

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, September 14, 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. Public comment is welcome at any time.

Mayor Talerico opened the Regular Meeting at 7:48pm, 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, Everett D. Lucas
ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Deputy Clerk Muscillo
ABSENT: Councilmember David Gindi
The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 8/24/2022

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

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

3. COMMUNICATIONS

- A. Dynamic Engineering Consultants, PC - Flood Hazard Area Notification, Monmouth Road, and NJ-36
- B. Spring Lake Heights Resolution Supporting Assembly for Veterans Deduction
- C. Resolution of the Board of Education of the Monmouth Regional High School District Authorizing the Submission of a Bond Proposal Question to the School District Voters at a School District Election
- D. Tinton Falls Ordinance Amending Chapter 40 Section 37(B)(22) of the Borough Code Entitled "Cannabis Facilities"

Motion to accept communications A-D by C/Jones; seconded by C/Regan

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

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported that on August 31st he filmed a cooking video at the new Barnabas building at the Monmouth Mall called "Serious Dishing of the Mayor". Mayor Talerico reported that on Labor Day, the Borough hosted their annual 5K Run, and reported on attending the ribbon cutting at the ACI Medical and Dental School on September 9th. Mayor Talerico further reported on September 13th, he met with ARH for a welcome tour at Wolcott Park. Later that afternoon, he attended the FMERA real estate committee meeting. On September 14th, he attended the Economic Development Advisory Committee meeting in Councilman Gindi's absence.

5. REPORTS OF COMMITTEES

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

Council President Gonzalez reported on the police reports and provided the arrest breakdowns for the month of August. Councilmember Gonzalez further reported on the community events regarding the Kiddie Academy.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reserved his report and mentioned that on October 15th, the Fire Department will host their second annual corn hole tournament at Wolcott Park.

PARKS & RECREATION - Councilmember Escalante

Councilmember Escalante reported on the Archeological Investigations at the Allen House in Shrewsbury and Marlpit Hall in Middletown, reported that the Thelma Johnson Exhibit is coming to an end, that Eatontown Day is on October 1st with a rain date of October 8th, and lastly informed the residents about the upcoming fitness classes being held at the Rec Center.

D. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported on the Finance and Ordinance Committee's meeting dates, along with the Cannabis Regulatory Commission meeting date and public comments. Councilmember Jones further reported on the next Planning Board meeting date and the Traffic Advisory Committee's meeting date. There was no update on the Drug and Alcohol Alliance, the Youth Committee and the Community Center Committee. Councilmember Jones provided a few announcements regarding the Eatontown Food Co-Op and Food Pantry, announced that Brookdale Community College is hosting a traveling Smithsonian exhibit, and spoke about the 988 Suicide and Crisis Lifeline. Councilmember Jones further announced on the Monmouth County Work Force Development's job fair, and the Rutgers Cooperative Extension Family and Community Health Science Department's next webinar.

E. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi was absent, therefore had no report.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas reported that only three people were at the last Tenant's Rights Meeting. Councilmember Lucas further reported on Beautify Eatontown's banner for Eatontown Day, and lastly, reported on Eatontown Clean-Up Day being on October 16th.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia reserved his report.

7. PRESENTATION – CANNABIS APPLICATION – Denver Cole Farms

Attorney Bayer explained the process to the applicants and administered the oath to Mr. Larson.

Jeffrey Larson, Founder and President of Denver Cole Farms, requested a resolution of support of a Class I Cannabis Cultivation and a Class II Manufacturing License. Mayor Talerico asked Attorney Bayer if the Borough would be able to provide a resolution of support for a Class II license, even though the applicants have not applied for it. Attorney Bayer responded. Mr. Larson provides background and history on the company, as well as his plan moving forward. Attorney Bayer informs the applicant about the Borough already previously issuing resolutions of support for two other companies for Class I Licenses, as well as one other application pending. Attorney Bayer explains the process of how to get an approval. Mayor Talerico further explains the process of how they would have to get all prior approvals. Mr. Larson asked Attorney Bayer when the previous resolution of supports was issued. Attorney Bayer responded.

Ron Wollner, owner of 275 Industrial Way, was given the oath by Attorney Bayer. Mr. Wollner shares his background on the Business Committee of Eatontown. Mr. Wollner shares his support for this business and explains how his building will be perfect for this business. Attorney Bayer asked Mr. Wollner how many square feet the applicant would be using in the building. Mr. Wollner responded. Attorney Bayer asked Mr. Wollner if he anticipates if there will be any required Land Use approvals from any of the Boards. Mr. Wollner responded. Mr. Wollner spoke about mortgage agreements between the landlord and the tenants and expressed to the council that he owns the building outright, and there will be no problems with a mortgage company. Attorney Bayer and Mayor Talerico responded. Councilmember Regan asked Attorney Bayer a question regarding if the applicants would have to comply with the property line to a school ordinance. Attorney Bayer responded. Council President Gonzalez asked Mr. Larson about their operations, how long they have been in business, and asked questions regarding their other facilities that are in other states. Mr. Larson responded. Council President Gonzalez asked Mr. Larson about how they will handle the smell and how the council can guarantee that this company will be good neighbors to the surrounding properties. Mr. Larson responded. Attorney Bayer asked about the products the applicants would be growing and asked about the distribution process. Mr. Larson responded. Mayor Talerico and Attorney Bayer asked about the delivery trucks. Mr. Larson responded. Mayor Talerico explains to the applicant why Attorney Bayer is specifically asking about the delivery trucks. Mr. Larson responded. Councilmember Gonzalez asked about the different issues that the applicant has at their other facility, and what have they done to rectify them. Mr. Larson responded. Councilmember Gonzalez asked about the surrounding community where their other facility is located and asked if the applicants have ever been sued. Mr. Larson responded. Attorney Bayer further asked if the applicants have ever been convicted of a crime, and if they passed the CRC background checks. Mr. Larson responded. Councilmember Jones asked the applicants regarding the community engagement plan, about his education background, and asked how he will incorporate his kind of education with his community plan. Mr. Larson responded. Councilmember Jones asked Mr. Larson about his local hiring process. Mr. Larson responded. Councilmember Jones asked about his current employees, and about

what his strategic partnership of local businesses and individuals would consist of. Mr. Larson responded. Councilmember Escalante asked the applicant about his involvement with the Eatontown facility, and how often he will be around to oversee it. Mr. Larson responded. Councilmember Regan asked Mr. Larson about security on site. Mr. Larson responded. Councilmember Regan asked Mr. Wollner about his building's infrastructure. Mr. Wollner responded. Mayor Talerico mentioned to Mr. Wollner that any changes to the building would need prior approval. Mr. Wollner responded. Attorney Bayer informed the applicant about the two percent tax they will be required to pay to the town. Attorney Bayer suggested a resolution of support with the same conditions as prior applicants. Mayor Talerico explains to the applicant the process of the resolution of support.

8. PUBLIC HEARING – Monmouth County Municipal Open Space Grant Program 2022

Playground Structure at Gurbisz Park Located at Nicodemus & Wilson Avenues, Part of Block 301, Lot 1

Councilmember Escalante explained why the Borough is looking to apply for this grant. Mayor Talerico further explained.

Mayor Talerico opened the meeting to the public for this public hearing only.

No comments were made.

Mayor Talerico closed the meeting to the public.

9. OLD BUSINESS

A. ORDINANCE ADOPTION

1) Ordinance 18-2022 – An Ordinance Amending Chapter 35 of the Borough Code “First Aid and Fire Company Volunteers”, Article One “General Provisions” Creating a New Section 35-5.1 Entitled “First Aid Service for Patient Care Facilities” and Amending Section 35-1 “Definitions” - **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title.

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/Lucas
ABSENT - C/Gindi

No comments were made.

