

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH**

RESOLUTION NO. 24-79

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH
RED BANK RIVERCENTER FOR CONSTRUCTING STREETSCAPE “PARKLET”
IMPROVEMENTS ON MONMOUTH STREET**

WHEREAS, The Special Improvement District Borough of Red Bank, Inc. d/b/a Red Bank RiverCenter (“RiverCenter”) has expressed its interest in improving the streetscape on Monmouth Street by constructing “parklet” features located within the right-of-way on the westerly side of Monmouth Street near its intersection with Broad Street (the “Project”); and

WHEREAS, the Borough of Red Bank (the “Borough”) finds that the Project would be beneficial to the Monmouth Street streetscape and complement the Borough’s separate and simultaneous project to improve the roadway and other streetscapes on Monmouth Street; and

WHEREAS, there exists a need for a Shared Services Agreement between the Borough and RiverCenter to set forth their respective obligations regarding the Project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank as follows:

1. The Borough is hereby authorized to enter into the Shared Services Agreement with RiverCenter, which is attached hereto as Exhibit A.
2. That a certified copy of this resolution shall be provided to the Borough Manager, Borough Engineer, Borough DPU Director, and RiverCenter.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Councilmember Bonatakis			x				
Councilmember Cassidy			x				
Councilmember Facey-Blackwood			x				
Councilmember Forest	x		x				
Councilmember Jannone		x	x				
Councilmember Triggiano			x				
Mayor Portman			x				
ON CONSENT AGENDA	Yes <u>x</u>		No <u> </u>				

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on March 14, 2024.

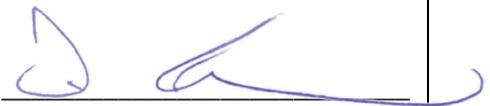

Laura Reinertsen, Borough Clerk

EXHIBIT A

SHARED SERVICES AGREEMENT BETWEEN
THE BOROUGH OF RED BANK AND
THE SPECIAL IMPROVEMENT DISTRICT BOROUGH OF RED BANK, INC.
D/B/A RED BANK RIVERCENTER
FOR CONSTRUCTING STREETSCAPE "PARKLET" IMPROVEMENTS
ON MONMOUTH STREET

THIS AGREEMENT is entered into this _____ day of _____, 2024

BETWEEN

THE BOROUGH OF RED BANK (hereinafter referred to as the "Borough")
a Municipal Corporation of the State of New Jersey
90 Monmouth Street
Red Bank, New Jersey 07701

AND

THE SPECIAL IMPROVEMENT DISTRICT BOROUGH OF RED BANK, INC.
D/B/A RED BANK RIVERCENTER (hereinafter referred to as "RiverCenter")
46 English Plaza – Suite 6B
Red Bank, New Jersey 07701

WHEREAS, there exists a need for this Shared Services Agreement (the "Agreement") between the Borough and RiverCenter (collectively referred to as the "Parties") in order to set forth the Parties' respective obligations regarding a construction project to improve the Borough's streetscape on Monmouth Street with "parklet" features located within the Borough's right-of-way on the northerly side of Monmouth Street near its intersection with Broad Street (the "Project"); and

WHEREAS, the Parties have met and discussed their respective obligations prior to the execution of this Agreement;

NOW, THEREFORE, IT IS HEREBY AGREED between the Borough and RiverCenter, in consideration of the terms set forth herein, as follows:

1. **Lead Agency**. RiverCenter shall be the lead entity in connection with this Agreement and shall be the contracting entity with respect to the construction of the Project.

2. **Term**. This Agreement shall remain in full force and effect until construction of the Project is completed and all performance and maintenance bond periods have expired.

3. Project Costs. RiverCenter has obtained a Cost Estimate for the Project in the amount of \$76,500.00, to be partially funded by a Main Street NJ grant award in the amount of \$30,000.00. RiverCenter shall be solely responsible for all costs and expenses associated with the Project, except that the Borough will waive or pay for: (A) any construction application or permit fees; (B) any engineering review and/or other fees charged by the Borough; and (C) the costs of any traffic modifications and police protection required during the construction of the Project.

4. Grant of Access to Borough Right-Of-Way. The Borough approves and authorizes the Project to be constructed by RiverCenter within the Borough's right-of-way along the northerly side of Monmouth Street near its intersection with Broad Street, as further detailed in the Project Plans provided by RiverCenter in connection with this Agreement.

5. Cooperation With Borough Project(s). RiverCenter acknowledges that the Borough is presently undertaking a public works improvements along Monmouth Street, including areas adjoining the proposed location of the Project. RiverCenter shall coordinate with the Borough Engineer and cooperate in the scheduling and planning of the Project so as not to interfere with the Borough's Monmouth Street improvements project, and so as to integrate the respective projects for the mutual benefit of RiverCenter and the Borough.

6. RiverCenter as General Agent. For purposes of this Agreement, the RiverCenter shall be the general agent of the Borough on whose behalf services are being performed under this Agreement, and RiverCenter has full powers of performance and maintenance of the services contracted for, and full powers to undertake any ancillary operation reasonably necessary or convenient to carry out its duties, obligations and responsibilities under this Agreement without further action of Borough.

7. Entire Agreement. This Agreement sets forth the entire understanding of the parties hereto with respect to its subject matter. This Agreement shall not be modified, in whole or in part, except by a writing signed by each of the Parties hereto.

8. Governing Law. This Agreement shall, in all respects, be governed by and construed under the laws, rules, and regulations of the State of New Jersey.

9. Severability. If any term or condition of this Agreement, or any application of this Agreement shall be determined to be contrary to the laws, rules and regulations of the State of New Jersey or of the United States, such term or condition or application shall be deemed to be invalid, but all other terms and conditions and applications shall continue in full force and effect. Each party shall maintain a copy of this Agreement on file at its offices, which shall be open to the public for inspection.

10. **Notices.** All notices and other communications hereunder shall be in writing and shall be deemed to have been given when delivered, three (3) days after mailed by First-Class Registered or Certified Mail, postage prepaid or one (1) business day after delivery via overnight carrier, e.g. FedEx, or by hand-delivery addressed to:

RiverCenter
ATTN: Executive Director
46 English Plaza – Suite 6B
Red Bank, New Jersey 07701

Borough of Red Bank
ATTN: Borough Clerk
90 Monmouth Street
Red Bank, New Jersey 07701

11. **Authority.** The execution and delivery of this Agreement has been authorized by the respective governing bodies of the Borough and RiverCenter.

IN WITNESS WHEREOF, The Parties have executed and accepted this Agreement as of the day and year first above written.

**SPECIAL IMPROVEMENT DISTRICT BOROUGH OF RED BANK, INC.
D/B/A RED BANK RIVERCENTER**

By: _____
Robert Zuckerman
Executive Director
Red Bank RiverCenter

WITNESS:

Printed Name: _____

BOROUGH OF RED BANK

By: _____
James Gant
Manager, Borough of Red Bank

ATTEST:

Laura Reinersen
Red Bank Borough Clerk