

1. Draft Agenda 01/13/2016

Documents:

[DRAFT AGENDA 01 13 2016 \(PDF\).PDF](#)

2. 16-15

Documents:

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8. 16-21

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11. 16-24

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**AGENDA  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 13, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**SUNSHINE STATEMENT**

**WORKSHOP**

- White Street Parking Lot—Planning Board Investigation
- Licensing RFP for docking Tour Boats/Water Cruises

**APPROVAL OF MINUTES –** December 16, 2015  
January 2, 2016

**MAYORAL APPOINTMENTS**

Blue Ribbon Committee to Review Charter School Application to BOE

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

**COMMUNICATIONS AND PETITIONS**

Request from Christopher O'Connor for membership to the Westside Hose Company of the Red Bank Volunteer Fire Department.

By Consent Agenda: Special Events Committee Requests all subject to final plan approval:

- Request from the Dublin House to erect a tent in their courtyard for St. Patrick's Day, Thursday, March 17, 2016.
- Request from the Dublin House to use a portion of the White Street Parking lot on Sunday, April 17, 2016 from 8am to 1pm for a ceremony to commemorate the 100<sup>th</sup> Anniversary of the Irish Rising of 1916.
- Request from George Sheehan Classic to hold annual 5K Run on Friday, June 17 and Saturday, June 18, 2016 and for the use of Marine Park and Broad Street.

Request from the Fire Department to hang a banner on Shrewsbury Avenue from August 15, 2016 to August 31, 2016 and on Broad Street from September 1, 2016 to September 12, 2016 to advertise their annual street fair.

**PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only**

**ORDINANCES – First Reading**

**ORDINANCES – Public Hearing and Final Adoption**

**RESOLUTIONS**

By Consent Agenda:

- 16-15 A Resolution Appointing Eugenia Poulos as Fund Commissioner and Eva Biviano as Alternate Fund Commissioner to Central Jersey Health Insurance Fund.
- 16-16 A Resolution Appointing Clifford Keen as Fund Commissioner and Eugenia Poulos as Alternate Fund Commissioner to Monmouth County Joint Insurance Fund.
- 16-17 A Resolution Appointing Part Time Library Assistants.
- 16-18 A Resolution Authorizing Tax Appeal Settlement Regarding Red Bank Crossing, LLC, 46 Newman Springs Road, Block 97.01, Lot 45, Red Bank, New Jersey.
- 16-19 A Resolution Authorizing Change Order No. 6 and Final Related to the Contract with Black Rock Enterprises, LLC for the 2014 Road Improvement Program.
- 16-20 A Resolution of the Borough of Red Bank, County of Monmouth, State of New Jersey, Authorizing the Release of a Site Improvement Performance Guarantee Posted by Red Bank Pharmacy, Inc., and KJD Realty, LLC, for 141-143 Broad Street, Block 59, Lot 2, Upon the Posting of a Two-Year Maintenance Bond.
- 16-21 A Resolution of the Borough of Red Bank, County of Monmouth, State of New Jersey, Authorizing the Release of a Site Improvement Performance Guarantee Posted by Ziek Realty Holding, LLC for 179 Maple Avenue, Block 102, Lot 5.
- 16-22 A Resolution of the Borough of Red Bank, County of Monmouth, State of New Jersey, Authorizing the Release of a Site Improvement Performance Guarantee Posted by Lunch

Break, Inc., for 113 & 115 Drs. James Parker Boulevard, Block 96, Lots 1.01, 2.01 and 2.02 upon the Posting of a Two-Year Maintenance Bond.

- 16-23 A Resolution Authorizing the Borough Administrator to Act as Authorized Representative Regarding NJEIFP Loan No. 1340001-001-09 for Water Plant Improvements.
- 16-24 A Resolution Authorizing and Directing the Planning Board to Undertake an Investigation to Determine whether the Delineated Area of Block 31, Lot. 2.01 (White Street Parking Lot) Satisfies the Criteria for Designation as a Non-Condemnation Redevelopment Area.

