

**MUNICIPAL COUNCIL MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
APRIL 26, 2023 ♦ 6:30 PM**

**SUNSHINE STATEMENT**

Mayor Portman requested the minutes reflect that this meeting is in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on December 24, 2022.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Portman, Council Members: Jackson, Mirandi (virtual), Triggiano, Sturdivant, Ballard, and Zipprich (6:34PM)

ABSENT: Councilmembers:

ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Reinertsen, DPU Consultant Watson, Borough Attorney Antonelli and Jack Burke

**PROCLAMATIONS, ANNOUNCEMENTS, APPOINTMENTS**

- Presentation of Volunteer Appreciation (*Parks and Recreation*): Enrico Ciabattoni & Eric Harris  
Councilmember Jackson summarized the accomplishments and commitment of recipients and presented them with plaques of recognition for their steadfast volunteerism.

***Enrico Ciabattoni***

- *He brought countless programs to the community, such as the Future Bucs program, Santa Calls, Holiday-Decorating Contest, Future Bucs Soccer and basketball Camps*
- *Recreation Soccer coach Red Bank Replay*
- *Free Sports equipment for RB Kids Count Basie Cup – RBMS vs RBCS Soccer Match.*
- *Shuttle bus to get our athletes to their practices/games.*

***Eric Harris –***

- *Eric has been assisting the Recreation department as a volunteer for years.*
- *Last year, Eric took the lead on our Buddyball Program, a program is designed for children with special needs or autism.*
- *We're thankful to have him in Red Bank*

Director Salinas added his heartfelt appreciation for all they do and the example they set.

- Volunteer Month
- Building Safety Month – Construction Official Neibert accepted the proclamation. He expressed his appreciation for the recognition and wanted to express his appreciation to the administrative staff for keeping them organized and on track.
- Firefighter Week – Chief Hartman, Deputy Chief Woods, Dep. Chief Holiday and Councilmember Triggiano.... Accepted the proclamation
- Apraxia Awareness - Apraxia Awareness Day is a day to raise awareness of apraxia of speech. Apraxia of speech is a speech sound disorder that makes it harder to speak. This disorder can make saying the right sounds and words quite difficult. Some children with apraxia of speech will need speech therapy.
- Denim Day - Denim Day is the internationally designated day in which employees are encouraged to wear jeans to work in order to raise awareness concerning sexual violence. Borough employees raised \$100 for 180 Turning Lives Around and support 180's mission to provide programs and services to individuals experiencing domestic and sexual violence in Monmouth County.
- Library Appreciation Week – Eleni Glykis, Library Director & Candyce Valor, Deputy Director, accepted the proclamation.

Mayor Portman asked for a moment of silence in honor of the passing of Josh Bruce, a young man who took his own life. He further stressed the importance of mental health and the vital programs such as the Source.

In light of the RB Housing Authority having attended the last meeting on ordinance 2023-17 and it being tabled; the ordinance and resolution 23-113 were taken out of order as a courtesy.

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2023-17 BOND ORDINANCE OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO PROVIDE FUNDING FOR IMPROVEMENTS AND OR REHABILITATION OF RED BANK HOUSING AUTHORITY UNITS M/E

Councilmember Zipprich motioned to open the floor to the public on this ordinance only; Councilmember Ballard seconded the motion.

There being no discussion, Councilmember Ballard motioned to close the floor to the public on this ordinance only; Councilmember Zipprich seconded the motion.

Councilmember Ballard motioned to approve ordinance 2023-17 for adoption; Councilmember Zipprich seconded the motion. Roll call vote, unanimous, affirmative.

**ORDINANCE NO. 2023-17**

**BOND ORDINANCE PROVIDING FOR PRELIMINARY EXPENSES RELATED TO REDEVELOPMENT BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the sum of \$350,000, which sum includes a down payment in the amount of \$17,500 for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$350,000 appropriation not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$332,500 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$332,500 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said obligations are to be issued are for preliminary expenses incurred in connection with the evaluation of buildings and properties available for redevelopment within the Borough, including, but not limited to, activities that shall aid the Red Bank Housing Authority in identifying and assessing potential infrastructure projects, and the renovation and reconstruction of existing infrastructures.

The improvements and purposes set forth in Section 3 shall also include, as applicable, all work, materials, equipment, engineering, design, consulting work, preparation of plans and specifications, permits, bid documents, conducting and preparation of reports and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

a. The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$332,500.

b. The estimated cost of said improvements and purposes is \$350,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said purposes in the amount of \$17,500.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so

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issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant-in-aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$332,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An amount not exceeding \$350,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$332,500.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all tax-exempt bonds and notes issued under this ordinance.

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**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication after the notice of final adoption of this bond ordinance, as provided by the Local Bond Law.

Councilmember Triggiano motioned to approve resolution 23-113, Councilmember Zipprich seconded the motion. Roll call vote, unanimous, affirmative.

**RESOLUTION NO. 23-113**

WHEREAS, the Borough desires to further its Fair Share Affordable Housing obligations by supporting the Red Bank Housing Authority's (RBHA) goal of rehabilitating its properties known as Evergreen Terrace and Montgomery Terrace, and its intention to explore conversion of these housing sites to appropriate Housing Choice Voucher ("HCV") program(s) or other appropriate rent subsidy program(s), as determined by the RBHA's pre-development needs assessments ("Pre-Development Project"), as set forth in the Grant Plan attached to the Grant Agreement as Exhibit A; and

WHEREAS, the Borough will provide assistance to the RBHA in the form of a municipal grant of \$350,000.00, in accordance with the attached Grant Agreement; and

WHEREAS, it is in the best interest of the Borough and RBHA to enter into such an agreement.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, that the Mayor and Borough Clerk to execute the Grant Agreement between the Borough of Red Bank and the Red Bank Housing Authority; a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

Councilmember Ballard thanked the Council for their support and Dir. Lisa Richardson for efforts this past year.

