

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, February 23, 2022**

NOTICE - In light of the health risks associated with the global pandemic the February 23, 2022 Council Meeting will be held via Zoom Video Conferencing ONLY. There will be no in person participation. In order to virtually attend the meeting, members of the public must dial 1-929-205-6099 or 1-253-215-8782 and use access code/meeting ID 867 4904 1645 or can join via video at <https://zoom.us/j/86749041645> or by downloading the Zoom App. Please follow prompts. Out of respect for the need to run an orderly meeting, we ask that all participants keep their phone on mute. We appreciate your understanding and patience during this challenging and dynamic time. This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.

Mayor Talerico opened the Regular Meeting at 8:11 pm, noting the Borough's compliance with the Open Public Meetings Act. Mayor Talerico pointed out the public comment sections and noted Council would take no action after Closed Session.

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Kevin L. Gonzalez,
Councilmembers Mark Regan, Jr., Maria Escalante, Danielle M. Jones, David Gindi, Everett D. Lucas
ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin
The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 02/09/2022

Motion to approve the minutes by C/Gindi; seconded by C/Jones

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

3. COMMUNICATIONS

- 1. County Commissioners, Reso. Authorizing Annual Allocation from Mon. County Open Space, Recreation Trust Fund
- 2. NJAW, Petition for Approval to Change Levels of Purchased Water Adjustment Clause/Wastewater Purchase Clause
- 3. NJNG, regarding Petition of NJNG for Annual Review and Revision of Societal Benefits Charge Factors (3/9/22)

Motion to accept communications A-C by C/Escalante; seconded by C/Lucas

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico sent a letter of interest to FMERA for the 19-acre lake parcel. He attended the FMERA meeting and an internal meeting on Monmouth Mall. The tentative scheduled for the closing on the Nicodemus Park Parcel is March 7.

5. REPORTS OF COMMITTEES

A. POLICE, PUBLIC LIGHTS & PARKING - Council President Gonzalez

Council President Gonzalez reported the Shade Tree Commission met to discuss several projects, a secretary is also being sought. C/Gonzalez explained the purchase of the three Dodge Durangos, noted they are budgeted for and part of a replacement cycle.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reserved his report for next meeting.

Reports were taken out of order.

D. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported the Finance and Ordinance Committee would be meeting soon. The FY 2022 budget is in progress, the Borough is currently on a Temporary Budget. The Planning Board will meet in person March 7. Traffic Advisory will meet March 10 via Zoom, a secretary is being sought for the Committee. The Drug and Alcohol Alliance is seeking volunteer members; funding is also being sought for the SPEAK program. The next Alliance meeting is May 11 via Zoom. C/Jones provided an update from Adult Programs at the Community Center and the Preschool program. The next NJ Social Justice Remembrance Coalition meeting will be held tomorrow. C/Jones shared information on Career Day for Black History month being held at Margaret L. Vetter School and Memorial Middle School on Friday, February 25, 2022. C/Jones reiterated March is Women's History month and provided information on the next *Live Well – Stay Healthy Wellness* Webinar.

C. PARKS & RECREATION - Councilmember Escalante

Councilmember Escalante provided information from the Historical Commission March events being held at the Community Center, including a talk by Lorraine Stone. C/Escalante provided an update from Recreation including the egg hunt and exercise classes

E. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi shared the upcoming dates for bulk pickup. He also noted pothole crews are making repairs.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas reported Eatontown Cleanup Day on April 24.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia had no report.

7. OLD BUSINESS

A. ORDINANCE ADOPTION

- 1) **Ordinance 01-2022** - Amending Chapter 312, "Vehicles and Traffic", Article III "Parking, Stopping or Standing", Section 312-5 "Parking Prohibited During Certain Hours" of the Borough Code, to Remove Overnight Parking Limitations During Weekend Hours – **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title.

Motion to open the meeting to public comment on the ordinance by C/Gindi; seconded by C/Jones

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Mr. Gerrie Diaz, Tinton Avenue, asked why the ordinance was in place to begin with. Mayor Talerico confirmed the Police Department had no concerns regarding updating the ordinance.

Motion to close the meeting to public comment on the ordinance by C/Gonzalez; seconded by C/Jones.

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Attorney Bayer read the ordinance by title.

Motion to adopt the ordinance by C/Gindi; seconded by C/Lucas

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Ordinance 01-2022

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 312, "VEHICLES AND TRAFFIC", ARTICLE III "PARKING, STOPPING OR STANDING", SECTION 312-5 "PARKING PROHIBITED DURING CERTAIN HOURS" OF THE BOROUGH CODE, TO REMOVE OVERNIGHT PARKING LIMITATIONS DURING WEEKEND HOURS

WHEREAS, the Borough currently has enacted rules and regulations restricting overnight parking of vehicles on streets generally except for Sunday between the hours of 2:00 a.m. and 6 a.m.; and

WHEREAS, the Borough wants to ease certain restrictions to allow overnight parking of vehicles on streets for the entire weekend to include Saturday morning between the hours of 2:00 a.m. and 6:00 a.m.; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to update the Borough Code to allow overnight street parking for vehicles during the entire weekend.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 312, Article III, Section 312-5 of the Borough Code entitled "Parking Prohibited in During Certain Hours" as follows:

(additions are underlined deletions are ~~stricken~~):

Section 312-5 Parking prohibited during certain hours.

No person shall park a vehicle between the hours specified in Schedule II (§ 312-33) of any day (except Saturdays, Sundays and public holidays) upon any of the streets or parts of streets described in said Schedule II attached to and made a part of this Part 1.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

2) **Ordinance 02-2022** - Amending Chapter 233, "Parks and Playgrounds", Article III "Use of Parks", Section 233-18 "Hours" of the Borough Code, Disallowing Parking During Hours Parks are Not Open to the Public – **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title. Mayor Talerico explained the purpose of the ordinance.

Motion to open the meeting to public comment on the ordinance by C/Jones; seconded by C/Gonzalez

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

There were no comments from the public.

Motion to close the meeting to public comment on the ordinance by C/Jones; seconded by C/Lucas

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Attorney Bayer read the ordinance by title.

Motion to adopt the ordinance by C/Escalante; seconded by C/Jones

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

ORDINANCE 02-2022

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 233, "PARKS AND PLAYGROUNDS", ARTICLE III "USE OF PARKS", SECTION 233-18 "HOURS" OF THE BOROUGH CODE, DISALLOWING PARKING DURING HOURS PARKS ARE NOT OPEN TO THE PUBLIC

WHEREAS, the Borough currently has enacted rules and regulations for the protection, regulation and control of the public parks owned, operated and controlled by the Borough which include the parks close at dusk; and

WHEREAS, the Borough wants to ensure that its rule and regulations concerning park use are applied in a uniform manner including the restriction of the parking of motor vehicle to the times that the parks are open; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to ensure uniform rules and regulations concerning park use.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 233, Article III, Section 233-18 of the Borough Code entitled "Hours" as follows:

(additions are underlined deletions are ~~stricken~~):

Section 233-18 Hours

Public parks shall be open each day during the period between dawn and dusk, except that the closing time of a public park may be extended by prior permission and authorization of the governing body or the Recreation Advisory Committee for good cause. No person shall, without such permission and authorization, enter into or remain in a public park except during the hours the park is open to the general public. No vehicles shall be parked in any parking lots connected to any public park before dawn and after dusk.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

3) **Ordinance 03-2022** - Amending Chapter 7, "Boards, Commissions and Committees", Article XVII "Community Garden Advisory Committee", To Place Community garden Advisory Committee Under Auspices and Supervision of Department of Recreation and Community Service, Division of Recreation – **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title.

Motion to open the meeting to public comment on the ordinance by C/Gindi; seconded by C/Gonzalez

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

There were no comments from the public.

Motion to close the meeting to public comment on the ordinance by C/Gindi; seconded by C/Gonzalez

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Attorney Bayer read the ordinance by title.

Motion to adopt the ordinance by C/Gindi; seconded by C/Lucas

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

ORDINANCE 03-2022

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 7, "BOARDS, COMMISSIONS AND COMMITTEES", ARTICLE XVII "COMMUNITY GARDEN ADVISORY COMMITTEE", TO PLACE COMMUNITY GARDEN ADVISORY COMMITTEE UNDER AUSPICES AND SUPERVISION OF DEPARTMENT OF RECREATION AND COMMUNITY SERVICE, DIVISION OF RECREATION

WHEREAS, the Borough Council of the Borough of Eatontown created the Community Garden Advisory Committee dedicated to the development and planning of the Borough Community Garden;

WHEREAS, in addition to the dedication of Borough property, the Mayor and Council have authorized the expenditure of taxpayer monies to develop the Borough Community Garden;

WHEREAS, given the success of the Borough Community Garden, the Borough has spent and will continue to expend public resources to oversee and maintain the Borough Community Garden given its value to the community;

WHEREAS, the Borough Council believes it is in the best interest of the Borough and its residents to bring the Community Garden Advisory Committee under the auspices, supervision and oversight of the Division of Recreation;

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 7, Article XVII, of the Borough Code entitled "Community Garden Advisory Committee" as follows:

(additions are underlined deletions are ~~stricken~~):

§ 7-102 Committee established.

There is hereby created an advisory committee which shall be known as the "Community Garden Advisory Committee." The Department of Recreation and Community Service, Division of Recreation, shall be responsible for the supervision and oversight of the Community Garden Advisory Committee and the Community Garden.