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

15-xx A Resolution for Payment of Bills Amounting to \$ 908,212.33 (12/17/2015-12/31/2015)

15-xx A Resolution for Payment of Bills Amounting to \$ 3,314,883.64 (1/1/2016-1/13/2016)

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

**EXECUTIVE SESSION**

**ADJOURNMENT**

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 16-15**

**A RESOLUTION APPOINTING EUGENIA POULOS AS FUND COMMISSIONER AND  
EVA BIVIANO AS ALTERNATE FUND COMMISSIONER TO  
CENTRAL JERSEY HEALTH INSURANCE FUND**

offered the following resolution and moved its adoption:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that Eugenia Poulos is appointed as Fund Commissioner and Eva Biviano is hereby appointed as Alternate Fund Commissioner to Central Jersey Health Insurance Fund.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 16-16**

**A RESOLUTION APPOINTING CLIFFORD KEEN AS FUND COMMISSIONER AND  
EUGENIA POULOS AS ALTERNATE FUND COMMISSIONER TO  
MONMOUTH COUNTY JOINT INSURANCE FUND**

offered the following resolution and moved its adoption:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that Clifford Keen is appointed as Fund Commissioner and Eugenia Poulos is hereby appointed as Alternate Fund Commissioner to Monmouth County Joint Insurance Fund.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 16-17**

**A RESOLUTION APPOINTING PART TIME LIBRARY ASSISTANTS**

offered the following resolution and moved its adoption:

**WHEREAS**, the Governing Body of the Borough of Red Bank is in agreement with the recommendation of Administrator to appoint two part time Library Assistants.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that Sarah Baker and Katey O'Connell be and are hereby appointed to the position of Part Time Library Assistant effective January 18, 2015 for 20 hours per week each at a rate of pay of \$14.56 per hour.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to Sarah Baker, Katey O'Connell, the Director of the Library and the Personnel Manager.

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

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 16-18**

**RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING  
RED BANK CROSSING, LLC, 46 NEWMAN SPRINGS ROAD,  
BLOCK 97.01, LOT 45 RED BANK, NEW JERSEY**

offered the following resolution and moved its adoption:

**WHEREAS**, the plaintiff, Red Bank Crossing, LLC, appealed to the Tax Court of the State of New Jersey under Docket Nos. 014436-2013, 000102-2014 and 000051-2015 pertaining to tax assessments for the 2013, 2014 and 2015 tax years on property designated on the municipal tax records as Block 97, Lot 45, and with an address of 46 Newman Springs Road, Red Bank, New Jersey; and

**WHEREAS**, the Assessor and the Attorney have advised the Governing Body that they, along with the Borough's valuation expert, have carefully considered the appeal and upon reviewing all the facts and based upon appropriate adjustments of fair market value that they recommend settlement providing for the settlement of the aforementioned appeals as follows:

	<u>Original</u> <u>Assessment</u>	<u>County Board</u> <u>Judgment</u>	<u>Requested Tax Court</u> <u>Judgment</u>
<b><u>Tax Year 2013</u></b>			
Land	\$1,216,300	\$1,216,300	\$1,216,300
Improvements	<u>\$2,374,800</u>	<u>\$2,374,800</u>	<u>\$2,374,800</u>
Total	\$3,591,100	\$3,591,100	\$3,591,100
<b><u>Tax Year 2014</u></b>			
Land	\$1,216,300	n/a- Direct Appeal	\$825,200
Improvements	<u>\$2,374,800</u>	"	<u>\$2,374,800</u>
Total	\$3,591,100	"	\$3,200,000
<b><u>Tax Year 2015</u></b>			
Land	\$825,200	n/a- Direct Appeal	\$612,700
Improvements	<u>\$2,374,800</u>	"	<u>\$2,137,300</u>
	\$3,200,000	"	\$2,750,000

**WHEREAS**, the aforementioned reduction in assessments for Block 97, Lot 45, will result in refunds and/or credits to the property owner as follows: **\$7,481.74 for 2014 and \$9,799.06 for 2015, for a total refund/credit of \$17,280.80.**

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that the recommended settlement of the above mentioned Tax Court appeal is hereby authorized and approved.

