

**MINUTES**  
**WORKSHOP MEETING**  
**MUNICIPAL COUNCIL – BOROUGH OF RED BANK**  
**September 14, 2022 ♦ 6:30 P.M.**

Meeting was conducted virtually  
[https://us02web.zoom.us/webinar/register/WN\\_HBqRxj8pRheqUk1cLV11bQ](https://us02web.zoom.us/webinar/register/WN_HBqRxj8pRheqUk1cLV11bQ)

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, 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 15, 2021.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Menna, Council Members Sturdivant, Mirandi, Triggiano, Ballard, Zipprich, and Horgan

**ABSENT:**

**ALSO PRESENT:** Interim Administrator McConnell, Borough Clerk Reinertsen, Borough Attorney Antonelli, and Department Heads.

**ADMINISTRATION**

Mayor Menna reviewed Administration items and noted there will be some items for discussion and as a courtesy offered consideration to the department heads present that did not have to take part of the discussions.

Construction Official Neibert: Council had no questions or comments. Mr. Neibert was excused.

Senior director Reynolds: Summarized activities, specifically this morning's tour down scenic drive to Spring Lake Heights. Noted she has been keeping up on the construction at the center. Is hoping for a December opening. Ms. Reynolds was excused.

Engineer Hermann was not present; he was attending another meeting. BA McConnell stated he would address Council's queries for the Engineer.

i. Ordinances/Resolutions

i. Ordinances/Resolutions

a. 2022-xx HRAC Committee Proposed Ordinance to Amend Chap 9-24 et seq

Councilwoman Sturdivant summarized the committee's desire to change the name and scope. Councilwoman Horgan shared a discussion with the committee Chair regarding the inclusion of verbiage to the ordinance amendment for inclusivity language. Mayor Menna returned it to committee for further discussion.

b. 2022-xx Short Term Rentals

Mayor Menna asked if this was ready for introduction this evening. This will have a long-term impact. Asked that the planner and other professionals be afforded input for long term planning. Synopsis of pros and cons from a planning perspective. Councilman Ballard divulged that this has been discussed for months now and would like to see it moved forward, requested that the borough attorney provide a draft for consideration, which is on the agenda for consideration. Councilwoman Triggiano noted the areas that were chosen for short term rental and would like an explanation for the determinations and identify how many are in operation. Councilman Ballard noted that the rentals were limited to the business districts as they are being operated as businesses not residences. Councilwoman Triggiano noted the rentals are in residences and would like to hear from the planner on this. Atty. Antonelli, clarified that the concern was of the short-term rentals infiltrating the single residence zones. Councilwoman Mirandi agreed with Mayor Menna that the ordinance may need further review by the borough planner(s) for clarity and long-term viability. Councilman Zipprich feels working with the professionals is the correct course to protect the borough and the public. Councilwoman Triggiano reiterated the importance of reviewing the permitted zones and the importance of permitting.

Consensus of Council was to return to committee for further review.

Mayor Menna opened the floor for public comment on this issue only:

Anthony Setaro 135-137 Oakland Street – Operator of ancestral home which has been a short-term rental since 1901 for the factory workers. Anthony shared the history of the home and the significance. The ordinance as currently presented would not permit them to operate in their location.

## Proclamation

Mayor Menna took the liberty of going out of order to read the following proclamation:

### **CHILDHOOD CANCER AWARENESS MONTH**

- Whereas,** childhood cancer is the leading cause of death by disease in children, and;
- Whereas,** 1 in 285 children in the United States will be diagnosed by their 20th birthday, and;
- Whereas,** 46 children per day or 16,790 children per year are diagnosed with cancer in the U.S., and;
- Whereas,** there are approximately 40,000 children on active treatment at any given time, and;
- Whereas,** the average age of diagnosis is 6 years old, compared to 66 years for adults' cancer diagnosis, and;
- Whereas,** 80% of childhood cancer patients are diagnosed late and with metastatic disease, and;
- Whereas,** on average there's been a 0.6 percent increase in incidence per year since the mid 1970's resulting in an overall incidence increase of 24 percent over the last 40 years, and;
- Whereas,** two-thirds of childhood cancer patients will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as severe to life-threatening, and;
- Whereas,** approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe, and;
- Whereas,** in the last 20 years only four new drugs have been approved by the FDA to specifically treat childhood cancer, and;
- Whereas,** the National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out;
- Whereas,** hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support, and;
- Whereas,** researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer, and;
- Whereas,** too many children are affected by this deadly disease and more must be done to raise awareness and find a cure.

**Now Therefore, I,** Pasquale Menna, Mayor of the Borough of Red Bank, do hereby proclaim September 2022 as Childhood Cancer Awareness Month in the Borough and commend the families, friends, professionals, and communities who lend their strength to children fighting pediatric cancer in hopes that their courage and commitment will continue to move us toward new cures, healthier outcomes, and a brighter future for America's youth.

The proclamation was presented to Rosie Perry. Ms. Perry expressed her appreciation and shared the loss of her son to childhood cancer. She further shared the efforts in his memory to further pediatric cancer research. She encouraged that people raise awareness and support research.

## ii. Discussion/Action

- a. Taxi Passenger Rates – IA McConnell noted that most towns do not set their rates. He related the current rates and that they had not been changed since 2017. Council asked that comparable towns be looked and a recommendation being made.
- b. Special Events Committee –Special Events Committee requests feedback on parameters for Wedding Ceremonies at Riverside Gardens Park. Council consensus was that the ceremonies are not commercialized. Brief ceremonies and photo opportunities are permitted. No structured event, decor or “aisle seating” can be set up in the public park. If an attendee(s) need seating, there is no objection to a few lawn chairs.

## REPORTS FROM DEPARTMENTS NOT IN ATTENDANCE

- i. Report: Grants – August 2022  
Councilman Zipprich inquired if the grant writer could look into funding for the strategic/vision plan.
- ii. Report: Animal Control – August 2022
- iii. Report: Tax Assessor – August 2022
- iv. Report: Tax Collector – August 2022
- v. Report: Fire Department – August 2022
- vi. Report: Senior Center – August 2022
- vii. Report: Building/Construction – August 2022

Council had no questions on the reports as submitted.

**ENGINEERING** Engineer Herrmann reported on the following:

- Met with a pump manufacturer re: the High Street station
- Sunset Park – Discussion with Master Plan committee to discuss the closure of the landfill. There are some DEP deadlines that will need to be met by statute (May 2024).

## PLANNING & ZONING

Dir. Ebanks spoke about more outreach events for the Master Plan, 2 public meetings and flyers will be distributed. There will be a status update presentation at the next planning board as well.