§ 7-103 Membership.

- A. The Community Garden Advisory Committee shall consist of five regular voting members; all members shall be residents of the Borough of Eatontown, one of whom shall be a member of the Borough of Eatontown Green Team or the Environmental Commission; ~~one member shall be a Council person selected by the Council;~~ two three members shall be gardeners who actively maintain plots at the Community Garden; and one member shall be a member of the Recreation Advisory Committee. All members ~~except the Council member~~ shall be appointed by the Mayor, with the advice and consent of the Borough Council. The governing body shall select a Chairperson on an annual basis and the Chairperson shall serve a one-year term.
- B. Two members shall serve an initial term of two years and two members shall serve an initial term of three years. ~~The Council person shall serve a one-year term and shall be selected by the Council on an annual basis.~~
- C. Thereafter all ~~non-Council~~ members shall serve for a term of three years. Any vacancy in membership shall be filled in the same manner as the original appointment.

§ 7-104 Election of officers; organization.

- A. Following the adoption of this article, the Community Garden Advisory Committee shall meet to organize and shall appoint a Secretary. The Secretary shall serve one-year terms.
- B. The Chairperson shall set the meeting schedule after conferring with the members, establish an agenda for each meeting, and conduct the meetings in an orderly and timely fashion.
- C. The Secretary shall be responsible for maintaining correspondence, memoranda and preparing written minutes of all Committee meetings.
- D. The Committee shall meet annually to reorganize and determine when it shall meet and how often, however, the committee shall meet at least four times per year.

§ 7-105 Duties and responsibilities.

- A. The Committees shall make recommendations to the Director of Recreation ~~shall be responsible~~ for the general operation and planning of the Community Garden and any related Borough property assigned by the Borough Council pursuant to the rules, regulations and procedures approved by the Director of Recreation and the Borough Council.
- B. The Committee shall prepare and present to the Director of Recreation ~~Borough Council~~, for approval, rules, regulations and procedures governing the development, implementation, use and maintenance of the Community Garden and any related Borough property by members of the public, including but not limited to the size of plots, access, environmental management practices, and any other requirements necessary and appropriate for the operation of the Community Garden.
- C. The Committee shall also keep track of all plot assignments, maintain a waiting list for plots, and accept applications subject to the review and approval of the Director of Recreation.

- D. The Committee shall ensure the proper maintenance and appearance of the Community Garden by advising the Recreation Director ~~Borough Administrator~~ of required maintenance activities and will promote and educate residents on the benefits of gardening and Community Gardens.

§ 7-106 Quorum; powers limited.

- A. A majority of members shall constitute a quorum.

~~The Committee shall have no authority to spend municipal funds, enter into contracts on behalf of the municipality or in any way obligate the municipality legally or financially. The Committee may make recommendations to the Borough Recreation Director Administrator who under his/her authority may act on such recommendations when it is determined that such actions are in the best interest of the Borough, subject to Council approval, where appropriate and necessary.~~

- B.C. The Committee is prohibited from exercising any power or condemnation, from pledging the credit of the municipality, and from creating any debt against the municipality.

§ 7-107 Conflicts of interest.

- A. Disclosure of interest. No Committee member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered, in writing, upon the minutes of the Committee meeting.

- B. Voting. No Committee member having an interest as described in this section shall vote on matters directly relating to such interest.

§ 7-108 Budget Allocation.

- A. Allocation of budget for purposes of the Committee shall be that provided or supplemented by the Borough Council through its Borough budget.

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.

- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

- C. This Ordinance shall take effect upon its passage and publication as required by law.

- 4) **Ordinance 04-2022** – Auth. the Borough to Acquire and Close on the first Amended Purchase and Sale Agreement and Redevelopment Agreement with Fort Monmouth Revitalization Authority for the Nicodemus Park Parcel – **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title. Mayor Talerico reiterated the title of the ordinance.

Motion to open the meeting to public comment on the ordinance by C/Lucas; seconded by C/Gindi

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Mr. Jeff King, Elizabeth Parkway, shared concerns about signs prohibiting bicycling and walking on the Fort. Mayor Talerico explained it is a separate issue, but the roads are currently closed because there is construction going on and there have been vandalism issues. This property will allow for biking and walking.

Motion to close the meeting to public comment on the ordinance by C/Gindi; seconded by C/Gonzalez

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Attorney Bayer read the ordinance by title.

Motion to adopt the ordinance by C/Escalante; seconded by C/Gindi

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

ORDINANCE 04-2022

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AUTHORIZING THE BOROUGH TO ACQUIRE AND CLOSE ON THE FIRST AMENDED PURCHASE AND SALE AGREEMENT AND REDEVELOPMENT AGREEMENT WITH FORT MONMOUTH REVITALIZAION AUTHORITY FOR THE NICODEMUS PARK PARCEL

WHEREAS, the Borough entered into a Purchase and Sale Agreement and Redevelopment Agreement ("PSARA") with the Fort Monmouth Economic Revitalization Authority ("FMERA") dated November 30, 2020 whereby FMERA agreed to sell and the Borough agreed to purchase and redevelop the Nicodemus Park Parcel (the "Park Parcel") for recreational use, located within the Borough on Fort Monmouth (the "Property"); and

WHEREAS, the Borough entered into a First Amended PSARA on or about July 28, 2021 to obtain an additional parcel of land adjacent to the Property comprised of open space and roadway situated immediately south of Van Guard Avenue (the "Van Guard Parcel") approximately .79 acres in size incorporating the Van Guard Parcel into the Park Parcel to expand the recreational area for the park and provide convenient access to the Property; and

WHEREAS, the Borough Engineer has performed a Site Investigation and other necessary studies in connection with the FMERA and the First Amended PSARA; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to purchase the Park Parcel from FMERA to create an additional park for the benefit and use by the Borough residents.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby approves the acquisition of the Park Parcel and the Mayor is hereby and Mayor is hereby authorized and empowered to execute any all documents necessary to complete the closing in conformance with the First Amended PSARA.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

Mayor Talerico noted a resolution would be added to the consent agenda to allow the Borough to wire funds to make payment for the park parcel, thus Resolution 67-2022 would allow for up to \$110,000.00 for the purchase of the property. The meeting was open to the public on agenda items.

Mr. Al Baginsky, Irving Place, requested an overview of the Greenway project referenced in Resolution 65-2022; Mayor Talerico provided detail on the steps for the building and funding of the Greenway project.

Ms. Wanna Chin, Carmel Way, referenced Ordinance 05, noting she submitted comments to Council in January; then asked if well-behaved non-native plants would be disallowed. C/Gonzalez noted the Shade Tree Commission reviewed the comments sent, as did the Environmental Commission through which the ordinance was drafted. Attorney Bayer read the ordinance, noting there is a list as provided by the New Jersey Department of Environmental Protection that would be prohibited. Attorney Bayer noted this ordinance does not effect private homes. Discussion followed regarding the Committees who reviewed the ordinance and the language of the ordinance. Ms. Chin then shared comments and recommendations to update the ordinance. Ms. Chin will forward her recommendations to C/Gonzalez.

Ms. Laura Bagwell, Elizabeth Parkway, explained the goal of the ordinance, which is to address the lack of native plants and trees currently in the area. Ms. Bagwell noted a waiver could be requested from the Board to allow for other plants, but would not recommend changing the ordinance to allow for nonnative plants. Ms. Bagwell and C/Regan confirmed the Environmental Commission drafted the initial ordinance and reviewed the revisions.

Mr. Al Baginsky, Irving Place, referenced resolution 63-2022 regarding the MOU with the Monmouth Mall asking what the resolution does. Attorney Bayer explained the function of the resolution and agreement.

Mr. Gerrie Diaz, Tinton Avenue, referenced resolution 56-2022 asked about the amount listed for special projects engineer. Borough Clerk Martin and Mayor Talerico explained the amount listed.

Ms. Hope Corcoran, Windsor Drive, referenced resolution 63-2022 asking about the criteria the Monmouth Mall met to be named an area for redevelopment. Mayor Talerico deferred the answer to her question, due to a similar questions being submitted via email.

Mayor Talerico then read into the record an email from Mr. James Corcoran, Windsor Drive, which listed the eight criteria to name an area in need of redevelopment, asking which criteria the Monmouth Mall met. Mayor Talerico explained the statutory process, which included a study by the planner and reviewed by the Planning Board. Attorney Bayer provided information on the criteria the property met to be considered an area in need of redevelopment. Ms. Corcoran then asked about PILOTs.

Mr. William Skidmore, Jeryl Street, asked about the rules and policies for the Community Garden. Mayor Talerico explained the ordinance and resolution were being adopted tonight and the information would be available tomorrow. Mr. Skidmore asked about environmental studies on the Fort Monmouth Park Parcel; Mayor Talerico confirmed they have been done.

Mr. Al Baginsky, Irving Place, referenced 64-2022 asked why Eatontown needs the resolution. Mayor Talerico explained the statement prior to consent agenda. C/Regan explained it is a bipartisan piece of legislation.

C/Gindi asked where in the MOU, PILOTs are discussed. Attorney Bayer confirmed it is not. C/Gindi clarified the record that PILOT has not been discussed by any member of the Council.

The meeting was closed to public comment on agenda items.

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

Motion to approve the bills, claims and bi-weekly payroll by C/Escalante; seconded by C/Gindi

C/Jones asked about the reimbursement for the Zoom meetings. Borough Clerk Martin the payment was for Council Zoom meetings only.