**BE IT FURTHER RESOLVED** that the attorney is authorized and directed to take appropriate steps to implement this resolution.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Tax Assessor, to the Tax Collector and to Red Bank Crossing, LLC, c/o Salvatore Alfieri, Esq., Cleary, Giacobbe, Alfieri, Jacobs, LLC, 5 Ravine Drive, Matawan, New Jersey 07747.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 16-19**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 6 AND FINAL RELATED TO THE CONTRACT WITH BLACK ROCK ENTERPRISES, LLC. FOR THE 2014 ROAD IMPROVEMENT PROGRAM**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough previously entered into a contract with Black Rock Enterprises, LLC for the 2014 Road Improvement Program; and

**WHEREAS**, the Borough Engineer has recommended approval of Change Order No. 6 and Final, dated January 4, 2016, to the aforementioned Project, in order to address actual field quantities needed for completion of the project; and

**WHEREAS**, these contract changes yield a total net cost decrease of \$123,514.65;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that Change Order No. 5 to the 2014 Road Improvement Program, dated November 19, 2015, is hereby approved with a supplementary price decrease of \$123,514.65; and

**BE IT FURTHER RESOLVED** that, to the extent applicable, this resolution is further contingent upon the Chief Financial Officer's Certification of Sufficient Funds as well as expiration of the twenty day estoppel period for any and all bonded funds for this project.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 16-20**

**RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF A SITE IMPROVEMENT  
PERFORMANCE GUARANTEE POSTED BY RED BANK PHARMACY, INC., AND  
KJD REALTY, LLC, FOR 141-143 BROAD STREET, BLOCK 59, LOT 2,  
UPON THE POSTING OF A TWO-YEAR MAINTENANCE BOND**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank required the posting of a performance guarantee for the installation of certain site improvements in regard to the approvals given for 141-143 Broad Street, Block 59, Lot 2, in the Borough of Red Bank; and

**WHEREAS**, the Borough Engineer has received a request from the developer for the release of the performance guarantee; and

**WHEREAS**, the Borough Engineer has inspected the site and has determined that all bonded site improvements have been completed in substantial compliance with the Board approvals; and

**WHEREAS**, the Borough Engineer has recommended the release of the performance guarantee posted by Red Bank Pharmacy, Inc., and KJD Realty, LLC, in the amount of \$24,480.00, consisting of Irrevocable Standby Letter of Credit No. NASB21011 in the amount of \$22,032.00 issued by Noah Bank dated November 20, 2013, and a cash bond in the amount of \$2,448.00 for the site improvements for 141-143 Broad Street, Block 59, Lot 2, in the Borough of Red Bank, upon the posting of a two-year maintenance bond for fifteen (15%) percent Cost of Improvements (paper bond) in the amount of \$3,060.00 or existing cash bond on file in the amount of \$2,448.00, and conditioned upon the payment of all outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as the posting of \$1,500.00 to the inspection escrow to cover current time charges for multiple site inspections, bond release processing and future inspection for maintenance bond release.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the performance guarantee posted by Red Bank Pharmacy, Inc., and KJD Realty, LLC, in the amount of \$24,480.00, consisting of Irrevocable Standby Letter of Credit No. NASB21011 in the amount of \$22,032.00 issued by Noah Bank dated November 20, 2013, and a cash bond in the amount of \$2,448.00 for the site improvements for 141-143 Broad Street, Block 59, Lot 2, in the Borough of Red Bank, upon the posting of a two-year maintenance bond for fifteen (15%) percent Cost of Improvements (paper bond) in the amount of \$3,060.00 or existing cash bond on file in the amount of \$2,448.00, and conditioned upon the payment of all outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as the posting of \$1,500.00 to the inspection escrow to cover current time charges for multiple site inspections, bond release processing and future inspection for maintenance bond release.

2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Engineer and the Applicants, Red Bank Pharmacy, Inc. and KJD Realty, LLC.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**CERTIFICATION**

I, **PAMELA HUGHES BORGHI**, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Red Bank at a meeting held on the 13th day of January **2016**.

