

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, June 22, 2022**

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. Also, Notice of the Regular Meeting Time Change was transmitted to 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 8:40pm, 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 held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting – 06/09/2022

Motion to approve the minutes by C/Gonzalez; seconded by C/Regan

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

3. COMMUNICATIONS

A. Kassin (West Long Branch)

Motion to accept communication A by C/Regan; seconded by C/Gonzalez

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

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported on June 15th he attended the FMERA meeting. Encourage the Council to read Plan Amendment 19 and have a discussion on the July 13th workshop meeting. Met with the Borough Engineer, the DPW Director and the Recreation Director to look at the two bridges in need of alteration.

5. REPORTS OF COMMITTEES

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

Council President Gonzalez reported that the police subcommittee will be meeting next Tuesday to discuss Sergeant promotions.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reserved his report until the next meeting.

C. PARKS & RECREATION - Councilmember Escalante

Councilmember Escalante reported that the summer camp registrations end June 24th and fall soccer registration closes in four weeks and to register early.

D. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported the cannabis virtual meeting. Next Planning Board meeting is being held July 18th. Traffic Advisory Committee is meeting in person in the Council Chambers on July 14th. No updates on Drug and Alcohol Alliance, Youth Committee and the Community Center. Eatontown Food Co-op and Food Pantry will be open July 6th and July 20th. Took a tour of the new Anne Vogel Wellness Center at the new medical arts building.

E. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi reported on garbage pick up and reserved the rest of his report for the next meeting.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas reported there were no meetings on Tenants' Rights. Spoke with Don Bretzger who is in the process of getting a banner made for the Eatontown cleanup day in October.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia reported on the resolution of support for Class I and Class II Cannabis license application. Letter received by Zoning for the full compliance with the ordinance for Sweet Side, LLC. Brought in an engineering firm to do an audit for the building. Gave an overview of the need for the replacements of two boilers, two HVAC systems, LED Lighting. Total cost of the work will be around \$399,482.86. Total incentives qualified for this work is around \$298,041.00. Total Cost for the Borough will be around \$106,000. Will be using some of the American Recovery money and will not cost the taxpayers anything. C/Regan questioned the funds. Interim Administrator Lucia responds. C/Gindi questions the renovations of Borough Hall. Interim Administrator Lucia responds.

7. OLD BUSINESS**A. ORDINANCE ADOPTION****1) Ordinance 11-2022 – Ordinance for Adoption of the Floodplain Management Regulations - *Public Hearing/Adoption***

There is a slight change on Ordinance 11-2022. Attorney Bayer explains a meeting was held with the Borough Engineer, Ed Herrman and the Borough Clerk, Julie Martin to recommend the council not conduct the public hearing and vote to table it until the next meeting. Explains there are formatting issues required by the state. Borough will not need to re-notice but will be posted on the borough website. Mayor Talerico asked to table the Ordinance until the July 13th meeting.

Motion to table the public hearing on Ordinance 11-2022 to the July 13th meeting was offered by C/Gonzalez; seconded by C/Gindi

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

2) Ordinance 12-2022 – Ordinance Creating Chpt. 257 of the Borough Code Entitled "Rental Properties" Regulating Short Term Rentals Within the Borough of Eatontown – *Public Hearing/Adoption*

Attorney Bayer read the ordinance by title.

Motion to open the meeting to public comment on the Ordinance by C/Gonzalez; seconded by C/Escalante

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

Mayor Talerico opens to Public Hearing. Councilman Regan shares his concerns on this Ordinance and encourages the council to table. Attorney Bayer mentions they opened for public hearing and will address Councilman Regan's concerns after the close of the Public Hearing. Mr. Scaturchio, Monmouth Road, questioned if this ordinance refers to Airbnb. Mayor Talerico responded and explained the general concepts of the ordinance. Mayor Talerico asks to close the public hearing.

Motion to close the public hearing on Ordinance 12-2022 was offered by C/Regan; seconded by C/Gonzalez

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

Councilman Regan voiced his concerns on the economy and asked ordinance be held until a later date. Mayor Talerico expressed his approval on this Ordinance and provided examples as to why it should be adopted. Councilman Regan gave alternatives to monitoring short term rentals. Councilman Gindi responded stating that he researched short term rentals and only one property was in Eatontown. Councilman Gindi expressed his concerns that these short-term rentals are not legally in compliance and to get it rectified before something bad happens. Councilman Gonzalez expressed his support of the ordinance and his agreement with C/Gindi. Mayor Talerico commented on the Certificate of Occupancy process for rentals.

Attorney Bayer mentions they can modify the ordinance at a later date. Councilman Regan refers to the cannabis ordinance as an example for the modifications. Attorney Bayer responded.

Attorney Bayer read the ordinance by title.