RBHA Dir. Richardson thanked the governing body for their commitment to affordable housing in Red Bank.

**PRESENTATIONS** None presented.

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Councilmember Triggiano motioned to open the floor to the public; Councilmember Jackson seconded the motion; all in favor.

Linda Hill 64 McLaren – Regarding cannabis... According to US Customs language noncitizens are at risk for removal/deportation from the country if they utilize cannabis. Even though noncitizens can't vote they should be represented. 10% of the borough is comprised of noncitizens. Provided information as cited US Customs and Immigration.

Phil Blackwood 34 Chestnut St. - Cited a few comments from the CREAMM Act (cannabis), pointing out the impact on the borough and citizens. Expressed the social-economic, tax revenue and policing prompts that led the State to authorizing the legalization of cannabis. Noted the resolution authorizing cannabis in the borough. Opined that the borough approved and should not now attempt to prevent businesses.

Mayor Portman stated that the Council passed an ordinance setting limits on dispensaries, we are specifically talking right now about where and distances.

Councilmember Zipprich noted that the Planning Board has not provided their review of ordinance 2023-13 to the Council and motioned to table; Councilmember Triggiano seconded the motion. Roll call vote, unanimous affirmative.

- 2023-13 AN ORDINANCE AMENDING CHAPTER 490 ENTITLED "PLANNING AND DEVELOPMENT REGULATIONS" OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES

Councilmember Triggiano noted that the Planning Board unanimously rejected the proposed ordinance because it did not comply with the Master Plan.

Atty. Antonelli affirmed that the Planning Board has 35 days to review and report back to the Council. If they do not respond in 35 days, the Council can move forward.

Rose Sesitito 222 E Bergen as the Chair of the Parks and Rec Committee, on behalf of the committee, commended the exemplary service Enrico Ciabattoni & Eric Harris provide the community.

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William Poku 90 Bank St. – Wanted to discuss two issues asked the Council to remove themselves from the ADP in relation to the municipal budget. Balancing the budget on the backs of the poor people, rich people know how to avoid taxes. Recited a case from years ago related to the Freeze Act. If anyone needs assistance. Whoever is going to be governing this community needs to figure out how to do more with less. Would like a community wide debate to discuss this. Wants Hogan and Portman to agree to a date.

Stephen Hecht 135 Branch Ave – Inquired about resolution 23-118. Which intersections were added. Was it included in the original study. 23-122 is this the same monthly fee from last year? Was the fire department’s budget request addressed?

BA is uncertain of the exact locations of the intersections off the top of his head but the engineer came back and advised adding the additional intersections. These were not included in the original traffic study. The request was addressed in tonight’s budget introduction.

Mayor Portman noted the fees are not the same, this is a reduction from last year’s street eateries fees.

Bob Zuckerman, Exec. Director River Center – 23-122 this resolution is based on a proposal from the River Center based on discussions with the business owners and what they felt they could pay to make it viable. Wanted to put on the record that the street eateries are a benefit to the community, they bring life, excitement and revenue. Does not know how many will participate if the fees are raised.

Councilmember Zipprich noted that the council feels the street eateries are important.

Barbara Boas 135 Branch Ave. Would like to see highly funded resolutions be off consent to get a full vote. Seems that they should be voted on separately. Disappointed that the council still cannot seem to support the street eateries.

Suzanne Viscomi 25 Cedar St – Budget presentation May 2<sup>nd</sup> or 4<sup>th</sup>. Is there going to be any action on the DPU report with this proposed budget.

Councilmember Mirandi noted items in the report are being prioritized, some items are being done this year and some will have to wait until the 2024 budget. Councilmember Zipprich added that some items were being addressed this year.

Stuart Jensen Little Silver – Regarding ordinance 2023-18, lead pipe replacements, sked for confirmation of locations. Thank you for supporting the Fire Department.

BA McConnell divulged the property inventory is on the website.

Barbara Monahan 30 Pickney Road – Commented on a public comment made regarding undocumented residents. Wanted to comment on cannabis.

Mayor Portman noted this forum was for agenda items only, there cannot be talk on a comment made and the cannabis ordinance has been tabled.

Jeffery King Eatontown – Thank you for tabling the cannabis ordinance. Expressed his appreciation for th moment of silence.

Councilmember Zipprich motioned to close the floor for public comment on agenda items; Councilmember Triggiano seconded the motion.

### **APPROVAL OF MINUTES AND REPORTS**

- **Regular 02/08/2023** - Motioned by Councilmember Jackson, seconded by Councilmember Ballard. Roll call vote, unanimous, affirmative.
- **Regular 4/12/2023** - Motioned by Councilmember Jackson, seconded by Councilmember Ballard. Roll call vote, unanimous, affirmative. Ja/M

### **ORDINANCES**

- Introduction
  - 2023-18 AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2023-06 HERETOFORE FINALLY ADOPTED ON FEBRUARY 22, 2023, BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; TO INCREASE THE APPROPRIATION THEREIN TO \$3,840,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$3,840,000 AND TO INCREASE COSTS PROVIDED IN N.J.S.A. 40A:2-20 THEREIN”

Councilmember Zipprich motioned to approve ordinance 2023-18 on introduction; Councilmember Jackson seconded the motion. Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich

- Public Hearing Adoption

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- 2023-12 ORDINANCE OF THE BOROUGH OF RED, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH TO AMEND CHAPTER 490: “PLANNING AND DEVELOPMENT REGULATIONS” TO PERMIT AND REGULATE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES AND TO CREATE NEW CHAPTER 490: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT AND MAKE-READY PARKING SPACE

Councilmember Zipprich motioned to open the floor to public comment on ordinance 2023-12; Councilmember Triggiano seconded the motion.