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**PAMELA HUGHES BORGHI, RMC**  
Borough Clerk, Borough of Red Bank

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 16 – 21**

**RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF A  
SITE IMPROVEMENT PERFORMANCE GUARANTEE POSTED BY  
ZEIK REALTY HOLDING, LLC, FOR 179 MAPLE AVENUE, BLOCK 102, LOT 5**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank required the posting of a performance guarantee for the installation of certain site improvements in regard to the approvals given for 179 Maple Avenue, Block 102, Lot 5, in the Borough of Red Bank; and

**WHEREAS**, the Borough Engineer has received a request from the developer for the release of the performance guarantee; and

**WHEREAS**, the Borough Engineer has inspected the site and has determined that all bonded site improvements have been completed in substantial compliance with the Board approvals; and

**WHEREAS**, the Borough Engineer has recommended the release of the performance guarantee posted by Zeik Realty Holding, LLC, in the amount of \$4,780.00, consisting of Bond No. B1108472 in the amount of \$4,302.00 issued by Selective Insurance Company of America dated November 17, 2011, and a cash bond in the amount of \$478.00 for the site improvements for 179 Maple Avenue, Block 102, Lot 5, in the Borough of Red Bank, and that no Maintenance Guarantee be required, given the amount of time since the Performance Bond was posted and due to the small amount of the Maintenance Guarantee.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the performance guarantee posted by Zeik Realty Holding, LLC, in the amount of \$4,780.00, consisting of Bond No. B1108472 in the amount of \$4,302.00 issued by Selective Insurance Company of America dated November 17, 2011, and a cash bond in the amount of \$478.00 for the site improvements for 179 Maple Avenue, Block 102, Lot 5, in the Borough of Red Bank, and that no Maintenance Guarantee be required, given the amount of time since the Performance Bond was posted and due to the small amount of the Maintenance Guarantee.

2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Engineer and the Applicant, Zeik Realty Holdings, LLC.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 16-22**

**RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF A SITE IMPROVEMENT  
PERFORMANCE GUARANTEE POSTED BY LUNCH BREAK, INC.,  
FOR 113 & 115 DR. JAMES PARKER BOULEVARD, BLOCK 96, LOTS 1.01, 2.01 & 2.02,  
UPON THE POSTING OF A TWO-YEAR MAINTENANCE BOND**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank required the posting of a performance guarantee for the installation of certain site improvements in regard to the approvals given for 113 & 115 Drs. James Parker Boulevard, Block 96, Lots 1.01, 2.01 & 2.02, in the Borough of Red Bank; and

**WHEREAS**, the Borough Engineer has received a request from the developer for the release of the performance guarantee; and

**WHEREAS**, the Borough Engineer has inspected the site and has determined that all bonded site improvements have been completed in substantial compliance with the Board approvals; and

**WHEREAS**, the Borough Engineer has recommended the release of the performance guarantee posted by Lunch Break, Inc., in the amount of \$65,250.00, consisting of Irrevocable Standby Letter of Credit No. 143 in the amount of \$58,725.00 issued by Two River Community Bank dated March 19, 2014, and a cash bond in the amount of \$6,525.00 for the site improvements for 113 & 115 Drs. James Parker Boulevard, Block 96, Lots 1.01, 2.01 & 2.02, in the Borough of Red Bank, upon the posting of a two-year maintenance bond for fifteen (15%) percent Cost of Improvements (paper bond) in the amount of \$9,787.50 or existing cash bond on file in the amount of \$6,525.00, and conditioned upon the payment of all outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as the reimbursement of any outstanding construction inspection fees prior to the release of any performance guarantees.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the performance guarantee posted by Lunch Break, Inc., in the amount of \$65,250.00, consisting of Irrevocable Standby Letter of Credit No. 143 in the amount of \$58,725.00 issued by Two River Community Bank dated March 19, 2014, and a cash bond in the amount of \$6,525.00 for the site improvements for 113 & 115 Drs. James Parker Boulevard, Block 96, Lots 1.01, 2.01 & 2.02, in the Borough of Red Bank, upon the posting of a two-year maintenance bond for fifteen (15%) percent Cost of Improvements (paper bond) in the amount of \$9,787.50 or existing cash bond on file in the amount of \$6,525.00, and conditioned upon the payment of all outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as the reimbursement of any outstanding construction inspection fees prior to the release of any performance guarantees.

