

**MUNICIPAL COUNCIL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 14, 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, Sturdivant (virtual), and Zipprich

ABSENT: Councilmembers: Mirandi, Triggiano, Ballard

ALSO PRESENT: Interim Administrator McConnell , Clerk Reinertsen, DPU Terrence Walton, Borough Attorney Jack Burke (for Dan Antonelli)

PROCLAMATIONS, ANNOUNCEMENTS, APPOINTMENTS

HONORING COUNCILMEMBER EDWARD ZIPPRICH

WHEREAS, Ed began his career with the City of New York during the administration of Mayor Edward I. Koch. Zipprich’s career included law firm administration holding management positions in the AmLaw 100 firms: Sullivan & Cromwell, Debevoise & Plimpton, Blank, Rome, Tenzer, Greenblatt; and

WHEREAS, in 2008 Zipprich was elected to the Red Bank Borough Council, serving as the first openly gay member of the governing body. In 2013, Councilman Zipprich was nominated to run for the NJ Assembly in the 11th District. He is in his fifth term on the Borough Council and served as Council President in 2018; and

WHEREAS, as a lifelong Democrat, Zipprich volunteered on his first presidential campaign in 2004 for Vermont Governor Howard Dean. Ed later became Monmouth County chairman of Democracy for America (DFA). He’s been an active member of NJ for Democracy, Garden State Equality, The Bus for Progress and served as President of the NJ Stonewall Democrats over the years. Ed is also a founding member of the NJ Progressive Alliance and the NJ Democratic LGBTQ Caucus; and

WHEREAS, Councilman Zipprich served as Democratic Municipal Chair in Red Bank for 12 years. During that time, he was responsible for strengthening the Democrats presence on the Borough Council. In his final term as Democratic chair, he presided over the 4th re-election of Mayor Pasquale Menna, the election of the first Muslim-American to win a seat on Red Bank council while also helping to elect the first bi-sexual member of council; and

WHEREAS, Ed also served as Regional Vice Chair of the Monmouth Democratic Party and has been elected three times to serve as Delegate to the Democratic National Convention in 2012 (Obama), 2016 (Clinton) and 2020 (Biden); and

WHEREAS, he and his husband, JP Nicolaidis, are the proud parents of a daughter, Mary Cate who resides in Somerville, Massachusetts with her husband Aaron.

NOW, THEREFORE, I, William Portman, Mayor of the Borough of Red Bank, New Jersey, do hereby present this proclamation to Councilmember Edward Zipprich in recognition of his dedication and service to the citizens of the Borough of Red Bank

Mayor Portman congratulated Councilmember Zipprich on his 17 years as an elected official. Councilmembers Sturdivant and Jackson expressed their sincere appreciation to Councilmember Zipprich for his commitment and dedication to the Borough of Red Bank. Councilmember Sturdivant thanked him for his focus on diversity and mentorship of young politicians regardless of party affiliation.

IN HONOR OF JUNETEENTH

WHEREAS, our country is made up of people from every nation on earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and

WHEREAS, our nation was conceived on July 4th, 1776 with the Declaration of Independence, the classic statement being: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”; and

WHEREAS, At 2:00 p.m. on New Year’s Day, January 1, 1863, using his war powers as President, Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as slaves within any State or

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designated part of a State “shall be then, thenceforward, and forever free.” The Emancipation Proclamation made the permanent abolition of slavery a Union war aim and provided the legal framework for the emancipation of nearly all four million slaves as the Union armies advanced. Hearing of the Proclamation, many slaves escaped to Union lines as the army units moved south, and

WHEREAS, this news reached Texas when Union General Gordon Granger arrived in Galveston Bay with Union troops. It was on June 19, 1865, that he announced: “The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free.”

WHEREAS, celebration of the end of slavery, which became known as *Juneteenth*, is the oldest known public celebration of the end of slavery in the United States. Commemorating African American freedom and celebrating the successes gained through education and greater opportunity; and

WHEREAS, on a larger scale, celebration of Juneteenth reminds each of us of the precious promises of freedom, equality, and opportunity which are at the core of the American Dream; and

WHEREAS, Juneteenth 2023 will be celebrated in Red Bank on June 18, 2023 at Johnny Jazz Park commencing at 1PM.

NOW, THEREFORE, I, William Portman, Mayor of the Borough of Red Bank, on behalf of the Borough Council do hereby proclaim June 18 as a day to celebrate Juneteenth 2023 and urge all citizens to join in this celebration.

FLAG DAY

WHEREAS, in the United States, Flag Day is celebrated on June 14th, a day upon which we should direct our minds with a special desire of renewal to thoughts of the ideals and principles of which we have sought to make our great democracy the embodiment, and

WHEREAS, Flag Day commemorates the adoption of the flag of the United States on June 14, 1777, by resolution of the Second Continental Congress, and

WHEREAS, The Flag Resolution, passed on June 14, 1777, stated: "Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation," and

WHEREAS, the flag represents the proud history of America our comprehension of the great mission of liberty and justice to which we have devoted ourselves as a people, our pride in the history and our determination to make it greater with each generation, and

WHEREAS, our flag serves as a reminder to us, and to the world, that America stands for and strives for the promise of freedom, justice, and equality for all.

NOW, THEREFORE, BE IT RESOLVED that I, William Portman, Mayor of the Borough of Red Bank, do hereby urge our citizens to pause during this day to rededicate themselves to the principals and ideals for which our flag stands.

PRESENTATIONS None presented.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Linda Hill McClaren – Expressed her gratitude to Councilmember Zipprich for years of dedication and commitment to the Borough of retirement. Walk away knowing what you have accomplished and how respected you are. Further thanked the outgoing council members. Having run she understands with commitment and dedication it takes to not only run but serve. Best wishes to the new incoming council.

Barbara Boas 135 Branch Ave – Surprised to see the addition to the resolutions regarding the ROSI. Can the attorney explain the ROSI process and be consequences and benefits of ROSI. Does this mean the property now becomes State run. Why was this done at the last second? How will this affect the red bank senior center.

Atty. Burke - It will be more difficult to use. There are public access requirements to designating the property to the ROSI. Hours would need to be set; it can be booked for use by the local government. There are ways the borough can regulate public access to the property and facility located thereon.

