

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, September 28, 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 7:40pm, 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, Everett D. Lucas
ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin
ABSENT: Councilmember David Gindi
The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop – 09/14/2022

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

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

B. Regular Meeting – 09/14/2022

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

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

C. Closed Session – 09/14/2022

Mayor Talerico moved the approval of the closed session minutes to the next meeting on October 12, 2022 due to the minutes not being completed.

3. COMMUNICATIONS - None

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported that on September 21st, he attended the FMERA Board Meeting and was appointed the Vice Chairman. Mayor Talerico further reported that on September 22nd, he performed a wedding ceremony and on September 27th, he attended a meeting with the Zoning Officer for the transportation grant program. Mayor Talerico updated the public on the Monmouth Mall Redevelopment.

5. REPORTS OF COMMITTEES

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

Council President Gonzalez reported on the Shade Tree Commission and their meeting on September 15th and reported on the spotted lantern flies infecting numerous trees in the Arboretum. Council President Gonzalez reported that member Bob Wolf of the Shade Tree Commission has resigned.

Councilmember Jones spoke to Council President Gonzalez regarding sending him article links regarding spotted lantern flies. Council President Gonzalez responded.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reserved his report. Councilmember Regan commented on the ongoing food drive.

C. PARKS & RECREATION - Councilmember Escalante

Councilmember Escalante reported on Eatontown Day at Wolcott Park, the Halloween Celebration on October 21st at Meadowbrook School, the Basketball Clinic and League, the Thelma Johnson Exhibit, and the Haunted Museum Activities.

D. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported on the Cannabis Regulatory Commission's Recreational Use Rules meeting, the Planning Board's next meeting, the Traffic Advisory Committee's meeting being held via Zoom, and Swift 911. Councilmember Jones further reported on the Eatontown Food Co-Op and Pantry's next meetings, on the Smithsonian Exhibit at Brookdale Community College, commented on National Voter Registration Week, the 988 Suicide and Crisis Lifeline and the Live Well - Stay Healthy Wellness Webinars.

E. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi was absent, therefore had no report.

Mayor Talerico reported on the bulk pick ups in town. Council President Gonzalez asked about residents who are moving out of their house and the bulk they put out by moving, if they would have to call the Department of Public Works for a scheduled pick up. Mayor Talerico responded. Councilmember Lucas commented on the bins for bulk. Mayor Talerico responded.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas reported that there have been no meetings on the Tenants' Rights Committee. Councilmember Lucas further commented on the Eatontown Day signs by Wampum Park and commented on Veterans and Suicide Awareness.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia had nothing to report.

7. OLD BUSINESS

There was no old business before Council.

A. ORDINANCE ADOPTION

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 - **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/Escalante

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/Jones; seconded by C/Gonzalez

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

ABSENT - C/Gindi

Councilmember Escalante explained that the Historical Society would like revisions to be made to Ordinance 19-2022 and asked the Council to table it. Attorney Bayer explains the process for the amendments and recommends the Council to carry the Ordinance to the November 10th meeting. Councilmember Jones asked about the Planning Boards reviewal. Attorney Bayer responded.

Motion to carry the ordinance to the 11/10/22 meeting by C/Escalante; seconded by C/Jones

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	Hwy35
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 approval or 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

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

2) Ordinance 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. - **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/Escalante

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/Gonzalez; seconded by C/Jones

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

Attorney Bayer read the ordinance by title.

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

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.

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

- 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.

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

No comment was made.

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/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 001

10. NEW BUSINESS

ORDINANCE INTRODUCTION

Ordinance 21-2022 – An Ordinance of the Borough of Eatontown Amending Chapter 233, "Parks and Playgrounds", Article III, "Use of Parks", of the Borough Code, Prohibiting the Disposal of Solid Waste Generated Off-Site at Parks Playgrounds and Parking Lots - *First Reading/Introduction (Public Hearing 10/12/22)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 10/12/22.

Mayor Talerico explains the ordinance.

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

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

ABSENT - C/Gindi

Borough Clerk Martin asked about the title change on the Ordinance. Attorney Bayer responded.

Councilmember Regan asked for clarification on the definition of resident's private garbage. Attorney Bayer responded.

ORDINANCE 21-2022 – An Ordinance of the Borough of Eatontown Amending Chapter 233, "Parks and Playgrounds", Article III, "Use of Parks", of the Borough Code, Prohibiting the Disposal of Solid Waste Generated Off-Site at Parks Playgrounds and Parking Lots

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

WHEREAS, the Borough wants to amend the publicly owned parks rules and regulations to prohibit the disposal of residential refuse at parks and playgrounds; and

WHEREAS, the Borough Council believes it to be in the best interest of the Borough and its residents to impose such restrictions on the disposal of such residential refuse at parks and playgrounds;

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

(additions are underlined; deletions are stricken; notes/comments are [bracketed]):

§ 233-26. Residential Refuse Disposal Prohibited

No person shall bring to and dispose of solid waste generated off-site to any Borough park, playground or parking lot. For the purposes of this Section, "solid waste" shall mean Type 10 (Municipal Waste), Type 13 (Bulky Waste) and Type 13C (Construction and Demolition waste) as defined by N.J.A.C. 7:26-2.13(g).