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

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

NAY – C/Regan

ORDINANCE 12-2022: AN ORDINANCE CREATING CHAPTER 257 OF THE BOROUGH CODE ENTITLED "RENTAL PROPERTIES" REGULATING SHORT TERM RENTALS WITHIN THE BOROUGH OF EATONTOWN

WHEREAS, the Borough has experienced a large increase in short term rentals of residential properties given the proximity of Eatontown to the beaches along the New Jersey shoreline; and

WHEREAS, the Borough Council believes it is in the Borough's best interest to regulate specific short-term rentals activities to minimize any potential deleterious effects on other properties in the surrounding neighborhoods in which they are located; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that Borough Code is hereby amended to create Chapter 257 entitled "Rental Properties".

Chapter 257 entitled "Rental Properties" shall read as follows:

§257-1 Definitions.

(a) **Advertise or Advertising**-Any form of solicitation, promotion, and/or communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/ or services in violation of this subsection, as same may be viewed through various media including but not limited to, signs, newspapers, magazines, flyers, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of property, for consideration, which are prohibited by this Section.

(b) **Consideration**-Soliciting, charging, demanding, receiving, or accepting any legally recognized form of consideration including a promise or benefit, a quid -pro -quo, rent, fees, other form of payment, or thing of value.

(c) **Dwelling Or Dwelling Unit**- A building or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering, and/ or entertaining, as a residential occupancy, by or one or more persons. This definition includes a condominium, building, townhome, single-family home or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration. **It specifically excludes commercial rental apartment buildings.**

(d) **Hosting Platform**-A website or marketplace in whatever form, whether online or not, which facilitates Short -Term Rentals or the rental of the exterior (e. g. pool, pool area, backyard) of a residential unit through advertising, searching, match -making, or any other means, using any medium of facilitation and from which the operator of the Hosting Platform derives revenues, including but not limited to booking fees or advertising revenue, from providing or maintaining the website or marketplace.

(e) **Housekeeping Unit**- Constitutes a family-type situation, involving one or more persons living together that exhibit the kind of stability, permanency, and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

(f) **Occupant**-Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

(g) **Owner**-Any Person(s) who legally use, possess, own, lease, sub -lease, or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more Dwelling Units, or who have charge, care, control, or who participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

(h) **Person**-An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

(i) **Residential Occupancy**-The use of a dwelling unit by an Occupant(s).

(j) **Short-Term Rental**-A Residential Occupancy for a period of ninety (90) days or less.

§257-2 Short-term Rentals Prohibited.

(a) It shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the use of any Dwelling Unit used as a Short-Term Rental, and shall not enter into a Short-Term Rental arrangement, as defined herein, more than two-times in any twelve-month period.

(b) It shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the rental of all or a portion of the exterior of any residential property. This shall include the rental of the pool, pool area, and backyard.

(c) There shall only be one written or oral agreement as between a Person or Owner receiving or obtaining actual or anticipated Consideration for the use of Dwelling Unit as a Short-Term Rental regardless of the number of occupants associated with each rental.

(d) Nothing in this section prevents formation of an otherwise lawful Residential Occupancy of a Dwelling Unit for a rental period of ninety (90) days or more.

(e) Nothing in this section shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, N.J. S. A. 55: 13- 1, et seq.

§257-3. Permitted uses.

(a) The Residential Occupancy of an otherwise lawful and lawfully-occupied Dwelling Unit for any number of days by any Person who is a member of the Housekeeping Unit of the Owner or a house guest(s), without consideration, is permitted.

§257-4 Advertising prohibited, hosting platform regulations.

(a) It shall be unlawful for any Person to Advertise by any means that would be in violation of the provisions of this section.

(b) It shall be unlawful for any Hosting Platform to undertake, maintain, authorize, aid, facilitate or Advertise any Short -Term Rentals in violation of this section.

(c) It shall be unlawful for any Hosting Platform to undertake, maintain, authorize, aid, facilitate or Advertise all or a portion of the exterior of any residential property for rent in violation of this section.

§257-5 Violations, penalties and enforcement.

(a) The provisions of this section shall be enforced by the Zoning Officer, Housing Officer or Borough Police as their jurisdiction may arise, including legal counsel for the Borough or other person designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this section and/ or to appear in court or file civil complaints.

(b) A violation of this section is hereby declared to be a public nuisance per se and is hereby further found and declared to be offensive to the public health, safety, and welfare.

(c) Any Person found to have violated any provision of this section, without regard to intent or knowledge, shall be liable for the first offense in the amount of \$500.00, second offense \$1000.00 and up to the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$2,000 per day per violation for any further violations. Each day of such violation shall be considered a new and separate violation of this section.