Councilmember Jackson motioned to close the floor to public comment on ordinance 2023-12; Councilmember Triggiano seconded the motion.

Councilmember Zipprich motioned to approve ordinance 2023-12 for adoption; Councilmember Jackson seconded the motion. Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich

**ORDINANCE NO. 2023-12**

**ORDINANCE OF THE BOROUGH OF RED, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH TO AMEND CHAPTER 490: “PLANNING AND DEVELOPMENT REGULATIONS” TO PERMIT AND REGULATE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES AND TO CREATE NEW CHAPTER 490: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT AND MAKE-READY PARKING SPACE**

WHEREAS, this Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Borough of Red Bank of Monmouth County.

WHEREAS, supporting the transition to electric vehicles contributes to Borough of Red Bank's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Red Bank encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of the Borough of Red Bank adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with various of the Master Plan as well as the land use, circulation, sustainability, infrastructure and resiliency elements of the Master Plan; and

WHEREAS, the Borough of Red Bank encourages greater ownership and use of electric vehicles, thus the Borough of Red Bank is amending the Chapter 490: Planning and Development Regulation to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

SECTION 1: Section 490-6 entitled “Definitions” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby supplemented with the following *new* definitions as follows:

**ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT OR (EVSE)**

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with “electric vehicle charging station.

**MAKE-READY PARKING SPACE**

The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components

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necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

SECTION 2. The Revised General Ordinances of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article VIII, entitled “Design Standards and Improvement Specifications”, is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§490-96. Q. ~~Electric vehicle supply equipment.~~ Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces

~~(1) Electric vehicle supply equipment (EVSE), commonly referred to as electric vehicle charging stations (EVCS), shall be permitted accessory uses in all zones and for all uses, except one- and two-family dwellings.~~

~~(2) Any new parking lot with greater than 20 parking spaces shall provide EVCS's at a minimum rate of one EVCS for every 20 parking spaces.~~

~~(3) EVCS's shall be designed to current industry standards and adequately lit.~~

(1) Purpose. The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

- a) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
- b) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
- c) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
- d) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

(2) Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

- a) Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- b) Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
- c) Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with “electric vehicle charging station.”

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Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al)

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

**(3) Approvals and Permits**

- a) An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
- b) EVSE and Make-Ready Parking Spaces installed pursuant to Section (4) below in development applications that are subject to site plan approval are considered a permitted accessory use as described in a) above.
- c) All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- d) The administrative official shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Borough of Red Bank’s land use regulations.
- e) An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  1. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  2. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  3. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- f) An application pursuant to Section e) above shall be deemed complete if:
  1. the application, including the permit fee and all necessary documentation, is determined to be complete,
  2. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  3. a one-time written correction notice is not issued by the administrative official within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- g) EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

**(4) Requirements for New Installation of EVSE and Make-Ready Parking Spaces**



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- a) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
1. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  2. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  3. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  4. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  5. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- b) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in a) above shall:
1. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  2. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  3. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
  4. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
  5. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
  6. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
  7. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
  8. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

(5) Minimum Parking Requirements

- a) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to §490-98.O.
- b) A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- c) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- d) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section (4) above may be encouraged, but shall not be required in development projects.

(6) Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

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- a) Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
- b) Installation:
1. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
  2. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
  3. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  4. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- c) EVSE Parking:
1. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
  2. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
  3. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with Section e) below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
  4. Private Parking. The use of EVSE shall be monitored by the property owner or designee.
- d) Safety
1. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section e) below.
  2. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Borough of Red Bank's ordinances and regulations.
  3. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
  4. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in 5. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
  5. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance

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above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

6. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
7. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Borough of Red Bank shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

e) Signs

1. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
2. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
3. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with 2. above.
4. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - i. Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - ii. Usage fees and parking fees, if applicable; and
  - iii. Contact information (telephone number) for reporting when the equipment is not operating or other problems.

f) Usage Fees

1. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be \$4.00 for each hour that the electric vehicle is connected to the EVSE.
2. This fee may be amended by a resolution adopted by the governing body.
3. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECTION 3: If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4: All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect after final passage and publication as provided by law.

- 2023-16 BOND ORDINANCE OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO PROVIDE FUNDING FOR THE SOUTH STREET ROADWAY IMPROVEMENTS PROJECT

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Councilmember Sturdivant motioned to open the floor to public comment on ordinance 2023-16; Councilmember Ballard seconded the motion.

Councilmember Triggiano motioned to close the floor to public comment on ordinance 2023-16; Councilmember Jackson seconded the motion.

Councilmember Zipprich motioned to approve ordinance 2023-16 for adoption; Councilmember Triggiano seconded the motion. Roll call: Ayes – Jackson, Mirandi, Sturdivant, Triggiano, Ballard, Zipprich

**ORDINANCE NO. 2023-16**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO SOUTH STREET, IN AND FOR THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUDING A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$931,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,200,000, which sum includes a \$220,000 grant expected to be received from the State of New Jersey Department of Transportation (the "Grant"), and \$49,000 as the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet part of the \$1,200,000 appropriation not provided for by said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$931,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$931,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** a. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued include, but are not limited to the repaving, repair and reconstruction of South Street and its adjoining street curbs and sidewalk aprons, and all other related improvements including, but not limited to, as applicable, all engineering and design work related thereto, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

b. The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$931,000.

c. The estimated cost of said improvements and purposes is \$1,200,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor, are the Grant in the amount of \$220,000 available for the purpose stated in Section 3(a) herein, and the down payment in the amount of \$49,000 available for such improvements and purposes.