**PARKS & RECREATION** Director Salinas reported on the following:

- Thanked everyone that attended the basketball ribbon cutting event this afternoon
- Summarized the August activities and programs
- Fall activity registration has begun.
- Buddy ball program was very well received and will continue through the fall for kids with disabilities
- Noted the dates and locations of upcoming events
- Will be meeting with the engineer to look into sports lighting

Sunset Park – Discussion with Master Plan committee to discuss the closure of the landfill. There are some DEP deadlines that will need to

## FINANCE

CFO Gallagher summarized the following:

- Summarized the finance related ordinance 2022-18. Bond anticipation note sale, roll over of maturing note to finance the outstanding ordinances for the notes.
- Provided supporting information for resolutions for: Broad Street and Spring Street Improvements.
- Auditor will be back next week to finish up field work for the 2021 Audit before the end of the year.

Councilman Ballard inquired on the cost of the Broad Street Project; Mr. Gallagher said he did not know the numbers off the top of his head but would approximate 2.6 million and there was a change order pending for approximately \$300K.

## CLERK

- i. Proclamations:
- ii. Discussion/Action
  - a. Minutes:
    - Executive Session 6/8/22
    - Workshop 6/8/22
    - Regular 6/8/22

## EMERGENCY MANAGEMENT

T. Welsh spoke for the OEM and the Fire Marshalls' Offices:

- Congratulated Mayor Menna on reward received for his public service
- Fire Department celebrated their 150<sup>th</sup> Anniversary, thanked the Council for their support
- Weighed in the short-term rentals, not all are located in Red Bank but nearby and use Red Bank as a draw. Regulating this is important for public safety
- Will need to put on a part time inspector

## POLICE

Chief McConnell reported on the following:

- Auto thefts are continuing to be an issue in the area, reminded residents to remove the spare fob from their vehicles and lock the door.
- Summarized the monthly report
- Hires on the consent agenda were noted

Councilwoman Sturdivant summarized discussions with Councilmen Ballard and Zipprich regarding School Resource Officers; discussions were had with leaders in the with in the education field in Red Bank to discuss school safety and wellness, the inclusion element. Both representatives from the public and parochial schools. The Charter school is satisfied with their current security measures and do not plan to use SRO's. The Catholic schools are considering the not-for-profit security grant. A concern of traffic on Peter Place was noted to Chief McConnell. The Chief divulged that the Traffic Department is working with them to modify their arrival and dismissal system; there is a request for mutual support from the school as well. Mayor Menna noted that it has been a problem for over 20 years; parents dropping off their kids block the roadways. Councilwoman Sturdivant revealed other entities being sought for perspective on SRO's including the NRA, UConn, University of Virginia and other criminal justice agencies.

Councilman Ballard recalled that 19 civil rights organizations put forth a petition regarding SRO's. Saying funds for security should be utilized for programs that will build up and protect youth, particularly disabled and minority youth.

Councilman Zipprich thanked Councilwoman Sturdivant for her leadership on this complex topic. It shed a different light on this critical topic. Noted that this was one of the most through committee sessions he has participated in.

Chief McConnell noted that the research was not provided from NJ institutions and NJ handles SRO's very differently than other states. NJ Officers have to be retired officers and have 25 years of experience, which is key as a 25 year veteran officer has a different mindset. Also, the officers are not there for discipline but to be resource officer to help them through issues and in the event of an active shooter. While the studies are valid they have little to do with the proposal set up for Red Bank.

Councilwoman Triggiano reiterated Dr. Ramage's correspondence confirming the board of education's desire to move forward with an SRO.

Councilman Ballard, based on his observations as a parent of minority children that have gone through the Red Bank school system, countered that the protection should be outside the school not inside.

## **PUBLIC UTILITIES**

DPU Director Keen reported on the following:

- Made recommendations for an amendment to an ordinance for 15-minute meter parking spots, and the extension of some parking zones parking committee is in agreement.
- Senior Bus is being donated by Monmouth County, it is not a new bus it is from the County's fleet. A new bus is being purchased and delivery is expected for late fall. Both buses have lifts.
- East Side Parking Lot and Spring Street Update – Change order to relocate fire hydrant so work can commence on Spring Street then proceed to the parking lot.. All residents will be noticed in advance.
- Senior Center Update – Supply chain delays continue, currently it is sprinkler heads. There will be some change orders coming up for the project as well. When done it will be a beautiful facility that we can all be proud of.

Councilman Ballard posited the possibility of a municipal newsletter. Put out by the Clerk's office by the council and department heads to get the information out. Council consensus was to have something go out monthly through the borough website. Councilwoman Sturdivant thought this was a great idea to engage the residents.

## **PUBLIC COMMENT**

Rosie Perry 267 South Pearl St. – Regarding the SRO's, she has a child of color in the Red Bank public school system since 2010 and has had a positive experiences and participation with the SRO's. It has taught her respect, and how to behave around authority figures. Personally feels that SROs in schools is a good idea.

There being no further comments, Councilwoman Triggiano moved to close the floor to the public, Councilman Zipprich seconded the motion.

**CORRESPONDENCE**           None presented

## **ADJOURNMENT**

Councilwoman Triggiano moved to adjourn the workshop and commence the regular Council meeting, Councilman Zipprich seconded the motion.

There will be a 5-minute break before the commencement of the regular council meeting.

8:14PM

Respectfully submitted,

Laura Reinertsen

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
September 14, 2022 ♦ Upon adjournment of Workshop Meeting**

**SUNSHINE STATEMENT**

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**PLEDGE OF ALLEGIANCE**

**ROLL CALL**                    8:30PM

**PRESENT:**                    Mayor Menna and Council Members Mirandi, Sturdivant, Triggiano, Ballard, Zipprich and Horgan.

**ALSO PRESENT:**            Interim Administrator McConnell, and Borough Clerk Reinertsen


**PROCLAMATIONS, ANNOUNCEMENTS & PRESENTATIONS**

**a. Proclamations:**

**CHILDHOOD CANCER AWARENESS MONTH**

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- Whereas,** 1 in 285 children in the United States will be diagnosed by their 20th birthday; and
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- Whereas,** hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support; and
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**Now Therefore, I,** Pasquale Menna, Mayor of the Borough of Red Bank, do hereby proclaim September 2022 as Childhood Cancer Awareness Month in the Borough and commend the families, friends, professionals, and communities who lend their strength to children fighting pediatric cancer in hopes that their courage and commitment will continue to move us toward new cures, healthier outcomes, and a brighter future for America's youth.