(d) The penalty imposed pursuant to subsection (c) above shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/ other injunction, reasonable attorneys' fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Monmouth County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal process. All costs attendant to enforcement of this section shall be assessed as a lien against the subject property, enforceable and collectible in the same manner as liens for delinquent real property taxes and municipal service charges.

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.

Ordinance 13-2022 – An ordinance Amending Chapter 233, “Parks and Playgrounds”, Article III “Use of Parks”, Section 233-18 “Hours” of the Borough Code, and Amending Chpt. 312, “Vehicles and Traffic, Article II “Parking: Stopping or Standing”, Section 312-5 “Parking Prohibited During Certain Hours” and Article XIV “Penalties”, Section 312-29 “Specific Fines and Penalties” Clarifying the Applicable Penalty for Violation of the NO Overnight Parking in Public Park Prohibition” – Public Hearing/Adoption

Attorney Bayer read the ordinance into the record by title.

Motion to open the meeting to the public on Ordinance 13 by C/Regan; seconded by C/Gindi

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 the public on Ordinance 13 by C/Lucas; seconded by C/Jones

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

Attorney Bayer read the ordinance into the record by title.

Motion to adopt Ordinance 13 by C/Escalante; seconded by C/Gindi

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

B. RESOLUTION ADOPTION**1) Resolution 143-2022 – Award of Contract – Police Off-Duty Management System Services**

Motion to approve Resolution 143-2022 by C/Escalante; seconded by C/Gindi

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

C/Gonzalez provides a summary of the scheduled off-duty work and explains it's at no cost to the Borough. Attorney Bayer adds that the confirmed three proposals were reviewed by the Interim Administrator, Mr. Lucia and the Municipal Clerk, Julie Martin. He explains the new vendor has more favorable prices. Councilwoman Jones questioned if the vendor is providing road closures as well. Administrator Lucia responded and explained the vendor's process.

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

No members of the public commented.

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/Gonzalez; seconded by C/Escalante

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

10. NEW BUSINESS**A. 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 146-2022 – Authorizing Renewal of Liquor Licenses (2022-2023)

2) Resolution 147-2022 – Opposing A-1294/S-2103 and Urging that Such Legislation Not Advance Further (Residential Building in Industrial Zones)

3) Resolution 148-2022 – Authorizing Shared Service Agreement with Tinton Falls for the Shared Use of Municipal Court

4) Resolution 149-2022 – Supporting Location/Operation of Class I & Class II Cannabis Operation, 265 Ind. Way West

5) Resolution 150-2022 – Authorizing Contract for IT Network Monitoring Services to Targeted Technologies (Borough & PD)

Councilman Regan questioned Resolution 149-2022. Attorney Bayer and Interim Administrator Lucia responded. Councilman Lucas questioned the current Cannabis store in relation to Resolution 149-2022. Attorney Bayer and Councilwoman Jones responded.

Item number 2, Resolution 147-2022 was held for separate consideration.

Motion to approve Consent Items 1 & 3-5 (Resolutions 146 & 148-150) as a group by C/Gindi; seconded by C/Escalante

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

Resolution 146-2022**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE**

WHEREAS, on June 30, 2022, all New Jersey Alcoholic Beverage Control licenses (Plenary Retail Consumption, Plenary Retail Distribution, and Club) issued in the Borough of Eatontown will expire as per N.J.S.A.33-1 et al, and may be renewed upon application to the Borough Clerk and approval by the Eatontown Governing Body; and

WHEREAS, the following named applicant has properly filed their applications for renewal with the Borough Clerk in a timely manner, have fulfilled all the legal requirements, and paid all the required fees; and

WHEREAS, after searching the police reports of the Borough of Eatontown, Chief William Lucia has found no reason to deny the issuance of these licenses; and

WHEREAS, no objections have been filed with the Borough Clerk by anyone, including the New Jersey ABC Commission, regarding the renewal of this license.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown do hereby grant the applicant listed below a renewal of their ABC License in the Borough of Eatontown for the period of July 1, 2022 through June 30, 2023, as follows:

CONSUMPTION

OLD ORCHARD COUNTRY CLUB

1311-33-008-012

Resolution 148-2022

AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF EATONTOWN AND TINTON FALLS FOR THE SHARED USE OF MUNICIPAL COURT IN TINTON FALLS

WHEREAS, the Uniform Shares Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, N.J.S.A. 2B:12-1 allows two or more municipalities to provide jointly for courtrooms, chambers, equipment, supplies and employees for their Municipal Courts and to agree to appoint the same person to serve as a certified Court Administrator without establishing a joint Municipal Court; and

WHEREAS, Eatontown and Tinton Falls previously entered into a Shared Service Agreement for municipal court services dated June 28, 2017 which ran for a five year term from August 1, 2017 through July 31, 2022; and

