

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, January 25, 2023**

This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.

Mayor Talerico opened the Regular Meeting at 8:15pm, noting the Borough's compliance with the Open Public Meetings Act. Mayor Talerico explained the open public comment process.

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Virginia M. East (by phone),
Councilmembers Mark Regan, Jr., Danielle M. Jones, David Gindi, Everett D. Lucas, Meir Araman (by phone)

ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin

The Flag Salute was held during workshop.

Mayor Talerico explained Council President East and Councilmember Araman are joined via telephone. Mayor Talerico explained the meeting will go out of order and that the Council will be adding resolutions to the Agenda.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 1/11/2023

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

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Lucas, C/Araman

ABSTAIN - C/Regan from Regular and Workshop Minutes only, approved Closed Session Minutes.

3. COMMUNICATIONS

A. NJAW Notice of Public Hearing, Proposed Cost Recovery of Lead Service Replacement Plan

Notice of Hearing Borough of West Long Branch, 10 Whalepond Road

Notice of Hearing Borough of Tinton Falls, 235 Hope Road

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

Voice Vote: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

Mayor Talerico then moved to number 8, Old Business on the Agenda.

8. OLD BUSINESS

A. ORDINANCE ADOPTION

1) Ordinance 01-2023 – Ordinance of the Borough of Eatontown Amending Chapter 161 Fire Prevention, Section 9 Permit Fees - Public Hearing/Adoption

Attorney Bayer read the ordinance by title.

Mayor Talerico explained the reasoning for this Ordinance.

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

Voice Vote: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

No comments were made. Mayor Talerico closed the meeting to the public.

Attorney Bayer read the ordinance by title.

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

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

ORDINANCE 01-2023 - AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 161 FIRE PREVENTION, SECTION 9 PERMIT FEES

WHEREAS, the Borough Fire Official has proposed to the Borough Council and the Borough Administrator to modernize and update the administrative fees charged in connection inspections of non-life-hazard-use businesses located within the Borough; and

WHEREAS, the Borough Council believes it to be in the best interest of its residents to abide by the recommendation of the Borough Fire Official to simplify the calculation of inspection fees and ensure that the fees charged in connection inspections of non-life-hazard-use businesses located within the Borough are commensurate with the associated administrative burden of same.

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:

The contents of Chapter 161-9(b) shall be deleted in its entirety and replaced with the following:

b. Mercantile, Factories, Warehouses, Repair shops, Business offices and all other non-life hazard businesses shall be inspected annually by the Bureau of Fire Prevention with a fee schedule of:

(a) \$55 for the first 1000 square feet.

(b) \$10 for each additional 1000 square feet.

BE IT FURTHER ORDAINED, that

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

2) Ordinance 02-2023 – Ordinance of the Borough of Eatontown Amending Chapter 57 Professional Services, Article I Professional Contracts and Article II, Pay to Play Restrictions - **Public Hearing/Adoption**

Mayor Talerico explained the Ordinance.

Attorney Bayer read the ordinance by title.

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

Voice Vote: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

No comments were made. Mayor Talerico closed the meeting to the public.

Attorney Bayer read the ordinance by title.

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

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

ORDINANCE 02-2023 - AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 57 PROFESSIONAL SERVICES, ARTICLE I PROFESSIONAL CONTRACTS AND ARTICLE II, PAY TO PLAY RESTRICTIONS

WHEREAS, the New Jersey Legislature enacted a statute and the New Jersey Department of Community Affairs issued guidance to municipalities governing the amount of political contributions which can be made to local entities throughout the State of New Jersey; and

WHEREAS, there exists an endless variety of "pay-to-play" ordinances regulating the amount of political contributions which can be made by those seeking to contract with the local entity in many counties and municipalities, and there exists much confusion by those seeking to contract with local entities because of the lack of uniformity in local ordinances and because of the overriding state statute governing the same subject matter; and

WHEREAS, the Borough adopted such a local pay-to-play ordinance, Ordinance 2-2009, which is but an example of the confusion which limits political donations to not only Eatontown Borough candidates, but also to any County political party or Political Action Committee or Legislative Leadership Committee throughout the entire State of New Jersey; and

WHEREAS, the confusion has resulted in multiple inquiries to determine what unique peculiarities may be present in the Borough's pay-to-play ordinance and there has been a call for uniform Statewide pay-to-play reform to create a understandable, level playing field; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to avoid the confusion amongst its potential professionals and seeks to enact the a more understandable and less confusing standard consistent with state law.