Stephen Hecht 135 Branch Ave. – Attended the Senior Center opening, and it is beautiful. There are requests for donations in kind. Urges the council to fund the senior center so that doesn't have to be hat in hand. If the senior director is asking for donations, it would seem the program isn't funded adequately. Also concerned about the process of the last-minute additions to the agenda. This is not an emergency.

Cindy Burnham 71 Wallace St – Marine Park is a Green Acres Park, just putting it on the ROSI does not mean the State will be telling Red Bank how to run the property. Suggests contacting the State for more information. But it could be good revenue to rent out the facility. Trying to maintain that it is not going to be sold. Once on the ROSI th4ee facility becomes eligible for grants.

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Kristina Bonatakis 122 Riverside Ave – Concerned about adding the entire property to the ROSI. What are the direct costs? Administrative costs? Believes DEP would have to approve the regulations approved by the borough. What is the purpose when it doesn't appear to be a tangible benefit?

Cindy Burnham 71 Wallace St – You are allowed to do certain things with ROSI properties. Marine Park has hospital and Boondocks parking, that isn't permitted by the DEP but you don't see the State coming in to stop it. Feels this is a better way to save the property. Marine Park, Maple Cove, Count Basie are all on the ROSI.

Linda Hill 64 McClaren – Maple Cove Veterans Park Riverside Park, Johnny Jazz, all these parks are already on the ROSI. Asked the Chief if there have been any issues. If the Planning Board supported the subdividing of the property... this wouldn't be necessary to save the senior party. Deed restriction does not provide the protection the ROSI does.

Allen Hill 4 McClaren St – Rooms at the senior center are already being rented out. The recreation department has already been renting the rooms out.

Nancy Facey-Blackwood 34 Chestnut St. – Deed restriction was on the agenda now there is a resolution putting the senior property on the ROSI. Who has read this document and made this decision. There has been a rumor going around for years that someone is trying to sell the senior center. It's a conspiracy theory.

Councilmember Zipprich – I'll send you the article from NJ Realty when a former Administrator was interviewed.

Laura Jannone 105 E Bergen Place – At a conference this morning learned a lot about transparency, then comes back to this. Why was this thrown on last minute? Has also heard the conspiracy theory.

Ed Herrman Borough Engineer – The minor subdivision plan there was a question about the remaining parcel, there were 2 variances that would need to be approved to subdivide the property. This is a policy decision. Typically, the State does not get involved with ROSI properties unless the property owner wants to make changes to the property. Any changes would be regulated by ROSI rules.

Stephen 135 Branch Ave – Ordinance or resolution insuring the senior property will remain open to the public to be valued and protected. 2 major ways of doing that, deed restriction or ROSI. Seems a rational decision would be to research both options and share the findings publicly. Who placed this on the agenda? Is this your legacy? It appears everyone is committed to protecting the Senior Center.

Cindy Burnham 71 Wallace St – where was the transparency when we could have fixed the senior center, it was a burst pipe. Now were going back to the same form of government. What is the big deal? We're just trying to protect it. If people really want to protect it go for the ROSI.

Mayor noted a concern was putting the entire facility on the ROSI.

Ben Forest 16 Locust Ave – Happy that the senior is reopened but upset that the rehab cost almost 2 million dollars. Avowed that he will do whatever he can to protect the property. No one in his presence has ever alluded to selling the senior center. He and his running mates intend to keep it for the borough seniors in perpetuity.

Linda Hill 64 McClaren ST – Thanked Ben for pledging in public to protect the senior building. Laura Jannone also pledged the same. Hopes all the derision stops.

Marybeth Maida 84 Branch Ave – Excited about putting the senior center on the ROSI. There is no trust between some people on the council and residents. In 2019 there was an article discussion developing the senior. Personally excited about putting it on the ROSI.

There being no further comment, Councilmember Zipprich motioned to close the floor to the public; Councilmember Jackson seconded the motion. Roll call, unanimous, affirmative.

APPROVAL OF MINUTES AND REPORTS

- **Regular Meeting 5/31/2023** - Motioned by Councilmember Jackson, seconded by Councilmember Zipprich. Roll call vote, unanimous, affirmative.
 - **Department Reports:** Public Utilities, Police Dept., Engineering, Finance, Grants, Animal Control, Tax Assessor, Tax Collector, Land Use (Planning & Zoning), Parks & Recreation, Fire Marshall, Emergency Management, Fire Dept., Senior Center, Building/Construction
- Motion to accept by Councilmember Zipprich, seconded by Councilmember Jackson. Roll call, unanimous, affirmative.

ORDINANCES

- Introduction

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- 2023- xx ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY DEED RESTRICTING THE SENIOR CENTER PROPERTY AND BUILDING FOR CONSERVATION PURPOSES

Councilmember Zipprich requested this ordinance be pulled from consideration; Councilmember Jackson seconded the motion.

- Public Hearing Adoption

- 2023-20 ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 680-60, SCHEDULE XXVI: RESTRICTED PARKING FOR HANDICAPPED PERSONS

Councilmember Jackson motioned to open the floor to public comment on ordinance 2023-20; Councilmember Sturdivant seconded the motion.

There being no discussion, Councilmember Jackson motioned to close the floor to public comment on ordinance 2023-20; Councilmember Sturdivant seconded the motion.

Councilmember Zipprich motioned to approve ordinance 2023-20; Councilmember Jackson seconded the motion.

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 680-60, SCHEDULE XXVI: RESTRICTED PARKING FOR HANDICAPPED PERSONS

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Section 680-60, Schedule XXVI: **RESTRICTED PARKING FOR HANDICAPPED PERSONS**, is hereby amended and supplemented as follows: (*strikeouts denote deletions, underlined text denotes additions*):

SCHEDULE XXVI

B. Private Properties

Name

Location

44 Drummond Avenue

North side of Drummond Avenue, beginning at a point 150

feet east of intersection with S. Bridge Avenue and extending 25 feet therefrom in an easterly direction.