WHEREAS, Tinton Falls has agreed to allow Eatontown to continue to utilize the Tinton Falls Municipal Court facilities and administrative staff, subject to the approval of the Assignment Judge of the County of Monmouth, and has agreed to allow Eatontown to continue to utilize the Tinton Falls Municipal Court offices and administrative staff as of the effective date of the new Agreement; and

WHEREAS, the Interim Borough Administrator recommended to the Borough Council and it believes that it would be most cost effective and in the Borough's best interest to continue to utilize the Tinton Falls Municipal Building's courtroom, court offices, and to share administrative employees, facilities, and equipment, under the terms and conditions referenced in the new Shared Services Agreement for Municipal Court Services; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that the Mayor is hereby authorized to execute the Shared Services Agreement for Municipal Court Services with the Borough of Tinton Falls in the form attached hereto to become effective as of August 1, 2022.

BE IT FURTHER RESOLVED, that a certified copy of the Resolution be provided to each of the following: Michelle Hutchinson, Municipal Clerk, Borough of Tinton Falls, William P. Lucia, III, Interim Borough Administrator, Andrew Bayer, Borough Attorney, **John Tonelli**, Municipal Division Manager.

Resolution 149-2022

RESOLUTION SUPPORTING THE LOCATION AND OPERATION OF CLASS I CANNABIS CULTIVATOR AND CLASS II CANNABIS MANUFACTURER BUSINESS OPERATED BY SWEET SIDE, LLC TO BE LOCATED AT 265 INDUSTRIAL WAY WEST

WHEREAS, on August 5, 2021, the Borough of Eatontown adopted Ordinance No. 19-2021 (the "Ordinance") authorizing and limiting cannabis business establishments in the Borough including two (2) Class 1 Cannabis Cultivator businesses and two (2) Class 2 Cannabis Manufacturer businesses on Industrial Way west of Route 35; and

WHEREAS, the Borough Council adopted Resolution No. 176-2021 on October 27, 2021 approving a New Marijuana Business License Application requirement for all potential Cannabis businesses seeking to do business in the Borough; and

WHEREAS, Sweet Side, LLC ("Sweet Side"), 301 N. Taylor Avenue, Neptune, New Jersey filed a New Marijuana Business License Application with the Borough to operate both a Class 1 Cannabis Cultivator business and a Class 2 Cannabis Manufacturer business located at 265 Industrial Way West, Eatontown, New Jersey; and

WHEREAS, the Zoning Officer found that the proposed location of Sweet Side's Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer businesses located at 265 Industrial Way West is consistent with the Borough's zoning requirements for such facilities; and

WHEREAS, the Cannabis Regulatory Commission issued an approval of Conditional License Application to Sweet Side on March 28, 2021; and

WHEREAS, the Borough reviewed Sweet Side's New Marijuana Business application and found it meets the criteria to obtain a Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer license from the Borough and it therefore believes it is in the best interest of the Borough to provide a Resolution of Support to Sweet Side.

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 issues this Resolution of Support to Sweet Side LLC to operate a Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer businesses at the premises located at 265 Industrial Way West, Eatontown, New Jersey; and

BE IT FURTHER RESOLVED as follows:

1. Sweet Side LLC is registered to do business in the State of New Jersey.
2. The Borough of Eatontown has authorized up to two Class 1 Cannabis Cultivator and two Class 2 Cannabis Manufacturer Retail through the adoption of Ordinance 19-2021 and the issuance of these licenses to Sweet Side, LLC does not exceed the limitation for Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer businesses in the Borough of Eatontown.
3. A copy of this Resolution shall be forwarded to the following:
 - a. Sweet Side, LLC
 - b. Kathy Muscillo, Director of Planning and Zoning

Resolution 150-2022

A RESOLUTION AUTHORIZING CONTRACT AWARDS TO TARGETED TECHNOLOGIES, LLC FOR IT NETWORK MONITORING SERVICES TO THE BOROUGH OF EATONTOWN

WHEREAS, the Borough of Eatontown is in need of certain services for its hardware/software technology to operate and maintain the daily business of the Borough of Eatontown; and

WHEREAS, the Borough may award a contract for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software (the "Services") without engaging in public bidding pursuant to N.J.S.A. 40:11A-5(dd) through a non-fair and open process; and

WHEREAS, the Borough's current vendor, Targeted Technologies, LLC, located at 1735 Hooper Avenue, Toms River, New Jersey 08753, has satisfactorily provided the Services to the Borough since 2016 and has submitted Network Monitoring proposals to the Borough generally in the amount of \$6,148.38 per month and to the Borough Police Department in the amount of \$2,484.00 per month; and

WHEREAS, the Chief Financial Officer has issued below certification of funds for the remainder of 2022 for said services in the amount of \$43,500.00.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown hereby authorizes the Borough to enter into an IT Managed Services Agreement for the Borough generally and the Borough Police Department with Targeted Technologies, LLC of 1735 Hooper Avenue, Toms River, New Jersey 08753 effective July 14, 2022 for a term of one year with a one year renewal beginning on the date immediately following the end of the initial term authorized, unless otherwise terminated in accordance with the Agreement to provide computer network monitoring services in conformance with its proposals to the Borough.