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

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

Attorney Bayer read the ordinance by title.

Mayor Talerico explained the ordinance.

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

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

ORDINANCE 18-2022 - An Ordinance Amending Chapter 35 of the Borough Code “First Aid and Fire Company Volunteers”, Article One “General Provisions” Creating a New Section 35-5.1 Entitled “First Aid Service for Patient Care Facilities” and Amending Section 35-1 “Definitions”

WHEREAS the Borough's First Aid Squad's resources are strained, and it is always seeking new volunteers to provide service to the Borough's residents; and

WHEREAS, there have been an advent of new patient care facilities in the Borough and its surrounding communities which has and could further strain the First Aid Squad's resources; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to ensure that patient care facilities either hire or contract their own private ambulance services to service their residents and patients for non-emergency medical care.

NOW THEREFORE, BET IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth; State of New Jersey that it hereby amends Chapter 35 of the Borough Code, "First Aid and Fire Company Volunteers", Article One, "General Provisions by amending Section 35-1 "Definitions" and creating a new section 35-6 entitled "First Aid Service for Patient Care Facilities" as follows:

[Underline is added and strike-out is deleted]

Section 1

§35-1 is hereby amended as follows:

Patient Care Facilities

All state-licensed nursing homes, rest homes, health maintenance organizations, assisted living facilities, health- care facilities providing in-patient services, and other licensed or unlicensed medical care providers with the capacity to treat 10 or more outpatients simultaneously.

Section 2

§35-5.1 shall read as follows:

- a. All Patient Care Facilities located within the Borough are hereby required to own, lease, rent or have promptly available by contract sufficient appropriately staffed private ambulance services for the treatment and transport of residents and/or patients in need of non-emergency medical care. Such ambulance services shall be available 365 days per year and 24 hours per day.
- b. In order to satisfy the requirements of subsection (a), each Patient Care Facility subject to this chapter shall file proof of the availability of private ambulance services with the Borough Clerk within 60 days after final passage of this chapter, and on or before January 1 of each year thereafter. For purposes of this subchapter, proof of private ambulance availability shall consist of a contract with no less than two private ambulance service providers under which such providers are obliged to respond promptly to the Patient Care Facility.
- c. Alternatively, if a Patient Care Facility elects to own and operate its own ambulance(s), such proof shall consist of documentation of the make, model, year, color, serial number, license plate number, location, and staffing of such ambulance(s). As part of the proofs required under this section, the resident director, manager or authorized corporate officer of each Patient Care Facility shall make and file with the Borough Clerk a signed certification that adequate private ambulance services are available, and that all agents and employees of such facility involved with patient care have been apprised of and trained in the use of such private ambulance services. The failure of a Patient Care Facility to comply with the requirements of this subsection shall constitute an ordinance violation by the Patient Care Facility and its resident director, manager, or authorized corporate officer punishable by a fine not to exceed \$2,000.
- d. In the event that an employee or agent of a Patient Care Facility located in the Borough takes action resulting in the dispatch of a volunteer first aid squad regulated pursuant to the provisions of Section 35-6, and the responding volunteer first aid squad determines in its sole discretion that the basis for dispatch did not constitute circumstances requiring the use of basic life support or advanced life support, the volunteer first aid squad shall certify accordingly to the Borough Administrator and the Private Care Facility shall be subject to a volunteer first aid squad dispatch fee of \$750. This fee shall be payable to the Borough of Eatontown. The Borough of Eatontown may contribute fee revenue generated under this subsection to the volunteer first aid squad.

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.

10. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

No comments were made.

The meeting was closed to public comment on agenda items.

11. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

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

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

ABSENT - C/Gindi

Councilmember Escalante abstained from line-item IMP-001.

12. NEW BUSINESS

A. ORDINANCE INTRODUCTION

1) **Ordinance 19-2022** – An Ordinance of The Borough of Eatontown Amending and Supplementing Chapter 39 “Historical Committee, Section 39 “Historical Committee”, And Chapter 89 “Land Use”, Section 4 “Definitions and Word Usage”, Section 16 “Review Procedure”, And Section 89-44 “Individual Zone Regulations”, Concerning the Issuance of Certificates and Permits in The Historic District - *First Reading/Introduction (Public Hearing 9/28/22)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 9/28/22.

Councilmember Escalante, Mayor Talerico and Attorney Bayer explained the ordinance. Council President Gonzalez showed his concern regarding the approval process. Mayor Talerico and Councilmember Escalante responded. Mayor Talerico explained this Ordinance after introduction, will go to the Planning Board for the Master Plan review, then will be on the next meeting for the public hearing and approval.

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

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

ABSENT - C/Gindi

ORDINANCE 19-2022 - An Ordinance of the Borough of Eatontown Amending and Supplementing Chapter 39 “Historical Committee, Section 39 “Historical Committee”, and Chapter 89 “Land Use”, Section 4 “Definitions and Word Usage”, Section 16 “Review Procedure”, and Section 89-44 “Individual Zone Regulations”, Concerning the Issuance of Certificates and Permits in the Historic District

WHEREAS, the Borough’s Zoning Officer has proposed to the Borough Administrator and the Borough Council to modernize and update the Borough Code concerning the involvement of the Historical Committee in with certain regulated activities to Historical Sites and Structures and within the Borough’s Historic District;

WHEREAS, the Borough Council believes it is in the best interest of its residents to uphold the Zoning Officer’s recommendations to ensure that the Historical Committee can give input on land use applications concerning properties located in the Borough’s Historic District.

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 the Borough Code as follows:

(additions are underlined and deletions are stricken)

Section 39-8. Construction, Planning and Zoning Code Compliance.

The Historical Committee shall also serve as a review or advisory committee to the Eatontown Construction Official, Zoning Board and Planning Board with respect to applications for development of historic sites and for applications for building

permits within the Historic District Zone or of properties identified in the Borough's Historic Preservation Element of the Master Plan as amended.

Section 89-4. Definitions and Word Usage.

"Historic Site Or Structure" - Any real property, man-made structure, natural object or configuration or portion or group of the foregoing which have been formally designated in the Master Plan as being of historical, archeological, cultural, scenic or architectural significance., including but not limited to:

Historic Name (if known)	Block/Lot	Address
1.	905/1	35 Clinton Avenue - NE cr. Clinton Avenue and Franklin Avenue
2. Sun Eagles Country Clubhouse (Gibbs Hall and Pool)	501/1	S. side Tinton Avenue, 0.2 mi. W. of Maxwell Road, Fort Monmouth
3. Drummond Farm (Tinton Woods Clubhouse)	104/1	301 Tinton Avenue
4. Fields Cemetery		Tess Court
5. F. Littlefield House	1001/10	50 Broad Street
6. Washington F.A.M. Lodge #9	1001/8	40 Broad Street
7. Benjamin C. White House	1001/9	44 Broad Street
8.	1002/11	40 Byrnes Lane
9. Hathaway House	1002/2	68 Broad Street
10. Presbyterian Church	1002/3	72 Broad Street
11. Harmony Guest House	1003/7	154 Broad Street
12.	1113/3	395 Broad Street
13. A.M.E. Zion Church	1401/23	271 South Street
14.	1502/10	18 Buttonwood Avenue
15.	1502/15	188 South Street
16. Friends School	201/15	35 Tinton Avenue
17. Captain Flower	201/8	152 Main Street
18. Locust Grove Cemetery	2302/2	South Street
19.	2501/15.01	64 Wyckoff Road
20.	2607/9	7 Campbell Drive
21. White Ridge Cemetery (earliest section)	3001/7-9	Wall Street
22.	301/14	37 Throckmorton Avenue
23. Brower House	301/16	43 Throckmorton Avenue
24. Fred G. Steelman School	301/51	215 Broad Street
25. Eatontown Museum	303/18	75 Broad Street
26. St. James Episcopal	303/19	69 Broad Street
27.	304/15	21 Broad Street
28.	401/19	74 Tinton Avenue
29. Eaton's Mill Site	401/36-39	Hwy 35
30. Wolcott's Tenants' House	802/29.01	67 Buttonwood Avenue
31.	902/42	84 South Street
32. Henry Corlies Farmhouse	904/5	128 South Street

Section 89-16. Review procedure.