**SECTION 4.** Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. Except for the Grant, in the event, however, that any amount so loaned, contributed or granted

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by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the principal of and interest on the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes or improvements within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$931,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$134,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2.

**SECTION 10.** The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication of the notice of final adoption of this bond ordinance, as provided by the Local Bond Law.

**RESOLUTIONS**

***INTRODUCTION OF THE 2023 MUNICIPAL BUDGET Resolution 23-109***

CFO Seaman summarized the budget and noted he will not be available for the May meeting. Would like Council to consider adopting May 31, 2023. Council agreed to reschedule the May 24<sup>th</sup> meeting to the 31<sup>st</sup>. The public presentation is going to be May 4<sup>th</sup>.

Councilmember Mirandi motioned approve resolution 23-109; Councilmember Jackson seconded the motion. Roll call vote unanimous affirmative. Public Hearing will be held May 31, 2023 at 6:30pm.

**RESOLUTION NO. 23-109  
RESOLUTION TO INTRODUCE THE 2023 MUNICIPAL BUDGET**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023:

General Appropriations for:	
Appropriations within "CAPS"	
Municipal Purposes	\$ 19,727,847.56
Appropriations excluded from "CAPS":	
Municipal Purposes	\$ 5,161,262.51
Reserve for Uncollected Taxes	<u>\$ 1,022,446.17</u>
Total General Appropriations	<b>\$ 25,911,556.24</b>
Less:	
Anticipated Revenues other than current property tax	\$ 10,387,365.83
Difference:	
Amount to be raised by Taxes for Support of Municipal Budget as follows:	
Local tax for Municipal Purposes including Reserve for Uncollected Taxes	\$ 14,574,278.24
Minimum Library Tax	\$ 949,912.17

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**BE IT ALSO RESOLVED**, that said Budget be published in the Asbury Park Press in the issue of **May 3, 2023**; and

**BE IT FURTHER RESOLVED**, that the Governing Body of the Borough of Red Bank does hereby approve the following as the Budget for the year 2023.

**BE IT FINALLY RESOLVED** that a Hearing on the Budget and Tax Resolution will be held at Red Bank Borough Hall on May 31, 2023 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

Councilmember Triggiano motioned to approve the consent agenda; Councilmember Zipprich seconded the motion. Roll call, unanimous, affirmative.

**CONSENT AGENDA**

- 23-110 Bills List
- 23-111 Appoint Police Representative to OEM Committee
- 23-112 Awarding Professional Services – DPW Mechanic Garage Assessment
- ~~23-113 Authorizing Municipal Grant to Red Bank Housing Authority~~ *Taken off consent and out of order*
- 23-114 Award East Side Park Improvements Contract
- 23-115 FY2024-2026 CDBG Participation Agreement with Monmouth County
- 23-116 Authorize Permit Fee Refund
- 23-117 Awarding Contract for Affordable Housing Program Rehabilitation Services
- 23-118 Authorize Traffic Circulation/On-Street Parking Study Scope Change for Inclusion of 4 Additional Intersections
- 23-119 Appointment of Department of Public Utilities Personnel
- ~~23-120 Authorize Senior Center Property Subdivision~~
- 23-121 Appoint Member the Red Bank Fire Department
- ~~23-122 Authorizing Street Eateries Fees~~

23-120 Borough Attorney noted that the resolution was not needed as the Council already approved the subdivision at the end of 2022. Councilmember Ballard moved to pull resolution 23-120 from the consent agenda, Councilmember Jackson seconded the motion.

Engineer Herrman summarized options of the subdivision of the property behind the senior center to dedicate to open space (ROSI). Legal opinion noted this should have to go through complete subdivision process. Lot size is non-conforming and would be added to the ROSI. The proper lot would be under 41,000 sq ft. Also proposed a 10’ wide access easement for future purposes should there be a need to access. If the Council can confirm the proposal, it can be presented to the planning board for review. Engineer shared the map to illustrate the subdivision proposal. The easement would allow access to the property in the event there is future unforeseen need.

Councilmember Zipprich noted that the fees on the resolution do not match the negotiations and motioned to table resolution 23-122 pending further information to be provided by River Center Director Zuckerman; Councilmember Mirandi seconded the motion. Roll call vote: Ayes – Jackson, Mirandi, Sturdivant, Ballard, Zipprich; Nays – Triggiano.

Councilmember Zipprich motioned to approve the subdivision proposal made by the engineer and forward to the Planning Board for review; Councilmember Sturdivant seconded the motion. Roll call, unanimous, affirmative.

**RESOLUTION NO. 23-110**

**RESOLUTION FOR PAYMENT OF BILLS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers:

Check Type	Count	Total
Manual Check	22	\$519,540.81
Meeting Check	116	\$1,092,157.35
<b>Total</b>	<b>138</b>	<b>\$1,611,698.16</b>

Checking Account	Count	Total
CAPITAL ACCOUNT	1	\$38,307.00
CURRENT -VALLEY	78	\$1,115,702.37
DEVELESCROW	1	\$728.08
DEVELESCROW2RIVER	3	\$10,717.01
GRANT FUND-VNB	14	\$29,682.15
MCIA LEASE	3	\$83,468.87
PAYROLL	2	\$1,818.90
PKING CAP 2RIVE	1	\$2,364.00

Checking Account	Check Type	Count	Total
CAPITAL ACCOUNT	Meeting Check	1	\$38,307.00