[All other provisions remain unchanged]

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

RESOLUTIONS

CONSENT AGENDA

- 23-146 Bills List
- 23-147 Determining The Form And Other Details Of Its “Note Relating To The Water Bank Construction Financing Program Of The New Jersey Infrastructure Bank”, To Be Issued In The Principal Amount Of Up To \$3,840,000, And Providing For The Issuance And Sale Of Such Note To The New Jersey Infrastructure Bank, And Authorizing The Execution And Delivery Of Such Note By The Borough Of Red Bank In Favor Of The New Jersey Infrastructure Bank, All Pursuant To The Water Bank Construction Financing Program Of The New Jersey Infrastructure Bank
- 23-148 Authorizing the Finance Officer To Cancel Grant Appropriation Reserves Against Grants Receivable, Surplus And Such Other Accounts As Appropriate
- 23-149 Authorizing Refund of Water Project Escrow Account Balance Totaling \$52.75
- 23-150 Authorizing Refund of Water Project Escrow Account Balance Totaling \$168.00
- 23-151 Authorizing Tax Refund Totaling \$676.57
- 23-152 Authorizing Progress Payment #5 Related to The Contract with Z. Brothers Concrete Contractors, Inc. For The Improvement to East Side Parking Lot Improvements
- 23-153 Authorizing Payment #6 Related to The Contract With J&M Quality Contracting, LLC For Senior Center Renovations
- 23-154 Authorizing Change Order 5 Related to The Contract with J & M Contracting LLC For the Improvement to The Red Bank Senior Center
- 23-155 Authorizing Change Order 6 Related to The Contract with J & M Contracting LLC For the Improvement to The Red Bank Senior Center

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- 23-156 Authorizing Change Order 7 Related to The Contract with J & M Contracting LLC For the Improvement to The Red Bank Senior Center
- 23-157 Providing a No Interest Deferred Loan to Advance the Borough’s First Time Homebuyers Program
- 23-158 Ratifying & Confirming Appointment of a Temporary Part-Time Administrative Assistant
- 23-159 Approve the Hiring of Parks and Recreation Summer Staff
- 23-160 Authorizing Agreement with Interfaith Neighbors, Inc., for 2023 Nutrition Program for Red Bank Senior Center
- 23-161 Renewal of Club Licenses for 2023-2024
- 23-162 Renewal of Plenary Retail Consumption Licenses 2023-2024 Off Consent
- 23-163 Renewal of Plenary Retail Distribution Licenses 2023-2024 Off Consent

Councilmember Zipprich motioned to approve resolutions 23-146 through 23-161; Councilmember Jackson seconded the motion. Roll call, unanimous, affirmative.

RESOLUTION NO. 23-146

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:

June 14, 2023 Bill List - Borough of Red Bank						
Check Type	Count	Total	Checking Account	Count	Total	
Manual Check	8	\$2,684,487.80	CAPITAL ACCOUNT	5	\$392,660.36	
Meeting Check	175	\$1,160,636.81	COAH DEV FEES	2	\$10,000.00	
Total	183	\$3,845,124.61	CURRENT -VALLEY	120	\$407,106.06	
			DEVESCROW2RIVER	2	\$9,731.58	
			DOG LICENSE AC	1	\$358.95	
			GRANT FUND-VNB	7	\$27,758.63	
			MCIA LEASE	1	\$4,000.00	
			PAYROLL	1	\$2,731.30	
			PKING CAP 2RIVE	2	\$82,283.93	
			PKINGOP2RIVER	9	\$25,035.86	
			RECREATION-VNB	2	\$357.00	
			TRUST ACCOUNT	12	\$60,887.50	
			TTL REDEMPTION	2	\$20,437.19	
			WATER OPERATING	12	\$120,614.75	
			WIRE	5	\$2,681,161.50	
			Total	183	\$3,845,124.61	
Checking Account	Check Type	Count	Total			
CAPITAL ACCOUNT	Meeting Check	5	\$392,660.36			
COAH DEV FEES	Meeting Check	2	\$10,000.00			
CURRENT -VALLEY	Manual Check	2	\$595.00			
CURRENT -VALLEY	Meeting Check	118	\$406,511.06			
DEVESCROW2RIVER	Meeting Check	2	\$9,731.58			
DOG LICENSE AC	Meeting Check	1	\$358.95			
GRANT FUND-VNB	Meeting Check	7	\$27,758.63			
MCIA LEASE	Meeting Check	1	\$4,000.00			
PAYROLL	Manual Check	1	\$2,731.30			
PKING CAP 2RIVE	Meeting Check	2	\$82,283.93			
PKINGOP2RIVER	Meeting Check	9	\$25,035.86			
RECREATION-VNB	Meeting Check	2	\$357.00			
TRUST ACCOUNT	Meeting Check	12	\$60,887.50			
TTL REDEMPTION	Meeting Check	2	\$20,437.19			
WATER OPERATING	Meeting Check	12	\$120,614.75			
WIRE	Manual Check	5	\$2,681,161.50			
Total	All Checking	183	\$3,845,124.61			

RESOLUTION NO. 23-147

RESOLUTION OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$3,840,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF RED BANK IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK.

WHEREAS, the Borough of Red Bank (the “Local Unit”), in the County of Monmouth, State of New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of a lead service line replacement project (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “New Jersey Water Bank”) of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the long term bond closing with respect to the New Jersey Water Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Water Bank Construction Financing Program of the I-Bank (the “Construction Financing Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$3,840,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

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WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award of the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance number 2023-06 of the Local Unit finally adopted by the Local Unit at a meeting duly called and held on February 22, 2023, which bond ordinance is entitled “BOND ORDINANCE PROVIDING FOR THE LEAD SERVICE LINE REPLACEMENT PROJECT, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$2,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,400,000 BONDS OR NOTES TO FINANCE THE COST THEREOF”, and by bond ordinance number 2023-18 of the Local Unit finally adopted by the Local Unit at a meeting duly called and held on May 10, 2023, which bond ordinance is entitled “BOND ORDINANCE 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 BOND OR NOTES THEREIN TO \$3,840,000 AND TO INCREASE COSTS PROVIDED IN N.J.S.A. 40A:2-20 THEREIN” , at which times quorums were present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$3,840,000;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJWB-CFP-2023-01”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, imprinted, or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Wilentz, Goldman & Spitzer, P.A. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers of the Local Unit, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Wilentz, Goldman & Spitzer, P.A., bond counsel to the Local Unit, David E. Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

RESOLUTION NO. 23-148

AUTHORIZING THE FINANCE OFFICER TO CANCEL GRANT APPROPRIATION RESERVES AGAINST GRANTS RECEIVABLE, SURPLUS AND SUCH OTHER ACCOUNTS AS APPROPRIATE

WHEREAS, the Chief Finance Officer has informed the Borough Council of the need to cancel grant appropriations prior to year end, and

WHEREAS, the following grants are complete and the appropriation balances no longer needed to be maintained on the books and records of the Borough of Red Bank, and,

WHEREAS, the Chief Finance Officer recommends that the following adjustments to the books and records of the Borough be made.