C. Additional Historical Committee Review Required.

(1) No person shall engage or cause other persons to engage in any regulated activity as defined in § 89-44(F) on a Historical Site or Structure or within a Historic District until such person shall have applied for and received a certificate of appropriateness from the Planning Board and applied for and received a development permit from the Zoning Officer.

(2) It shall be the duty and responsibility of the Administrative Officer (Zoning Officer) to refer all applications for issuance of permits pertaining to regulated activities on Historic Site or Structure or within a Historic District as set forth in § 89-44(f) to the Historical Committee for a written report on the application of the Zoning Ordinance provisions concerning historic preservation to any of those aspects of the change proposed which aspects were not determined by approval of an application for development by a municipal agency pursuant to the Municipal Land Use Law, P.L. 1975 c. 291. The Historical Committee shall submit its written report to the Administrative Officer (Zoning Officer) and shall send a copy of the report to the applicant within 45 days of its referral to the Commission. If within the forty-five-day period the Historical Committee recommends against the issuance of a permit or recommends conditions to the permit to be issued, the Administrative Officer (Zoning Officer) shall deny issuance of the permit or include the conditions in the permit. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

(3) Applications for development which are in an Historic District or on an Historic Site or Structure and require approval by the Planning Board or Board of Adjustment shall be referred by the Administrative Officer (Zoning Officer) directly to the appropriate Board. The Board shall forward a copy of the complete application to the Historical Committee at least 14 days prior to the hearing. Failure to forward the copy shall not invalidate any hearing or proceeding. The Historical Committee may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

(4) The Historical Committee review shall not be required when a Historic Site or Structure requires immediate emergency repair to preserve the continued habitability of the landmark and/or the health and safety of its occupants or others. Emergency repairs may be performed in accordance with Borough codes, without the necessity of first obtaining the Historical Committee's review. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the historic landmark, or others, and/or to maintain the habitability of the structure. A request for the Committee's review shall be made as soon as possible, and no further work shall be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this chapter. All work done under this section shall conform to the criteria set forth in § 89-44.

D. Where an application for development is found by the Administrative Officer (Zoning Officer) to require Historical Committee's review pursuant to this section, the applicant shall be required to submit an application for certificate of appropriateness to the Administrative Officer (Zoning Officer). As part of this application, the Historical Committee may require the submission of such materials as are reasonably required for it to render a decision on the application. This application shall accompany the application for development when it is referred to the Historical Committee for review and must be complete in order to be considered. The Historical Committee shall advise the applicant in writing of the time, date, and place of the meeting at which the matter will be reviewed at least three days prior to the meeting. The Historical Committee may advise other interested parties of the meeting and may publish notices of the meeting in the newspaper. The applicant shall not be required to appear or to be represented at the meeting. The applicant may appear at the meeting and may submit additional information if he so chooses.

E. Time limit and effect of certificate of appropriateness. A certificate of appropriateness shall confer upon the applicant the right that the general terms and conditions upon which the certificate was granted shall not be changed for one year. Any certificate hereafter granted shall expire by limitation unless the approved activity has commenced within one year of the date of the certificate. The Historical Committee may extend the time period. Where other approvals or permits are required pursuant to this chapter, the certificate of appropriateness shall be valid for the life of those approvals or permits or extensions thereof.

Section 89-44 Individual Zone Regulations.

F. Regulations applying to the HD Zone District.

(1) It The HD (Historic District) Zone is for the purpose of preserving cultural, social economic and architectural history through the preservation of historically significant buildings and to create an appropriate and harmonious neighborhood for the historically significant buildings. Therefore, Tthe HD (Historic District) Zone shall not regulate the use of land or buildings the following activities (hereinafter "regulated activities") on any Historic Site or Structure or within a historic district:

(a) Change in the exterior appearance of any building, structure or improvement by addition, reconstruction, alteration, replacement or maintenance;

(b) Any additional or new construction of an improvement;

(c) Replacement, changes in, or addition of signs, shutters, outdoor displays, fences and hedges, street furniture, awnings, off-street driveway and parking materials, or exterior lighting;

(d) Installation or replacement of porches, fire escapes, solar panels, and satellite dish antennas.

It is for the purpose of preserving cultural, social economic and architectural history through the preservation of historically significant buildings and to create an appropriate and harmonious neighborhood for the historically significant buildings.

(2) In addition to all other requirements of this chapter, no building or structure shall hereafter be erected, reconstructed, altered, restored or demolished undergo any regulated activity within the Historic District unless and until an application for a building permit shall have been approved as to exterior architectural features which are subject to public view from a public street, way or place. Evidence of such required approval shall be a certificate of appropriateness issued by the Planning Board. Upon receiving an application for a building permit in the Historic Zone, the Construction Official shall promptly forward three copies thereof to the Administrative Secretary, who shall place it on the agenda of the next meeting of the Planning Board. The Construction Official shall promptly forward a copy thereof to the Secretary of the Historical Committee for the Committee's review and comment pursuant to the procedure set forth in Section 89-16..

(3) In reviewing the plans, the Planning Board shall give consideration to:

(a) The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;

(b) The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and

(c) Any other factor, including aesthetic, which it deems pertinent.; and

(d) The input and recommendations of the Historical Committee.

(4) The Planning Board shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.

(5) It is the intent of this section that the Planning Board be strict in its judgment of plans for alteration, repair or demolition regulated activities of Historical Sites and Structures and existing structures deemed to be valuable according to studies, approved by the Planning Board of the Borough of Eatontown, by qualified persons using as the criteria of evaluation those developed by the National Trust for Historic Preservation. In addition to the list of structures listed in § 89-4, a A list of such structures designated by street address and block and lot number is maintained by the Eatontown Historic Society to guide the Planning Board in its judgments.

(6) It is the intent of this section that the Planning Board and Historical Committee shall encourage any alterations or repairs to structures on this list be made in the spirit of their architectural style, and that any additions will be made in such a manner as not to detract from a building's original appearance.

(7)-(16) No changes.

(17) The following shall not be considered regulated activities under this Section:

- (a) Changes to the interior of structures.
- (b) Ordinary repairs and maintenance or the exact replacement of any existing architectural details that are otherwise permitted by law, provided this work on a Historic Site or Structure does not alter the exterior appearance of the building. The following are some of the activities which may be permitted according to this criteria:
 - (1) Complete identical replacement of existing windows and doors.
 - (2) Repair of existing windows and doors involving no change in their design, scale or appearance. Installation of storm windows and doors.
 - (3) Complete replacement of existing material with identical material.
 - (4) Maintenance and repair of existing roofing material involving no change in the design, scale or appearance of the structure.
 - (5) Structural repairs which do not alter the exterior appearance of the building.
 - (6) Complete identical replacement of existing roof structures such as cupolas, dormers and chimneys, or the repair of same which does not alter their exterior appearance.
 - (7) Complete replacement of existing shingles, clapboards, or other siding with identical material.
 - (8) Maintenance and repair of existing shingles, clapboards, or other siding involving no change in design, scale or appearance of the structure.
 - (9) Exterior painting of existing structures. The Historical Committee may recommend colors harmonious with those currently used in the historic district.