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CURRENT -VALLEY	Manual Check	8	\$428,006.36	PKINGOP2RIVER	10	\$62,619.65
CURRENT -VALLEY	Meeting Check	70	\$687,696.01	RECREATION-VNB	2	\$254.00
DEVELESCROW	Meeting Check	1	\$728.08	TRUST ACCOUNT	3	\$29,678.38
DEVESCROW2RIVER	Meeting Check	3	\$10,717.01	TTL REDEMPTION	1	\$5,871.99
GRANT FUND-VNB	Manual Check	3	\$12,123.59	TWO RIVERS	1	\$397.69
GRANT FUND-VNB	Meeting Check	11	\$17,558.56	WATER CAPITAL	2	\$38,351.41
MCIA LEASE	Meeting Check	3	\$83,468.87	WATER OPERATING	16	\$191,736.66
PAYROLL	Manual Check	2	\$1,818.90	Total	138	\$1,611,698.16
PKING CAP 2RIVE	Meeting Check	1	\$2,364.00			
PKINGOP2RIVER	Manual Check	3	\$16,434.68			
PKINGOP2RIVER	Meeting Check	7	\$46,184.97			
RECREATION-VNB	Meeting Check	2	\$254.00			
TRUST ACCOUNT	Manual Check	1	\$15,715.00			
TRUST ACCOUNT	Meeting Check	2	\$13,963.38			
TTL REDEMPTION	Meeting Check	1	\$5,871.99			
TWO RIVERS	Manual Check	1	\$397.69			
WATER CAPITAL	Meeting Check	2	\$38,351.41			
WATER OPERATING	Manual Check	4	\$45,044.59			
WATER OPERATING	Meeting Check	12	\$146,692.07			
Total	All Checking	13	\$1,611,698.1			
		8				6

**RESOLUTION NO. 23-111**

**CONFIRMING APPOINTMENT TO EMERGENCY MANAGEMENT COMMITTEE**

**WHEREAS** the OEM coordinator requests the confirmation of the Police Representative to the Emergency Management Committee.

**BE IT RESOLVED** that the following appointment is hereby confirmed as listed below and the following official is appointed for a term specified by Municipal Ordinance, unless otherwise specified or provided for by statute;

**RED BANK EMERGENCY MANAGEMENT COMMITTEE**

IT Representative

Patrolman Darren McConnell

**RESOLUTION NO. 23-112**

**AWARDING PROFESSIONAL SERVICES CONTRACT FOR THE PROFESSIONAL ENGINEERING AND DESIGN SERVICES FOR DPW MECHANIC GARAGE, 75 CHESTNUT STREET (BLOCK 75.02, LOT 170.01) STRUCTURAL ASSESSMENT AND RECOMMENDATIONS REPORT**

**WHEREAS**, the Borough Governing Body has identified a need for PROFESSIONAL ENGINEERING AND DESIGN SERVICES DPW Mechanic Garage, 75 Chestnut Street (Block 75.02, Lot 170.01) Structural Assessment and recommendations report; and,

**WHEREAS**, based on the size and scope of such undertaking, the professional services of the Borough Engineer are considered desirable by Borough management; and,

**WHEREAS**, the Mayor and Council (hereinafter, the “Governing Body” of the Borough concur with the sentiments and recommendation of the Borough management and wish to enlist the professional services of the Borough Engineer for the necessary services associated with the project here forward known as DPW Mechanic Garage, 75 Chestnut Street (Block 75.02, Lot 170.01) Structural Assessment and recommendations report.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that a Professional Services Contract for the professional engineering and construction managements services for the project: **DPW Mechanic Garage, 75 Chestnut Street (Block 75.02, Lot**



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**170.01) Structural Assessment and recommendations report** to T&M Associates for the sum not to exceed twelve thousand six hundred dollars (\$12,600.00); and,

**BE IT FURTHER RESOLVED** that this Resolution shall take effect upon certification on this Resolution by the Borough Chief Financial Officer that sufficient funds are available for stated purpose; and,

**BE IT FURTHER RESOLVED** that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution #23-02 of January \_4\_ 2023.

**RESOLUTION NO. 23-114**

**AWARDING CONTRACT FOR EAST SIDE PARK IMPROVEMENTS**

**WHEREAS,** the Borough of Red Bank advertised for bids for the **East Side Park Improvements – Phase III**; and

**WHEREAS,** four (4) sealed bids were received March 29, 2023 for the project; the 4 (four) apparent low bidders are as follows:

<u>Contractor</u>	<u>Location</u>	<u>Base Bid</u>
1) Precise Construction Inc.	Freehold, NJ	\$301,315.00
2) Shore Top Construction Corp.	Freehold, NJ	\$308,125.00
3) D'Avellino Construction Inc.	Freehold, NJ	\$371,028.00
4) V+K Construction Inc.	Edison, NJ	\$483,000.50

**WHEREAS,** pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of the Borough Engineer, Precise Construction Incorporated of Freehold, New Jersey has been determined to be the lowest responsible bidder,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that a contract is hereby awarded to Precise Construction Incorporated, in the base bid amount of \$301,315.00 for the East Side Park Improvements – Phase III, and that the Mayor and the Clerk of the Borough of Red Bank are authorized to execute and attest to an agreement with Precise Construction Inc., pursuant to bid specifications, and in a form approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED,** that the Borough Clerk shall publish a notice of this action in the official newspaper of the Borough within ten (10) days from the adoption of this Resolution; and

**BE IT FURTHER RESOLVED,** the account to be charged is T-12-56-850-871 in an amount not to exceed \$301,315.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference; and

**BE IT FURTHER RESOLVED** that the bid and bid securities of the second and third lowest bidders shall be retained and held open, pending execution of the awarded contract by **Precise Construction Inc., 1016 NJ-33 Building A, Freehold, NJ 07728** ; and

**BE IT FURTHER RESOLVED** that the Borough Clerk forward a certified true copy of this resolution to the Borough Administrator, Borough CFO, Borough Engineer, Precise Construction Inc. and to the unsuccessful bidders.