[Change is to section number only; no substantive change to section.]

233.25.127. Violations.

ARTICLE IV MUNICIPAL TENNIS COURTS

§ 233.2628. Use of courts restricted.

[Change is to section number only; no substantive change to section.]

§ 233-2729 Identification badge required.

[Change is to section number only; no substantive change to section.]

§ 233-2830 Annual fee for badge.

[Change is to section number only; no substantive change to section.]

§ 233-2931 Recreation Director to regulate use.

[Change is to section number only; no substantive change to section.]

§ 233-3032 Fee for tennis league members.

[Change is to section number only; no substantive change to section.]

BE IT FURTHER ORDAINED, that

- G. 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.
- H. 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.

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).

Attorney Bayer added two new resolutions during the meeting, 221-2022 and 222-2022.

Mayor Talerico and Attorney Bayer explained the additional resolutions.

Motion to add Resolutions 221-222 to the Consent Resolutions by C/Gonzalez; seconded by C/Jones

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

- 1) Resolution 215-2022 - Auth. Purchase of 2023 Ford Edge SE Through State Contract, Construction Department
- 2) Resolution 216-2022 - Auth. Purchase of Three, Thirty Cubic Yard Standard Duty Tub Roll Off Containers and One, Twenty Cubic Yard Standard Duty Bathtub Roll Off Container, DPW

- 3) **Resolution 217-2022** - Refund Outside Lien Redemptions
- 4) **Resolution 218-2022** - Auth. Award of Contract for Housing Rehabilitation Program Administrator
- 5) **Resolution 219-2022** - Auth. Purchase of a Shared Borough Storage Building, Police Department
- 6) **Resolution 221-2022** - Awarding Contract for Affordable Housing Administrative Agent Services
- 7) **Resolution 222-2022** - Auth. ARH Associates to Perform Engineering Services for the Phase 1 Downtown Eatontown Greenway Project

Council President Gonzalez asked Interim Administrator Lucia about the shared storage building. Interim Administrator Lucia responded.

Motion to approve Consent Items 1-7 (Resolutions 215-222) as a group by C/Escalante; seconded by C/Jones

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

RESOLUTION 215-2022 - AUTHORIZING PURCHASE OF ONE 2023 FORD EDGE SE THROUGH STATE CONTRACT – T-2007 – EATONTOWN BUILDING DEPARTMENT

WHEREAS, the Building Department is desirous of purchasing one (1) 2023 Ford Edge SE through State Contract No. T-2007 (209-FLEET-01387) in a total amount not to exceed \$35,445.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown hereby authorizes the purchase as stated above from Hertrich Fleet Services, Inc., Milford, Delaware.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Chief Financial Officer, the Building Department and Hertrich Fleet Services.

RESOLUTION 216-2022 - AUTHORIZING PURCHASE OF THREE, THIRTY CUBIC YARD STANDARD DUTY TUB ROLL OFF CONTAINERS AND ONE, TWENTY CUBIC YARD STANDARD DUTY BATHTUB ROLL OFF CONTAINER – DPW

WHEREAS, the Department of Public Works is desirous of purchasing three, thirty cubic yard standard duty tub roll off containers and one, twenty cubic yard standard duty bathtub roll off container; and

WHEREAS, quotes were obtained:

Detcon Corp., Farmingdale, NJ	\$27,265.00
Omaha Standard, LLC, Hamilton, NJ	\$29,540.00

WHEREAS, it has been determined that the most advantageous quote is from Detcon Corp.; and

WHEREAS, Detcon Corp. 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 three, thirty cubic yard standard duty tub roll off containers and one, twenty cubic yard standard duty bathtub roll off container in an amount not to exceed \$27,265.

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 Detcon Corp.

RESOLUTION 217-2022 - AUTHORIZING TAX SALE CERTIFICATE REDEMPTIONS

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

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

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
3801	13.01	C014	JING YANG	\$479.94	\$1500.00

RESOLUTION 218-2022 - RESOLUTION AWARDING CONTRACT TO COMMUNITY GRANTS PLANNING & HOUSING TO SERVE AS THE BOROUGH'S REHABILITATION PROGRAM ADMINISTRATOR

WHEREAS, the Borough solicited proposals through a fair and open process for the position of Rehabilitation Program Administrator and one proposal was received by the Borough; and

WHEREAS, the Borough Administrator is recommending that the Council award a contract to the incumbent Rehabilitation Program Administrator, Community Grants Planning & Housing of Cranbury, New Jersey based on their experience in this area;

WHEREAS, the Borough Council believes it is in the best interest to award a professional services agreement to the current Program Administrator given the Borough's satisfaction with the current services provided and its breadth of experience.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown that it hereby awards a contract to Community Grants and Planning as the Borough's Rehabilitation Program Administrator for the term of December 1, 2022 through November 30, 2023.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to enter into a contract with Community Grants and Planning in a form approved by the Borough Attorney.