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NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Red Bank, that the adjustments, appearing below, being a permanent part hereto, are hereby made.

CANCELING GRANTS

	APPROPRIATION	RECEIVABLE	CANCEL TO OPERATIONS
Dept of Health-Senior Citizens Prior Years	103,581.21	13,684.00	89,897.21
Drunk Driving Enforcement Fund	3,200.00	3,200.00	
Clean Communities	2,665.36	2,665.36	
Distracted Driver Program	5,630.00	5,630.00	
Drive Sober Get Pulled Over	4,320.00	4,320.00	
Sustainable Jersey Grant	5,000.00	5,000.00	
Pedestrian Safety	4,225.00	4,225.00	
AARP Literacy Grant	15,239.13	15,239.13	
Summer Jazz Series	100.00	100.00	
TOTAL	143,960.70	54,063.49	89,897.21

RESOLUTION NO. 23-149

AUTHORIZING REFUND OF WATER PROJECT ESCROW ACCOUNT BALANCE TOTALING \$52.75

WHEREAS, Premier Property Group, LLC., the property owner of 42 Harding Road, has deposited an Escrow amount, as required for the water/sewer line project; and

WHEREAS, the Red Bank Public Utilities Department has determined that the corresponding project is complete and therefore the balance of \$52.75 in the Escrow Account can be released; and

WHEREAS, the Escrow Account for the water line project located at 42 Harding Road (B57, L28), Red Bank, NJ 07701 has a balance remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposit;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank that the Escrow balance be released and that the Chief Financial Officer is hereby directed to issue a check for the refund.

RESOLUTION NO. 23-150

AUTHORIZING REFUND OF WATER PROJECT ESCROW ACCOUNT BALANCE TOTALING \$168.00

WHEREAS, Northstar NJ Homes, the property owner of 104 Bridge Avenue, has deposited an Escrow amount, as required for the water/sewer line project; and

WHEREAS, the Red Bank Public Utilities Department has determined that the corresponding project is complete and therefore the balance of \$168.00 in the Escrow Account can be released; and

WHEREAS, the Escrow Account for the water line project located at 104 Bridge Avenue (B64, L12), Red Bank, NJ 07701 has a balance remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposit;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank that the Escrow balance be released and that the Chief Financial Officer is hereby directed to issue a check for the refund.

RESOLUTION NO. 23-151

AUTHORIZING TAX REFUND TOTALING \$676.57

WHEREAS, an overpayment of \$676.57 was erroneously paid to the Borough of Red Bank for the property known as 166 Catherine St; and

WHEREAS, Ashlesha Deshpande, Tax Collector has verified proof of the overpayment and hereby recommends said overpayment totaling \$676.57 be credited/refunded to Lienholder Evolve Bank & Trust Reason overpayment Block 71 lot 41 Lien#22-00008 address of property 166 Catherine St LLC Address of lienholder 6000Poplar Ave., Suite 300 Memphis TN 38119

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank that it does hereby authorize the refund of the overpayment in the amount of \$676.57:

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the Tax Collector.

RESOLUTION NO. 23-152

AUTHORIZING PROGRESS PAYMENT #5 RELATED TO THE CONTRACT WITH Z. BROTHERS CONCRETE CONTRACTORS, INC. FOR THE IMPROVEMENT TO EAST SIDE PARKING LOT IMPROVEMENTS

BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank of Monmouth County, New Jersey upon recommendation of the Borough Engineer that Payment #4 for the Contract listed below be and is hereby approved.

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BE IT RESOLVED that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

TITLE OF JOB: East Side Parking Lot Improvements
CONTRACTOR: Z Brothers Concrete Contractors, Inc.
 304 Jernee Mill Rd., Sayerville, NJ 08872
ENGINEER: CME Associates.
 1460 Route 9 South, Howell, NJ 07731

Payment #5	
Current to Date Total	\$509,609.22
Less 2% Retainage	\$11,812.18
Less Previous Payments	\$498,376.36
Amount Due	\$80,420.68

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

P-08-19-073-495

RESOLUTION NO. 23-153

AUTHORIZING PAYMENT #6 RELATED TO THE CONTRACT WITH J&M QUALITY CONTRACTING, LLC FOR SENIOR CENTER RENOVATIONS

BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank of Monmouth County, New Jersey upon recommendation of the Borough Architect, DMR Architects, that payment #6 for the Contract listed below be and is hereby approved.

BE IT RESOLVED that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

TITLE OF JOB: RED BANK SENIOR CENTER RENOVATIONS
CONTRACTOR: J&M Quality Contracting LLC.
 708 Route 35, 2nd Floor, Neptune, NJ 0773
ARCHITECT: DMR Architects
 777 Terrace Ave., Hasbrouck Heights, NJ 07604

Payment #2	
Original Contract	\$1,402,000.00
Net Change by Change Orders	\$45,857.43
Contract Sum to Date	\$1,447,857.43
Completed and Stored to Date	\$1,418,365.43
Less 2% Retainage	\$28,367.31
Less Previous Payments	\$1,042,783.75
Amount Due	\$347,214.37
<i>Balance to Finish, Including Retainage</i>	<i>\$57,859.31</i>

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION 23-154

AUTHORIZING CHANGE ORDER RELATED TO THE CONTRACT WITH J & M CONTRACTING LLC FOR THE IMPROVEMENT TO THE RED BANK SENIOR CENTER

WHEREAS, the Borough previously entered into a contract with J & M Contracting LLC for the Improvement to the Red Bank Senior Center project; and

WHEREAS, the Public Works Director has recommended approval of Change Order No. 5, dated March 29, 2023 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 not to exceed \$4,780.73.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 5 to the Improvements the Red Bank Senior Center Project, dated March 29, 2023 is hereby approved with a supplementary price increase not to exceed \$4,780.73; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are current available in account No. C-04-22-003-498; and

BE IT FURTHER RESOLVED, to the extent applicable, this resolution is further contingent upon the expiration of the twenty-day estoppel period for any and all bonded funds for this project.