**RESOLUTION NO. 23-115**

**AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE FY2024-2026 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT**

**WHEREAS,** certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant program; and

**WHEREAS,** it is necessary to establish a legal basis for the County and its people to benefit from this program; and

**WHEREAS,** an Agreement has been proposed under which the Borough of Red Bank and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1: and

**WHEREAS,** it is in the best interest of the Borough of Red Bank to enter into such an agreement.

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Red Bank that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED THEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of the law;

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

**RESOLUTION NO. 23-116**

**Whereas**, the following property was issued a permit, and fees were received by the Code Department;

**Whereas**, a permit fee was not required;

**Now, Therefore, Be It Resolved**, that the Treasurer be and is hereby authorized to draw a warrant to refund the following to:

Amount of \$75.00 to be refunded to the owner:

Bethel R. E. Investments  
1126 Raritan Road  
Clark, NJ 07066

For Permit on 2/27/23

Receipt#847655

3-01-55-106-104

**RESOLUTION NO. 23-117**

**AWARDING CONTRACT FOR REHABILITATION HOUSING SERVICES FOR 15 WEST WESTSIDE AVENUE TO ENR REMODELING IN ORDER TO ADVANCE THE BOROUGH'S AFFORDABLE HOUSING REHABILITATION PROGRAM**

WHEREAS, the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough") has a need to retain the services of a qualified contractor for housing rehabilitation for 15 West Westside Avenue to advance the Borough's Affordable Housing Rehabilitation Program; and

WHEREAS, the Municipal Housing Liaison solicited quotes from three (3) contractors to perform the rehabilitation and scope of work for 15 West Westside Avenue as follows:

- 1) ENR Remodeling \$9,500.00,
- 2) Woodhaven Lumber & Millwork \$15,144.59,
- 3) Renewal by Anderson \$10,010.00; and

WHEREAS, because the value of the services will not exceed the bid threshold of \$17,500, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, the Borough is permitted to award a contract to the contractor "whose response is most advantageous, price and other factors considered"; and

WHEREAS, ENR Remodeling was selected by the property owner; and

WHEREAS, ENR Remodeling submitted the lowest monetary bid; and

WHEREAS, ENR Remodeling is located within the Borough of Red Bank; and

WHEREAS, after reviewing the quotes, in light of price and other factors considered, the Municipal Housing Liaison recommends awarding a contract for the affordable housing rehabilitation of 15 West Westside Avenue to ENR Remodeling; and

WHEREAS, the Borough of Red Bank will pay \$9,500.00 of the total contract amount; and

WHEREAS, the Borough CFO has certified that funds are available to the contract in account #18-09-800-000;

**NOW THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Red bank hereby awards a contract in the amount of \$9,500.00 to ENR Remodeling for the affordable housing rehabilitation of 15 West Westside Avenue; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be sent to the Chief Financial Officer, Municipal Housing Liaison, Red Bank Affordable Housing Corporation, and ENR Remodeling.

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**RESOLUTION NO. 23-118**

**AUTHORIZING SCOPE CHANGE TO THE TRAFFIC CIRCULATION AND ON-STREET  
PARKING STUDY SERVICES PROVIDED BY CME**

**WHEREAS**, the Borough of Red Bank, County of Monmouth, State of New Jersey (the “Borough”) required the services of a professional engineer to perform a traffic circulation and on-street parking study in the downtown area of the Borough (the “Project”); and

**WHEREAS**, CME Associates, was authorized by the Governing Body to perform professional engineering services as per Proposal No. 2018-211 in an amount not to exceed \$59,500.00; and

**WHEREAS**, four additional intersections have been added to the scope of work of the project in accordance with CME Proposal No. 2018-211;

**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. The Borough Engineer, CME Associates, is authorized by the Governing Body to perform additional professional engineering services for the inclusion of four additional intersections.
2. That the account to be charged is C-4-21-001-101 in an amount not to exceed \$14,000.00 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Borough Administrator, the Borough Parking Utility Director, the Borough DPU Director and the Borough Engineer.

**RESOLUTION NO. 23-119**

**RATIFYING AND CONFIRMING THE APPOINTMENT OF A FULL-TIME DPW OPERATOR**

**WHEREAS**, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a full-time Laborer and full-time Secretary to the DPW; and

**WHEREAS**, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Business Administrator appoints the following individuals:

POSITION	NAME	PAY SCALE	EFFECTIVE DATE
Full-time DPW Laborer	Earl J. Mackason	\$20.91 per hour	5/16/2023
DPW Secretary	Tianna Riggi	\$21.16 per hour	5/16/2023

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the aforementioned Business Administrator’s appointments, at the rate(s) of pay consistent with the 2022 CWA Local 1075 Pay Scale pending successful completion of criminal background investigation, physical and drug screening.

**RESOLUTION NO. 23-121**

**APPOINTING MEMBER TO THE RED BANK VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Red Bank Borough Council wish to appoint the following volunteer firefighter to the Red Bank Volunteer Fire Department; and

**WHEREAS**, Wayne Hartman, Fire Chief, unconditionally recommends the appointment.

**NOW THEREFORE, BE IT THEREFORE RESOLVED** that following individual is hereby appointed to the Red Bank Volunteer Fire Department:

Jonathan Balanzar-Tepox

Navesink Hook and Ladder

**DISCUSSION AND ACTION** (Workshop if necessary)

- Senior Center Property Sub-Division - Engineer Herrman outlined the proposal for the subdivision of the Senior property, pointing out the easements, and rights of way to preserve the property. Stated it would still have to go before the Planning Board for approval.