2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Engineer and the Applicant, Lunch Break, Inc.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 16-23**

**A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ACT AS  
AUTHORIZED REPRESENTATIVE REGARDING NJEIFP LOAN NO. 1340001-001-09  
FOR WATER PLANT IMPROVEMENTS**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank intends to file a loan application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Borough's Water Plant Improvements at Chestnut Street and Tower Hill:

The proposed project includes construction of a new emergency backup well for their existing well no. 6 at the Chestnut Street Water Treatment Plant, as mandated by NJDEP in the Memorandum Agreement issued October 2015. Other proposed improvements at the Chestnut Street Water Treatment Plant include painting and coating of the existing welded steel in the clarifier, cleaning and repair of the aerator and piping leading to the aerator unit, and replacement of the existing SCADA system at both the Chestnut Street and Tower Hill Water Treatment Plant facilities.

**NOW, THEREFORE BE IT RESOLVED**, that Stanley Sickels, Borough Administrator, be authorized to act as the Authorized Representative to represent the Borough of Red Bank in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

Borough of Red Bank  
90 Monmouth Street  
Red Bank, NJ 07701  
(732) 530-2748

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 16-24**

**RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING  
BOARD TO UNDERTAKE AN INVESTIGATION  
TO DETERMINE WHETHER THE DELINEATED AREA  
OF BLOCK 31, LOT 2.01 (WHITE STREET PARKING LOT)  
SATISFIES THE CRITERIA FOR DESIGNATION AS A NON-  
CONDEMNATION REDEVELOPMENT AREA**

offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank's ("the Borough")'s Redevelopment Engineer, CME Associates, produced a Scoping Report for White Street Parking Improvements recommending that the Borough commence the redevelopment process and potentially enter into a public-private partnership that could cover the costs associated with the development of a parking garage while generating additional revenue for the Borough; and

**WHEREAS**, as the Borough's designated Redevelopment Engineer appointed during the Borough's reorganization meeting, CME Associates is prepared to proceed with further analysis; and

**WHEREAS**, N.J.S.A. 40A:12A-1, et seq., the Local Redevelopment and Housing Law ("LRHL"), sets forth the criteria for a determination of whether a delineated area may be designated as an area in need of redevelopment; and

**WHEREAS**, N.J.S.A. 40A:12A-6 authorizes the Borough to adopt a resolution directing its Planning Board to conduct a preliminary investigation to determine whether a delineated area is an area in need of redevelopment ("Redevelopment Area") according to the criteria set forth under N.J.S.A. 40A:12A-5; and

**WHEREAS**, pursuant to P.L. 2013, c. 159, the LRHL was amended to provide for Redevelopment Areas to be delineated as Non-Condemnation Redevelopment Areas where the use of eminent domain is not to be authorized by the municipality, nor is such a process necessary in this instance as the entirety of Block 31, Lot 2.01 is owned by the Borough; and

**WHEREAS**, the Borough's governing body desires to authorize its planning consultant, Maser Consulting ("Maser"), to assist the Planning Board in its preliminary investigation of Block 31, Lot 2.01 (White Street Parking Lot) to help guide its determination whether the delineated area is qualified as a Non-Condemnation Redevelopment Area in need of redevelopment pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and 40A:12A-3.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Red Bank in the County of Monmouth, State of New Jersey, as follows:

1. The Planning Board is hereby authorized and requested to undertake a preliminary investigation of Block 31, Lot 2.01 (White Street Parking Lot) to determine whether the delineated area of investigation constitutes an "area in need of redevelopment" for non-condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and 40A:12A-3.

2. Maser is hereby authorized to assist the Planning Board in its preliminary investigation of the delineated area of investigation, and to begin preparation of a Redevelopment Plan in the event the Planning Board recommends that all or some of the delineated area of investigation constitutes an “area in need of redevelopment.”
3. The Borough Administrator, Maser, and Borough Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the investigation of the delineated area of investigation, and are hereby authorized and directed to take such actions, including but not limited to, the negotiation of any and all documents necessary to undertake the investigation as being hereby ratified and confirmed.
4. This Resolution shall become effective immediately upon adoption.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )
Councilwoman Schwabenbauer	( )	( )	( )	( )
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )

Dated: January 13, 2016