  
PASQUALE MENNA, MAYOR

## HISPANIC HERITAGE MONTH

**WHEREAS,** National Hispanic Heritage Month, known as “Mes de Herencia Hispana”, is celebrated nationwide from September 15th through October 15th each year. The observation started in 1968 as Hispanic Heritage Week and was expanded by President Ronald Reagan in 1988, to cover the month at which it is celebrated today. Understanding that September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and 18, respectively; and

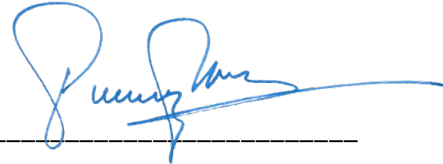
**WHEREAS,** the Hispanic and Immigrants Affairs board for the Borough of Red Bank looks forward to celebrating “Mes de Herencia Hispana”, with the greater community to highlight the rich heritage, arts, histories, food, music and traditions of all 26+ Latin-American nations. While recognizing that these nations are not monogamous and this month celebrates, honors and pays tribute to all for their contributions to our city and our society.

**WHEREAS** Latinos are individuals that are descendants from Latin American countries and may speak a variety of different languages. Hispanics are individuals that speak Spanish and are descendants from Spanish speaking countries, including Spain. Latinx is a gender neutral or non-binary term for people of Latin American descent, and we recognize the Latinx identity also encompasses people in Black/African, Asian, Indigenous, and Queer communities; and

**WHEREAS,** recognizing that Hispanics amount to an estimated 3.25k residents totaling 26.8 % of the Borough of Red Bank population of which 42.5k of those residents speak Spanish. Understanding that Hispanics are extremely entrepreneurial and play a vital role in our economy and workforce; and

**WHEREAS,** the Borough of Red Bank is committed to recognizing Hispanic/Latino and Latinx culture and heritage as an important part of the Borough and its strong, inclusive community; and

**NOW, THEREFORE, BE IT RESOLVED THAT I** Pasquale Menna, Mayor of the Borough of Red Bank do hereby proclaim September 15th – October 15th, as National Hispanic Heritage Month and call its observance to all residents.



PASQUALE MENNA, MAYOR

## DAISY HERNANDEZ STUDENT MURALIST

**WHEREAS,** Daisy Hernandez, a Junior at Red Bank Regional High School, has designed a mural to be installed at Count Basie Fields; and,

**WHEREAS,** it comes as no surprise that Daisy Hernandez’s college plans are to major in art, as her work can be spotted throughout Red Bank; not just in the vibrant depiction of community, inclusion, diversity and fun planned for the mural; and

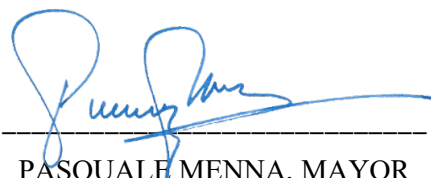
**WHEREAS,** Count Basie Park, named for Red Bank’s own William James "Count" Basie renowned African American jazz pianist, organist, bandleader, and composer; is one of the largest parks in Red Bank featuring 1 multi-sport stadium, 1 soccer field and 4 baseball/softball field; and

**WHEREAS,** this project is sponsored and funded by the Court’s Refresh Program an initiative of Chick-Fil-A and iHeartmedia; and

**NOW, THEREFORE, I,** Pasquale Menna Mayor, of the Borough of Red Bank, New Jersey, by the authority vested in me, do hereby on behalf of the citizens of Red Bank, extend heartfelt appreciation and gratitude to,

**Daisy Hernandez**

For the inspirational and uplifting design as well as your community awareness, participation and volunteerism.



PASQUALE MENNA, MAYOR

b. **Public Hearing** Monmouth County Open Space Grant Application - Red Bank Various Park Improvement Project Phase IV (East Side Park)

BA McConnell summarized the project for the assemblage. Councilwoman Triggiano motioned to open the floor for the CDBG Public Hearing; Councilwoman Horgan seconded the motion.

There being no public comment; Councilwoman Horgan motioned to close the public hearing; Councilman Zipprich seconded the motion.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Councilwoman Triggiano motioned to open the floor to the public; Councilman Zipprich seconded the motion.

Luke McCann, John (?) Kate Garrison – Principles from G Tree’s LLC, Class 1 Applicant, 22-224 Cannabis Business -Cultivation Business, currently in process of purchasing land 4 Catherine Street.

Luke McCann explained how G’s Trees came to be; inspired by a cousin with cancer that helped him through chemo. 10,000 sq ft state of the art facility for sale to retailers. They wish to be part of the community and keep the neighbors happy. Everyone involved on the team are local and family members. They are proponents for giving back to the community.

The being no further comments, Councilwoman Triggiano motioned to close the public comment on agenda items; Councilman Zipprich seconded the motion. All in favor, aye.

**MINUTES & REPORTS**

a. 06/08/22 Workshop Councilwoman Triggiano motioned to approve Councilwoman Horgan seconded the motioned. Roll call, Unanimous, affirmative.

b. 06/08/22 Regular Councilwoman Triggiano motioned to approve Councilwoman Horgan seconded the motioned. Roll call, unanimous, affirmative.

**ORDINANCES –**

**Introduction**

**2022-18** Councilwoman Triggiano motioned to approve ordinance 2022-18 on introduction; Councilwoman Horgan seconded the motion. Public hearing to be held September 28, 2022.

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 680, “VEHICLES AND TRAFFIC,” SECTION 680-37, “SCHEDULE III: “NO STOPPING OR STANDING”**

**2022-19** Councilwoman Mirandi motioned to approve ordinance 2022-19 on introduction; Councilman Zipprich seconded the motion. Public hearing to be held September 28, 2022.

**Amending and Supplementing Chapter 680, “Vehicles and Traffic,” Section 680-38, “Schedule IV: “Time-Limit Parking”**

**2022-20** Councilwoman Triggiano motioned to approve ordinance 2022-20 on introduction; Councilwoman Horgan seconded the motion. Public hearing to be held September 28, 2022.

**Amending and Supplementing Chapter 680, “Vehicles and Traffic,” Section 680-57, “Schedule XXIII: “Parking Meter Zones”**

**2022-21** Councilman Zipprich motioned to table ordinance 2022-21 and return to committee for the inclusion of additional language; Councilwoman Sturdivant seconded the motion.

**Amending and Supplementing Article VII, “Human Relations Advisory Committee ,” Chapter 9-24 Et Seq**

**2022-22** Councilwoman Triggiano motioned to table ordinance 2022-22 and return to committee for additional review by the Planning and Zoning professionals; Councilman Ballard seconded the motion.



## **Creating New Chapter Entitled "Short Term Rentals"**

### **RESOLUTIONS**

Resolution 22-178: Authorizing Shared Services SRO with Bd. of Education  
Councilwoman Triggiano motioned the approval of resolution 22-178; Councilwoman Horgan seconded the motion. Roll call; Mirandi, aye; Sturdivant, aye; Triggiano, aye; Ballard, nay; Zipprich, nay; Horgan, aye. Motion passes 4/2.