BE IT FURTHER ORDAINED, that

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

2) Ordinance 20-2022 - An Ordinance Amending Chapter 198 of the Borough Code "Licensed Occupations", and Chapter 257 of the Borough Code "Rental Properties", Concerning the Registration of Certificates of Insurance of All Business, Rental Units, and Multi-Family Homes Located in the Borough. - *First Reading/Introduction (Public Hearing 9/28/22)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 9/28/22.

Attorney Bayer explained the Ordinance. Councilmember Escalante asked a question regarding her business for further clarification. Attorney Bayer responded. Attorney Bayer commented on the section of the Ordinance about the minimum and maximum fine amount. Mayor Talerico and Councilmember Jones responded.

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

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

ORDINANCE 20-2022 - An Ordinance Amending Chapter 198 of the Borough Code "Licensed Occupations", and Chapter 257 of the Borough Code "Rental Properties", Concerning the Registration of Certificates of Insurance of All Business, Rental Units, and Multi-Family Homes Located in the Borough.

WHEREAS on August 5, 2022, the New Jersey Legislature approved Bill S1368 (the "Legislation") requiring the owner of a business, rental unit(s), and/or multi-family homes of four or fewer units (collectively "Business and Rental Property Owner(s)") to maintain certain amounts of liability insurance; and

WHEREAS, the Legislation also requires that the impacted Business and Rental Property Owners to demonstrate that they have maintained the required insurance by annually registering their certificates of insurance with the municipality in which the business, rental property, or multi-family home is located; and

WHEREAS, the Legislation also permits municipalities to establish by ordinance a reasonable fee for the administration of the insurance certification registration, and to collect penalties against any Business and Rental Property Owner who fails to comply with the Legislation; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to ensure that Business and Rental Property Owners located within the Borough are complying with the Legislation by maintaining required levels of insurance and registering certifications of insurance with the Borough, and that the Borough Code is consistent with the Legislation.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby amends Chapter 198 of the Borough Code, "Licensed Occupations", and Chapter 257 of the Borough Code, "Rental Properties", as follows:

[Underline is added and strike-out is deleted]

Chapter 198 Licensed Occupations.

§ 198-8 Registration of Certificates of Insurance.

A. The owner of a business located in the Borough shall annually register with the Office of the Borough Clerk the certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1. At the time of registration, the owner of the business shall pay an annual administrative fee in the amount of \$200.

B. Enforcement, violations and penalties.

(1) The Zoning Officer, or any other Borough officer designated by the Borough Administrator is hereby authorized and directed to enforce Section 198-8.

(2) The penalty for each violation of Section 198-8(A) shall be a minimum fine of \$500 and a maximum fine up to \$5,000, which the Borough may collect through a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et. seq.

Chapter 257 Rental Properties.

§ 257-6. Registration of Certificates of Insurance.

A. The owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register with the Office of the Borough Clerk the certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1. At the time of registration, the owner of the business shall pay an annual administrative fee in the amount of \$200.

B. Enforcement, violations and penalties.

(1) The Zoning Officer, or any other Borough officer designated by the Borough Administrator may be and is hereby authorized and directed to enforce Section 198-8.

(2) The penalty for each violation of Section 257-6(A) shall be a minimum fine of \$500 and a maximum fine up to \$5,000, which the Borough may collect through a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et. seq.

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 203-2022** - Auth. Municipal Clerk/Purchasing Agent to Advertise RFPs for 2022 Borough Professionals
- 2) **Resolution 204-2022** - Auth. Purchase and Installation of Playground Equipment and Surfacing for 80 Acres Park from ESCNJ Co-Op, Challenger Park Phase 2
- 3) **Resolution 205-2022** - Auth. Tax Sale Certificate Redemptions
- 4) **Resolution 206-2022** - Auth. Purchase of a Caterpillar Model: 308 Mini Hydraulic Excavator through Sourcewell Co-Op
- 5) **Resolution 207-2022** - Governing Body Certification of the 2021 Annual Audit
- 6) **Resolution 208-2022** - Auth. Application for County of Monmouth Open Space Trust Funds
- 7) **Resolution 209-2022** - Auth. Purchase of Utility Body for Service Truck (DPW)

- 8) **Resolution 210-2022** - Auth. Release of Escrow Funds to 556 Industrial Way West, LLC (Blk 3502, Lot 1)
- 9) **Resolution 211-2022** - Auth. Release of Performance Bond and Cash Bond to CP Plaza 35, LLC C/O Cyzner Properties for the Property Designated on the Tax Map as Block 3801, Lots 21 and 22
- 10) **Resolution 212-2022** - Auth. Reimbursement for Fire Department Length of Service Awards
- 11) **Resolution 213-2022** - Auth. Access Agreement with Zoom Plaza, LLC for Access onto Borough Property Located at Block 2302, Lot 23 to Permit the Construction of a Retaining Wall
- 12) **Resolution 214-2022** - Cannabis Denver Cole Farms Support Resolution

Motion to approve Consent Items 1-12 (Resolutions 203-214) as a group by C/Regan; seconded by C/Escalante

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

RESOLUTION 203-2022 - Authorizing Municipal Clerk/Purchasing Agent to Advertise RFP's for 2022 Borough Professionals

WHEREAS, Chapter 57, Section 2 of the Borough Code establishes annual advertisements for professional position: and
WHEREAS, notice will be published in the Asbury Park Press and on the NJ League of Municipalities Website on Tuesday, October 18, 2022, and the NJ League of Municipalities Website for receipt of proposals on Thursday, November 10 2022.
Now, Therefore, Be It Resolved the Mayor and Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Municipal Clerk/Purchasing Agent is hereby authorized to advertise requests for proposals per Chapter 57, Section 2 on Tuesday, October 18, 2022, with receipts of proposals on Thursday, November 10, 2022.

RESOLUTION 204-2022 - Authorizing the Purchase and Installation of Playground Equipment and Surfacing for 80 Acres Park from ESCNJ Co-Op Challenger Park Phase 2

Whereas, the Recreation Department has made a request to purchase Playground Equipment and Surfacing for 80 Acres Park; and

Whereas, the Borough Council reviewed the request of the Recreation Director; and

Whereas, the funds were generously donated by the Eatontown Lions Club and several others who will be recognized at the conclusion of the project; and

Whereas, the Recreation Director found pricing and availability for the aforementioned purchase under The Educational Services Commission of New Jersey Cooperative Purchasing System, Contract #65MCESCCPS, Bid# ESCNJ 20/21-22; and

Whereas, the Purchasing Agent has reviewed the findings of the Recreation Director; and

Whereas, it is the recommendation of the Purchasing Agent and the Recreation Director that this equipment be purchased from Ben Shaffer Recreation, Inc, Lake Hopatcong, NJ, under the ESCNJ Cooperative Purchasing System for a total amount not to exceed \$155,755.58).

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Purchasing Agent is hereby authorized to make the following purchase: Playground Equipment and Surfacing from Ben Shaffer Recreation, Inc, Lake Hopatcong, NJ under the Education Services Commission of New Jersey Cooperative Purchasing System (Contract #65MCESCCPS, Bid # ESCNJ 20/21-22) for an amount not to exceed \$155,755.58.

Be It Further Resolved a certified copy of this resolution be forwarded to the Recreation Department, Ben Shaffer Recreation Inc. and Chief Financial Officer.