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

10. NEW BUSINESS

A. ORDINANCE INTRODUCTION

- 1) **Ordinance 05-2022** – Amending Chapter 89, “Land Use”, Article IX “Design Standards”. Sections 89-83 “Planting and Landscape”, Article X “Subdivision of Land and Site Plan”, Sections 89-87 “Application for Approval of Preliminary Plat of a Major Subdivision, Section 89-90 “Application for Approval of Preliminary Plat of a Site Plan”, and Article VII Area, Bulk and Use Requirements, Section 89-39 “Landscaping, Buffering and Screening” to require the use of Native Plants and Trees - **First Reading/Introduction (Public Hearing 03/09/22)**

Attorney Bayer read the ordinance by title. The public hearing will be held on 3/9/22.

Motion to introduce the ordinance by C/Regan; seconded by C/Gonzalez

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

ORDINANCE 05-2022

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 89, “LAND USE”, ARTICLE IX “DESIGN STANDARDS,” SECTIONS 89-83 “PLANTING AND LANDSCAPE”, ARTICLE X “SUBDIVISION OF LAND AND SITE PLAN”, SECTIONS 89-87 “APPLICATION FOR APPROVAL OF PRELIMINARY PLAT OF A MAJOR SUBDIVISION, SECTION 89-90 “APPLICATION FOR APPROVAL OF PRELIMINARY PLAT OF A SITE PLAN”, AND ARTICLE VII AREA, BULK AND USE REQUIREMENTS, SECTION 89-39 “LANDSCAPING, BUFFERING AND SCREENING” TO REQUIRE THE USE OF NATIVE PLANTS AND TREE SPECIES

WHEREAS, the Borough’s Environmental Commission (the “EC”) and Shade Tree Commission (“STC”) (the EC and STC shall be collectively referred to as the “Environmental Team”) have studied and made recommendations to the Borough Council to require the use of native plants and tree species rather than invasive plantings in connection with development applications; and

WHEREAS, the planting and/or the growing of invasive species and plants not indigenous to the central New Jersey environment has been found to be destructive to the natural environment, indigenous flora, structures and walks, and properties where invasive species have been planted and/or permitted to grow; and

WHEREAS, native plants are localized, hardy and well-adapted to the local soils and climate; have lower maintenance and replacement costs; are more insect and disease resistant; and require less watering and fertilizing than non-native plants; and

WHEREAS, wildlife such as birds rely upon native plants with which they co- evolved for food, cover, and rearing their young and native plants have evolved to thrive in a specific region, and within specific ecosystems and support their ecosystems more diversely than exotic plantings;

WHEREAS, the planting and growing of invasive species threatens the value and physical integrity of both public and private property in the Borough; and

WHEREAS exotic plants may offer a nectar source for wildlife, in many cases their leaves, fruits, pollen and nectar are not the preferred food of our vital native insects and wildlife;

WHEREAS the lack of proper habitat and food sources for native birds and insects is one factor in the decline of many of these species in the United States; and

WHEREAS, native plants help restore the ecological balance lost through development; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to adopt the recommendations of its Environmental Team and prohibit the planting and/or growing of certain non-native invasive species within the Borough to protect and preserve the environment within the Borough of Eatontown;

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Article IX, Design Standards, Section 89-83 and Article X Subdivision of Land and Site Plan, Sections 89-87 and 89-90 as follows:

(additions are underlined deletions are ~~stricken~~):

§89-83 Planting and Landscaping

A. Grading and Selection of Plant Materials shall be amended to include a new subsection A(4) as follows:

- (1) Native species and their cultivars shall be used in all landscape designs brought before the Office of Planning and Zoning including Planning and Zoning Board applications. A list of native plants as well as their list of deer resistant native plants, specifically for Monmouth County published by the Native Plant Society of New Jersey shall be required and incorporated as if fully set forth at length herein, as published in Rutgers New Jersey Agricultural Experiment Station's web site: <https://njaes.rutgers.edu/fs1140/>.
- (2) Non-indigenous Plant Species and Invasive Species shall be prohibited. A list of invasive species and non-indigenous plant species shall be incorporated as if fully set forth at length herein as identified by the New Jersey Department of Environmental Protection, Natural and Historic Resources Group, Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program 2004 publication "An Overview of Nonindigenous Plant Species in New Jersey", or any subsequent revision, as published at www.state.nj.us/dep/parksandforests/forest/invasive-species.html and <https://www.nj.gov/dep/parksandforests/forest/njisc/invasivereport.pdf>
- (3) Under no circumstances shall it be allowable to plant any plants, shrubs, or trees that are listed on the NJ Invasive Species Strike Team's "Do Not Plant" list, as set forth at <https://www.state.nj.us/dep/parksandforests/forest/invasive-species.html>.

D. Consultation. It is the responsibility of contractor and/or applicant to consult with the Borough Arborist or Borough Engineer, prior to installation, for purpose of comprehension of specifications, plant material or planting details. To avoid monocultures, the following species diversity shall be used: Whenever an application plan calls for 5-10 plantings, two (2) or more different kinds of species shall be planted. If between 11-20 plantings, 4 or more species shall be planted; between 21-35, 5 or more species shall be used; and if more than 36 plantings are to be used, an additional species be provided for every twelve plantings and the minimum diversity amongst plantings shall be 10 percent.

§ 89-87 Application for Approval of Preliminary Plat of a Major-Subdivision

(B)(1) General requirements. All plats containing proposals or designs for drainage, streets and subdivision layouts shall be prepared by a professional engineer licensed to practice in the State of New Jersey and shall bear the address, signature, embossed seal and license number of said professional engineer. The preliminary plat shall be based on a land survey conducted not more than five years prior to the date of application and certified to the subdivider and shall be drawn at a scale of not less than 100 feet to the inch for subdivisions up to 100 acres in size, and not less than 200 feet to the inch for subdivisions over 100 acres in size, and shall show or be accompanied by the following specified information, and the design information and submissions required by the provisions of the design standards portion of this chapter shall accompany the preliminary plat including the number, location and species of all required non-invasive shade trees or other plantings which are set forth at <https://njaes.rutgers.edu/fs1140/>.

§ 89-90 Application For Approval Of Preliminary Plat Of A Site Plan

(B)(26) Landscaping and screening plan showing the location, number, and species of all required non-invasive shade trees or other plantings type in conformance with the list identified at <https://njaes.rutgers.edu/fs1140/>,

~~spacing and number of each type of tree or shrub and the location type~~ and amount of each type of ground cover to be utilized.

§89-39 Landscaping Buffering and Screening

In conjunction with multifamily, commercial, industrial, and residential development, all areas of a lot not occupied by buildings, pavement or other surfacing, or other required improvements, or undisturbed areas in which trees, shrubs, and undercover do not exist in the appropriate quality and quantity, shall be landscaped by planting grass and/or ground cover, shrubs and trees. Such trees and shrubs shall be a type approved by the Shade Tree Commission and the trees shall have a minimum caliper of 2 1/2 inches at a height of one foot. Placement of the plant material shall be appropriate to enhancement of the property and in accordance with a landscape plan approved by the Site and Design Committee. Minimum evergreen screening tree size shall be six to eight foot tall. Trees shall be planted four feet minimum with a preference to six feet from sidewalks, pavement, curbs or other impervious surfaces, except buildings where trees shall be planted a minimum of 10 feet away. All shade trees and screening trees shall be non-invasive species and varieties required by the Borough Code at Section 89-83 and as approved by ~~recommended from the~~ "Eatontown Shade Tree Commission

~~Approved Tree List" (latest version). Only small shade trees shall be planted under or within 15 feet of an overhead utility. No large or medium shade trees will be permitted. (See definition section for size of trees.) No certificate of occupancy shall be given until shade trees are installed as required by approved site plan for that lot. If the site is ready but is not in the proper planting season, a temporary certificate of occupancy (TCO) will be used. Trees must be planted within six months of issuance of TCO. At such time the trees are accepted by the Borough arborist or Borough Engineer, a certificate of occupancy shall be issued. There shall be no more than seven shade or screening trees of one species clumped or in a row together. There shall be no more than 15 shrubs of one species and variety clumped or in a row together. The following species diversity shall be used: Whenever an application plan calls for 5-10 plantings, two (2) or more different kinds of species shall be planted. If between 11-20 plantings, 4 or more species shall be planted; between 21-35, 5 or more species shall be used; and if more than 36 plantings are to be used, an additional species be provided for every twelve plantings and the minimum diversity amongst plantings shall be 10 percent. All shade, ornamental and screening trees shall be balled and burlapped.~~

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

B. CONSENT AGENDA RESOLUTIONS

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request an item be removed for separate consideration).