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RESOLUTION 23-155

AUTHORIZING CHANGE ORDER RELATED TO THE CONTRACT WITH J & M CONTRACTING LLC FOR THE IMPROVEMENT TO THE RED BANK SENIOR CENTER

WHEREAS, the Borough previously entered into a contract with **J & M Contracting LLC for the Improvement to the Red Bank Senior Center project**; and

WHEREAS, the Public Works Director has recommended approval of Change Order No. 6, dated April 4, 2023 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 not to exceed \$9,482.83.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 6 to the Improvements the Red Bank Senior Center Project, dated April 4, 2023 is hereby approved with a supplementary price increase not to exceed \$9,482.83; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are current available in account No. C-04-22-003-498; and

BE IT FURTHER RESOLVED, to the extent applicable, this resolution is further contingent upon the expiration of the twenty-day estoppel period for any and all bonded funds for this project.

RESOLUTION 23-156

AUTHORIZING CHANGE ORDER RELATED TO THE CONTRACT WITH J & M CONTRACTING LLC FOR THE IMPROVEMENT TO THE RED BANK SENIOR CENTER

WHEREAS, the Borough previously entered into a contract with **J & M Contracting LLC for the Improvement to the Red Bank Senior Center project**; and

WHEREAS, the Public Works Director has recommended approval of Change Order No. 7, dated **June 1, 2023** 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 not to exceed **\$25,253.99**.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that Change Order No. 7 to the **Improvements the Red Bank Senior Center Project**, dated **June 1, 2023** is hereby approved with a supplementary price increase not to exceed **\$25,253.99**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are current available in account No. C-04-22-003-498; and

BE IT FURTHER RESOLVED, to the extent applicable, this resolution is further contingent upon the expiration of the twenty-day estoppel period for any and all bonded funds for this project.

RESOLUTION NO. 23-157

PROVIDING DESEREE JOHNSON AND JACQUELINE STEWARD A NO INTEREST DEFERRED LOAN TO ADVANCE THE BOROUGH'S FIRST TIME HOMEBUYERS PROGRAM

WHEREAS, the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough") has developed as part of its Court approved Affordable Housing Plan, a First Time Homebuyers Program to assist low-income individuals and families in purchasing a home in the Borough; and

WHEREAS, as part of this Program, the Borough awards eligible applicants with a no interest, deferred payment loan of \$10,000.00 to new homebuyers to use for down payment, closing costs or to reduce loan amounts required by lenders; and

WHEREAS, the loan shall be for a period of five years, and

WHEREAS, homes purchased under this program shall include a 30-year deed restriction which provides continued affordability controls to a low or moderate income household for a period of at least thirty years; and

WHEREAS; the Borough's Affordable Housing Administrative Agent, Red Bank Affordable Housing Corp. Inc. (RBAHC), has certified that Deseree Johnson and Jacqueline Steward qualify to participate in the First Time Homebuyers Program; and

WHEREAS, Deseree Johnson and Jacqueline Steward are in contract to purchase the condominium located at 123 Bank Street identified as Block 83, Lot 6.03; and

WHEREAS, after reviewing the RBAHC's certification, the Municipal Housing Liaison recommends providing Deseree Johnson and Jacqueline Steward with a no interest, deferred payment loan of \$10,000.00; and

WHEREAS, the funds for payment of the loan are from the Borough's Affordable Housing Trust Fund and are authorized for such use under the Borough's Spending Plan which is part of the Borough's Court approved Affordable Housing Plan; and

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

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Red Bank hereby awards a no interest, deferred payment loan in the amount of \$10,000.00 to Deseree Johnson and Jacqueline Steward as set forth above, to use for down payment, closing costs or to reduce loan amounts required by lenders to purchase the condominium located at 123 Bank Street, Red Bank, New Jersey; 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, Deseree Johnson and Jacqueline Steward.

RESOLUTION NO. 23-158

RATIFYING AND CONFIRMING THE APPOINTMENT OF A TEMPORARY PART-TIME ADMINISTRATIVE

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ASSISTANT

WHEREAS, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a temporary part-time Administrative Assistant in the Office of the Business Administrator; 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 Pamela Borghi as temporary part-time Administrative Assistant to the Business Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Business Administrator’s appointment of Pamela Borghi as a temporary part-time Administrative Assistant effective June 5, 2023 at a rate of pay of \$30.00 per hour.

BE IT FURTHER RESOLVED, that this offer of employment is contingent upon the successful completion of a criminal background investigation, physical examination and requisite screenings.

RESOLUTION NO. 23-159

RESOLUTION TO APPROVE THE HIRING OF PARKS AND RECREATION SUMMER STAFF

WHEREAS, the Director of Parks and Recreation has advised that it is desirable to fill Summer Staff positions for the Parks and Recreation Department; and

WHEREAS, it is recommended the following individuals be appointed, contingent upon successful completion of physical and background checks:

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the hiring of the listed individuals at the designated rate of pay is hereby approved effective June 19, 2023.

First Name	Last Name	Assignment	Hrs	Previous Year Rate	New Rate	Start Date
Claudia	Garcia	Asst. Supervisor	25	\$16.50	\$16.50	June 19
Daisy	Hernandez	Asst. Supervisor	25	\$15.00	\$16.50	June 19
Alejandro	Rivera	Counselor	25	\$15.00	\$16.50	June 19
Isabella	Maddalena	Counselor	25	\$15.00	\$15.00	June 19
Kaeona	Jackson	Counselor	25	\$15.00	\$15.00	June 19
Nyree	Portee	Counselor	25	N/A	\$15.00	June 19
Maksym	Deynekam	Counselor	25	N/A	\$15.00	June 19
Juelz	Delaney	Counselor	25	N/A	\$15.00	June 19
Jayla	Wilson	Counselor	25	N/A	\$15.00	June 19
Oscar	Micel	Counselor	25	N/A	\$15.00	June 19
James	Morel	Counselor	25	N/A	\$15.00	June 19
Edgar	Flores	Counselor	25	N/A	\$15.00	June 19
Lamar	Hicks	Counselor	25	N/A	\$15.00	June 19
Ky'Yam	Martin	Counselor	25	N/A	\$15.00	June 19
Cameron	Slattery	Counselor	25	N/A	\$15.00	June 19

RESOLUTION NO. 23-160

AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC., FOR 2023 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER

WHEREAS, Interfaith Neighbors, Inc. has for several years operated a nutrition project at the Senior Citizen Center of the Borough of Red Bank, 80 Shrewsbury Avenue; and

WHEREAS, Interfaith Neighbors, Inc. has proposed an agreement for the year 2023, beginning July 1, 2023, as set forth in a "Lease Agreement" on file in the office of the Borough Clerk; and

WHEREAS, the Borough of Red Bank appreciates this service provided by Interfaith Neighbors, Inc., and desires to authorize the proposed agreement for the year 2023.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute the proposed "Lease Agreement" with Interfaith Neighbors, Inc., a non-profit corporation providing nutritional services in cooperation with the Monmouth County Office on Aging for the 2023 Nutrition Program at the Red Bank Senior Center, Shrewsbury Avenue.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to Interfaith Neighbors, Inc., 810 Fourth Avenue, Asbury Park, New Jersey 07712-5982, Attn: Joseph Marmora, Executive Director and to Jacqueline Reynolds, Director of the Red Bank Senior Center.

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RESOLUTION NO. 23-161

RENEWAL OF CLUB LICENSES FOR 2023-2024

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Consumption Licenses issued for the period July 1, 2023 through June 30, 2024 are hereby renewed:

1340-31-042-001	BATES LODGE #220 INC IBPOE OF W	306 Shrewsbury Avenue
1340-31-043-001	RED BANK LODGE 233 BPO ELKS	40 West Front Street
1340-31-047-001	MONMOUTH RUGBY FOOTBALL CLUB INC	153 Shrewsbury Avenue

Councilmember Zipprich moved resolutions 23-162 and 23-163; Councilmember Jackson seconded the motion Roll call vote: Ayes, Jackson, Sturdivant; Nay; Absent, Mirandi, Triggiano, Ballard; Abstain, Zipprich.

RESOLUTION NO. 23-162

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2023-2024

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Consumption Licenses issued for the period July 1, 2023 through June 30, 2024 are hereby renewed:

1340-32-003-011	TEAK RESTAURANT GROUP LLC	64 Monmouth Street
1340-32-018-016	RENEGADE FONDUE INC (t/a Melting Pot)	2 Bridge Avenue
1340-33-002-012	9 LIVES INC (t/a Jamian's)	79 Monmouth Street
1340-33-004-007	RB SPIRITS LLC (t/a Robinson Ale House)	26 Broad Street
1340-33-011-007	BHE CORP (t/a Red Rock)	14 Wharf Avenue
1340-33-012-004	GLOBE HOTEL CO INC	20 East Front Street
1340-33-014-012	TRIUMPH BREWING COMPANY OF RED BANK LLC	1 Bridge Avenue
1340-33-015-011	RBC-19 LLC	19 Broad Street
1340-33-016-010	RBL HOLDINGS LLC	8-10 West Front St
1340-33-023-008	OYSTER POINT HOTEL INC	146 Bodman Place
1340-33-024-005	GOOD FORK RESTAURANT GROUP LLC (t/a Char)	27-33 Broad Street
1340-33-025-007	416 LLC (t/a Pazzo)	141 West Front Street
1340-33-026-012	CHUBBYS WATERFRONT CAFE INC (t/a 26 West on the Navesink)	26 West Front Street
1340-33-027-002	RAL HOSPITALITY GROUP INC (t/a Birravino)	183 Riverside Avenue
1340-33-029-007	D & D BAR AND RESTAURANT INC (t/a The Dublin House)	30 Monmouth Street
1340-33-030-003	MOLLY PITCHER INN INC	88 Riverside Avenue
1340-33-031-006	TKV HOLDINGS LLC (t/a Brothers)	2 Morford Place
1340-33-033-010	ABRACADABRA LLC	INACTIVE (3-5 Broad Street)
1340-33-035-006	MAJH LLC (t/a B2 Bistro)	141 Shrewsbury Avenue
1340-33-036-003	Frederick J Voccola	INACTIVE 200 Biscayne Blvd Way, #5305 Miami, FL 33131
1340-33-038-002	Bridge Avenue Spirits, Inc	11 Bridge Ave
1340-33-039-008	TAINA CORP (t/a Buona Sera)	50 Maple Avenue
1340-33-041-008	COAL HOLDINGS LLC (Urban Coal House)	2 Bridge Avenue
1340-37-045-003	COUNT BASIE THEATRE INC	99 Monmouth Street
1340-37-048-001	TWO RIVER THEATER COMPANY, INC.	21 Bridge Avenue

RESOLUTION NO. 23-163

RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES 2023-2024

BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the following Plenary Retail Distribution Licenses issued for the period July 1, 2023 through June 30, 2024 are hereby renewed:

1340-44-001-003	ALLAIRE LOUNGE AND LIQUORS INC (t/a Circus Wine & Liquors)	56 Newman Springs Road
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1340-44-005-010	RED BANK BUY RITE LLC (t/a Royal Wine & Spirits)	24 White Street
1340-44-006-005	DENRUS INC (t/a Crates)	14 North Bridge
1340-44-008-003	SYPM, INC. (t/a Eiffel Liquors)	184 Monmouth Street
1340-44-009-004	SSPF2 (t/a A1 Liquors)	228 Drs. James Parker Blvd.
1340-44-010-006	THREE SIXTY TWO BROAD STREET INC (t/a Foodtown)	362 Broad Street
1340-44-013-008	CONNOISSEUR ENCOUNTERS COMPANY INC (t/a Wine Cellar)	23 Monmouth Street
1340-44-017-004	SVGI INC (t/a Vingo /Buy-Rite)	172 East Newman Springs Road
1340-44-021-004	ERIC CHO INC (t/a Red Bank Liquors)	9 West Street
1340-44-028-005	TST BEVERAGES LLC (t/a Bottles by Sickles)	200 Monmouth Street
1340-44-032-006	RUDHRA INC (t/a On The Rocks)	205 Shrewsbury Avenue
1340-44-034-004	REKON LIMITED LIABILITY COMPANY	POCKET

Councilmember Zipprich moved resolution 23-164 and 23-163; Councilmember Jackson seconded the motion Roll call vote: Ayes, Jackson, Sturdivant, Zipprich; Nay; Absent, Mirandi, Triggiano, Ballard