RESOLUTION 205-2022 - 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

LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
19		FIG CUST FIGNJ19LLC & SEC PTY	\$2071.04	\$2,600.00
13.01	C075	US BANK CUST/PRO CAP 8/PRO CAPITAL MGT II	\$1,083.73	\$200.00

RESOLUTION 206-2022 - Authorizing the Purchase of a Caterpillar Model: 308 Mini Hydraulic Excavator Through the Sourcewell Co-Op - DPW

Whereas, the Department of Public Works have indicated to the Governing Body the need to purchase a Caterpillar Model: 308 Mini Hydraulic Excavator; and

Whereas, the Borough Council reviewed the need of the Public Works Department and concurred that the equipment is required; and

Whereas, the Superintendent of Public Works found pricing and availability for the aforementioned purchase under the Sourcewell CO-OP, Contract #032119-CAT; and

Whereas, the Purchasing Agent has reviewed the findings of the Public Works Department; and

Whereas, it is the recommendation of the Purchasing Agent and Superintendent of Public Works that this equipment be purchased from Foley, Incorporated, Piscataway, NJ, under the Sourcewell CO-OP for an amount not to exceed \$156,302.00.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Purchasing Agent is hereby authorized to make the following purchase:

a Caterpillar Model: 308 Mini Hydraulic Excavator from Foley, Incorporated, Piscataway NJ under the Sourcewell CO-OP (Contract #032119-CAT, Membership #28004) for an amount not to exceed \$156,302.00.

Be It Further Resolved a certified copy of this resolution be forwarded to the Department of Public Works, Foley, Incorporated and Chief Financial Officer.

RESOLUTION 207-2022 - Governing Body Certification of the 2021 Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by Oliwa & Company, Registered Municipal Accountants with the Municipal Clerk of the Borough of Eatontown pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body on or before August 30, 2022; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments" and "Recommendations"; and

WHEREAS, the members of the governing body of the Borough of Eatontown have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby certify that they have complied with N.J.A.C. 5:30-6.5 and do hereby direct the Borough Clerk to submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 208-2022 - Authorizing Application for County of Monmouth Open Space Trust Funds

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

WHEREAS, the Governing Body of the Borough of Eatontown desires to obtain County Open Space Trust Funds in the amount of up to \$100,000 to fund playground equipment and surfacing at Gurbisz Park located at Nicodemus and Wilson Avenues, known as portion of Block 301, Lot 1; and

WHEREAS, the total cost of the project including all matching funds is \$200,000.00 and

WHEREAS, the Borough of Eatontown will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Eatontown, County of Monmouth State of New Jersey that:

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

RESOLUTION 209-2022 - Authorizing Purchase of Utility Body for Service Truck - DPW

WHEREAS, the Department of Public Works is desirous of purchasing a Utility Body for a Service Truck; and

WHEREAS, quotes were obtained:

A&K Equipment Company, Rahway, NJ \$43,835.00

Ultra Equipment, Barneget, NJ \$45,135.00

WHEREAS, it has been determined that the most advantageous quote is from A&K Equipment; and

WHEREAS, A&K Equipment have filed the required Pay to Play documentation; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown hereby authorizes the purchase of a Utility Body in an amount not to exceed \$43,835.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Chief Financial Officer, the Borough Public Works Supervisor and A&K Equipment.

RESOLUTION 210-2022 - Authorizing the Release of Escrow Funds 556 Industrial Way West, LLC (Blk 3502, Lot 1)

WHEREAS, the Zoning Officer has requested release of escrow funds held for 556 Industrial Way West, LLC (Block 3502, Lot 1); and

WHEREAS, the Borough Engineer and the Planning and Zoning Department have recommended the release funds held in escrow for 556 Industrial Way West, LLC in emails of September 2022; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the Escrow funds as follows:

Escrow Acct No. 1344 (Maintenance Guarantee)

\$1,975.18 (plus any additional interest accrued)

556 Industrial Way West, LLC at

Block 3502, Lot 1; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Planning/Zoning and the Finance Department.

RESOLUTION 211-2022 - Resolution Authorizing Release of Performance Bond and Cash Bond to CP Plaza 35, LLC C/O Cyzner Properties for the Property Designated on the Tax Map as Block 3801, Lots 21 and 22

WHEREAS, CP Plaza 35, LLC, c/o Cyzner Properties ("CP Plaza") posted a performance bond in the amount of \$343,573.00 and an associated cash guarantee in Borough account #1173 the amount of \$38,273.53 in connection to its approval to make improvements to the property designated on the Borough Tax Map as Block 3801, Lots 21 and 22 (the "Property"); and

WHEREAS, the Borough Engineer issued a letter to the Zoning Officer dated August 18, 2022 advising that CP Plaza has made all required improvements to the Property and the Borough Engineer recommends that the Borough Council release the performance bond and the associated cash guarantee it without the posting of a maintenance bond because the improvements to the Property are substantially completed without the posting of a maintenance bond given the duration of time the performance guarantees have been in effect and the improvements completed; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to abide by the Borough Engineer's recommendation and release the performance guarantees related to the Property inasmuch as all the required improvements have been effectuated and the site is now operational with on-site tenants.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby authorizes the release of the performance bond in the amount of \$343,573.00 and the cash guarantee posted in the amount of \$38,273.53 in account #1173 posted by to CP Plaza 35, LLC c/o Cyzner Properties in connection with the improvements made to the property designated as Block 3801, Lots 21 and 22.

BE IT FURTHER RESOLVED that the release of the performance bond and cash bond is contingent upon CP Plaza 35, LLC making payment on or otherwise meeting the legal requirements for the payment of all outstanding inspection invoices to the Borough Engineer's office.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. CP Plaza 35, LLC
2. Dena Amoda, Chief Financial Officer

RESOLUTION 212-2022 - Authorizing Reimbursement for Fire Department Length of Service Awards

Whereas, the Borough of Eatontown has a need to purchase Fire Department Service Awards; and

Whereas, Interim Administrator Lucia has requested reimbursement for the cost of the Awards in a total amount not to exceed \$250.00.

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Eatontown authorizes the reimbursement in an amount not to exceed amount of \$250.00 to Interim Administrator Lucia.

RESOLUTION 213-2022 - Resolution Authorizing Access Agreement with Zoom Plaza, LLC for Access onto Borough Property Located at Block 2302, Lot 23 to Permit the Construction of a Retaining Wall

WHEREAS, Zoom Plaza, LLC ("Zoom Plaza") is the owner of a certain real property located at 128 Wycoff Road and bearing the designation Block 2302, Lot 3 on the tax map of the Borough of Eatontown (the "Zoom Plaza Property") which is adjacent to Borough owned property located at Block 2302, Lot 2 where an historic cemetery is located (the "Borough Property") and

WHEREAS, the Borough entered into an Access Agreement with Monmouth Queen Realty Co. Inc. ("MQR"), the prior owner of the Zoom Plaza Property on September 24, 2020 which provided MQR access to the Borough Property for 90 days to replace the failing retaining wall which straddled the two properties and MQR failed to implement the replacement; and

WHEREAS, Code Enforcement issued violations of the Borough Code to Zoom Plaza's predecessor owner, Monmouth Queen Realty Co., Inc. ("MQR") for failing to repair and maintain the retaining wall and MQR plead guilty in municipal court on May 28, 2021 to a violation of Chapter 250, Section 5 of the Property Maintenance section of the Borough Code and agreed to pay a \$5,000 fine with an additional \$4,000 suspended fine so long as the retaining wall was replaced within 90 days of the plea agreement.

WHEREAS, Zoom Plaza is intending to replace the present retaining wall with a brand new retaining wall along the property line between the Zoom Plaza Property and Borough Property; and

WHEREAS, the Borough Engineer reviewed and approved the Retaining Wall Plan by memorandum dated July 20, 2022; and

WHEREAS, Zoom Plaza has requested the Borough enter into an Access Agreement to permit it to access Borough Property to replace the retaining wall and abate the long standing code violations; and

WHEREAS, the Borough Council believes it is in the best interests of the Borough to enter into the Access Agreement with Zoom Plaza, LLC so as to permit the repair and replacement of the retaining wall to enhance the Borough Property and the historical cemetery.