- 1) **Resolution 55-2022** - Auth. the Waiving of Raffle Fees, Eatontown Elks #2402
- 2) **Resolution 56-2022** - Auth. Contracts for 2022 Professional Services
- 3) **Resolution 57-2022** - Auth. Purchase of 3 Dodge Durangos through Cranford Police Co-Op, Police Dept (\$110,988)
- 4) **Resolution 58-2022** - Auth. Release of Street Opening Escrow Funds, 77 Hilbert Parkway
- 5) **Resolution 59-2022** - Auth. Return of Bond, 204 Shark River Road Minor Subdivision, Shed Removal (B 3312, Lot 25)
- 6) **Resolution 60-2022** - Auth. Tax Sale Certificate Redemptions
- 7) **Resolution 61-2022** - Approving Community Garden Rules and Policies
- 8) **Resolution 62-2022** - Appoint Rent Leveling Board Secretary (Chapter 256-9 of Borough Code)
- 9) **Resolution 63-2022** - Approving MOU Regarding the Monmouth Mall
- 10) **Resolution 64-2022** - Opposing Continued Extension of Executive Orders Beyond Public Health Emergency and Supporting Senate Bill No. 1200 Limiting the Governor's Unilateral Emergency Powers
- 11) **Resolution 65-2022** - Auth. Engineering to Prepare and Advertise Bid Specs for Greenway Project (ARH)
- 12) **Resolution 67-2022** - Auth. The Payment of Funds Necessary to Close on the Acquisition of the Nicodemus Park Parcel with Fort Monmouth Economic Revitalization Committee

Item 10, Resolutions 64-2022 was held for separate consideration.

Motion to approve Consent Items 1-9, 11-12 (Resolutions 55-63, 65 and 67) as a group by C/Gindi; seconded by C/Gonzalez
Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

RESOLUTION 55-2022

AUTHORIZING THE WAIVING OF RAFFLE FEES FOR EATONTOWN ELKS #2402

WHEREAS, the Eatontown Elks #2402 have requested that the Borough fees for their annual Raffle License issued to them by the Borough for charitable contribution purposes be waived; and

WHEREAS, the Borough Council has reviewed their request for waiving the Borough fees; and

WHEREAS, the Eatontown Elks #2402 will be required to pay all applicable fees to the New Jersey Legalized Games of Chance Control Commission and file all appropriate paperwork associated with said license with the Office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough Clerk is authorized to waive Borough fees associated with the issuance of the 2022 Raffle License for the Eatontown Elks #2402.

RESOLUTION 56-2022

AUTHORIZING CONTRACTS FOR PROFESSIONAL SERVICES IN THE BOROUGH OF EATONTOWN

WHEREAS, the Borough of Eatontown is in need of qualified professionals for the year 2022; and

WHEREAS, the below listed appointments were made effective January 1, 2022, after selection through the "Fair and Open" process established by N.J.S.A. 19:44A-20.5 et seq. and Borough Ordinance 35-2006; and

WHEREAS, the contracts for services submitted by the below listed professionals were reviewed and approved by Andre Bayer, Borough Attorney and William P. Lucia, III, Interim Administrator of the Borough of Eatontown.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorized the execution of contracts for the provision of services as listed below commencing January 1, 2022 and ending December 31, 2022, per the Contracts for Services on file in the Office of the Borough Clerk according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee; and

BE IT FURTHER RESOLVED that based on the amount of funds expended in the prior year for these services that the total 2022 appropriation for these contracts will be in the amount as listed, subject to unforeseen decreases or increases in professional fees and/or other matters:

<u>Appointed Position</u>	<u>Firm</u>	<u>Amount Expended 2021</u>
Engineer, Special Projects	Colliers Engineering (James Priolo)	\$ 0.00

RESOLUTION 57-2022

AUTHORIZING PURCHASE OF THREE (3) 2022 DODGE DURANGOS THROUGH CRANFORD POLICE COOPERATIVE PRICING SYSTEM

WHEREAS, the Police Department is desirous of purchasing three (3) 2022 Dodge Durangos through the Cranford Police Cooperative Pricing System Contract No. 47-CPCPS in a total amount not to exceed \$110,988; and

WHEREAS, said purchase will be billed in the amount of \$110,988.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown hereby authorizes the purchase as stated above from Beyer Fleet, East Hanover, New Jersey 07936.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Chief Financial Officer, the Police Chief, Sgt. Williams and Beyer Fleet.

CERTIFICATION AS TO AVAILABILITY OF FUNDS As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.1 et seq., and any other applicable requirement, I Dena Amoda, CFO of the Borough of Eatontown have ascertained that there are sufficient uncommitted funds not exceed \$110,988.00 (Purchase Order No. 22-00366).

RESOLUTION 58-2022

AUTHORIZING RELEASE OF STREET OPENING ESCROW FUNDS

WHEREAS, the applicant has requested the release of the performance bond posted for street opening work performed at 77 Hilbert Parkway in an email received February 5, 2022; and

WHEREAS, the Borough Engineer in an e-mail dated February 9, 2022 has approved the release of the below noted Escrow Funds; and

\$500.00 Escrow File No.1513

Garifine

77 Hilbert Parkway

Eatontown, New Jersey 07724

Street Opening Permit Number 41-2021

NOW, THEREFORE, BUT IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the above noted Escrow funds.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the applicant, the Borough Engineer and the Borough Chief Financial Officer.

RESOLUTION 59-2022

AUTHORIZE RETURN OF BOND FOR SHED REMOVAL AT 204 SHARK RIVER ROAD

WHEREAS, the applicant has requested the release of the performance bond posted for shed removal at 204 Shark River Road; and

WHEREAS, the Borough Engineer in an e-mail dated February 9, 2022 has approved the release of bonded funds for the shed removal; and

WHEREAS, the Borough Engineer noted per Resolution Compliance Review three new trees are required along the frontage of each lot which will be followed up upon after the construction of the new homes; and

WHEREAS, the Borough Zoning Officer in an e-mail dated February 9, 2022 has recommended the release of bonded funds for the shed removal; and

\$3,500.00 in Escrow File No.1469

Andy Nunes-Vais

204 Shark River Road Minor Subdivision; Shed Removal

Block 3312, Lot 25

Map Ref: PB2020-01

c/o: 9 Abis Place, Oakhurst, New Jersey 07755

NOW, THEREFORE, BUT IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the above noted Escrow funds.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the applicant, the Borough Engineer and the Borough Chief Financial Officer.

RESOLUTION 60-2022

AUTHORIZING TAX SALE CERTIFICATE REDEMPTIONS

WHEREAS, The Tax Collector has forwarded to the Borough of Eatontown a list of Tax Sale Certificate Outside Liens for Redemption and has recommended that the same be refunded.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Eatontown that the below listed Tax Sale Certificates be cancelled and endorsed as fully satisfied

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
1107	1		FIG CUST FIGNJ19LLC & SEC PTY	\$1885.30	\$1700.00

RESOLUTION 61-2022

RESOLUTION APPROVING COMMUNITY GARDEN RULES AND REGULATIONS FOR 2022 GARDEN SEASON

WHEREAS, the Borough developed a Borough Community Garden and the public has embraced the Community Garden resulting in wide-spread community participation; and

WHEREAS, the Borough created the Community Garden Advisory Committee to oversee the operation and planning of the Borough's Community Garden and to prepare and present to the Borough Council for approval, rules, regulations and procedures governing the use of the Community Garden; and

WHEREAS, the Borough Council adopted Resolution No. 15-2020 approving the Community Garden Rules which were drafted by the Community Garden Advisory Committee; and

WHEREAS, the Borough Council adopted Ordinance 3-2022 transferring the oversight of the Community Garden Committee and the Community Garden to the Department of Recreation, and Community Service, Division of Recreation; and

WHEREAS, the Division of Recreation, Recreation Committee and the Community Garden Advisory Committee has updated the Community Garden Rules and Regulations for the 2022 garden season and the Borough Council has reviewed the attached rules and believe that approval of the rules continues to be in the best interest of the Borough and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves the 2022 Garden Season-Rules and Regulations for the Eatontown Borough Community Garden.

BE IT FURTHER RESOLVED a copy of this Resolution shall be provided to:

1. Recreation Advisory Committee; 2. Community Garden Advisory Committee; 3. Janice Grasso, Recreation Director

RESOLUTION 62-2022

AUTHORIZING THE APPOINTMENT OF SECRETARY FOR THE RENT LEVELING BOARD PER CHAPTER 256-9 OF THE BOROUGH CODE

WHEREAS, the Rent Leveling Board is in need of a secretary; and

WHEREAS, William P. Lucia, III, Interim Borough Administrator, has made the recommendation for the filling of such position; and

WHEREAS, Julie Martin is qualified to fill the position of secretary to the Rent Leveling Board.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown hereby appoint Julie Martin to fill the position of Rent Leveling Board Secretary effective February 28, 2022 at a rate of \$2,000.00 per year.

RESOLUTION 63-2022

APPROVING MEMORANDUM OF UNDERSTANDING WITH EATONTOWN MONMOUTH MALL, LLC

WHEREAS, the Mayor and Council of the Borough of Eatontown adopted Resolution 70-2021 on April 14, 2021 Authorizing the Borough Planning Board to undertake a preliminary investigation to determine whether Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202, Lot 1 on the Borough Tax Map, commonly known as the Monmouth Mall Property (the "Mall" or the "Property"), meets the criteria to be designated as a non-condemnation area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5 (the "LRHL"); and

WHEREAS, the Planning Board referred the matter to the Borough Planner who conducted an investigation into whether the Mall meets the criteria to be designated as a non-condemnation area in need of redevelopment;

WHEREAS, the Planning Board determined that the Mall meets the criteria under the LRHL to be declared a Non-Condensation Area in Need of Redevelopment and adopted a Resolution on December 6, 2021 confirming that finding; and

WHEREAS, Borough Council adopted Resolution No. 208-2021 declaring that the Property constitutes an Area in Need of Redevelopment under N.J.S.A. 40A:12A-1 et. seq.; and

WHEREAS, the Borough and Monmouth Mall, LLC want to explore a potential redevelopment plan and redevelopment agreement and the Memorandum of Understanding sets forth the parameters which the parties can explore such redevelopment options all while ensuring the Borough's professional expenses are paid for by Monmouth Mall, LLC through an escrow account; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to explore the potential redevelopment of the Monmouth Mall to ensure its continued long-term viability.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby approves the Memorandum of Understanding with Monmouth Mall, LLC and it authorizes the Mayor to execute the Memorandum of Understanding.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be sent to the following:

1. Monmouth Mall, LLC; 2. Dena Amodea, Chief Financial Officer

RESOLUTION 65-2022

AUTHORIZING ENGINEER TO PREPARE AND ADVERTISE BID SPECS FOR GREENWAY PROJECT

WHEREAS, the Borough of Eatontown desires to receive bids for Greenway Project; and

WHEREAS, the Mayor and Council hereby authorize the Borough Engineer, ARH to prepare and seek bids for the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that ARH is hereby authorized to prepare and seek bids for the Eatontown Greenway Project.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to ARH, the Chief Financial Officer, and Borough Administrator.