RESOLUTION 23-164

RESOLUTION AUTHORIZING AMENDMENT TO THE RECREATION AND OPEN SPACE INVENTORY (“ROSI”) TO INCLUDE THE PROPERTY KNOWN AS THE RED BANK SENIOR CENTER, BLOCK 39, LOTS 23 & 24

WHEREAS, the Borough of Red Bank is the owner of the Red Bank Senior Center, located at 80 Shrewsbury Avenue; Block 39, Lots 23 & 24 (the “Red Bank Senior Center”); and

WHEREAS, the Red Bank Senior Center has recently undergone considerable rehabilitation, including significant restoration of the grounds through the selfless efforts of Cindy Burnham, former Councilmember and Council President; and

WHEREAS, the Borough of Red Bank desires to continue to maintain the Red Bank Senior Center for open space, recreation and/or conservation purposes; and

WHEREAS, the Borough of Red Bank has previously applied for Green Acres funding; and

WHEREAS, the Borough Council of the Borough of Red Bank deems it to be in the best interests of the residents of the Borough to proceed with an amendment to the ROSI to add the Red Bank Senior Center, Block 39, Lots 23 & 24, for recreation, open space, and conservation purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank that the Borough hereby authorizes the Mayor and Clerk to proceed with an amendment to the ROSI to include the property known as Block 39, Lots 23 & 24, familiarly known as the Red Bank Senior Center, for open space, recreation, and conservation purposes, and to execute and submit any additional documentation required to effectuate the purposes of this Resolution with the NJDEP, the Clerk of the County of Monmouth, or any other State Agencies or subdivisions.

Councilmember Zipprich moved resolution 23-165; Councilmember Jackson seconded the motion Roll call vote: Ayes, Jackson, Sturdivant, Zipprich; Nay; Absent, Mirandi, Triggiano, Ballard

RESOLUTION NO. 23-165

AWARDING A CONTRACT TO MONTANA CONSTRUCTION CORP IN THE AMOUNT OF \$2,686,750.00 FOR WATER INFRASTRUCTURE UPGRADES

WHEREAS, the Borough of Red Bank (the “Local Unit”), requires a qualified contractor to perform test pits and lead service line replacements. Project will involve the excavation of approximately 1,000 test pits to determine the material composition of the water service lines that run from the water main to the residence. The project also includes the replacement of approximately 140 lead service lines with new copper service lines which will include the replacement from the water main to the curb stop and/or from the curb stop to the water meter inside the building. Excavation of trenches and test pits will be restored to original condition and service line material will be documented. The project also includes an add alternate for 150 lead service lines with new copper service lines; and

WHEREAS, the borough invited bidders for said services for DEP NJWB project number 134001-004 and received the following responses on June 13, 2023; and

Name	Sub Total - Base Bid	Sub Total – Add Alternate A Bid	Total - Base Bid + Add Alternate A
<i>Engineers Estimate</i>	\$2,199,425.00	\$1,050,000.00	\$3,249,425.00
Mark Woszczak Mechanical Contractors Inc.	\$1,723,500.00 Withdrew bid 6/14/23	\$812,500.00 Withdrew bid 6/14/23	\$2,536,000.00 Withdrew bid 6/14/23
Montana Construction Corp.	\$1,946,750.00	\$755,000.00**	\$2,701,750.00

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		Corrected Amount \$740,000	Corrected Amount \$2,686,750
CRJ Contracting Corp.	\$2,153,435.00	\$706,000.00	\$2,859,435.00
Roman E&G Corp.	\$2,215,100.00	\$762,000.00	\$2,977,100.00
William J. Guarini, Inc.	\$2,398,115.63*	\$675,000.00**	\$3,073,115.63
Scafar Contracting, Inc.	\$2,611,425.00	\$675,000.00	\$3,286,425.00
Underground Utilities Corp.	\$2,698,700.00	\$1,050,000.00	\$3,748,700.00
Kiely Civil, LLC	\$2,892,200.00	\$1,075,000.00	\$3,967,200.00
Waters & Bugbee, Inc.	\$2,851,175.00	\$1,158,500.00	\$4,009,675.00
Earle Asphalt Company	\$3,062,500.13	\$1,362,000.00**	\$4,424,500.13
JRCRUZ Corp.	\$3,404,950.00	\$1,075,000.00	\$4,479,950.00

WHEREAS, Engenuity Infrastructure of Red Bank New Jersey reviewed and tabulated the bids including bidder qualifications and provided the recommendation of award to Montana Construction Corp in the amount of \$2,686,750.00

WHEREAS, the engineer and borough administrator recommend awarding a contractor to Montana Construction Corp, the lowest responsible bidder, for lead service line replacements and test pits in the amount of \$2,686,750.00, subject to approval of the New Jersey Department of Environmental Protection, pursuant to for a term to expire upon completion of the project in accordance with NJSA 40A:11-15(9); this project will be funded by a New Jersey Infrastructure Bank loan; and

NOW, THEREFORE, BE IT RESOLVED by the mayor and Council of the Borough of Red Bank that a contract is awarded to Montana Construction Corp in the amount of \$2,686,750.00 subject to the approval of the New Jersey Department of Environmental Protection for a term to expire upon completion of the project: subject to the following:

1. The award of this contract is subject to finalization of the contract terms to be drafted and approved by Borough Counsel.
2. Any contract amendments which may become necessary shall be subject to the borough's ability to appropriate sufficient funds, the sole discretion of the Borough Council.
3. The Council hereby authorizes the mayor, and or the administrator to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of the resolution.
4. The Borough is in receipt of the Stockholder Disclosure Form, Contribution Disclosure Form, Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.
5. The Mayor or Administrator is hereby authorized to execute an agreement as outlined herein with: Montana Construction Corp.

DISCUSSION AND ACTION (Workshop if necessary)

Special Events:

1. The LOAR Foundation 6k Walk; Count Basie Park; Saturday, June 24th; 9am-noon
2. Mori Place Block Party; Monday; July 3rd; 3pm-11pm
3. All Four One and One for All Football Camp; Count Basie Field; Friday, July 7th; 9am-1pm
4. Pop Conlin Irish Wake; Saturday, September 30th; 2pm
5. Drag Queen Open Mic; Riverside Gardens Park; Friday, June 30th; 6:30pm-8:30pm
6. Charity Event at Dublin House; Saturday, October 14th

Councilmember Zipprich motioned to approve the Special Events as listed; Councilmember Jackson, seconded the motion. Roll call, unanimous, affirmative.