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 Access Agreement with Zoom Plaza, LLC and authorizes the Mayor to execute the Access Agreement conditioned upon Zoom Plaza, LLC paying all applicable Borough fees for the preparation and recording of the Access Agreement.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Zoom Plaza, LLC
2. Kathy Muscillo, Zoning Officer
3. Andrew Bayer, Borough Attorney

RESOLUTION 214-2022 - Resolution Supporting the Location and Operation of a Class I Cannabis Cultivator Business to Denver Cole Farms New Jersey, LLC for a Class 1 Cannabis Cultivator Business to be Located at 275 Industrial Way West Subject to Conditions Because the Number of Class 1 Applicants Exceeds the Number of Authorized Class 1 Cannabis Licenses Allowed for by the Borough Cannabis Ordinance

WHEREAS, on August 5, 2021, the Borough of Eatontown adopted Ordinance No. 19-2021 (the "Cannabis Ordinance") authorizing and limiting cannabis business establishments in the Borough including two (2) Class 1 Cannabis Cultivator businesses on Industrial Way West; 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, Denver Cole Farms New Jersey, LLC ("Denver Cole") filed a New Marijuana Business License Application with the Borough to operate a Class 1 Cannabis Cultivator business located at the property bearing the address 275 Industrial Way West, Eatontown, New Jersey (the "Property"); and

WHEREAS, the Zoning Officer found that the proposed location of Denver Cole's Class 1 Cannabis Cultivator businesses located at the Property is consistent with the Borough's zoning requirements for such facilities; and

WHEREAS, the Borough Council held a hearing at its September 13, 2022 Council meeting and Jeffrey Larson, Denver Cole's founder and President along with Ron Wollner, the owner of the Property where the Class I Cannabis Cultivator business is to be located, testified in support of Denver Cole's request for a Resolution of Support from the Borough Council; and

WHEREAS, the Borough Council already issued two Resolutions of Support for Class 1 cannabis business and there is one other Class 1 license application pending at the time of the Borough Council's consideration of Denver Cole's license application; and

WHEREAS, the Borough Council reviewed Denver Cole's New Marijuana Business application and considered the testimony of Jeffrey Larson and Ron Wollner and the Council finds that Denver Cole meets the criteria to obtain a Resolution of Support for a Class 1 Cannabis Cultivator license subject to the conditions outlined herein.

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 Denver Cole Farms New Jersey, LLC to operate a Class 1 Cannabis Cultivator businesses at the premises located at 275 Industrial Way West, Eatontown, New Jersey; and

BE IT FURTHER RESOLVED as follows:

1. Denver Cole Farms New Jersey, 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 licenses and it has received two additional applications for Class 1 Cultivator Licenses, including that of Denver Cole Farms New Jersey, LLC, thereby exceeding the number of authorized Class 1 Cultivator facilities permitted to be operated in Eatontown by the Cannabis Ordinance.
3. The Borough Council reserves the right to issue additional Resolutions of Support to other Class 1 Cannabis Cultivator facilities which have applied for such support, and the Borough ultimately reserves the right to issue a license or other required approvals necessary to locate and operate a Class 1 Cultivator business to the first and second fully approved Class 1 Cultivator business which have obtained all other necessary approvals to locate and operate a Class 1 Cultivator cannabis facility within the Borough, including but not limited to all required land use approvals, outside state agency approvals and ultimately a certificate of occupancy.
4. A copy of this Resolution shall be forwarded to the following:
 - a. Denver Cole Farms New Jersey, LLC
 - b. Kathy Muscillo, Director of Planning and Zoning

C. CONSENT AGENDA MOTIONS

- 1) Acceptance of Tax Collector Report, August 2022
- 2) Acceptance of Planning/Zoning Report, August 2022

Motion to accept Consent Agenda Motions 1-2 by C/Jones; seconded by C/Escalante

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

13. REMARKS OF COUNCIL AND CITIZENS

Councilmember Regan commented on the Food Drive and asked the residents to donate if they can.

Councilmember Jones reminded the residents about Suicide Prevention Awareness Month and Self-Care Awareness Month.

The meeting was open to the public.

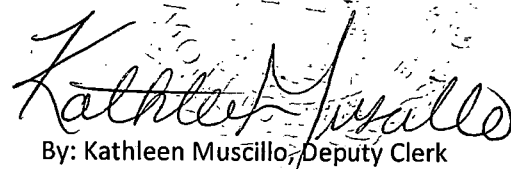
Maria Kaarsgaren, Reynolds Drive, spoke on the flood hazard plan from Dynamic Engineer and Consultants for the Old Orchard Gold Course and wondered what the plan is. Mayor Talerico and Attorney Bayer responded. Ms. Kaarsgaren mentioned the sale of the Old Orchard's LLC from last year and that the new owner is a developer.

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

12. ADJOURNMENT – 8:57pm

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

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



By: Kathleen Muscillo, Deputy 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 09/28/2022

September 27, 2022
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

P.O. Type: All

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

Range: First to Last

Format: Condensed

Vendors: All

Include Non-Budgeted: Y

Rcvd Batch Id Range: First to Last

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AHFE001	ALL HANDS FIRE EQUIPMENT								
		22-01986	08/30/22	FIRE DEPT CUSTOM NAME PLATES	Open	157.19	0.00		
AHH001	AMERICAN HOSE & HYDRAULICS INC.								
		22-01052	05/04/22	OPEN FOR 2022	Open	495.43	0.00		B
ALER002	ALERT-ALL CORP.								
		22-01962	08/26/22	FIRE PREVENTION WEEK SUPPLIES	Open	4,071.00	0.00		
AMAZ001	AMAZON.COM SERVICES, INC.								
		22-02047	09/08/22	MUSEUM HISTORICAL PURCHASE	Open	160.00	0.00		
		22-02048	09/08/22	MUSEUM HISTORICAL PURCHASE	Open	129.99	0.00		
		22-02068	09/12/22	FITNESS PROGRAM YOGA MATS	Open	122.99	0.00		
		22-02130	09/19/22	SOCCER CLINIC/AGILITY ITEMS	Open	179.26	0.00		
		22-02184	09/22/22	EATONTOWN DAY WRISTBANDS	Open	26.99	0.00		
						619.23			
AMER004	AMERICAN WEAR								
		22-01758	08/01/22	OPEN FOR 2022	Open	436.40	0.00		B
NT002	GENE J. ANTHONY, ESQ.								
		22-02049	09/08/22	BORO GENERAL CLOSING MATTERS	Open	375.00	0.00		
AOC001	ALLIED OIL LLC.								
		22-01987	08/31/22	DYED ULSD	Open	10,175.71	0.00		
APP002	GANNETT NJ NEWSPAPERS								
		22-02100	09/15/22	CLERK DEPT ADVERTISEMENTS	Open	477.84	0.00		B
ARTI5005	ARTIS SENIOR LIVING								
		22-01951	08/25/22	RELEASE ESCROW #1311	Open	100.46	0.00		
ASB001	ASBURY PARK PRESS, INC.								
		22-02065	09/12/22	PB 8.15.22 Cancellation Notice	Open	51.72	0.00		
ASFI001	ATLANTIC SECURITY & FIRE, INC.								
		22-01924	08/22/22		Open	252.00	0.00		
ATTM002	AT&T MOBILITY 287306454448								
		22-02167	09/21/22	PUBLIC WORKS CELL USAGE	Open	485.53	0.00		
ATTM003	AT&T MOBILE 287306454309								
		22-02166	09/21/22	POLICE/BORO CELL PHONE USAGE	Open	2,211.81	0.00		
TO001	AUTO PARTS CENTER								
		22-01519	07/06/22	OPEN FOR 2022	Open	343.08	0.00		B

