

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 09-165**

**RESOLUTION AUTHORIZING WAIVER OF THE TIME LIMITS FOR CONSTRUCTION WORK
UNDER SECTION 3-9.12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF RED BANK WITH RESPECT TO THE CONSTRUCTION OF MARINE PARK BULKHEAD
REPAIRS AND PARK UPGRADES ALONG THE NAVESINK RIVER**

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

WHEREAS, the New Jersey Department of Environmental Protection awarded a contract to J. Fletcher Creamer, Inc. for the Construction of Marine Park Bulkhead Repairs and Park Upgrades along the Navesink River on behalf of the Borough of Red Bank; and

WHEREAS, the process for installation of timber piles and steel sheathing, in accordance with the bid specifications, requires specialized equipment and marine machinery for erecting said improvements; and

WHEREAS, the Section 3-9.12 of Revised General Ordinances of the Borough of Red Bank requires that, “No person shall engage in the erection, including excavation, or any building or structure other than that between the hours 7:30 a.m. or after 6:00 p.m...of any pile driver, steam shovel, pneumatic drill or hammer...the use of which is attended by loud noise.”; and

WHEREAS, Section 3-9.12 permits the time limits contained therein to be waived when reasonable to do so; and

WHEREAS, the time requirements of Section 3-9.12 would render the work contracted for difficult to perform; and

WHEREAS, the work will take place at Marine Park which is not within a residential area and would cause minimal disruption to residential dwellings; and

WHEREAS, the Borough Engineer has recommended that the time limits in Section 3-11.4 be waived with respect to the work contracted for in this instance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the time limits contained in Section 3-9.12 are hereby waived with respect to the above-described work specified in the contract awarded to J. Fletcher Creamer, Inc;

BE IT FURTHER RESOLVED that the waiver of Section 3-9.12's time limits shall only be applicable to the actual pipe lining process for which continuous operations are required and that, where possible, all ancillary and preparatory work or procedures shall be conducted in accordance with Section 3-9-12's time limits.

Seconded by Mr. DuPont 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: June 9, 2009