RESOLUTION 67-2022

AUTHORIZE THE PAYMENT OF FUNDS NECESSARY TO CLOSE ON THE ACQUISITION OF THE NICODEMUS PARK PARCEL WITH FORT MONMOUTH ECONOMIC REVITALIZATION COMMITTEE

WHEREAS, the Borough Council previously adopted Resolution No. 216-2021 authorizing the Mayor to execute the Purchase and Sale Agreement and Redevelopment Agreement ("PSARA") with the Fort Monmouth Economic Revitalization Authority ("FMERA"), the First Amended PSARA and the payment of a deposit in the amount of \$17,871.00 payable to FMERA in connection with the Borough's purchase and redevelopment of the Nicodemus Park Parcel (the "Park Parcel") including additional property identified as the Van Guard Parcel for recreational use, located within the Borough on Fort Monmouth; and

WHEREAS, the Borough Council adopted Ordinance 4-2022 which authorized and reconfirmed the Borough's acquisition of the Nicodemus Park Parcel and authorized the Mayor to execute any all documents to complete the closing of the Nicodemus Park Parcel; and

WHEREAS, the Borough is scheduled to close on the purchase of the Nicodemus Park Parcel with FMERA on or about March 7, 2022 and the Borough's anticipated closing costs will not exceed \$110,000 (the "Closing Amount"); and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to authorize the payment of the Closing Amount so that it will have another Borough Park in its inventory for the benefit of its residents.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby authorizes the payment of up to \$110,000 to close on the acquisition of the Nicodemus Park Parcel including the payment of any costs associated with the closing.

BE IT FURTHER RESOLVED a copy of this Resolution shall be provided to: 1) Dena Amodea, Chief Financial Officer; 2) William P. Lucia, III, Interim Administrator, 3) Andrew Bayer, Borough Attorney

ITEMS HELD FOR SEPARATE CONSIDERATION

10) Resolution 64-2022 - Opposing Continued Extension of Executive Orders Beyond Public Health Emergency and Supporting Senate Bill No. 1200 Limiting the Governor's Unilateral Emergency Powers

Motion to adopt item 10 (Resolution 64-2022) by C/Regan; seconded by C/Gindi

C/Jones questioned the legality. C/Regan explained the resolution was to support Senate Bill No. 1200. C/Jones shared the opinion that the matter had to be decided by Constitutional Amendment.

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Gindi, C/Lucas

NAY - C/Jones

RESOLUTION 64-2022

RESOLUTION OPPOSING CONTINUED EXTENSION OF EXECUTIVE ORDERS DECLARING PUBLIC HEALTH EMERGENCY AND SUPPORTING SENATE BILL NO. 1200 LIMITING THE GOVERNOR'S UNILATERAL EMERGENCY POWERS

WHEREAS, nearly two years ago, on March 9, 2020, Governor Murphy unilaterally declared a public health emergency by executive order; and

WHEREAS, the Governor's temporary emergency powers at the outset served the purpose of managing the COVID-19 pandemic at the time when the virus was spreading rapidly, vaccines and treatments were unavailable, and our healthcare system was being overwhelmed; and

WHEREAS, despite these conditions subsiding through the development of vaccines, therapies and a better understanding of the science behind the virus, the Governor has unilaterally renewed this public health emergency every 30 days thereafter until June 2021; and

WHEREAS, on June 4, 2021, Governor Murphy signed legislation and an Executive Order ending the public health emergency; and

WHEREAS, at that time, the Legislature granted the Governor authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022, thereafter, requiring that the Governor request an extension of these powers for up to 90 days; and

WHEREAS, the Governor made a request for a 90-day extension of these emergency powers and the Legislature refused to extend the Governor's emergency powers, but the Governor ignored the will of the Legislature and announced on January 12, 2022, that he was reinstating a statewide public health emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances required under State Constitution; and

WHEREAS, to date, Governor Murphy has unilaterally issued over 200 Executive Orders relating to the pandemic; and

WHEREAS, on January 31, 2022, Senator Declan O'Scanlon introduced Senate Bill No. 1200, which limits the duration of states of emergency and public health emergencies declared by the Governor to 60 days unless an extension is authorized by the Legislature; and

WHEREAS, Senator Vin Gopal has joined Senator O'Scanlon as a prime sponsor of Senate Bill No. 1200, demonstrating bipartisan agreement that the Governor is abusing his emergency powers without legislative oversight; and

WHEREAS, the Borough Council of the Borough of Eatontown believes that it is well past time to return to the regular order of government in the State of New Jersey with the intended checks and balances between the Governor and the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that it hereby opposes Governor Murphy's continuing unilateral declarations of a public health emergency and supports the enactment of Senate Bill No. 1200 to restore legislative oversight of the Governor's emergency powers.

BE IT FURTHER RESOLVED a copy of this Resolution shall be provided to:

1. Office of the Governor;
2. Members of Monmouth County's Legislative Delegation;
3. Monmouth County Board of Commissioners;
4. New Jersey League of Municipalities

11. REMARKS OF COUNCIL AND CITIZENS

There were no comments from Council.

There were no comments from the public.

2. CLOSED SESSION

A. Resolution 66-2022

- 1) Personnel - Committee Appointments
- 2) Attorney Client Privilege – Utilities

Mayor Talerico noted the Council would not act on the items from Closed Session.
Attorney Bayer read the resolution into the record.

RESOLUTION 66-2022**AUTHORIZING EXECUTIVE SESSION UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN**

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., a municipality may exclude the public from meeting of the Municipal Council where the Council intends to discuss certain matters for which privacy is needed in order to protect the public interest or certain enumerated private interests; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Eatontown to discuss in session not open to the public certain matters that are required by law to be confidential, more specifically:

- 1) Personnel – Committee Appointments; 2) Attorney Client Privilege - Utilities

WHEREAS, it is anticipated that the minutes from the deliberations conducted in closed session may be disclosed to the public upon the determination that the public interest will no longer be served by such confidentiality.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the above-referenced executive session to be held closed to the public, on February 23, 2022.

Motion to enter into closed session by C/Gindi; seconded C/Lucas

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

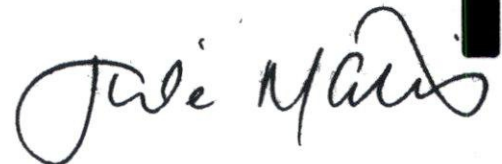
Council entered Closed Session at 9:37 pm

Council returned from Closed Session at 10:11 pm

12. ADJOURNMENT – 10:11 pm

Motion to adjourn by C/Gindi; seconded by C/Lucas

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas



By: Julie Martin, RMC, Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJSA 47:3-15 et seq and approved by the State Records Committee. Audio is available on the Borough website.

Approval 03/09/2022

P.O. Type: All
Range: First to Last
Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AMAZ001	AMAZON.COM SERVICES, INC								
		22-00197	01/21/22	CC VALENTINES DAY SUPPLIES	Open	40.24	0.00		
		22-00269	01/27/22		Open	224.25	0.00		
		22-00392	02/09/22	REC OFFICE ITEMS	Open	62.45	0.00		
						326.94			
AME004	AMERICANA DINER, INC.								
		22-00072	01/10/22	SNOWSTORM JAN 7, 2022	Open	293.20	0.00		
AMER004	AMERICAN WEAR								
		22-00023	01/06/22	OPEN FOR 2022	Open	278.84	0.00		B
AMER001	AMERIFLEX BUSINESS SOLUTIONS								
		22-00389	02/09/22	FSA/COBRA ADMIN FEE FEB 2022	Open	115.00	0.00		
ANJ001	ANJEC								
		22-00394	02/10/22	2022 MEMBERSHIP DUES	Open	375.00	0.00		
ANNH001	ANN HOWELL								
		22-00212	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
NT002	GENE J. ANTHONY, ESQ.								
		22-00415	02/14/22	JANUARY 2022 GENERAL CLOSING	Open	1,253.65	0.00		
ARNONE01	JOAN ARNONE								
		22-00133	01/12/22	STATE SHBP REIM RETIREE 2022	Open	1,066.05	0.00		B
		22-00200	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
						1,576.35			
ASB001	ASBURY PARK PRESS, INC.								
		22-00276	01/27/22	ASB-002264	Open	81.84	0.00		
ATH001	ATHLETE'S ALLEY								
		21-02472	10/25/21	WINTER BASKETBALL JERSEYS	Open	2,034.00	0.00		
		21-02496	10/27/21	BASKETBALLS	Open	360.00	0.00		
		21-02802	12/08/21	ADDTL JERSEYS BASKETBALL	Open	1,017.00	0.00		
		22-00135	01/12/22	BASKETBALLS	Open	405.00	0.00		
						3,816.00			
ATS001	ATLANTIC TREE EXPERTS CO.								
		21-02717	11/22/21	85 HILBERT PARKWAY	Open	750.00	0.00		
		21-02718	11/22/21	2 FIELDSTONE	Open	1,200.00	0.00		
						1,950.00			
AUTO001	AUTO PARTS CENTER								
		22-00024	01/06/22	OPEN FOR 2022	Open	1,637.62	0.00		B
		22-00187	01/20/22	OPEN FOR GAS & OILS	Open	449.95	0.00		B
						2,087.57			