September 27, 2022
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
UT0001	AUTO PARTS CENTER				Continued				
		22-01628	07/19/22	OPEN FOR 2022	Open	362.81	0.00		B
						705.89			
AVAKL001	LEON AVAKIAN, INC								
		22-02066	09/12/22	June-Aug 2022 General Planning	Open	1,550.00	0.00		
		22-02135	09/19/22	Gen Planning July - Sept 2022	Open	1,317.50	0.00		
						2,867.50			
BBBA001	BROWN & BROWN BENEFITS ADV.								
		22-02141	09/19/22	OCTOBER 2022 CONSULTING FEE	Open	1,500.00	0.00		
BOE001	EATONTOWN BOARD OF EDUCATION								
		22-02106	09/15/22	TAX LEVY OCTOBER 2022	Open	1,396,189.50	0.00		
BRA001	KENNETH BRAND								
		22-01979	08/30/22	EYEGLASS REIMBURSEMENT	Open	160.00	0.00		
CAG001	CLEARY GIACOBBE ALFIERI & JACO								
		22-02140	09/19/22	PROFESSIONAL SERVICES AUGUST	Open	825.00	0.00		
		22-02142	09/19/22	MUNICIPAL SERVICES SEPTEMBER	Open	3,000.00	0.00		
						3,825.00			
COMC004	COMCAST								
		22-02163	09/21/22	LIBRARY BUSINESS ONLINE	Open	91.90	0.00		
		22-02168	09/21/22	POLICE ONLINE BUSINESS ACCT	Open	197.09	0.00		
		22-02210	09/23/22	PUBLIC WORKS ONLINE ACCOUNT	Open	274.44	0.00		
						563.43			
CRAIG007	CRAIG D. SWEENEY								
		22-02088	09/14/22	2022 Boot Reimbursement	Open	79.99	0.00		
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		22-02170	09/21/22	MAILROOM COPIER LEASE	Open	146.85	0.00		
		22-02171	09/21/22	COMM CTR COPIER LEASE	Open	146.85	0.00		
		22-02172	09/21/22	CONSTRUCTION COPIER LEASE	Open	239.09	0.00		
						532.79			
DSM001	DECORATIVE SHADE OF MONMOUTH								
		01-02447	10/20/20		Open	2,571.88	0.00		
DWD002	D&W DIESEL								
		22-00490	02/22/22		Open	528.00	0.00		B
EAT004	EATONTOWN MEDICAL ASSOCIATES								
		22-02036	09/08/22	Crossing Guard Physicals	Open	300.00	0.00		
ELITE011	ELITE CLEANERS LS LLC								
		22-02024	09/08/22	July 2022 Dry cleaning	Open	715.00	0.00		
		22-02025	09/08/22	August Dry Cleaning	Open	741.50	0.00		
						1,456.50			

September 27, 2022
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
FIGUS01	FIG CUST FIGNJ19LLC & SEC PTY								
		22-01913	08/17/22	REDEMPTION CERT #21-00002	Open	4,671.04	0.00		
FIRST011	FIRST HARTFORD REALTY CORP								
		22-01954	08/25/22	RELEASE ESCROW FUNDS	Open	69,996.62	0.00		
FOG001	FOGGIA FLORIST, INC.								
		21-00857	04/07/21	Sympathy Arrangement #860	Open	143.49	0.00		
FO0001	SAKER SHOPRITES, INC.								
		22-01727	07/28/22	Lunch Supplies Sept. 2022	Open	95.81	0.00		
		22-01729	07/28/22	Lunch Supplies Oct. 2022	Open	118.35	0.00		
						214.16			
GIRL001	GIRL SCOUTS OF THE JERSEY SHOR								
		22-00031	01/06/22	OPEN FOR 2022	Open	125.00	0.00		B
GPC001	GENUINE PARTS COMPANY INC								
		22-00771	03/25/22	OPEN FOR 2022	Open	74.51	0.00		B
		22-01255	05/31/22	OPEN FOR 2022	Open	307.13	0.00		B
		22-01558	07/11/22	OPEN FOR 2022	Open	481.65	0.00		B
						863.29			
GSB002	GARDEN STATE BOBCAT, INC								
		22-01807	08/05/22	HUB, TORQUE LIM	Open	1,802.68	0.00		
HARDR005	HARD ROCK HOTEL CASINO								
		22-02183	09/22/22	LEAGUE HOTEL RESV J.MARTIN	Open	160.00	0.00		
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA								
		22-02069	09/12/22	McDonalds Concept Escrow #1549	Open	300.00	0.00		
IMP001	IMPRINT SHOP LLC								
		22-01993	08/31/22	EATONTOWN DAY SHIRTS	Open	3,206.40	0.00		
IPD001	INST. FOR PROFESSIONAL DEVELOP								
		22-02121	09/19/22	FINANCE WEBINAR-BID SPEC	Open	50.00	0.00		
		22-02122	09/19/22	FINANCE-WEBINAR BUDGET&FAST	Open	50.00	0.00		
						100.00			
JERS001	JCP&L								
		22-02162	09/21/22	BORO STREET LIGHTING USAGE	Open	9,500.21	0.00		
JERS002	HUNTER JERSEY PETERBILT LP								
		22-00034	01/06/22	OPEN FOR 2022	Open	176.03	0.00		B
JFWLL001	JOSEPH FAZZIO-HOWELL LLC								
		22-00615	03/09/22	OPEN FOR 2022	Open	788.16	0.00		B
KATHL005	KATHLEEN MUSCILLO								
		22-02072	09/13/22	REIMBURSEMENT FOR NOTARY	Open	121.55	0.00		

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KEPWE005	KEPWEL SPRING WATER CO, INC	22-00020	01/06/22		Open	55.00	0.00		B
LAKSH005	LAKSHMI PARVATHAM	22-01885	08/15/22	RECREATION REFUND SOCCER LEAG	Open	95.00	0.00		
LAN001	LANIGAN ASSOCIATES, INC.	22-00232	01/24/22	Uniform Purchases	Open	70.00	0.00		B
LECK001	LECKSTEIN & LECKSTEIN, LLC	22-02060	09/12/22	Meeking ZB2022-08	Open	850.00	0.00		
LUCI001	WILLIAM LUCIA	22-02111	09/16/22	REIMBURSEMENT ZOOM MEMBERSHIP	Open	213.14	0.00		
		22-02199	09/23/22	REIMBURSEMENT FIRE DEPT AWARDS	Open	188.35	0.00		
						401.49			
MIDAT001	MID ATLANTIC TRUCK CENTRE, INC	22-00040	01/06/22	OPEN FOR 2022	Open	220.48	0.00		B
MILLP001	MILL POND AT EATONTOWN	22-02041	09/08/22	2021 SNOW REMOVAL REIMBURSEMENT	Open	2,230.64	0.00		
MRH001	MONMOUTH REGIONAL H.S. BD. OF	22-02105	09/15/22	TAX LEVY OCTOBER 2022	Open	843,146.50	0.00		
MYREC005	MYRECDEPT.COM	22-01049	05/03/22	Software Rec & Comm Ctr	Open	5,095.00	0.00		
		22-01148	05/17/22		Open	710.00	0.00		
						5,805.00			
NJAWC001	NEW JERSEY AMERICAN WATER	22-02165	09/21/22	BORO MONTHLY WATER USAGE	Open	2,138.21	0.00		
NJB001	VERIZON	22-02175	09/22/22	BORO PHONE MONTHLY USAGE	Open	104.10	0.00		
NJFE001	NEW JERSEY FIRE EQUIPMENT CO	22-01984	08/30/22	FIRE DEPT HYDRO-TEST SCBA	Open	30.60	0.00		
		22-01985	08/30/22	FIRE DEPT ER SCBA REGULATOR	Open	383.30	0.00		
						413.90			
NJLE001	NJ LEAGUE OF MUNICIPALITIES	22-02102	09/15/22	NJLM ANNUAL CONFERENCE	Open	60.00	0.00		
NJSA002	NJ STATE ASSOC OF CHIEFS OF PO	22-02119	09/16/22	2022 Membership Dues	Open	275.00	0.00		
NOZ001	NOLZE GARAGE DOOR, LLC	22-00363	02/07/22		Open	450.00	0.00		B
		22-00935	04/14/22		Open	1,800.00	0.00		
						2,250.00			

