supervisor	25	\$12.00	\$16.50	June 1
Jack	Welsh	Counselor	25	\$12.00	\$15.00	June 1
Phillip	Richardson	Counselor	25	\$12.00	\$15.00	June 1
Oscar	Micel	Counselor	25	\$12.00	\$15.00	June 1
Cameron	Slattery	Counselor	25	\$12.00	\$15.00	June 1
Claudia	Garcia	Counselor	25	\$12.00	\$15.00	June 1
Alejandro	Rivera	Counselor	25	\$12.00	\$15.00	June 1
Dylan	Wanagiel	Counselor	25	\$12.00	\$15.00	June 1
Daisy	Hernandez	Counselor	25	\$12.00	\$15.00	June 1
Alexander	Mitchell	Counselor	25	n/a	\$15.00	June 1
Isabella	Maddalena	Counselor	25	n/a	\$15.00	June 1
Simran	Cheema	Counselor	25	n/a	\$15.00	June 1
Chloe	Boyd	Counselor	25	n/a	\$15.00	June 1
Emma	Lucid	Counselor	25	n/a	\$15.00	June 1

Kae'ona	Jackson	Counselor	25	n/a	\$15.00	June 1
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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the hiring of the above named individuals at the designated rate of pay is hereby approved effective June 1, 2022.

- Resolution 22-119: Resolution In Support Of Clean Water, Healthy Families, Good Jobs
- Resolution 22-120: Resolution In Support of Robust Federal Investments for Affordable Homes to House NJ

Councilwoman Triggiano motioned the approval of resolutions 22-119 through 22-120; Councilwoman Horgan seconded the motion. Roll call vote, unanimous, affirmative.

### **22-119 RESOLUTION IN SUPPORT OF CLEAN WATER, HEALTHY FAMILIES, GOOD JOBS**

**WHEREAS**, clean water is critical for the economic vitality, environmental health, and quality of life within New Jersey cities; and

**WHEREAS**, New Jersey's aging water infrastructure is in urgent need of extensive upgrades; and

**WHEREAS**, aging water infrastructure is costly for New Jersey; for example, 130 million gallons of treated drinking water are lost per day to leaky pipes, flooding resulted in hundreds of millions of dollars in damage last year alone, and lead-contaminated drinking water has caused immeasurable damage to the health of children, especially in some of the state's most vulnerable communities; and

**WHEREAS**, budget constraints, expensive capital requirements, and ongoing operating costs to address these issues can pose major financial challenges; and

**WHEREAS**, Governor Murphy and the state legislature have an opportunity to make a historic investment in water infrastructure and demonstrate that New Jersey is a leader on one of the most important issues we face; and

**WHEREAS**, new state mandates for the replacement of lead service lines, removal of PFAs (per- and polyfluoroalkyl substances) contamination, upgrades to combined sewer systems, and addressing aging and unreliable drinking water, wastewater, and stormwater systems in the face of climate change impacts will require significant local funds; and

**WHEREAS**, the United States Environmental Protection Agency estimates that New Jersey will require \$8.5 billion over the next 20 years for drinking water projects and \$17.5 billion over the next 20 years for clean water projects, for a total of at least \$26 billion; and

**WHEREAS**, these costs will be passed on to customers of drinking water and wastewater systems through user rates and/or increases in property taxes; and

**WHEREAS**, the State of New Jersey received \$6.4 billion from the federal American Rescue Plan Act that may be used for investments in water and sewer infrastructure; and

**WHEREAS**, New Jersey is receiving \$1 billion over five years from the federal Infrastructure Investment and Jobs Act (aka the Bipartisan Infrastructure Law); and

**WHEREAS**, investing an additional \$1.2 billion of federal funds in water infrastructure by the State of New Jersey, for a combined total of \$2.2 billion in federal funds, offers a generational opportunity to protect public health and reestablish a state of good repair for our communities' drinking water, wastewater, and stormwater systems; and

**WHEREAS**, the investment would also help remove emerging contaminants from drinking water, protect property from chronic flooding, reduce water pollution, increase water system efficiency, and make water bills affordable for everyone, all while creating tens of thousands of jobs.

**NOW, THEREFORE**, it is hereby resolved by the Borough Council of the Borough of Red Bank that the Borough endeavors to request that the State of New Jersey/Governor Murphy/New Jersey State Legislature:

1. Commit an additional \$1.2 billion in funding from its American Rescue Plan funds to ensure every community has affordable, safe drinking water, clean waterways, and flood protection; and
2. Grow the amount of federal funding for New Jersey water projects; and
3. Prioritize investments in overburdened communities

### **22-120 SUPPORT OF ROBUST FEDERAL INVESTMENTS FOR AFFORDABLE HOMES TO HOUSE NJ**

**WHEREAS**, housing insecurity is one of the biggest threats to public health and safety at any time, but never more so than during the coronavirus pandemic, and our policies must center those who have been harmed most by the pandemic so that we recover equitably; and

**WHEREAS**, Congress is considering once-in-a lifetime investments in housing affordability, stability and security that will lay a foundation that help create a more affordable NJ for generations to come; and

**WHEREAS**, the pandemic has caused untold economic hardship for residents and communities, with the threat of foreclosures, evictions and homelessness for many families through no fault of their own

**WHEREAS**, only one in four households eligible for rental assistance receives it due to decades of chronic underfunding by Congress. People of color – especially women of color – and other marginalized renters are most harmed by the housing crisis; and

**WHEREAS**, in NJ, renters need an income of \$31.96/hour on average to afford a modest, two-bedroom apartment. This is far above the incomes of many working families, seniors, and people with disabilities; and

**WHEREAS**, there is no state or congressional district in America with enough supply of affordable homes for families with the lowest incomes; and