#### **RESOLUTION NO. 22-178**

##### **AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE RED BANK BOARD OF EDUCATION TO PROVIDE A SCHOOL RESOURCE OFFICER (SRO) FOR THE 2022/2023 SCHOOL YEAR**

**WHEREAS**, pursuant to N.J.S.A. 40A:65-1 et seq., municipalities and local boards of education may enter into agreements for shared services with other municipalities and local boards of education to provide or receive any service that the local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, the agreement must comply with the requirements of N.J.S.A. 40A:65-7 and specify the services to be performed under the agreement, procedures for payment, and assignment and allocation of responsibility for meeting standards between and among the parties; and

**WHEREAS**, the Borough of Red Bank and the Red Bank Board of Education desire to join together to provide a Class III, School Resource Officer (SRO) for the 2022/2023 School Year pursuant to the attached Shared Service Agreement; and

**WHEREAS**, the Borough of Red Bank desires to enter into an Agreement with the Red Bank Board of Education for the purpose of setting forth the terms and conditions regarding the assignment of the School Resource Officer ("SRO") for the 2022/2023 School Year.

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

1. The Administrator is authorized to execute and the Borough Clerk to attest to the Shared Services Agreement between the Borough of Red Bank and the Red Bank Board of Education to provide a School Resource Officer (SRO) for the Red Bank Borough School District.
2. A copy of said Agreement will be kept on file within the Borough Clerk's Office.
3. All terms and conditions are in accordance with the attached Shared Services Agreement.
4. Certified copies of this resolution shall be forwarded to the Department of Community Affairs/Division of Local Government Services (DLGS), the Red Bank Board of Education, Superintendent of Schools, School Administrator, Borough Administrator, CFO, Chief of Police, Personnel Department and any other interested parties.

This Resolution shall take effect immediately.

#### **By Consent Agenda:**

- Resolution 22-211: Payment of Bills Amounting To \$5,587,650.02
- Resolution 22-212: Authorizing Refund of Water Project Escrow Account Balances Totaling \$1,885.45
- Resolution 22-213: Authorizing Change Order No. 2 Related to The Contract with Z. Brothers Concrete Contractors, Inc. For The Improvement to Spring Street Project
- Resolution 22-214: Authorizing the Release of Maintenance Guarantee Posted by Fortune Square, LLC For Block 75.01, Lot 86
- Resolution 22-215: Authorizing the Release of The Performance Guarantee Posted by Two River Theater Co., Inc. For Block 35, Lot 5.01 And Block 36, Lots 22, 22.01, & 22.02
- Resolution 22-216: Authorizing the Borough of Red Bank to Enter into a Cooperative Pricing Agreement with Hunterdon County Educational Services Commission
- Resolution 22-217: Authorizing the Borough of Red Bank to Enter into a Cooperative Pricing Agreement with Omnia Partners Cooperative Pricing System
- Resolution 22-218: Authorizing Tax Credits/Refunds Totaling \$4,134.52 Due to Over Payment by Property Owner

- Resolution 22-219: Authorizing Purchase of Construction Office Vehicles Under a New Jersey Cooperative Purchase Agreement
- Resolution 22-220: Authorizing the Purchase of Senior Bus Under the HGACbuy Cooperative Purchase Agreement
- Resolution 22-221: Appointment of Regular Crossing Guards for the 202 - 2023 School Year
- Resolution 22-222: Ratifying and Confirming the Appointment of a Full-Time DPW Operator
- Resolution 22- 223: Ratifying and Confirming the Appointment of a Full-Time Recreation Assistant
- Resolution 22-224: Acknowledging That Cannabis Business License Applicant Has Proposed a Type of Cannabis Business That Is Permitted Within the Borough and Would Not Exceed Any Municipal License Limit
- Resolution 22-225: Awarding Electrical Contractor Services
- Resolution 22-226: Authorize Open Space Program Grant Submittal
- Resolution 22-227: Change Order Broad Street Project
- Resolution 22-228: Broad Street Project Payment #6 – Montana Construction
- Resolution 22-229: Ratifying and Confirming the Appointment of a Parking Enforcement/SLEO Class 1 Officers
- Resolution 22-230: Ratifying and Confirming the Appointment of a Full-Time RBPB Dispatcher
- Resolution 22-231: Refund Parks & Recreation Registration Fee
- Resolution 22-232: MCIA Purchase Roller Shades
- Resolution 22-233: Fire Department Facilities Annual Rent and Janitorial Reimbursement
- Resolution 22-234: Fire Department Annual Stipend Award

Councilwoman Triggiano motioned the approval of resolutions 22-211 through 22-234, excluding 22-178; Councilman Zipprich seconded the motion. Roll call vote, unanimous, affirmative.

**RESOLUTION NO. 22-211**  
**A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$5,587,650.02**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the bills be paid as on attached check registers totaling \$5,587,650.02

| Check Type    | Count      | Total                 | Checking Account | Count      | Total                 |
|---------------|------------|-----------------------|------------------|------------|-----------------------|
| Manual Check  | 234        | \$5,587,650.02        | CAPITAL ACCOUNT  | 2          | \$260,563.62          |
| Meeting Check | 0          |                       | CURRENT -VALLEY  | 123        | \$1,321,981.27        |
| <b>Total</b>  | <b>234</b> | <b>\$5,587,650.02</b> | DEVELESCROW      | 3          | \$203.81              |
|               |            |                       | DEVESCROW2RIVER  | 9          | \$14,720.98           |
|               |            |                       | GRANT FUND-VNB   | 11         | \$41,941.09           |
|               |            |                       | PAYROLL          | 2          | \$3,046.94            |
|               |            |                       | PKING CAP 2RIVE  | 1          | \$129.00              |
|               |            |                       | PKINGOP2RIVER    | 24         | \$59,210.76           |
|               |            |                       | RECREATION-VNB   | 7          | \$17,090.94           |
|               |            |                       | TRUST ACCOUNT    | 5          | \$39,811.00           |
|               |            |                       | TWO RIVERS       | 2          | \$717.22              |
|               |            |                       | WATER CAPITAL    | 2          | \$70,174.46           |
|               |            |                       | WATER OPERATING  | 38         | \$238,714.27          |
|               |            |                       | WIRE             | 5          | \$3,519,344.66        |
|               |            |                       | <b>Total</b>     | <b>234</b> | <b>\$5,587,650.02</b> |

| Checking Account | Check Type   | Count | Total          |
|------------------|--------------|-------|----------------|
| CAPITAL ACCOUNT  | Manual Check | 2     | \$260,563.62   |
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| DEVELESCROW      | Manual Check | 3     | \$203.81       |
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| GRANT FUND-VNB   | Manual Check | 11    | \$41,941.09    |
| PAYROLL          | Manual Check | 2     | \$3,046.94     |
| PKING CAP 2RIVE  | Manual Check | 1     | \$129.00       |
| PKINGOP2RIVER    | Manual Check | 24    | \$59,210.76    |
| RECREATION-VNB   | Manual Check | 7     | \$17,090.94    |
| TRUST ACCOUNT    | Manual Check | 5     | \$39,811.00    |
| TWO RIVERS       | Manual Check | 2     | \$717.22       |
| WATER CAPITAL    | Manual Check | 2     | \$70,174.46    |
| WATER OPERATING  | Manual Check | 38    | \$238,714.27   |