The sub-division was approved in the fall of 2022. Councilmember Ballard motioned to approve the engineers proposal, resolution 23-120; Councilmember Sturdivant seconded the motion. Roll call vote, unanimous, affirmative.

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**RESOLUTION NO. 23-120  
APPROVING THE MINOR SUBDIVISION PROPOSAL**

**WHEREAS**, the Council approved the submittal of an application for subdivision for Block 39, Lots 23 & 24, commonly known as the Senior Citizen’s building and property, so that the facilities important to the seniors are protected as well as open space along the Borough’s riverfront, by resolution 22-243, September 28, 2022 ; and,

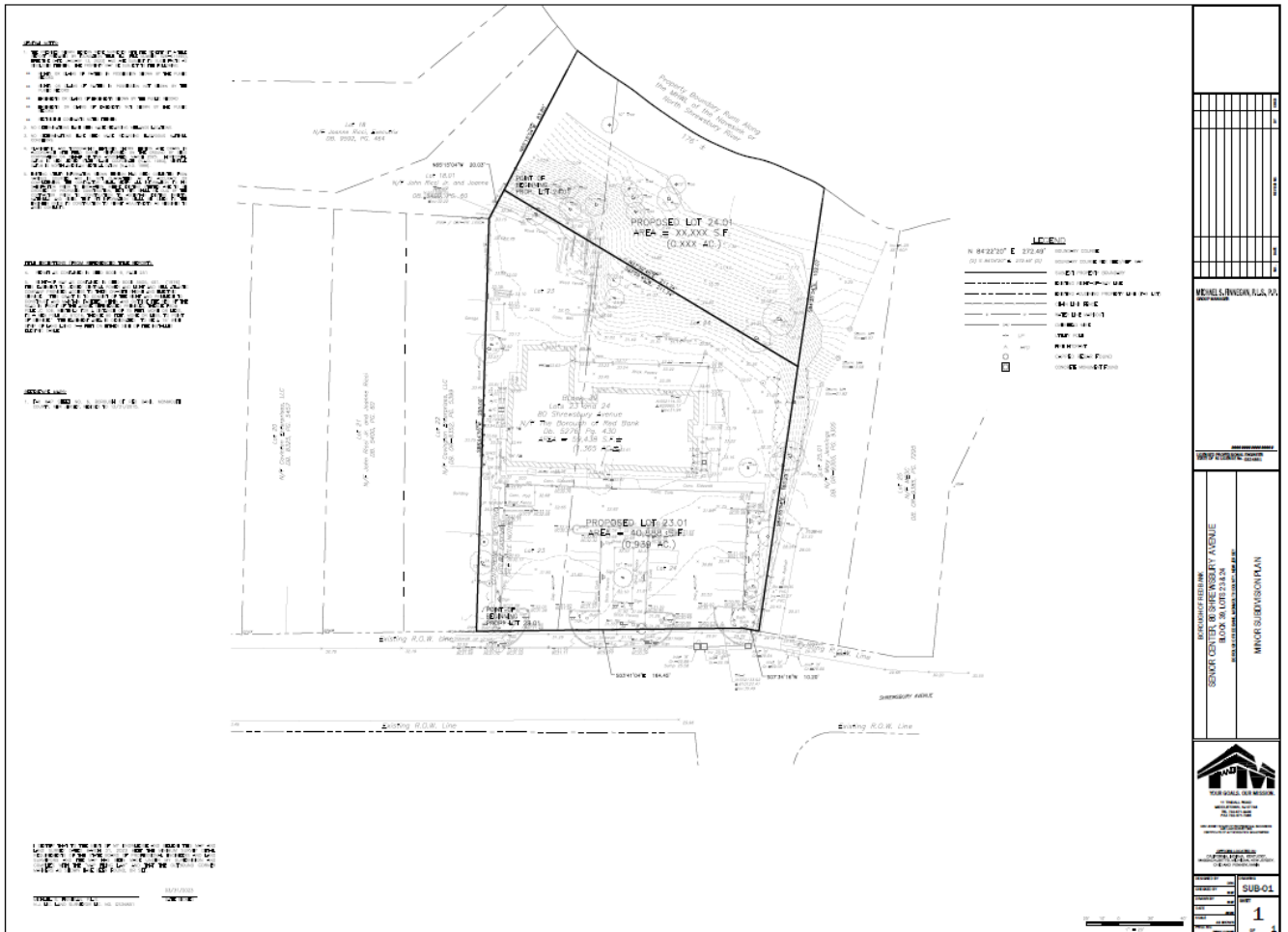
**WHEREAS**, the borough engineer provided a proposal for same, EXHIBIT A; and,

**WHEREAS**, the governing body has reviewed and approve of said proposal.

**NOW THEREFORE BE IT RESOLVED**, that the borough engineer is authorized to move forward with the minor subdivision proposal.