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AVAKL001	LEON AVAKIAN, INC								
		22-00295	01/31/22	80 CORBETT ESCROW #1505	Open	1,860.00	0.00		
BAND001	BANDAG, INC								
		22-00245	01/25/22	STOCK BRIDGESTONE M870 L 20 PL	Open	3,429.71	0.00		
BBBA001	BROWN & BROWN BENEFITS ADV.								
		22-00326	02/02/22	JANUARY 2022 CONSULTING FEE	Open	3,000.00	0.00		
BEN002	DALE BENNETT								
		22-00201	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
BENNG01	GWEN E BENNETT								
		22-00202	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	480.30	0.00		B
BLA001	JUDITH CLAUSS BLAIR								
		22-00203	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
BRUNO001	MATT BRUNO								
		22-00246	01/25/22	WORKBOOT REIMBURSEMENT	Open	159.99	0.00		
CAG001	CLEARY GIACOBBE ALFIERI & JACO								
		22-00372	02/07/22	JANUARY 2022 SERVICES	Open	1,530.00	0.00		
CARLOS01	CARLOS & SON JANITORIAL								
		22-00228	01/24/22		Open	225.00	0.00		
		22-00229	01/24/22		Open	325.00	0.00		
						550.00			
CGPH001	CGP&H, LLC								
		22-00351	02/04/22	HOUSING REBABILITATION PROGRAM	Open	655.20	0.00		
		22-00352	02/04/22	HOUSING REBAILITATION PROGRAM	Open	601.80	0.00		
		22-00353	02/04/22	HOUSING REHABILITATION PROGRAM	Open	2,925.00	0.00		
						4,182.00			
COMC004	COMCAST								
		22-00483	02/18/22	BORO ONLINE SERVICES	Open	301.32	0.00		
		22-00496	02/22/22	PUBLIC WORKS ONLINE ACCTS	Open	274.44	0.00		
						575.76			
DELTA001	DELTA DENTAL								
		22-00397	02/10/22	FEBRUARY 2022 PREMIUM	Open	12,666.26	0.00		
DEMI001	Direct Energy Marketing, Inc								
		22-00497	02/22/22	BORO ENERGY SERVICE ACCOUNT	Open	2,636.69	0.00		
DTS001	DYNAMIC TESTING SERVICE								
		22-00254	01/26/22	RANDOM DRUG SCREENING	Open	250.00	0.00		
EAT004	EATONTOWN MEDICAL ASSOCIATES								
		22-00307	01/31/22	FITNESS FOR DUTY EXAM	Open	150.00	0.00		

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Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ENG001	WALLACE ENGLEHART								
		22-00132	01/12/22	STATE SHBP REIM RETIREE 2022	Open	2,233.16	0.00		B
ESI001	ESI EQUIPMENT INC								
		22-00331	02/03/22	FIRE DEPT SERVICE CONTRACT	Open	883.00	0.00		
FBI002	FBI NATIONAL ACADEMY ASSOC INC								
		22-00095	01/11/22	Annual Dues National and NJ 64	Open	115.00	0.00		
FER003	KEITH FERRUGIA								
		22-00395	02/10/22	EYEGLASS REIMBURSEMENT	Open	365.96	0.00		
FIGUS01	FIG CUST FIGNJ19LLC & SEC PTY								
		22-00327	02/02/22	REDEMPTION CERT #21-00005	Open	46,264.04	0.00		
FMERA001	FMERA								
		22-00484	02/18/22	STREET LIGHTS RTE 537	Open	382.20	0.00		
FOO001	SAKER SHOPPRITES, INC.								
		22-00190	01/20/22	Bingo Prizes/Snacks Jan 2022	Open	81.13	0.00		
FUNEX001	FUN EXPRESS, LLC								
		22-00182	01/19/22	Beforecare supplies	Open	73.76	0.00		
AGL001	GAGLIANO & COMPANY								
		22-00130	01/12/22	Professional Services Rendered	Open	875.00	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A								
		22-00375	02/08/22	POLICE O/S 1-21-22	Open	4,057.50	0.00		
		22-00388	02/09/22	POLICE O/S DETAIL 2/18/22	Open	948.00	0.00		
		22-00407	02/11/22	POLICE O/S DETAIL 2/18/2022	Open	4,512.00	0.00		
						9,517.50			
GKNJ001	GABRIELLI KENWORTH OF NJ LLC								
		22-00028	01/06/22	OPEN FOR 2022	Open	740.65	0.00		B
GLORI005	GLORIA A. TOMAINO								
		22-00081	01/10/22	RAYMOND TOMAINO, SR	Open	5,000.00	0.00		
GM001	G&M TROPHY CO, INC								
		22-00288	01/31/22	Nameplates and Plaques	Open	66.00	0.00		
GPC001	GENUINE PARTS COMPANY INC								
		21-02517	10/28/21	6MXTXREEL	Open	895.17	0.00		
GRAS002	JANICE GRASSO								
		22-00285	01/28/22	CELL PHONE REIMBURSEMENT 2021	Open	90.00	0.00		
GROFFMID	GROFF TRACTOR MID ATLANTIC LLC								
		21-02258	10/05/21	DPW#22 FITTING	Open	1,693.09	0.00		
		22-00033	01/06/22	OPEN FOR 2022	Open	240.62	0.00		B
						1,933.71			