WIRE Manual Check 5 \$3,519,344.66

Total All Checking 234 \$5,587,650.02

**RESOLUTION NO. 22-212**

**RESOLUTION AUTHORIZING REFUND OF WATER PROJECT ESCROW  
ACCOUNT BALANCES TOTALING \$1,885.45**

**WHEREAS**, the property owners of the following properties have deposited Escrow amounts, as required for the water/sewer line projects; and

**WHEREAS**, the Red Bank Public Utilities Department has determined that the corresponding projects are complete and therefore the balance of \$1,885.45 in the Escrow Accounts can be released; and

**WHEREAS**, the Escrow Accounts for the water line project located at the following addresses have a balance remaining, after all relevant fees have been satisfied and there appears no further basis to retain the Escrow Deposits;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Red Bank that the Escrow balances be released and that the Chief Financial Officer is hereby directed to issue checks for the refunds.

|                          |                       |                   |
|--------------------------|-----------------------|-------------------|
| Sarah Noecker            | 83 Harrison Avenue    | \$ 98.60          |
| Robert Manning           | 197 Hudson Avenue     | \$ 67.35          |
| Michael Zupp             | 43 Linden Place       | \$ 205.30         |
| BANR Assets, Ltd.        | 309 Shrewsbury Avenue | \$ 211.20         |
| Johnathan Gilday         | 85 Pinckney Road      | \$ 90.10          |
| Melissa Houck            | 68 Locust Avenue      | \$ 638.60         |
| B&B McEntee Construction | 23-27 Maple Avenue    | \$ 574.30         |
| <b>Total</b>             |                       | <b>\$1,885.45</b> |

**RESOLUTION NO. 22-213**

**AUTHORIZING CHANGE ORDER NO. 3 RELATED TO THE CONTRACT WITH Z BROTHERS CONCRETE CONTRACTORS INC. FOR THE IMPROVEMENT TO SPRING STREET PROJECT**

**WHEREAS**, the Borough previously entered into a contract with Z Brothers Concrete Contractors, Inc for the Improvement to Spring Street project: and

**WHEREAS**, the Borough Engineer has recommended approval of Change Order No. 3, dated August 23, 2022 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 \$29,069.55

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that Change Order No.3 to the Improvements to Broad Street Project, dated August 23, 2022 is hereby approved with a supplementary price increase not to exceed \$29,069.55: and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer has certified that the funds are current available in account No. W-06-21-002-498; 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. 22-214**

**A RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEE POSTED BY FORTUNE SQUARE, LLC FOR BLOCK 75.01, LOT 86**

WHEREAS, by Resolution No. 20-39, the Borough of Red Bank (the "Borough") released the performance guarantee posted by Fortune Square, LLC for the installation of certain site improvements in connection with the development of Block 75.01, Lot 86, and accepted the posting of a two-year maintenance bond in the amount of \$109,294.29 issued by The Service Insurance Company, 80 Main Street, Suite 330, West Orange, NJ 07052, under Bond No. 48076; and

WHEREAS, the Borough has received a request from Fortune Square, LLC for the release of the maintenance guarantee; and

WHEREAS, the two-year time period applicable to the subject maintenance guarantee under the Revised General Ordinances of the Borough expired on January 16, 2022; and

WHEREAS, the Borough authorized the release of the maintenance bond by resolution 22-201 in the amount of \$109,294.29:

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

1. That the Governing Body does hereby authorize the release of the cash deposit posted by Fortune Square, LLC in the amount of \$21,858.86, with any accrued interest; and
2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Planning/Zoning Department, and Fortune Square, LLC.

#### **RESOLUTION NO. 22-215**

##### **A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED BY TWO RIVER THEATER CO., INC. FOR BLOCK 35, LOT 5.01 AND BLOCK 36, LOTS 22, 22.01, & 22.02**

**WHEREAS**, the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough"), required the posting of a performance guarantee by Two Rivers Theater Co., Inc. for the installation of certain site improvements with respect to the approvals granted by the Borough for a development project located at Block 35, Lot 5.01 and Block 36, Lots 22, 22.01, & 22.02; and

**WHEREAS**, the Borough has received a request from Two Rivers Theater Co., Inc. for the release of the performance guarantee; and

**WHEREAS**, the Borough Engineer and Planning/Zoning Department have determined that all site improvements have been completed in in substantial compliance with the applicant's approvals; and

**WHEREAS**, the Borough Engineer and Planning/Zoning Department have recommended the release of the performance guarantee for Block 35, Lot 5.01 and Block 36, Lots 22, 22.01, & 22.02 posted by Two Rivers Theater Co., Inc.; provided that Two Rivers Theater Co., Inc. pay all outstanding inspection fees through the date of performance guarantee release; and

**WHEREAS**, the Borough Engineer has recommended the waiver of any requirements that Two Rivers Theater Co., Inc. port a maintenance guarantee given the de minimus amount that would be provided;

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

1. That the Governing Body does hereby authorize the release of the performance guarantee posted by Two Rivers Theater Co., Inc., consisting of: (1) a performance bond in the amount of \$36,762.20 a cash deposit for the site improvements for the above-listed properties; and
2. That the Governing Body does hereby waive the posting of any maintenance guarantee by Two Rivers Theater Co., Inc. for the above-listed properties ; and
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Planning/Zoning Department, and Two Rivers Theater Co, Inc.