BE IT FURTHER RESOLVED, that Council of the Borough of Eatontown hereby authorizes the Administrator of the Borough of Eatontown to execute IT Managed Services Agreements with Targeted Technologies.

BE IT FURTHER RESOLVED, that the balance of the contract beginning on January 1, 2022 is contingent upon the Borough adopting a budget with sufficient funds for the remaining balance of the contract.

ITEM HELD FOR SEPARATE CONSIDERATION

2) Resolution 147-2022 – Opposing A-1294/S-2103 and Urging that Such Legislation Not Advance Further (Residential Building in Industrial Zones)

Motion to adopt item 2 (Resolution 147-2022) by C/Gonzalez; seconded by C/Regan

Councilman Gonzalez wanted input from the Borough Attorney, about the state legislation. Attorney Bayer responded explaining the proposed legislation. Councilman Gindi questioned if the state legislation will allow for housing above offices. Mayor Talerico and Attorney Bayer responded to the Zoning Uses.

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

11. REMARKS OF COUNCIL AND CITIZENS

Councilmember Jones thanks those who attended Samuel "Mingo Jack" Johnson Saturday, and thanked Councilmember Gonzalez and Councilmember Regan for easy collaboration for the event.

The meeting was open to the public.

Mr. Scaturchio, Monmouth Road, questioned on the mall redevelopment's proposed change and if it will see a loss of tax revenue. Mayor Talerico and Attorney Bayer respond. Mr. Scaturchio continues regarding the predominantly residential development financials. Attorney Bayer responds explaining the financial analysis. Mr. Scaturchio then questions Resolution 147-2022 to which Mayor Talerico explains the zoning issue.

There being no further comments, the meeting was closed to the public.