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
GWL001	GEORGE WALL LINCOLN MERCURY, IN	22-00030	01/06/22	OPEN FOR 2022	Open	161.18	0.00		B
HOW001	WALTER HOWELL	22-00214	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
INT001	INTERSTATE BATTERIES, INC	22-00035	01/06/22	OPEN FOR 2022	Open	646.75	0.00		B
INTER010	INTERACTION INSIGHT CORP	22-00078	01/10/22	Phone Recording Service Agrm	Open	1,525.00	0.00		
IPD001	INST. FOR PROFESSIONAL DEVELOP	22-00428	02/15/22	FINANCE WEBINARS REGISTRATION	Open	200.00	0.00		
JAMM001	JAMM PRINTING	22-00283	01/28/22	TYPE/LAYOUT/DESIGN/PROOFS/	Open	1,125.00	0.00		
JERS001	JCP&L	22-00481	02/18/22	BORO STREET LIGHTING	Open	9,302.22	0.00		
		22-00482	02/18/22	BORO MONTHLY ELECTRIC CHARGE	Open	<u>6,966.53</u>	0.00		
						16,268.75			
JERS002	HUNTER JERSEY PETERBILT LP	21-02507	10/28/21	OPEN FOR 2021	Open	756.35	0.00		B
JSO0001	JERSEY SHORE OFFICIATION ORG.	22-00236	01/24/22	REC BASKETBALL OFFICIALS	Open	7,910.00	0.00		
JSPOT01	JOHNNY ON THE SPOT, LLC	22-00036	01/06/22	OPEN FOR 2022	Open	94.50	0.00		B
KAT001	KATHEEN STAUFFER	22-00260	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
KBS001	K.B.D. SUPPLY LLC	22-00191	01/20/22		Open	1,695.94	0.00		
KEPWE005	KEPWEL SPRING WATER CO, INC	22-00020	01/06/22		Open	29.56	0.00		B
KORPA005	KORPACZ REALTY ADVISORS, INC	22-00311	02/01/22	APPRAISAL & VALUATION OF MALL	Open	20,000.00	0.00		
KSTAUF01	KATHLEEN M. STAUFFER	22-00134	01/12/22	STATE SHBP REIM RETIREE 2022	Open	2,233.16	0.00		B
LAN001	LANIGAN ASSOCIATES, INC.	21-01841	08/16/21	REPLACE BELL CAP/CHIEF JOHNSON	Open	145.00	0.00		
		21-02313	10/07/21	Sgt. Uniforms	Open	525.80	0.00		
		21-02326	10/11/21	Badge Set for F/T Officers	Open	774.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LAN001	LANIGAN ASSOCIATES, INC.				Continued				
		21-02861	12/14/21	Uniform Pants for 640	Open	110.00	0.00		
						1,554.80			
LAS002	LASER RENEW								
		22-00235	01/24/22	Ink Recharge	Open	730.95	0.00		
LEE003	LEES EMERGENCY EQUIPMENT, INC.								
		21-02112	09/16/21	FIRE DEPT-TRUCK REPAIRS 11-72	Open	16,581.59	0.00		
LHSNJ001	LEAGUE OF HISTORICAL SOC OF NJ								
		22-00126	01/12/22	HISTORICAL SOCIETY MEMBERSHIP	Open	40.00	0.00		
LOU001	LOUIS R. MICELI								
		22-00218	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
LUCI001	WILLIAM LUCIA								
		22-00367	02/07/22	REIMBURSEMENT FOR ZOOM VIDEO	Open	213.14	0.00		
MAZ003	MAZZA RECYCLING SERVICES INC								
		22-00039	01/06/22	OPEN FOR 2022	Open	794.69	0.00		B
		22-00322	02/02/22	JANUARY 2022 BULKY WASTE	Open	5,399.83	0.00		
						6,194.52			
CA001	BARBARA MCAULIFFE								
		22-00216	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
MCK001	MARY ANN MCKEAN								
		22-00256	01/26/22	2022 MEDICARE REMBURSEMENT	Open	510.30	0.00		B
MCMAS005	MCMASER CARR SUPPLY COMPANY								
		22-00070	01/10/22		Open	169.14	0.00		
MCT001	MONMOUTH COUNTY TREASURER								
		21-02859	12/14/21	STATEMENT 64682	Open	1,815.46	0.00		
		22-00142	01/14/22	STATEMENT 65099	Open	1,334.38	0.00		
						3,149.84			
MIDAT001	MID ATLANTIC TRUCK CENTRE, INC								
		21-01597	07/14/21	HOUSING, KIT OIL COOLER HOUSIN	Open	464.82	0.00		
		21-02751	11/29/21	DPW#14 TRANSMISSION REPAIRS	Open	1,493.30	0.00		
						1,958.12			
MON002	MONMOUTH BUILDING CENTER								
		22-00041	01/06/22	OPEN FOR 2022	Open	197.27	0.00		B
MONMO005	MONMOUTH COUNTY PUBLIC WORKS								
		22-00150	01/18/22	TREATED SALT 1/7/2022	Open	6,100.68	0.00		
JB001	VERIZON								
		22-00485	02/18/22	BORO PHONE CHARGES	Open	9,502.05	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
NJLE001	NJ LEAGUE OF MUNICIPALITIES								
		22-00305	01/31/22	BUDGETING FOR ELECTED OFFICIAL	Open	75.00	0.00		
		22-00315	02/02/22	MUNICIPAL CANNABIS LAW WEBINAR	Open	75.00	0.00		
		22-00369	02/07/22	JOB POSTING-PT PLUMBING INSP.	Open	115.00	0.00		
		22-00370	02/07/22	JOB POSTING-PT FIRE INSP.	Open	115.00	0.00		
		22-00425	02/15/22	FINANCE WEBINARS REGISTRATION	Open	75.00	0.00		
		22-00426	02/15/22	FINANCE WEBINAR REGISTRATION	Open	90.00	0.00		
						545.00			
NJPSAC01	NJPSAC								
		22-00233	01/24/22	2022 Membership Dues	Open	300.00	0.00		
NJSHD001	NEW JERSEY STATE VET HEALTH DE								
		22-00312	02/01/22	ETNT: January Dog Report	Open	308.40	0.00		
OLI002	OLIWA & COMPANY								
		22-00286	01/28/22	PROFESSIONAL SERVICE AUDIT	Open	26,350.00	0.00		
PAE001	WINDSTREAM								
		22-00495	02/22/22	BORO COMMUNICATIONS SERVICE	Open	1,827.76	0.00		
PAGE003	PAGECOM, LLC.								
		22-00107	01/11/22	First Quarter Maintenance	Open	1,926.00	0.00		
PALEN001	EDWIN PALENZUELA								
		22-00238	01/24/22	REFUND-350TH ANNIVERSARY BALL	Open	100.00	0.00		
PEL002	JOSEPH PELELLA JR								
		22-00257	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	423.30	0.00		B
PEL003	SHERYL PELELLA								
		22-00258	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
PLCUS005	P&L CUSTOM BODY AND EQUIP CO								
		21-02395	10/19/21	EMERGENCY REPAIR FA VEHICLE	Open	392.75	0.00		
REP001	REPUBLIC SERVICES								
		22-00325	02/02/22	JANUARY 2022 RESI SERVICE	Open	112,360.74	0.00		
REP002	REPUBLIC SERVICES #873								
		22-00324	02/02/22	FEBRUARY 2022 RESI RECYCLING	Open	16,105.70	0.00		
REPT001	REPUBLIC SERVICES								
		22-00380	02/09/22	DECEMBER 2021 TONNAGE	Open	47,301.11	0.00		
		22-00411	02/14/22	JANUARY 2022 TONNAGE	Open	42,102.33	0.00		
						89,403.44			
RSTA001	ROBERT G. STAUFFER								
		22-00261	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
RUF001	RUFFINO'S								
		21-02310	10/07/21	FIRE DEPT FOOD VOUCHER	Open	83.00	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
RUF001	RUFFINO'S			Continued					
		22-00343	02/03/22	OEM FOOD FOR WINTER STORM	Open	660.00	0.00		
						743.00			
RUTUN001	RUTGERS UNIVERSITY								
		22-00071	01/10/22	CLEAN COMMUNITY COUNCIL COORDI	Open	115.00	0.00		
SCH001	T&M ASSOCIATES								
		22-00293	01/31/22	MM Medical Pavillion	Open	8,519.44	0.00		
		22-00371	02/07/22	PV Generators Escrow #1524	Open	8,592.75	0.00		
						17,112.19			
SCO001	SCALES FLOORSHINE IND.								
		22-00184	01/20/22		Open	533.60	0.00		
SDL001	SPATIAL DATA LOGIC INC								
		21-01577	07/12/21	DPW-SOFTWARE,LICENSING,TRAININ	Open	5,600.00	0.00		
SEA002	SEABOARD WELDING SUPPLY, INC.								
		22-00046	01/06/22	OPEN FOR 2022	Open	150.00	0.00		B
SIC003	STANDARD INSURANCE COMPANY INC								
		22-00432	02/15/22	JANUARY 2022 PREMIUM	Open	2,073.89	0.00		
		22-00433	02/15/22	JANUARY 2022 TRUCK & HOSE	Open	463.32	0.00		
		22-00434	02/15/22	FEBRUARY 2022 PREMIUM	Open	2,073.89	0.00		
		22-00435	02/15/22	FEBRUARY 2022 TRUCK & HOSE	Open	463.92	0.00		
						5,075.02			
SL001	STAR LEDGER								
		22-00294	01/31/22	ZB RESULTS NOTICE	Open	400.10	0.00		
STA001	STAVOLA CONTRACTING CO. INC.								
		21-02107	09/16/21	OPEN FOR 2021	Open	648.00	0.00		B
STAP003	STAPLES ADVANTAGE								
		22-00278	01/28/22	FINANCE OFFICE SUPPLY/DESK	Open	1,026.29	0.00		
		22-00345	02/03/22	PUBLIC WORKS OFFICE SUPPLIES	Open	100.76	0.00		
		22-00346	02/03/22	RECREATION OFFICE SUPPLIES	Open	20.46	0.00		
						1,147.51			
TARGE005	TARGETED TECHNOLOGIES LLC								
		22-00253	01/26/22	SSL CERTIFICATE (ONE YEAR)	Open	219.00	0.00		
		22-00440	02/15/22	BORO TECHNOLOGY SERVICES	Open	60.00	0.00		
		22-00441	02/15/22	POLICE DEPT MSP AGREEMENT	Open	1,795.50	0.00		
		22-00442	02/15/22	BORO MSP AGREEMENT 2022	Open	5,243.13	0.00		
		22-00443	02/15/22	POLICE QTRLY DOMAIN HOSTING	Open	75.00	0.00		
		22-00444	02/15/22	BORO QRTLY DOMAIN HOSTING	Open	225.00	0.00		
						7,617.63			
HYG001	SENIORCIZE WITH CORINNE, LLC								
		22-00223	01/21/22	CARDIO CORE & MORE JAN-DEC2022	Open	200.00	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
TMC0001	TREASURER, COUNTY OF MONMOUTH	22-00231	01/24/22	MOCERT 2022 Membership	Open	2,000.00	0.00		
TRIU001	TRIU, INC	22-00049	01/06/22	OPEN FOR 2022	Open	95.50	0.00		B
TSNJ004	TREASURER, STATE OF NJ	22-00384	02/09/22	ANNUAL SITE REMEDIATION FEE	Open	3,415.00	0.00		
ULINE001	ULINE	22-00083	01/10/22	SHELVING UNITS	Open	4,957.67	0.00		
VERR001	PATRICIA VERRONE	22-00264	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
WBMAS005	W.B. MASON CO, INC	22-00061	01/07/22	FINANCE OFFICE SUPPLIES	Open	104.11	0.00		
WEATH001	WEATHER WORKS	22-00055	01/06/22	2/15/22-2/14/23 CONTRACT	Open	1,680.00	0.00		
WORLD001	WORLD JEEP LLC	21-01596	07/14/21	OPEN FOR 2021	Open	77.44	0.00		B
WWG010	W.W. GRAINGER, INC.	21-02624	11/09/21		Open	861.12	0.00		B
Total Purchase Orders:		148	Total P.O. Line Items:		0	Total List Amount:	520,368.95	Total Void Amount:	0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	1-01	125,841.42	0.00	125,841.42	0.00	0.00	125,841.42
CURRENT FUND:	2-01	325,977.27	0.00	325,977.27	0.00	0.00	325,977.27
GENERAL CAPITAL F	C-04	4,957.67	0.00	4,957.67	0.00	0.00	4,957.67
	T-12	308.40	0.00	308.40	0.00	0.00	308.40
	T-15	44,699.50	0.00	44,699.50	0.00	0.00	44,699.50
	T-17	<u>18,584.69</u>	<u>0.00</u>	<u>18,584.69</u>	<u>0.00</u>	<u>0.00</u>	<u>18,584.69</u>
Year Total:		63,592.59	0.00	63,592.59	0.00	0.00	63,592.59
Total of All Funds:		<u>520,368.95</u>	<u>0.00</u>	<u>520,368.95</u>	<u>0.00</u>	<u>0.00</u>	<u>520,368.95</u>

**Workshop Meeting
Borough of Eatontown Governing Body
Wednesday, February 23, 2022**

NOTICE - In light of the health risks associated with the global pandemic the February 23, 2022 Council Meeting will be held via Zoom Video Conferencing ONLY. There will be no in person participation. In order to virtually attend the meeting, members of the public must dial 1-929-205-6099 or 1-253-215-8782 and use access code/meeting ID 867 4904 1645 or can join via video at <https://zoom.us/j/86749041645> or by downloading the Zoom App. Please follow prompts. Out of respect for the need to run an orderly meeting, we ask that all participants keep their phone on mute. We appreciate your understanding and patience during this challenging and dynamic time. This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.