#### **RESOLUTION NO. 22-216**

##### **AUTHORIZING THE BOROUGH OF RED BANK TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH HUNTERDON COUNTY EDUCATIONAL SERVICES**

**COMMISSION**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 14, 2022 the governing body of the Borough of Red Bank, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Red Bank;

**AUTHORITY**

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the (CHIEF EXECUTIVE OFFICER) is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**RESOLUTION NO. 22-217**

**A RESOLUTION AUTHORIZING THE BOROUGH OF RED BANK TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH OMNIA PARTNERS COOPERATIVE PRICING SYSTEM**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the OMNIA Partners Cooperative Pricing System, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 14, 2022 the governing body of the Borough of Red Bank, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Red Bank;

**AUTHORITY**

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the (CHIEF EXECUTIVE OFFICER) is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**RESOLUTION NO. 22-218**

**AUTHORIZING TAX CREDITS/REFUNDS DUE TO OVER PAYMENT BY  
PROPERTY OWNER**

**WHEREAS**, A property owner erroneously made an overpayment on taxes by submitting an online payment after an automatic withdrawal from their account had been authorized; and

**WHEREAS**, the owner of the property known as 198 River Road (B17, L2) has requested a credit/refund of said payment; and

**WHEREAS**, Ashlesha Deshpande, Tax Collector has verified proof of the overpayment and hereby recommends said overpayments totaling \$

\$4,134.52 be credited/refunded to Ronald and Kim Lipp, 198 River Road (B17, L2), Red Bank, NJ 07701.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Red Bank that it does hereby authorize the following credits/refunds:

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

**RESOLUTION NO. 22-219  
AUTHORIZING PURCHASE OF CONSTRUCTION OFFICE VEHICLE UNDER A NEW JERSEY  
COOPERATIVE PURCHASE AGREEMENT**

**WHEREAS**, The Borough of Red Bank is permitted to join New Jersey cooperative purchasing agreements under the authority of N.J.S.A. 40A:11-12; and

**WHEREAS**, the Educational Services Commission of New Jersey (ESC Co-Op #65MCESCCPS – ESCNJ 20/21-09) bidding and contract award process meets the criteria as established by the Department of Community Affairs; and

**WHEREAS**, The Borough of Red Bank intends to participate in the Educational Services Commission of New Jersey contract award, specifically contract # #65MCESCCPS, to purchase one (1) construction office vehicle and

**WHEREAS**, it is the intent of the Red Bank Borough Purchasing Agent to make a purchase pursuant to said contract award to Nielsen Ford pursuant to the proposal submitted to the Borough of Red Bank; and

**WHEREAS**, the Borough Administrator has reviewed the proposal and has determined that said purchase through the Educational Services Commission of New Jersey contract award, contract # 65MCESCCPS will result in significant savings to the Borough, and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the Purchasing Agent is hereby authorizes the purchase of one (1) 2022 Ford Explorer (K8B) Base 4WD, through the Educational Services Commission of New Jersey, contract #65MCESCCPS from Nielsen Ford, in the amount of \$35,486.45 as set forth in their quote dated 8/29/2022.

**BE IT FURTHER RESOLVED**, the accounts to be charged are ) M-21-00-101-101 and M-17-00-101-402 in an amount not to exceed \$35,486.45 and that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer and Borough Administrator.

**RESOLUTION NO. 22-220  
AUTHORIZING THE PURCHASE OF SENIOR BUS UNDER THE HGACBuy  
COOPERATIVE PURCHASE AGREEMENT**

**WHEREAS**, The Borough of Red Bank is permitted to join cooperative purchasing agreements under the authority of N.J.S.A. 5:34-7; and

**WHEREAS**, the HGACBuy bidding and contract award process meets the criteria as established by the Department of Community Affairs; and

**WHEREAS**, The Borough of Red Bank intends to participate in the HGACBuy contract award, specifically contract #BT01-21, to purchase Buses – Shuttles, Transits, Trams, & Other Specialty Buses; and

**WHEREAS**, It is the intent of the Red Bank Borough Purchasing Agent to make a purchase pursuant to said contract award to Creative Bus Sales Inc. pursuant to the proposal submitted to the Borough of Red Bank dated August 30, 2022; and

**WHEREAS**, the Director of the Department of Utilities and the Senior Center Director has reviewed the proposal and has determined that said purchase through the HGACBuy contract award, contract #BT01-21 will result in significant savings to the Borough, and

**WHEREAS**, funds in the amount of \$121,967.00 are currently available for this purpose as certified by the Chief Financial Officer in account no(s). M-19-00-101-801

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the Purchasing Agent is hereby authorized to authorize the purchase of a 2023 Starcraft Allstar 22 Passenger Bus, through the HGACbuy contract #BT01-21, from Creative Bus Sales Inc., in the amount of \$121,967.00 as set forth in their proposal dated August 30, 2022.

**BE IT FURTHER RESOLVED** that, to the extent applicable, this resolution is further contingent upon the Chief Financial Officer's Certification of Sufficient Funds.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer.

### **RESOLUTION NO. 22-221**

#### **AUTHORIZING THE APPOINTMENT OF REGULAR CROSSING GUARDS FOR THE 202 - 2023 SCHOOL YEAR**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the following individuals be appointed as Regular School Crossing Guards for the 2022 - 2023 School Year pending completion of physical and background investigation:

**Returning:**

Jana Albert  
Frank Alexander  
Susan Friscia  
Mary Harrison  
Wayne Hartman  
Wanda Jenkins  
Diane Johnson  
Robert Lane  
Krissy Maletto  
Richard Moran  
Diane Summey  
Yvonne Vass  
Fred Wikoff

**New Appointments:**

Lillian Lopez  
Idalia Suastegui  
Mary Portee

**BE IT FURTHER RESOLVED** that the position will be for a term of 1/16/2021 through 6/1/2021 and will be paid at the rate of \$29.24 per day as set by Borough Ordinance.

### **RESOLUTION NO. 22-222**

#### **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 DPW Operator; 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 Nicholas Puma as a full-time DPW Operator.

**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 Nicholas Puma as full-time DPW Operator effective August 16, 2022 at a rate of pay consistent with the 2022 CWA Local 1075 Pay Scale of \$22.57 pending successful completion of criminal background investigation, physical and drug screening.

**BE IT FURTHER RESOLVED**, as a condition of continued employment Nicholas Puma must obtain a CDL License within one year of employment.

**RESOLUTION NO. 22-223**

**RATIFYING AND CONFIRMING THE APPOINTMENT OF A FULL-TIME RECREATION ASSISTANT**

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

**WHEREAS**, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Borough Administrator appoints Ruben Romero as a full-time Assistant in the Recreation Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Borough Administrator's appointment of Ruben Romero as full-time Assistant in the Recreation Department effective September 16, 2022 at the hourly pay rate of \$20.59, per the 2022 CWA Local Pay Scale.

**RESOLUTION NO. 22-224**

**ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT**

**WHEREAS**, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis businesses allowed to operate within their boundaries, as well as the location, manner, and times of operation of such businesses, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the "Borough") permitted and established land use regulations and local taxes for regulated cannabis businesses within the Borough in accordance with the Act and the New Jersey Municipal Land Use Law; and

**WHEREAS**, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

**WHEREAS**, the Borough has received a request for such an aforementioned Resolution from G Tree's, LLC, which seeks a license from the Commission for a Class 1 cannabis business license to be potentially located within the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of G Tree's, LLC for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally imposed limit; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and G Tree's, LLC.