12. ADJOURNMENT – 09:22 pm

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

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



By: Julie Martin, RMC, Borough Clerk

June 21, 2022
10:22 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

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
AMER004	AMERICAN WEAR								
		22-00823	03/30/22	OPEN FOR 2022	Open	359.12	0.00		B
		22-00871	04/07/22	2022 UNIFORMS	Open	5,001.34	0.00		
						5,360.46			
AMER001	AMERIFLEX BUSINESS SOLUTIONS								
		22-01333	06/09/22	FSA/COBRA ADMIN FEE JUNE 2022	Open	115.00	0.00		
ANT002	GENE J. ANTHONY, ESQ.								
		22-01296	06/06/22	GENERAL CLOSING MATTERS	Open	177.60	0.00		
AOC001	ALLIED OIL LLC								
		22-01218	05/24/22	SUPER RFG 93 GAS	Open	10,834.26	0.00		
APP002	GANNETT NJ NEWSPAPERS								
		22-00876	04/07/22	Legal Notices	Open	498.52	0.00		
ASB001	ASBURY PARK PRESS, INC.								
		22-01280	06/06/22	PB 5.2.22 cancel	Open	176.52	0.00		
I001	ATLANTIC SECURITY & FIRE, INC.								
		22-00933	04/14/22		Open	2,436.00	0.00		
		22-01211	05/23/22		Open	252.00	0.00		
						2,688.00			
ATS001	ATLANTIC TREE EXPERTS CO.								
		22-01193	05/20/22	62 REYNOLDS DRIVE-TRIM&REMOVE	Open	1,275.00	0.00		
ATTM002	AT&T MOBILITY 287306454448								
		22-01390	06/17/22	PUBLIC WORKS WIRELESS USAGE	Open	1,451.95	0.00		
ATTM003	AT&T MOBILE 287306454309								
		22-01391	06/17/22	BORO/POLICE WIRELESS USAGE	Open	2,452.45	0.00		
AUTO001	AUTO PARTS CENTER								
		22-00187	01/20/22	OPEN FOR GAS & OILS	Open	107.64	0.00		B
		22-00773	03/28/22	OPEN FOR 2022	Open	75.14	0.00		B
						182.78			
AVAK001	LEON AVAKIAN, INC								
		22-01273	06/03/22	GENERAL PLANNING 2-5/2022	Open	5,347.50	0.00		
		22-01309	06/07/22	PARKER ROAD ESCROW #1503	Open	115.00	0.00		
						5,462.50			
D001	BANDAG, INC								
		22-01210	05/23/22	LOW BOY TRAILER	Open	1,667.22	0.00		
BBBA001	BROWN & BROWN BENEFITS ADV.								
		22-01313	06/08/22	JULY 2022 CONSULTING FEE	Open	1,500.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOE001	EATONTOWN BOARD OF EDUCATION	22-01372	06/14/22	TAX LEVY JULY 2022	Open	2,033,328.50	0.00		
BRACH006	BRACH EICHLER, LLC	22-01167	05/19/22	2ND 1/2 APPEAL REFUND	Open	11,300.75	0.00		
BRYM001	BRYAN MULHOLLAND	22-00662	03/15/22	2022 FBI Academy Reimbursement	Open	350.00	0.00		B
CAG001	CLEARY GIACOBBE ALFIERI & JACO	22-01332	06/09/22	BORO MUNICIPAL PROSECUTOR	Open	3,000.00	0.00		
		22-01366	06/13/22	MAY 2022 SERVICES	Open	958.80	0.00		
						3,958.80			
COMC004	COMCAST	22-01347	06/10/22	POLICE ONLINE BUSINESS ACCOUNT	Open	195.97	0.00		
		22-01389	06/17/22	BORO LIBRARY ONLINE ACCT	Open	108.35	0.00		
						304.32			
CORI001	CORINNE DICORCIA	22-01312	06/07/22	'22 Primary Mileage	Open	17.55	0.00		
DD001	D&D GLASS	22-01344	06/10/22		Open	40.00	0.00		
DELAG01	DE LAGE LANDEN FINANCIAL INC	22-01338	06/09/22	CONSTRUCTION COPIER LEASE	Open	257.14	0.00		
DORN001	FRED DORNER	22-01320	06/09/22		Open	445.96	0.00		
ECLE001	EAST COAST LIGHTING & ENERGY L	01-01271	06/02/20		Open	460.00	0.00		
EDSON01	DREW EDSON	22-01321	06/09/22	BOOT REIMBURSEMENT	Open	155.00	0.00		
EDW001	EDWARDS TIRE CO INC	22-00656	03/15/22	OPEN FOR 2022	Open	398.91	0.00		B
FOO001	SAKER SHOPRITES, INC.	22-01084	05/09/22	PRESCHOOL MAY SNACKS	Open	88.61	0.00		
		22-01085	05/09/22	AFTERCARE MAY SNACKS	Open	254.19	0.00		
		22-01086	05/09/22	PRESCHOOL JUNE SNACKS	Open	73.15	0.00		
		22-01189	05/19/22	MUNICIPAL ALLIANCE SUPPLES	Open	156.61	0.00		
		22-01219	05/24/22	COMMUNITY GARDEN SUPPLIES	Open	33.00	0.00		
						605.56			
FSS002	FIRE & SAFETY SERVICES, LTD	22-01133	05/16/22	FIRE DEPT REPAIRS LADDER 11-91	Open	956.00	0.00		
GAGL001	GAGLIANO & COMPANY	22-01060	05/04/22	Professional Services Rendered	Open	1,500.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
001	GENERAL CODE PUBLISHERS CORP								
		22-01326	06/09/22	New 4th Edition Amended 9/2021	Open	170.00	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A								
		22-01244	05/27/22	POLICE O/S DETAIL 6-10-22	Open	260.00	0.00		
		22-01275	06/06/22	POLICE O/S DETAIL 6/10/22	Open	4,512.00	0.00		
		22-01375	06/15/22	PAY PERIOD 6-24-22 O/S DETAIL	Open	5,567.00	0.00		
						10,339.00			
GPC001	GENUINE PARTS COMPANY INC								
		22-00029	01/06/22	OPEN FOR 2022	Open	9.80	0.00		B
		22-00771	03/25/22	OPEN FOR 2022	Open	249.00	0.00		B
						258.80			
GROFFMID	GROFF TRACTOR MID ATLANTIC LLC								
		22-00775	03/28/22	OPEN FOR 2022	Open	140.00	0.00		B
GSB002	GARDEN STATE BOBCAT, INC								
		22-01220	05/24/22	BOBCAT - COUPLER, MALE	Open	232.04	0.00		
GWL001	GEORGE WALL LINCOLN MERCURY, IN								
		22-00772	03/28/22	OPEN FOR 2022	Open	744.99	0.00		B
ERGRU	HEYER GRUEL & ASSOCIATES, PA								
		22-01271	06/03/22	CARADAM, LLC	Open	1,500.00	0.00		
HOMED01	HOME DEPOT/6035322538819545								
		22-01105	05/12/22	OPEN FOR 2022	Open	913.46	0.00		B
IMA003	MARCO TECHNOLOGIES, LLC								
		22-01200	05/20/22	POLICE/CONSTRUCT OVERAGE COPY	Open	417.51	0.00		
JERS001	JCP&L								
		22-01361	06/13/22	BORO STREET LIGHTING USAGE	Open	25.30	0.00		
		22-01383	06/16/22	BORO STREET LIGHTING USAGE	Open	61.99	0.00		
		22-01395	06/17/22	BORO STREETLIGHTING USAGE	Open	67.52	0.00		
						154.81			
JFWLL001	JOSEPH FAZZIO-HOWELL LLC								
		22-00615	03/09/22	OPEN FOR 2022	Open	390.70	0.00		B
JSPOT01	JOHNNY ON THE SPOT, LLC								
		22-00036	01/06/22	OPEN FOR 2022	Open	94.50	0.00		B
JULIE001	JULIE MARTIN								
		22-01310	06/07/22	'22 Primary Mileage	Open	32.42	0.00		
KBS001	K.B.D. SUPPLY LLC								
		22-01266	06/03/22		Open	1,658.98	0.00		
KEPWE005	KEPWEL SPRING WATER CO, INC								
		22-00020	01/06/22		Open	55.00	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LUCI001	WILLIAM LUCIA								
		22-01276	06/06/22	REIMBURSEMENT FOR ZOOM VIDEO	Open	213.14	0.00		
MAZ003	MAZZA RECYCLING SERVICES INC								
		22-00039	01/06/22	OPEN FOR 2022	Open	1,208.76	0.00		B
		22-01144	05/17/22	FEBRUARY BULKY WASTE	Open	13,928.01	0.00		
		22-01268	06/03/22	MAY 2022 BULKY WASTE	Open	5,211.24	0.00		
						20,348.01			
MCMAS005	MCMASTER CARR SUPPLY COMPANY								
		22-01223	05/25/22		Open	63.31	0.00		
MICHA010	MICHAEL HREHA								
		22-01324	06/09/22	M HREHA CELL PHONE REIMBUR	Open	90.00	0.00		
MIDAT001	MID ATLANTIC TRUCK CENTRE, INC								
		22-00994	04/25/22	OPEN FOR 2022	Open	1,599.06	0.00		B
MON002	MONMOUTH BUILDING CENTER								
		22-00460	02/16/22	OPEN FOR 2022	Open	14.38	0.00		B
		22-01048	05/03/22	OPEN FOR TIP TRAILER	Open	315.14	0.00		B
						329.52			
MRH001	MONMOUTH REGIONAL H.S. BD. OF								
		22-01373	06/14/22	TAX LEVY JULY 2022	Open	1,224,685.00	0.00		
MUSKY001	MUSKY TROUT HATCHERY								
		22-01128	05/16/22	WAMPUM POND FISH STOCK	Open	3,000.00	0.00		
NINA001	NINA BERNARDO								
		22-01311	06/07/22	'22 Primary Mileage	Open	17.55	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER								
		22-01384	06/16/22	BORO MONTHLY WATER USAGE	Open	655.68	0.00		
		22-01388	06/17/22	BORO MONTHLY WATER USAGE	Open	1,056.98	0.00		
						1,712.66			
NJB001	VERIZON								
		22-01362	06/13/22	BORO MONTHLY PHONE USAGE	Open	100.90	0.00		
NJCIV01	NJ CIVIL SERVICE COMMISSION								
		22-00660	03/15/22	All Access Pass	Open	25.00	0.00		
		22-00788	03/28/22	Platform Fee External LMS	Open	20.00	0.00		
						45.00			
NJSHD001	NEW JERSEY STATE VET HEALTH DE								
		22-01257	06/01/22	April Dog License Report	Open	19.20	0.00		
OLIVI005	OLIVIA'S II								
		22-00513	02/23/22	FIRE DEPT OPEN FOOD VOUCHER	Open	84.75	0.00		B
		22-01157	05/18/22	FIRE DEPT TRAINING MEETING	Open	253.20	0.00		
						337.95			

