

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 12-168

**RESOLUTION AUTHORIZING AN AMENDMENT TO
THE PARTICIPATION AND CONTRIBUTION AGREEMENT BETWEEN
THE BOROUGH OF RED BANK AND
ST. JAMES CATHOLIC CHURCH (RED BANK CATHOLIC HIGH SCHOOL)
RELATED TO THE COUNT BASIE PARK ATHLETIC FIELDS**

Ms. Lewis offered the following resolution and moved its adoption:

WHEREAS, on July 16, 1985 the Borough of Red Bank and St. James Catholic Church (Red Bank Catholic High School)(hereinafter, "R.B.C.") entered into a Participation and Contribution Agreement, which in pertinent part, granted R.B.C. status as a participating user of the Count Basie Park athletic fields for a period of ten years in exchange for certain capital contributions related to the football field and public restroom facilities, as well as annual payments by R.B.C. to the Borough, and which specifically incorporated the terms and conditions of the aforementioned January 1, 1978 Lease between the Borough and the Board of Education; and

WHEREAS, on May 27, 1997, the Borough of Red Bank and R.B.C. amended the aforementioned Participation and Contribution Agreement, which in pertinent part, extended the term of the July 16, 1985 Agreement until December 31, 2012, in exchange for additional capital contributions related to the running track as well as continued annual payments by R.B.C. to the Borough; and

WHEREAS, on August 10, 2004, the Borough and R.B.C. amended the Participation and Contribution Agreement, which in pertinent part, extended the term of the agreement until December 31, 2020, in exchange for additional capital contributions to the running track as well as increased annual payments by R.B.C. to the Borough; and

WHEREAS, on December 8, 2010, the Borough and R.B.C. again amended the Participation and Contribution Agreement, which in pertinent part, extended the term of the agreement until December 31, 2025, in exchange for additional capital contributions to the replacement of the football field with a synthetic turf playing field, new track and field facilities and new fencing as well as increased annual payments by R.B.C. to the Borough; and

WHEREAS, R.B.C. and the Borough have agreed to cooperate in the completion of additional capital improvements to the Count Basie Park athletic fields, including replacement of the soccer field, Field 1 and Field 2 with a synthetic turf playing field, and new fencing, all to be installed and playable in early 2012.

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

1. The Mayor and the Borough Clerk are hereby authorized to execute the Amendment to the Participation and Contribution Agreement, on file with the Borough Clerk;
2. Said Agreement shall, in pertinent part, provide for the following:
 - a. R.B.C. Annual Payments to the Borough of Red Bank in the amount of Eighty Thousand Dollars (\$80,000.00) per year, for fifteen (15) years commencing in 2010 shall continue;
 - b. In addition to the aforementioned Annual Payments, R.B.C. shall continue to make the Additional Capital Contributions to the Borough of Red Bank in the

amount of Fifty Thousand Dollars (\$50,000.00) per year in 2010, 2011 and 2012; as set forth by prior agreement dated December 8th 2010;

- c. In addition to the aforementioned Annual Payments and Additional Capital Contributions as outlined in a. and b. above R.B.C. shall make additional Capital Contributions to the Borough of Red Bank in the amount of \$50,000 per year for ten years commencing in 2012 with the last payment to be made in 2021;
- d. The term of the current Participation and Contribution Agreement between the parties shall continue as extended by prior agreement from December 31, 2020 to December 31, 2025.

Seconded by Mr. Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: August 8, 2012