**RESOLUTION NO. 22-225**

**AWARDING CONTRACT FOR ELECTRICAL SERVICES**

**WHEREAS**, the Borough of Red Bank received three (3) bids for electrical services; and



WHEREAS, Electro Maintenance, Inc., 5133 W. Hurley Pond Road, Building #3, Farmingdale, NJ 07727, submitted the lowest responsible bid in the amount of \$110.00 per hour, \$165.00 per hour for overtime and \$220 for double time; and

WHEREAS, the Director of Public Utilities recommends award to the lowest responsible bidder, Electro Maintenance, Inc., 5133 W. Hurley Pond Road, Building #3, Farmingdale, NJ 07727; and

WHEREAS, this is an open-end contract to be used on an as needed basis beginning January 1, 2022 through December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that the contract for the Electrical Services for the Borough of Red Bank be and same is hereby awarded to Electro Maintenance, Inc. 5133 W. Hurley Pond Road, Building 3, Farmingdale, NJ 07727 in the amount of \$110.00 per hour, \$165.00 per hour for overtime and \$220 for double time from January 1, 2022 through December 31, 2022.

BE IT FURTHER RESOLVED that the Mayor and Clerk are requested and authorized to sign and deliver a contract on behalf of the Borough of Red Bank;

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified copy of this resolution to the Purchasing Agent to send with contracts to Electro Maintenance, Inc. and the Department of Public Utilities.

#### **RESOLUTION NO. 22-226**

##### **RESOLUTION AUTHORIZING MUNICIPAL OPEN SPACE PROGRAM GRANT APPLICATION**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Red Bank desires to obtain County Open Space Trust Funds in the amount of \$100,000.00 to fund the Red Bank Various Park Improvement Project Phase IV located at East Side Park, 272 Mechanic Street, Red Bank, NJ 07701; Block 15.01, Lot 16.01; and at Count Basie Park, 11 Henry Street, Red Bank, NJ 07701; Block 97.01, Lots 40 and 41, specifically addressing the baseball fields at Count Basie Park.

WHEREAS, the total cost of the project including all matching funds is \$199,512.50; and

WHEREAS, the Borough of Red Bank is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF RED BANK THAT:

1. Chief Darren McConnell, Interim Borough Administrator, or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Red Bank is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Chief Darren McConnell, Interim Borough Administrator, or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

**RESOLUTION NO. 22-227**

**AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH MONTANA CONSTRUCTION COR., INC. FOR THE IMPROVEMENT TO BROAD STREET PROJECT**

**WHEREAS**, the Borough previously entered into a contract with Montana Construction Corp., Inc for the Improvement to Broad Street project: and

**WHEREAS**, the Borough Engineer has recommended approval of Change Order No. 2, dated September 9, 2022 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 \$313,677.15;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that Change Order No. 2 to the Improvements to Broad Street Project, dated September 9, 2022 is hereby approved with a supplementary price increase not to exceed \$313,677.15: and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer has certified that the funds are current available in account No. W-06-21-002-498; 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. 22-228**

**AUTHORIZING PROGRESS PAYMENT #6 RELATED TO THE CONTRACT WITH MONTANA CONSTRUCTION CORP., INC. FOR THE NJDOT BROAD STREET IMPROVEMENT PROJECT**

**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 #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: Broad Street Improvements**

**CONTRACTOR: Montana Construction Corp, Inc.**

80 Contact Ave., Lodi NJ 07644

**ENGINEER: CME Associates.**

1460 Route 9 South, Howell, NJ 07731

**Payment #6**

|                        |                |
|------------------------|----------------|
| Current to Date Total  | \$4,463,738.53 |
| Less 2% Retainage      | \$89,274.77    |
| Less Previous Payments | \$4,019,468.30 |

|                   |                     |
|-------------------|---------------------|
| <b>Amount Due</b> | <b>\$354,995.46</b> |
|-------------------|---------------------|

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 NO. 22-229**

**RATIFYING AND CONFIRMING THE APPOINTMENT OF A PART-TIME PARKING ENFORCEMENT / SLEO CLASS 1 OFFICERS**

**WHEREAS**, the Borough Administrator has recommended that it would be in the best interests of the Borough to appoint a part-time Parking Enforcement Officers/Class I Special Law Enforcement Officers; and

**WHEREAS**, pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Borough Administrator appoints the following individuals as part-time Parking Enforcement Officers/Class I Special Law Enforcement Officers:

| <b>NAME</b>   | <b>EFFECTIVE DATE</b> | <b>HOURLY RATE</b> |
|---------------|-----------------------|--------------------|
| Robert Varela | September 16, 2022    | \$16.25            |
| Ronald Santos | October 1, 2022       | \$16.25            |

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Borough Administrator's aforementioned appointments.

**BE IT FURTHER RESOLVED,** these appointments are subject to statutory requirements, successful completion of criminal background checks and a ninety-day probationary period.

**RESOLUTION NO. 22-230**

**RATIFYING AND CONFIRMING THE APPOINTMENT OF A FULL-TIME POLICE DISPATCHER**

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

**WHEREAS,** pursuant to Chapter 90, Article VI, Section 90-28 of the Revised General Code of the Borough of Red Bank, the Borough Administrator appoints Daniel O'Grady as full-time Red Bank Police Dispatcher.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that they do hereby ratify and confirm the Borough Administrator's of Daniel O'Grady as full-time Dispatcher in the Police Department effective October 1, 2022 at the hourly pay rate of \$19.89 per the 2022 CWA Local Pay Scale.

**BE IT FURTHER RESOLVED,** these appointments are subject to statutory requirements, successful completion of criminal background check, physical examination and drug screening.

**RESOLUTION NO. 22-231**

**REFUND PARKS & RECREATION REGISTRATION FEE**

**WHEREAS,** registration fees were accepted for Parks and Recreation Soccer programs; and

**WHEREAS,** the registrant will no longer be able to participate.

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Red Bank that the attached listed individual be reimbursed the registration fee(s) as noted.

| Name          | Prog Desc | Amt Pd   | Total           |
|---------------|-----------|----------|-----------------|
| Janeska Perez | Soccer    | \$145.00 | <b>\$145.00</b> |

**BE IT FURTHER RESOLVED,** that the Mayor and Council authorize the Chief Finance Officer to issue the aforementioned refund

**RESOLUTION NO. 22-232**

**WHEREAS,** it is the intent of the Red Bank Borough Purchasing Agent to make a purchase pursuant to Monmouth County Improvement Authority; and

**WHEREAS,** the Director of the Department of Utilities and Chief finance Officer have reviewed the proposal and has determined that said purchase through the Monmouth County Improvement Authority (MCIA) will result in significant savings to the Borough, and

**WHEREAS,** funds in the amount of \$4,600.00 are currently available for this purpose as certified by the Chief Financial Officer in account no(s). M-17-00-101-218

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the Purchasing Agent is hereby authorized to authorize the purchase and installation of window screen roller shades in the amount of \$4,600.00 as set forth in their quote #15624832

**BE IT FURTHER RESOLVED** that, to the extent applicable, this resolution is further contingent upon the Chief Financial Officer's Certification of Sufficient Funds.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer.