Mayor Talerico opened the Workshop at 7:03pm, noting the Borough's compliance with the Open Public Meetings Act

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Kevin L. Gonzalez,
Councilmembers Mark Regan, Jr., Maria Escalante, Danielle M. Jones, David Gindi, Everett D. Lucas
ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin
The Flag Salute was led by C/Jones

Mayor Talerico asked for a moment of silence for former Borough Employee, Kathi Bauer Cipriano.

Items 2-4 were taken as a group.

PROCLAMATION – 2022 MS AWARENESS WEEK (March 13-19, 2022)

Mayor Talerico spoke about advocating for MS Awareness. The proclamation is as follows:

PROCLAMATION - 2022 MS AWARENESS WEEK

WHEREAS, multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 million people worldwide; and

WHEREAS, the National Multiple Sclerosis Society – New Jersey Chapters reports that in our state more than 14,000 people are living with MS, and that the disease generally strikes people in the prime of life, between ages 20 through 50, and the cause and course of the often debilitating symptoms of MS remain unknown and no cure currently exists; and

WHEREAS, the National Multiple Sclerosis Society has been committed for 74 years to a world free of MS, heightening public knowledge about and insight into the disease; and

WHEREAS, Since 1946 the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatments and a cure, and has invested more than \$1 billion in groundbreaking research; and

WHEREAS, Funds raised through the National Multiple Sclerosis Society fuel \$34 million funding 320 research projects at the best medical centers, universities and other institutions throughout the U.S. and abroad, leading to many breakthroughs in the treatment of MS; and

WHEREAS, stopping MS in its tracks, restoring what has been lost, and ending MS forever is the mission of the National Multiple Sclerosis Society and one that all Americans and New Jerseyans should support; and

WHEREAS, the Borough of Eatontown recognizes the importance of finding the cause and cure of MS and expresses its appreciation for the dedication that the National Multiple Sclerosis Society – New Jersey Chapters has shown toward creating a world free of MS.

NOW, THEREFORE I, Anthony Talerico, Jr. by virtue of the authority vested in me by the Constitution and the laws of the great state of New Jersey, do hereby proclaim **March 13-19, 2022**, as **MS Awareness Week**, and do commend this observance to all of our citizens. I encourage all New Jerseyans to learn more about multiple sclerosis and what they can do to support individuals with MS and their families.

PROCLAMATION – NATIONAL NUTRITION MONTH (March, 2022)

Mayor Talerico spoke about the importance of advocating for nutrition for all.

PROCLAMATION – RECOGNIZING INTERNATIONAL WOMEN'S DAY (March 8, 2022)

Mayor Talerico read the proclamation into the record as follows:

PROCLAMATION - RECOGNIZING INTERNATIONAL WOMEN'S DAY, MARCH 8, 2022

WHEREAS, the history of **International Women's Day (IWD)**, though comparatively short is as bold and brilliant as its founders themselves. Long before the Feminist Movement of the 1960s, International Women's Day's genesis goes back to February 28, 1909 in New York with a prophetic focus on women's rights; and

WHEREAS, known originally as "**National Woman's Day**," it was first proposed by Theresa Malkiel and loosely based on the urban legend commemorating a protest by women garment workers in New York City, on March 8, 1857. One hundred women delegates from 17 countries agreed with the suggestion as a means to continue promoting the rights of women, including suffrage - the right to vote; and

WHEREAS, on March 19, 1911, **International Women's Day** was officially marked for the first time. More than one million people celebrated in Austria, Denmark, Germany and Switzerland. Women demanded the right to vote, to fight against sex discrimination in the workplace, and to hold public office; and

WHEREAS, in 1913, **International Women's Day** was recognized in Russia for the first time, where it catapulted to become part of what led to the Russian Revolution in 1917. In 1922, it reached China where March 8 was declared an official "half-day of work" for women in 1949; and

WHEREAS, the demand for women's rights continued to grow, gain support, and shine a much-needed light on the poor conditions under which too many women continued to live. In 1967, the notion of women's rights was taken up by the next generation of feminists who called for equal pay, equal economic opportunity, equal legal rights, reproductive rights, subsidized child care and the prevention of violence against women; and

WHEREAS, the United Nations began celebrating **International Women's Day** in 1975, which was declared "International Women's Year." In 1977, the United Nations invited members to proclaim March 8th as the UN Day for Women's Rights and World Peace and International Women's Day continues to be celebrated worldwide each year on March 8.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Eatontown recognizes the historical significance and importance of **International Women's Day**; and recognizes and applauds the contributions of so many courageous women – from many nations - throughout the past 100+ years. We celebrate the advancement of women's rights in all areas of life, with the acknowledgment there is still much progress to be made and work to be done because in many parts of the world women still live in fear and have fewer rights than imaginable; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Eatontown recognizes the strength of every woman and believes that together we can – WE WILL – fulfill the century-old vision of the **International Women's Day** Founders stand firmly together as we do all we can to create a better, more peaceful world.

5. REPEAL – TECHNICAL ADVISORY & ATHLETIC ADVISORY COMMITTEES (C/Gindi)

C/Gindi summarized that the committees are outdated and unused; asking what would be the best way to housekeep the Committees that no longer exist. Discussion followed. C/Jones suggested restructuring the Technical Advisory Committee. Further discussions continued on Committees before Council. Attorney Bayer noted the committees would need to be repealed by Ordinance. Council consensus was to review the Ordinances on the books.

6. SHORT TERM RENTALS (Mayor Talerico)

Mayor Talerico gave an overview of the issues with short-term rentals. Mayor Talerico proposed three ideas: 1) disallow short-term rentals, 2) allow for only a certain number of CO's per year, or 3) mandate that CO's be required for all rentals – even to family members. Discussion followed on current statute. C/Gonzalez requested more guidance from Attorney Bayer regarding State Statute. Mayor Talerico requested Council consider what they would be comfortable with regarding timelines. Attorney Bayer will report with information on the State Statute.

7. ZONING FOR MEDICINAL-USE CANNABIS/ALTERNATIVE TREATMENT CENTERS (C/Jones)

C/Jones asked for clarification on zoning for alternative treatment centers and medicinal use cannabis businesses. Attorney Bayer noted that municipalities could zone to allow or disallow. Currently the Borough Code is silent on the matter. Discussion continued on possible impact on the police department. Attorney Bayer will research and provide advice to Council.

8. DIVERSITY, EQUITY & INCLUSION COMMISSION (C/Jones)

C/Jones asked for public input regarding the Diversity, Equity and Inclusion Commission, which is intended to assist underserved communities. C/Jones reported a proposal was shared with Councilmembers and a budget is being finalized. She further explained a major component of the Commission would be a work study/intern program, especially an IT intern.

C/Gonzalez expressed the program should be self-funded and expressed the idea that the intern program should be separate from the other components and under the purview of the Administrator. C/Lucas agreed. C/Escalante asked if any other towns have the program; C/Jones noted there is nothing similar. Further discussion continued.

The meeting was open to the public.

Ms. Hope Corcoran, Windsor Drive, shared the Environmental Defense Fund had sent an intern for free who provided great information and resources. Interim Administrator Lucia concurred. C/Jones will look into the information.

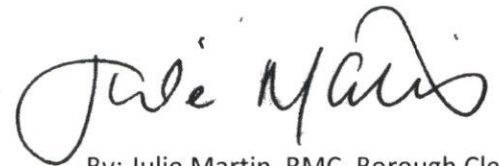
Mr. Andy Rudoff of Resource Reality, representing Mr. Cohen in the Industrial Park asked to speak on Agenda Item 7, Zoning for Medicinal-Use Cannabis/Alternative Treatment Centers. Discussion followed regarding the appropriate place for the discussion. Mr. Ed Cohen, owner of property on Industrial Way West, expressed they are looking for clarity regarding the denial of a zoning application. Discussion continued on the application and the confusion of the property owner for the denial. The tenant requested to hold a public presentation, allowing for questions and answers from Council.

Mr. Jeff King, Elizabeth Parkway, commended Council on the compassion for patients, and thanked them for working to end the stigma.

9. ADJOURNMENT – 8:11 pm

Motion to adjourn by C/Jones; seconded by C/Gindi

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas



By: Julie Martin, RMC, Borough Clerk