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
G002	OMEGA GRAPHICS								
		22-01145	05/17/22	Business Cards	Open	112.00	0.00		
PASHSTEI	PASHMAN STEIN WALDER HAYDEN								
		22-01281	06/06/22	EATONTOWN ADV FRESH DISPENSARY	Open	12,968.00	0.00		
POORJ005	POOR JOHN'S PORTABLE TOILETS								
		22-00682	03/16/22	PORTABLE RESTROOMS - PARKS	Open	732.00	0.00		B
REPT001	REPUBLIC SERVICES								
		22-01303	06/07/22	MAY 2022 TONNAGE	Open	18,391.16	0.00		
RHELFO05	R HELFRICH & SON CHARTER BUS								
		22-01154	05/18/22	sr. ctr. resorts casino 6/21/2	Open	875.00	0.00		
RICOH005	RICOH USA, INC								
		22-01392	06/17/22	FINANCE COPIER LEASE ACCOUNT	Open	166.75	0.00		
RIMAG005	RIMAGE CORPORATION								
		22-00829	03/30/22	Transfer Ribbon	Open	180.25	0.00		
RJ001	R&J CONTROL, INC								
		22-01256	06/01/22		Open	1,105.92	0.00		B
G099	RUTGERS CONTINUING STUDIES GOV								
		22-01153	05/18/22	INTRO DUTIES MUNICIPAL CLERK	Open	745.00	0.00		
SCH001	T&M ASSOCIATES								
		22-01274	06/03/22	5/22 ROAD OPEN ESCROW#5555	Open	41,340.32	0.00		
		22-01350	06/10/22	ESCROW #5555 5.22 ROAD OPEN	Open	19,699.91	0.00		
						61,040.23			
SCW001	SHREWSBURY CAR WASH LLC								
		22-01315	06/08/22		Open	300.00	0.00		
SEA001	SEABOARD FIRE & SAFETY EQUIPME								
		22-01253	05/31/22	Fire Extinguisher Maintenance	Open	118.00	0.00		
SEC002	THYSSEN KRUPP ELEVATOR								
		22-01346	06/10/22		Open	949.82	0.00		
SICK001	SICKELS MARKET								
		22-00445	02/15/22	BEAUTIFY EATONTOWN MATERIALS	Open	195.98	0.00		
		22-00446	02/15/22	BEAUTIFY EATONTOWN MATERIALS	Open	194.89	0.00		
						390.87			
SPCA001	MONMOUTH COUNTY SPCA								
		22-01166	05/19/22	BORO ANIMAL CONTROL SERVICES	Open	1,875.00	0.00		
001	STAVOLA CONTRACTING CO, INC.								
		22-00777	03/28/22	OPEN FOR 2022	Open	279.08	0.00		B