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- Street Eateries – Tabled There was considerable discussion amongst the members of the governing body. Mr. Zuckerman clarified that he had hoped the resolution would pass this evening. Confirmed he had spoken with 4 businesses, three out of 4 said they would participate with the proposed fee structure. Councilmember Jackson asked if the numbers in the resolution on the agenda reflect the discussions, Dir. Zuckerman said no. Urges that the council support the businesses through reasonable fees. Councilmember Mirandi stated that the fee works out to \$8 a day vs last year’s \$12. Feels that the committee is being very generous. Dir. Zuckerman divulged that the businesses disagree. Councilmember Triggiano thanked Mr. Zuckerman and stated her support. Declared that the parking revenue was at a record high due to the street eateries. Councilmember Mirandi said that the 2021 rates were to get the businesses back open, this is 2023 everyone is back out.
- Mayor asked what further information was needed. Councilmember Zipprich said the River Center has only spoken to 4 businesses will talk with the rest.
- Special Events – Approved by Council
- Lawn Sign Request – Approved by Council

**MAYOR & COUNCIL COMMENTS**

Councilmember Mirandi - No report. Announced budget hearing and adoption will be May 31, 2023 at 6:30PM. Pubic budget presentation will be May 4th

Councilmember Sturdivant – Public School Casino Night Successful event. Announced spring school events. Noted some budget issues. Attended strategic RBCS meetings focusing on growth. Next meeting is in May.

Councilmember Triggiano - Environmental Green Fair 4/20 RB Middle School check out social media for more details. Was very successful and thanked all the event partners.

The fire department conducted extraction drill training and thanked the auxiliary for their support.

Councilmember Jackson – Parks and Rec Announcements of activities and events:

- **Spring Events Pride in the Park** scheduled for Saturday June 10th from 1-4PM Riverside Gardens Park event features live music, vendors, speakers and giveaways
- **3rd Annual Red Bank Juneteenth Celebration – Sunday, June 18th at 1PM** Johnny Jazz Park Event features Special guests, Live Music, children’s play, vendors and Free Food. -

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- **Summer Series 2023** Stay tuned for Summer Concerts, Movies and Fitness in the park. The Recreation Dept. is working on these great community events!! with collaboration from Jazz Arts Project and the Community YMCA
- **Summer Camp** – Registration still open!! open to children ages 4 – 13
- Red Bank Recreation is hiring summer staff to work as counselors for our camp program. Applicants will need to be 16 to be hired.
- Reach out to the Recreation office if you would like to become a vendor or sponsor for any of the upcoming events.

Councilmember Ballard - No report

Councilmember Zipprich – senior center more supply chain delays are stalling the return to the senior center by about a month. DPU meeting was canceled for today, plan is to review the report with Terrence. Dedication at the senior center was wonderful, this was the town that Tommy Hintleman loved so much. Met with Gary Watson and thanked him for his service as a consultant. John Cash plaque was installed at the park, widow asked that an event not be planned, John would not have wanted it.

Mayor excited about the upcoming projects and library seed bank.

### **PUBLIC QUESTIONS AND COMMENTS**

Stephen Hecht 135 Branch Ave – Comments about undocumented residents running afoul of the law. Can the attorney comment on the comments made are we putting residents s in danger. Concerned it affects a class of people. If the comments are reflective of reality maybe, we need to educate the citizens. Dialogue with respect to the eateries is disheartening and exactly why the borough form of government does not work in red bank. Individuals are stopping.

Atty Antonelli opined that was highly speculative. The borough cannot control someone from participating in what they individually choose to participate in.

Linda Hill 64 McLaren St. – Clarified that it is not just undocumented, there are residents that are not citizens.

Jimmy Dark 48 W Sunset Ave – Thanked Freddie Boyton for getting the 4 way stop. Thanked Ms. Facey Blackwood, Councilmember Triggiano and Mayor Portman for being foot soldiers for the good of Red Bank. Asked Councilmember Ballard if the Sunset Park property is going to be capped and turned into t a park. MB stated the park must be capped but there is no plans that he is aware of to turn it into a park.

Will the catch basins be cleaned, Councilmember Zipprich stated they were cleaning the basins early this week and there was an incident with a possible hand grenade.

Terrance – Street sweeping schedule will be implemented and a catch basin program is being put in place.

Eric Harris 138 Bodman Pl Hazlet – Offered to volunteer to help the town in any capacity even driving the street sweeper, monitor the fields, willing to do whatever it takes.

Suzanne Viscomi 25 Cedar St – Curious about the lack of transparency. Consider YouTube channel? The Planning Board too should be streamed.

Councilmember Ballard asked the borough attorney if the Council can tell the Planning Board to stream their meetings. Atty. Antonelli said it would be a policy decision of the Council.

Freddie Boynton PO BOX 2074 – Disagreed about the condition of the Trucks, Gary Watson was on the department when the vehicles in the report were in bad condition. He refused to drive them. Is it fair that people aren't paying their fair share of taxes. No one is above the law. Doesn't think it is right that he passes and doesn't acknowledge people. We all need to work together to get something done.

Memone Christian15 Marion St – Thanked the Council for the investment in affordable housing. Thanked Councilmember Ballard for his support in preserving properties for affordable Housing. Thanked the entire council and Mayor for all their efforts.

Nancy Facey Blackwood 34 Chestnut St. – Thanked Council for supporting affordable housing and suggested that the avoidance of fossil fuels and natural gases.

Ethel Brandon 12 Bank St. – Put a blue light outside of your house it shows you support autism.

BA McConnell will confer with the CFO to see if this is available.

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Councilmember Triggiano motioned to close the public to the public; Councilmember Zipprich seconded the motion, Roll call unanimous affirmative.

**EXECUTIVE SESSION** (If necessary)                      23-123 (7 Anticipated Litigation / 8 Personnel Matters)

Councilmember Triggiano moved to enter executive session; Councilmember Zipprich seconded the motion.

**ADJOURNMENT**

Councilmember Zipprich moved to adjourn the Council meeting; Councilmember Triggiano seconded the motion. Roll call, unanimous, affirmative.

9:50PM

Respectfully submitted,

Laura Reinertsen

DRAFT