MAYOR & COUNCIL COMMENTS

Councilmember Mirandi – Not present

Councilmember Sturdivant – No report

Councilmember Triggiano – Not present

Councilmember Jackson – Shared the details of Juneteenth this Father's Day Weekend, please visit-RedBankJuneteenth.com for more information.

Councilmember Ballard – Not present

Councilmember Zipprich – Happy Flag Day! I would like to wish Council President Ballard a speedy recovery and I'm sure all of my colleagues wish him well too.

I want everyone to congratulate DPU Director Terrence Walton. Terrence received the results of his Certified Public Works Manager licensing examination and passed with flying colors! He is our newest CPWM and I know we are all very proud of his accomplishment! Congratulations Terrence!

Jackie and team opened the Senior Center on Friday night for the public and senior members for a welcome back reception to the newly refurbished center at 80 Shrewsbury Ave. It was very well attended and our seniors are overjoyed.

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River Center and the Visitors Center are promoting this weekend's Red Bank Classic 5K! If you haven't registered yet please go to redbankclassic.com. The site is loaded with information about participation and sponsors.

Thank you Red Bank for the honor of serving our community as Councilman for the past 15 years. It has been a privilege to be your representative in Borough Hall.

Since my election in 2008, I have fought hard for quality-of-life issues that affect each and every resident. In the beginning of my first term, I was proud to vote to appoint new Police Chief Steve McCarthy, to remove the incinerator, and to acquire American Recovery and Reinvestment funding to rebuild our water treatment facilities and bring you cleaner, safer drinking water.

As I leave office, I am pleased to have worked with the team to acquire additional funding through ARP and the state of New Jersey to replace lead water service lines. This will ensure that the town's water supply is even safer for generations to come.

I'd like to thank my colleagues for their unwavering support of our Senior Center. Its grand re-opening on Friday, June 10th was crowded with many excited seniors and Boro staffers! Its revitalization is an accomplishment that we would not have achieved without Council President Ballard's tenacious team building and engagement of a passionate, caring community. Our efforts were rewarded, and our beloved Senior Center was saved from demolition by neglect and the looming possibility of redevelopment.

As I reflect on my 17 years of public service, as a member of the Historic Preservation Commission, the Planning Board, and the Council, I am struck by both the challenges and the rewards I experienced. During my tenure, I am proud of the accomplishments above as well as the rehabilitation of the water clarifier on Tower Hill, the creation of the Washington Street Historic District, and my role in saving both the Red Bank Train Station and T. Thomas Fortune House. We weathered Superstorm Sandy and installed generators for future emergency use. I managed to have the first electric vehicle (EV) charging station installed during the Monmouth Street streetscape project and successfully lobbied to create additional parking at Borough Hall by razing the building next door. During the pandemic, we created ways to support our downtown business community, and honored our first responders and our hometown hospital heroes at Riverview Medical Center. I am deeply appreciative of my partnership with the Count Basie Center for the Arts and its never-wavering commitment to preserving and promoting culture in our community. The Basie acquired Bow Tie Cinemas, Phoenix Productions, Monmouth Conservatory of Music and supports the Jazz Arts Project and produces the Basie Awards for High School theatrical productions.

I am grateful to have been part of the Red Bank Road Program which ensures that we pave roads annually and address underground utility repairs. The Council adopted a Complete Streets policy and completed a Safe Routes to School Bicycle and Pedestrian Plan and added share the road "sharrows" to each newly resurfaced roadway.

As the first openly gay elected official of Red Bank, it is fitting, during this Pride month to thank the electorate of Red Bank for placing their trust in me. Thank you for electing me five times over. It has been an honor to serve you all. Happy Pride! I would be remiss if I didn't thank President Obama and President Biden for the numerous Pride Month Proclamations they bestowed on the Borough each June during their administrations. It was my distinct honor to represent the Borough of Red Bank with my husband, JP, at the White House celebrating Pride 2023 on Saturday, June 10th!

Lastly, thank you to my husband, JP Nicolaidis and our daughter and son-in-law for their support, encouragement and advice all these years. My mother, who passed in November, always told me to "Be a leader, not a follower." I took her guidance seriously and I am proud to be leaving office with a series of accomplishments that helped make Red Bank the greatest town in New Jersey.

I wish the new leaders taking office much success.

Mayor Portman divulged he is less concerned about placing the senior center on the ROSI, the bigger concern is the manner in which it happened. This type of behavior will not continue. When the new Council comes in things will reflect the will of the voters.

PUBLIC QUESTIONS AND COMMENTS Councilmember Jackson moved to open the floor to the public; Councilmember Sturdivant seconded the motion.

Laura Jannone 105 E Bergen Place – Noted the T Thomas Fortune Foundation event to be held at the Count Basie and thanked Councilmember Zipprich for the instrumental role he played; June 16th from 6PM to 9PM.

Cindy Burnham 71 Wallace St – Last minute things on the agenda is nothing new. This is no big deal this stuff happens.

Jimmy Dark 46 Sunset – Street sweeper still operating? Shrewsbury Ave has debris all over the place. There is one on Sunset that isn't moving. Don't let it sit there and fall apart if it works put it back on the road.

BA McConnell will look into it.

Freddie Boyton PO box 2074 – Seen meetings when people use foul language but when the shoe is on the other foot, I guess it isn't right. The boys and girls club is filthy, why can't that be cleaned? The trucks are riding around the can put cans on the back of the trucks and pick up.

Marybeth Maida 84 Branch Ave – Finds it hysterical that the mayor is talking about transparency when the Mayor vetoed an ordinance by press release. Commended Zipp on his conduct over the years and thanked him for representing the borough and the people. Wishes him continued success.

**MUNICIPAL COUNCIL MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JUNE 14, 2023 ♦ 6:30 PM**

Councilmember Jackson motioned to close the public to the public; Councilmember Sturdivant seconded the motion, Roll call unanimous affirmative.

EXECUTIVE SESSION Personnel Councilmember Zipprich moved resolution 23-166 for Executive session to discuss personnel issues; Councilmember Jackson seconded the motion. It was noted that no formal action would be taken.

ADJOURNMENT

Councilmember Jackson moved to adjourn the Council meeting; Councilmember Zipprich seconded the motion. Roll call, unanimous, affirmative. 8:06PM

Respectfully submitted,

Laura Reinertsen

DRAFT