

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 21-220**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF PENDING LITIGATION
BEFORE THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY ENTITLED
*TOWER HILL CONDOMINIUM ASSOCIATION v. RED BANK – DOCKET NO. MON-L-845-21***

WHEREAS, on March 10, 2021, Tower Hill Condominium Association, Inc. (the “Association”) filed a Complaint against the Borough of Red Bank (the “Borough”) in the Monmouth County Superior Court under Docket No. MON-L-845-21 (the “Action”), challenging \$146,698.08, plus interest and late fees accrued while under dispute, allegedly owed by the Association to the Borough for water and sewer utility services from July 2018 through March 2020; and

WHEREAS, on April 21, 2021, Defendant filed an Answer to Plaintiff’s Complaint, denying the allegations contained therein; and

WHEREAS, given the arguable and disputed nature of the Action, the parties have agreed to compromise and fully and finally settle the Action as to all parties and all issues; and

WHEREAS, pursuant to Chapter 695 of the Borough’s Revised General Ordinances, the amount billed to property owners’ sewer utility accounts is determined by the corresponding water consumption at said property, as reported by the Borough’s water utility; and

WHEREAS, in the Action, the Association demonstrated the existence of certain water leaks during the relevant time period at issue, causing some water to be lost into the ground and not enter the Borough’s sewer system; and

WHEREAS, as part of the parties’ Mutual Release and Settlement Agreement, attached hereto as Exhibit A, the Borough hereby approves a reduction in the principal balance of the Association’s water and sewer utility account in the amount of \$14,698.08; and

WHEREAS, as part of the parties’ Mutual Release and Settlement Agreement, attached hereto as Exhibit A, the Borough hereby agrees to waive all interest and penalties accrued on the Association’s water and sewer utility account since April 1, 2020 in the best interests of the Borough and in settlement of the Action; and

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Chapter 695 of the Borough’s Revised General Ordinances, the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey does hereby authorize the Borough CFO to reduce the principal balance of the Association’s Utility Account No. 1336000-0 in the amount of \$14,698.08; and

BE IT FURTHER RESOLVED, that all interest, late fees, and penalties that has accrued since April 1, 2020 on the Association’s Utility Account No. 1336000-0 shall be waived; and

BE IT FURTHER RESOLVED, that the Governing Body authorizes the full and final settlement of Tower Hill Condominium Association, Inc. v. Red Bank – Docket No. MON-L-845-21 in accordance with the terms of the parties’ Mutual Release and Settlement Agreement; and

BE IT FURTHER RESOLVED, that the Governing Body authorizes the Mayor and Borough Clerk to execute the Mutual Release and Settlement Agreement in full and final settlement of the Action; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the

Chief Financial Officer, Borough Administrator, Borough Clerk, and the Association’s Attorney of Record in the Action.

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

Dated: July 21, 2021

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on July 21, 2021.

Pamela Borghi

Pamela Borghi, Municipal Clerk