

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-287**

**RESOLUTION AUTHORIZING AN AMENDED MUNICIPAL SERVICES AGREEMENT
WITH NAVESINK POINTE HOMEOWNERS ASSOCIATION, INC. PURSUANT
TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.2, ET SEQ.**

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, *et seq.* (the "Act") provides that a municipality is obligated to provide to qualified private communities the same or equivalent services as are provided to other taxpayers living upon public streets within the Borough, or to provide to qualified private communities reimbursement for the costs thereof according to law; and

WHEREAS, the Navesink Pointe Homeowners Association, Inc. ("Navesink Pointe") is located within the Borough, and is a "qualified private community" under the Act; and

WHEREAS, on June 12, 2001, the Borough and Navesink Pointe entered into a contract entitled "Agreement with Navesink Pointe Homeowners Association Regarding Municipal Services" addressing the Borough's compliance with the Act as to Navesink Pointe; and

WHEREAS, on September 25, 2001, the Borough and Navesink Pointe entered into another contract entitled "Re-Statement Agreement with Navesink Pointe Homeowners Association Regarding Municipal Services", wherein certain reimbursements pertaining to fire hydrant and street lighting services were re-negotiated, as authorized by the Act; and

WHEREAS, since September 25, 2001, the circumstances of the parties have changed, and certain provisions of their Re-Statement Agreement must be updated and addressed in accordance with the Act; and

WHEREAS, the Borough and Navesink Pointe have negotiated an "Amended Agreement with Navesink Pointe Homeowners Association Regarding Municipal Services", which is annexed hereto as Exhibit A, as a fair and equitable means of complying with the Act;

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

1. That the Borough is hereby authorized to enter into the Amended Agreement with Navesink Pointe Homeowners Association Regarding Municipal Services attached hereto as Exhibit A.
2. That the Mayor is authorized to execute and the Municipal Clerk to attest to the Amended Agreement.
3. That a certified copy of this resolution shall be provided to the Borough Administrator, Borough CFO, Borough DPU Director, and Navesink Pointe Homeowners Association, Inc.

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

Dated: December 11, 2019

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 December 11, 2019.

Pamela Borghi, Municipal Clerk

EXHIBIT A