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PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
STAP003 STAPLES ADVANTAGE							
22-01336	06/09/22	BORO REPLENISH COPY PAPER	Open	439.96	0.00		
22-01337	06/09/22	FINANCE OFFICE SUPPLIES	Open	93.79	0.00		
				533.75			
SUS001 SUSTAINABLE JERSEY							
22-01359	06/13/22	2022 SUSTAINABILTY SUMMIT	Open	76.00	0.00		
SWIFT001 SWIFTREACH NETWORKS, INC.							
22-00610	03/08/22	2022 Annual Subscription	Open	4,500.00	0.00		
TARGE005 TARGETED TECHNOLOGIES LLC							
22-01233	05/25/22	ADAPTERS FOR NEW COMPUTERS	Open	1,483.72	0.00		
22-01385	06/17/22	BORO AGREEMENT-MANAGE SERVICE	Open	6,148.38	0.00		
22-01386	06/17/22	POLICE AGREEMENT MANAGE SERV	Open	2,484.00	0.00		
				10,116.10			
TIMEP005 TIMEPAYMENT CORP							
22-00048	01/06/22	OPEN FOR 2022	Open	89.85	0.00		B
22-01348	06/10/22	BORO WATER COOLER LEASE	Open	155.88	0.00		
				245.73			
USBACT01 US BANK CUST/ACTLIEN HOLDING							
22-01083	05/09/22	REDEMPTION CERT #19-00023	Open	1,732.86	0.00		
USPS002 US POSTAL SERVICE							
22-01400	06/20/22	REPLENISH MAILROOM FUNDS	Open	5,000.00	0.00		
VANB001 FLOWERS BY VAN BRUNT							
22-01071	05/05/22	Memorial Day Wreaths	Open	375.00	0.00		
VERIZ005 VERIZON - ALBANY							
22-01363	06/13/22	POLICE RADIO/ANTENNA TOWER	Open	553.94	0.00		
WORLD001 WORLD JEEP LLC							
22-00050	01/06/22	OPEN FOR 2022	Open	103.60	0.00		B
WWG001 GRAINGER INC							
22-01040	05/03/22	VP FUEL SMALL ENGINE FUEL	Open	1,689.51	0.00		
Total Purchase Orders: 112 Total P.O. Line Items: 0 Total List Amount: 3,482,739.83 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:	2-01	3,420,103.50	0.00	3,420,103.50	0.00	0.00	3,420,103.50
GENERAL CAPITAL F	C-04	460.00	0.00	460.00	0.00	0.00	460.00
GRANT FUND	G-02	156.61	0.00	156.61	0.00	0.00	156.61
	T-12	19.20	0.00	19.20	0.00	0.00	19.20
	T-15	10,439.00	0.00	10,439.00	0.00	0.00	10,439.00
	T-17	51,561.52	0.00	51,561.52	0.00	0.00	51,561.52
Year Total:		62,019.72	0.00	62,019.72	0.00	0.00	62,019.72
Total Of All Funds:		3,482,739.83	0.00	3,482,739.83	0.00	0.00	3,482,739.83