**WHEREAS**, everyone has struggled under the weight of the pandemic, Black and Brown residents in our state have been disproportionately impacted, while continuing to suffer from hundreds of years of systemic racism and institutional inequities; and

**WHEREAS**, Congress must work to bridge the gap between incomes and housing costs by expanding rental assistance; and

**WHEREAS**, by expanding rental assistance, the economic recovery package can help bridge the gap between wages and housing costs for America's lowest-income and most marginalized households; and

**WHEREAS**, by preserving the nation's public housing and building new homes affordable to people with the greatest needs through the national Housing Trust Fund, these essential investments directly address the severe shortage of affordable housing for people with the lowest incomes,

**THEREFORE**, the U.S. must make robust investments in affordable homes in any budget reconciliation bill similar to what was in the Build Back Better Bill that passed the House, including an expansion of rental assistance by \$25 billion to serve 300,000 additional households; and \$65 billion to repair public housing, which is home to 2.5 million residents; and \$15 billion in the national Housing Trust Fund to build and preserve 150,000 homes affordable to people with the greatest needs.

**NOW THEREFORE, BE IT RESOLVED**, the Borough of Red Bank encourages Congress to include robust funding to address housing instability and unaffordability and to mitigate the threat of pandemic-related homelessness in any budget reconciliation bill.

- Resolution 22-121: Authorizing The Creation Of A Parent's Bill Of Rights Concerning The Protection And Education Of Our Children

Councilwoman Triggiano motioned to table the resolution; Councilman Zipprich seconded the motion. All in favor, unanimous, affirmative.

## **MAYOR AND COUNCIL COMMENTS**

Councilwoman Triggiano reported on:

- Red Bank Environmental Commission and the Red Bank Green Team will be holding the annual Green Fair this weekend. First year that the Borough Public Schools will be partnering as well. More information to be found on the Environmental Commission's Facebook page.
- Fire Department at West Side House hosting a fund raiser "Raiser the Roof" proceeds to go towards replacing the firehouse roof. Saturday May 21<sup>st</sup>, all are welcome.
- Police Week – Commended the Police Department for their professionalism and all they do for the community.

Councilwoman Horgan reported on the following:

- Parks and Rec – Provided information on the upcoming events and activities: Annual Memorial Day Ceremony, Monday, May 30<sup>th</sup> at 11am at the Veterans Monument on Monmouth St. (Elks Lodge in the event of rain); Pride in the Park (Riverside Gardens Park), Saturday, June 11<sup>th</sup>, noon to 4pm; Juneteenth Celebration (Johnny Jazz Park), Saturday, June 18<sup>th</sup> 1:30pm to 6:30; Summer Series at Riverside Gardens Park, Tuesdays, Wednesdays and Thursdays July 19<sup>th</sup> through August 18<sup>th</sup> (5 movies & 5 concerts); 365 West Side Jazz Concerts, Friday July 1<sup>st</sup> and Friday, August date TBD at the Johnny Jazz Park, 6:30pm to 8pm; sponsors are being sought for the Summer Series.
- Library – May 13<sup>th</sup> 7pm to 9pm Fundraiser "Books, Brews, & Library News", \$25pp. Appointments are available for the telehealth booth a confidential option for people to communicate with health professionals, lawyers, potential employers, etc.

Councilman Ballard reported on the following:

- Code Committee met and was informed that the Historic Preservation Committee was reviewing historic listings in town to determine completeness
- Air B and B's to be discussed to determine necessity for Code regulations and enforcement.
- Film permits were discussed as to a reality show applicant; stressed the need to be thorough when vetting the applicants.

Councilman Zipprich reported on the following:

- Senior Center – busy with weekly shopping trips and expect more activities as the weather improves. Excited for the senior building construction to commence and look forward to enjoying the center again before the end of the year.
- Historic Preservation Society is working on creating guidelines, inventory and structure for adding and deleting from the inventory.

Councilwoman Mirandi reported on the following:

Finance Committee has met and is awaiting a presentation from the CFO that can be presented to the Council and residents.

Councilwoman Sturdivant not present.

## **DISCUSSION & ACTION**

Mayor Menna read the following requests:

i. Special Event Requests

1. St. James Eighth Grade Fun Day; Count Basie Field; Tuesday, May 31<sup>st</sup>; 8:00am-1:00pm
2. St. Anthony Procession for the Feast of St. Anthony; Saturday, June 11<sup>th</sup>; 10am
3. Monmouth County Cotillion; Riverside Gardens Park; Saturday, June 11<sup>th</sup> 7:00am-10:30am RD Saturday, June 18<sup>th</sup>
4. South Street Block Party; Sat. August 6<sup>th</sup>; 4pm-11pm; RD Sun. August 7<sup>th</sup>
5. Film Request-Navesink River Productions- Various Location
6. Film Request-495 Productions- Locations TBD
7. Westside Hose Fundraiser; Saturday, May 21<sup>st</sup>; 2pm-6pm

Councilman Zipprich motioned to approve the Special Events requests; Councilwoman Horgan seconded the motion. Roll call vote: Mirandi, aye; Sturdivant, absent; Triggiano, aye; Ballard; abstain; Zipprich, aye; Horgan, aye.

## **PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Councilman Zipprich moved to open the floor to the public, Councilwoman Horgan seconded the motion:

There being no further discussion, Councilwoman Triggiano offered a motion to close the Public Comment period, Councilwoman Mirandi seconded. Roll call, unanimous, affirmative.

## **ADJOURNMENT**

There being no further business Councilwoman Horgan offered a motion adjourn, seconded by Councilman Zipprich. Roll call, unanimous, affirmative. 8:42PM

Respectfully submitted,

Laura Reinertsen