**RESOLUTION NO. 22-233**

**BE IT HEREBY RESOLVED,** that the following list of the Red Bank Volunteer Fire Department Facilities are granted the annual allowance for rent and janitorial services in accordance with the requisitions submitted by Fire Chief Nicholas Ferraro, in the aggregate amount of \$53,000.00.

|                            |                 |                    |
|----------------------------|-----------------|--------------------|
| Red Bank First Aid         | 2-01-25-750-209 | \$10,500.00        |
| Navesink Hook and Ladder   | 2-01-25-752-209 | \$10,500.00        |
| Union Hose Company         | 2-01-25-752-209 | \$10,500.00        |
| Westside Hose Company      | 2-01-25-752-209 | \$10,500.00        |
| Independent Engine Company | 2-01-25-752-209 | \$ 5,500.00        |
| Liberty Hose Company       | 2-01-25-752-209 | \$ 5,500.00        |
| <b>Total</b>               |                 | <b>\$53,000.00</b> |

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer.

#### RESOLUTION NO. 22-234

**BE IT HEREBY RESOLVED**, that the following list of the Red Bank Volunteer Fire Department Officers are granted the annual Award Stipend in accordance with the requisitions submitted by Fire Chief Nicholas Ferraro, in the aggregate amount of \$13,500.00.

|                  |                 |                    |
|------------------|-----------------|--------------------|
| Nicholas Ferraro | 2-01-25-752-216 | \$5,500.00         |
| Thomas Welsh     | 2-01-25-752-216 | \$4,000.00         |
| Thomas Doremus   | 2-01-25-752-216 | \$ 4,000.00        |
| <b>Total</b>     |                 | <b>\$13,500.00</b> |

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer.

#### MAYOR AND COUNCIL COMMENTS

Councilwoman Mirandi reported on the following:

- Shade Tree - Planting 75 Trees in the fall, through grant funds. Looking to see if the trees on Broad Street that were damaged during construction can be saved.
- Personnel – CFO Interviews being conducted, upon completion will be looking at a full-time placement for the BA position

Councilwoman Sturdivant – No report.

Councilwoman Triggiano reported on:

- 150<sup>th</sup> of the Volunteer Fire Department celebration went well and thanked the volunteers for their dedication
- Environmental Commission had a table at the Dog Days event to get information out to the public
- Fire Prevention will be hosting events at the library and schools

Councilwoman Horgan reported on the following:

- Library – Town Wide Yard Sale was very successful, over 80 people registered and money was raised for the library

Councilman Ballard reported on the following –

- Dog Days was a very successful event, great turn out. The luring track was a huge hit. Thanked Debbie Marks, Sue Viscome, Anna Cruz and all the other volunteers and partners that participated.

Councilman Zipprich reported on the following:

- DPW will be meeting next week for a presentation coordinated by the Chief and Engineer with Ingenuity.

#### DISCUSSION & ACTION

Mayor Menna read the following requests:

i. Special Event Requests

1. Film Request – “Which Brings Me To You” – Various Locations
2. Field of Heroes – Riverside Garden Park
3. Jersey Shore Ghost Tours – Several Dates Requested (1st Sept, 16<sup>th</sup> @ 8:30pm)
4. John Street Block Party – Sat., October 9<sup>th</sup> 11am – Midnight
5. Annual Red Bank Community Block Party (Drs Parker Blvd between Bridge & Shrewsbury; noon – 7pm Aug. 12<sup>th</sup> Rain Date Aug. 19<sup>th</sup> )

Councilwoman Horgan motioned to approve the Special Events requests; Councilman Ballard seconded the motion. Roll call vote: unanimous, affirmative.

**PUBLIC COMMENT (Governmental Issues, 5 Minute Limit)**

Councilman Zipprich moved to open the floor to the public, Councilwoman Triggiano seconded the motion:

Ben Forrest 16 Locust Avenue – Regarding the SRO Officer Resolution, expressed his appreciation in support of the passage of the resolution.

Barbara Boas 135 Branch Avenue – Thanked the Council members that voted for the SRO resolution. Read some of the reports and noted that they were not from New Jersey. Having worked in the school system for many years and voiced her opinion that the approval was the right course of action.

There being no further discussion, Councilwoman Horgan offered a motion to close the Public Comment period, Councilwoman Triggiano seconded. Roll call, unanimous, affirmative.

**EXECUTIVE SESSION**

Mayor Menna noted the need to go into executive session to discuss matters affecting anticipated litigation. No action will be taken. Councilwoman Horgan motioned to go into executive session; Councilwoman Mirandi seconded the motion.

**RESOLUTION NO. 22-235**

WHEREAS, the members of the Borough Council are mindful of the right of the public to attend and witness meetings of the governmental bodies at which public business is discussed, and to be involved in all phases of governmental action, and

WHEREAS, the Open Public Meetings Act nonetheless recognizes the authority of a public body to exclude the public from meetings in certain enumerated instances in which disclosure of matters discussed could endanger public safety, property or other public interest, or invade individual privacy, and

WHEREAS, as authorized by the Open Public Meetings Act, NJS A 10:4-12 (b), the Borough Council has a need to meet in private session to discuss:

- 1) Matters expressly rendered confidential by law;
- 2) Matters the disclosure of which would jeopardize the receipt of federal funds;
- 3) Matters threatening unwarranted invasion of individual privacy;
- 4) Matters affecting collective bargaining of public employees;
- 5) Matters involving acquisition of real property with public funds, or investment of public funds, where disclosure would jeopardize such acquisition or investment.
- 6) Tactics and techniques utilized in protection of public safety or property, matters concerning investigations of violations of the law;
- 7) Matters affecting pending or anticipated litigation to which the public body may be party, matters within the attorney client privilege.
- 8) Personnel matters concerning the employment, appointment, evaluation, promotion or termination of a public officer or employee;
- 9) Deliberations which may result in the imposition of civil penalty or the suspension or loss of license or permit;

BE IT RESOLVED, that the Borough Council will meet in private session at \_\_9:02\_\_ PM on \_\_9/14/2022\_\_ to discuss the following specific items:

Item # \_\_\_\_7\_\_\_\_ As enumerated above.

- 1. Right of Way – White Street Lot
- 2. Water/Sewer – Pearl Street
- 3. Spence v. Borough of Red Bank

BE IT FURTHER RESOLVED, that the matters so discussed will be disclosed to the public as determined during closed session.

**ADJOURNMENT**

There being no further business Councilman Zipprich offered a motion adjourn, seconded by Councilwoman Mirandi Roll call, unanimous, affirmative. 9:24PM

Respectfully submitted,

Laura Reinertsen