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

1. Community Grants Planning & Housing
2. Dena Amodea, Chief Financial Officer

RESOLUTION 219-2022 - AUTHORIZING PURCHASE OF A SHARED BOROUGH STORAGE BUILDING

WHEREAS, the Borough of Eatontown is desirous of purchasing a shared Storage Building; and

WHEREAS, quotes were obtained:

Pioneer Pole Buildings, Inc., Schuylkill, PA	\$35,841.00
Fetterville Pole Buildings, East Earl, PA	\$34,780.00

WHEREAS, it has been determined that the most advantageous quote is from Pioneer Pole Buildings, Inc.; and

WHEREAS, Pioneer Pole Buildings, Inc. 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 Storage Building in an amount not to exceed \$35,841.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Chief Financial Officer, the Borough Interim Administrator and Pioneer Pole Buildings, Inc.

RESOLUTION 221-2022 - RESOLUTION AWARDED A CONTRACT TO COMMUNITY GRANTS PLANNING & HOUSING TO SERVE AS THE BOROUGH'S AFFORDABLE HOUSING ADMINISTRATIVE AGENT

WHEREAS, the Borough solicited proposals through a fair and open process for the position of Affordable Housing Administrative Agent and four proposals were received from (1) Affordable Housing Alliance, Neptune, New Jersey; (2) Community Grants & Planning, Cranbury, New Jersey; (3) James Barracato, LLC, Jersey City, New Jersey; and (4) Heyer Gruel & Associates, Red Bank, New Jersey; and

WHEREAS, the Borough's Certified Qualified Purchasing Agent having advised the Borough Administrator that the proposal submitted by the Affordable Housing Alliance did not meet the submittal requirements, and the Borough Administrator having reviewed the proposals and is recommending that the Borough Council award a contract to Community Grants Planning & Housing of Cranbury, New Jersey based on their vast experience in providing these services to municipalities throughout the State of New Jersey and also having satisfactorily served the Borough in managing its affordable housing rehabilitation program;

WHEREAS, the Borough Council believes it is in the best interest to award an agreement to Community Grants Planning & Housing to serve as the Borough's Affordable Housing Administrative Agent.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown that it hereby awards a contract to Community Grants and Planning & Housing to provide Affordable Housing Administrative Agent Services in conformance with its proposal to the Borough dated September 14, 2022 for the time period October 8, 2022 through October 7, 2023.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to enter into a contract with Community Grants and Planning in a form approved by the Borough Attorney.

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

3. Community Grants Planning & Housing
4. Dena Amodea, Chief Financial Officer

RESOLUTION 222-2022 - RESOLUTION AUTHORIZING ARH ASSOCIATES TO PERFORM ENGINEERING SERVICES IN CONNECTION WITH PHASE 1 EATONTOWN GREENWAY PROJECT

WHEREAS, the Borough awarded a contract to Vulcan Construction Group, Inc. for the Phase 1 Downtown Eatontown Greenway project by Resolution 95-2022 dated April 13, 2022; and

WHEREAS, the Borough Administrator received a proposal dated April 11, 2022 from the Borough's Special Project Engineer to perform Construction Administration and Construction Inspection work for the Phase 1 Downtown Eatontown Greenway project in the total amount \$43,975.00 (the "Engineering Services"); and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to authorize ARH Associates to perform the Engineering Services in connection with the Phase 1 Downtown Eatontown Greenway project so that the construction contractor is properly supervised and the Borough's investment in the project is protected.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown that it hereby authorizes ARH Associates to perform the Engineering Services set forth in its proposal to the Borough dated April 11, 2022 in an amount not to exceed \$43, 975.00; and

BE IT FURTHER RESOLVED, that the Mayor and/or Borough Administrator are authorized to execute the Proposal on behalf of the Borough.

C. CONSENT AGENDA MOTIONS – None

11. REMARKS OF COUNCIL AND CITIZENS

Mayor Talerico commented on the fundraiser for the Captain James Gurbisz foundation on October 11th.

Councilmember Jones commented on voter registration information and on the passing of Governor James Florio.

Councilmember Escalante asked when the decision will be made and how they will announce if Eatontown Day will be cancelled. Mayor Talerico responded.

The meeting was open to the public.

No comment was made.

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

12. ADJOURNMENT – 8:19pm

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

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

[Faint circular stamp, likely a borough seal]

[Handwritten signature of Kathleen Muscillo]

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 10/12/2022