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OLI002	OLIWA & COMPANY								
		22-02155	09/21/22	BORO SUPPLEMENTAL DEBT SERVICE	Open	450.00	0.00		
		22-02157	09/21/22	PROFESSIONAL SERVICES-FAST	Open	450.00	0.00		
						900.00			
OUT003	OUTSTANDING SERVICE CO., INC.								
		22-01910	08/17/22	CHECK TANKS FOR WATER & CONTAM	Open	111.90	0.00		
PLC002	PORTER LEE CORPORATION								
		22-01667	07/20/22	Replacement DS8178 Cradle	Open	350.96	0.00		
POORJ005	POOR, JOHN'S PORTABLE TOILETS								
		22-01836	08/10/22	5K RUN PORTABLE RESTROOMS	Open	441.00	0.00		
PROCAP8	US BANK CUST/PRO CAP 8/PRO								
		22-01834	08/10/22	REDEMPTION CERT #21-00011	Open	1,283.73	0.00		
PRUDE005	PRUDENTIAL RETIREMENT								
		22-02067	09/12/22	SPADAVECCHIA-BACK EMPLOYER CON	Open	1,200.93	0.00		
QUACK001	CHRISTOPHER QUACKENBUSH								
		22-02029	09/08/22	2022 Boot Reimbursement	Open	84.00	0.00		
REPT001	REPUBLIC SERVICES								
		22-02071	09/13/22	AUG 22 TONNAGE	Open	46,164.07	0.00		
RICOH005	RICOH USA, INC								
		22-02125	09/19/22	FINANCE COPER MONTHLY LEASE	Open	166.75	0.00		
RJ001	R&J CONTROL, INC								
		22-01840	08/11/22		Open	1,075.00	0.00		
ROSSI001	CHRIS ROSSI								
		22-02086	09/14/22	2022 Boot Reimbursement	Open	100.00	0.00		
RSUNJ001	RUTGERS, STATE UNIVERSITY OF N								
		22-01699	07/22/22	THE ETHICAL ORGANIZATION	Open	135.00	0.00		
RUGGE005	RUGGED COMPUTING INC.								
		21-02563	11/03/21	FIRST AID TOUGHBOOKS PURCHASE	Open	8,772.86	0.00		
SAFE002	SAFE KIDS WORLDWIDE								
		22-01859	08/12/22	Car Seat Tech Certification	Open	55.00	0.00		
SCH001	T&M ASSOCIATES								
		21-01755	08/06/21	INDUSTRIAL WAY WEST	Open	27,282.76	0.00		B
		21-01757	08/06/21	REC PROPERTY DEMO	Open	1,187.50	0.00		B
		21-02119	09/17/21	ENVIRONMENTAL INVESTIGATION	Open	740.00	0.00		B
		21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	4,101.25	0.00		B
		22-01222	05/24/22	EXPLORE STATE FUNDING OPTIONS	Open	1,850.00	0.00		B
		22-02032	09/08/22	Fidelity ETWN Escrow #1379	Open	18,007.27	0.00		
		22-02064	09/12/22	Culmac Investors Escrow# 1534	Open	1,387.50	0.00		
		22-02070	09/12/22	CP Plaza Cyzner Escrow #1172	Open	914.96	0.00		

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CH001	T&M ASSOCIATES			Continued					
		22-02132	09/19/22	Monmouth Plaza Escrow #1491	Open	5,221.42	0.00		
						60,692.66			
SEC002	THYSSEN KRUPP ELEVATOR								
		22-02084	09/13/22		Open	949.83	0.00		
STA001	STAVOLA CONTRACTING CO. INC.								
		22-01493	07/05/22	OPEN FOR 2022	Open	397.32	0.00		B
STEVE005	STEVEN DECAESAR								
		22-02035	09/08/22	Boot Reimbursement	Open	75.00	0.00		
TARGE005	TARGETED TECHNOLOGIES LLC								
		22-01416	06/22/22	BORO/POLICE MSP AGREEMENT 2022	Open	8,632.38	0.00		B
		22-01975	08/29/22	BORO SERVER EXTEND WARRANTY	Open	799.00	0.00		
		22-02054	09/09/22	Computer Adapter	Open	93.00	0.00		
		22-02136	09/19/22	BORO DOMAIN NAME RENEWAL	Open	210.00	0.00		
						9,734.38			
TAY001	TAYLOR FENCE								
		22-01754	07/29/22	30- pc 1 5/8 x 21' 20 top rail	Open	2,614.61	0.00		
TAYL006	TAYLORS TOWING								
		22-01548	07/07/22	POLICE AUCTION 2022 PRO# 1564	Open	105.00	0.00		
TREA001	TREASURER								
		22-02050	09/08/22	DFS Fire Official Lic. renewal	Open	91.00	0.00		
TRILI005	TRI-LIFT NJ, INC								
		21-02164	09/23/21	FINAL COMPLIANT DIESEL PNEUMAT	Open	40,571.00	0.00		
ULINE001	ULINE								
		22-01827	08/09/22	MOP HEADS	Open	70.50	0.00		
UPS003	UPS								
		22-02097	09/15/22	Shipping of Radar Unit	Open	20.70	0.00		
VBF001	VERIZON BUSINESS FIOS								
		22-02176	09/22/22	FIREHOUSE FIOS SERVICE	Open	409.79	0.00		
		22-02211	09/23/22	POLICE DEPT FIOS ACCOUNT	Open	176.99	0.00		
						586.78			
VER003	V.E. RALPH & SON, INC.								
		22-01955	08/25/22	FIRST AID MEDICAL SUPPLIES	Open	37.80	0.00		
VERIZ005	VERIZON - ALBANY								
		22-02169	09/21/22	BORO FIBROPTIC ACCOUNT	Open	823.14	0.00		
WILLI005	WILLIAM WHEELER								
		22-01884	08/15/22	RECREATION REFUND SOCCER LEAG	Open	95.00	0.00		

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PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
INN003 WINNER FORD							
21-01783	08/09/21	SERVICE TRUCK	Open	64,755.00	0.00		
WWG010 W.W. GRAINGER, INC.							
22-01265	06/02/22		Open	276.12	0.00		B
22-01815	08/05/22		Open	641.92	0.00		
22-01819	08/08/22		Open	840.46	0.00		
				1,758.50			

Total Purchase Orders: 122 Total P.O. Line Items: 0 Total List Amount: 2,625,693.17 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	143.49	0.00	143.49	0.00	0.00	143.49
CURRENT FUND:	2-01	2,376,057.55	0.00	2,376,057.55	295.00	0.00	2,376,352.55
GENERAL CAPITAL F	C-04	148,945.61	0.00	148,945.61	0.00	0.00	148,945.61
GRANT FUND	G-02	4,542.25	0.00	4,542.25	0.00	0.00	4,542.25
	T-15	5,030.64	0.00	5,030.64	0.00	0.00	5,030.64
	T-17	90,678.63	0.00	90,678.63	0.00	0.00	90,678.63
Year Total:		95,709.27	0.00	95,709.27	0.00	0.00	95,709.27
Total of All Funds:		2,625,398.17	0.00	2,625,398.17	295.00	0.00	2,625,693.17