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)

Article I Professional Contracts

§57-1 to §57-4-No changes)

§57-5 Standard for Fair and Open Process

The standard used by the Borough of Eatontown for a "fair and open" process shall be a competitive contracting criteria setting forth factors most advantageous for awarding the contract to the Borough of Eatontown.

Article II Pay to Play Restrictions

§57-6 Prohibition on Awarding Public Contracts to Certain Contributors:

- A. The Borough of Eatontown and any of its purchasing agents or departments or instrumentalities of the Borough thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from any "business entity" as defined herein, including those awarded pursuant to any process, including a fair and open process, regardless of the amount of the contract, if such business entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions (as such term is defined within N.J.A.C. 19:25-1.7), in excess of the thresholds specified in Subsection D within one calendar year immediately preceding the Borough's public announcement of or private solicitation of a request for proposals to: (1) Any Borough candidate or holder of a public office having ultimate responsibility for the award of the contract; or (2) Any campaign committee of such a candidate or holder of public office; or (3) Any Borough of Eatontown municipal party. or (4) Any county party committee within the State of New Jersey; or (5) Any candidate committee, state or Borough political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under § 572 of the Internal Revenue Code that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.
- B. No business entity that submits a proposal for or agrees to any contract or agreement (including nonemergency contracts awarded by N.J.S.A. 40A:11 et seq., or the "Fair and Open Process" pursuant to N.J.S.A. 19:44A-20 et seq.) with the Borough or any departments thereof, as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in-kind contributions (as such term is defined within N.J.A.C. 19:25-1.7) in excess of the thresholds specified in Subsection D, between the time of the first public announcement or private solicitation of a request for proposals, as the case may be, and the later of the awarding of the contract to another proposer, or written withdrawal of the proposal, or, as to the successful applicant, the completion of the contract or agreement, except as permitted in Subsection D, to: (1) Any Borough candidate or holder of public office having ultimate responsibility for the award of the contract; or (2) Any campaign committee of such a candidate or holder of public office; or (3) Any Borough of Eatontown municipal party; or (4) Any county party committee within the State of New Jersey; or (5) Any candidate committee, state or Borough political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under § 527 of the Internal Revenue Code that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.
- C. [No change]
- D. Any individual meeting the definition of "business entity" under this section may annually contribute a maximum of \$300 each per election for any purpose to any candidate for Borough of Eatontown office or municipal party committees within the Borough of Eatontown, county party committee, and \$300 to any state political party committee, candidate committee or political action committee (PAC) organized under § 527 of the Internal Revenue Code that is organized for the purpose of supporting Borough candidates or Borough officeholders, without violating Subsection A or B of this section. However, any group of individuals meeting the definition of "business entity" under this section, including principals, partners, and officers of the entity in the aggregate, may not contribute for any purpose in excess of \$300 to all Borough of Eatontown candidates and officeholders with ultimate responsibility for the award of the contract, and all municipal or Borough political parties, candidate committees, county political parties, and state political parties, legislative leadership committees, continuing political committee, and/or PACs that are organized for the purpose of supporting Borough candidates or Borough officeholders, without violating Subsection A or B of this section. However, should a "business entity" contribute

\$300 to any candidate for Borough of Eatontown office or municipal party committees within the Borough of Eatontown (the "Eatontown Donation"), it may only contribute the difference between the Eatontown Donation and the current New Jersey Election Law Enforcement Commission ("ELEC) standards for donations to county political parties, state political parties, legislative leadership committees, continuing political committee, and/ PACs that are organized for the purpose of supporting Borough candidates or Borough officeholders without violating Subsection A or B of this Section. By way of example, should a "business entity" donate \$300 to a Borough of Eatontown candidate, it may only contribute \$6900 to a county political party (the difference between the Eatontown Donation and the current ELEC limitation for contributions to county political party committees).

E. [No change]

§57-7-§57-14

[No Changes].

BE IT FURTHER ORDAINED, that

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

3) Ordinance 03-2023 – Ordinance Repealing Ordinance 20-2022 Requiring Owners of Businesses in the Borough to Register with the Borough Clerk and Provide Proof of Liability Insurance - **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/Gindi

Voice Vote: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

No comments were made. Mayor Talerico closed the meeting to the public.

Attorney Bayer read the ordinance by title. Mayor Talerico explained the Council is authorizing the Interim Borough Administrator to figure out a way to provide the refunds.

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

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

ORDINANCE 03-2023 - AN ORDINANCE REPEALING ORDINANCE 20-2022 REQUIRING THE OWNERS OF BUSINESSES IN THE BOROUGH TO REGISTER WITH THE BOROUGH CLERK AND PROVIDE PROOF OF LIABILITY INSURANCE

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, in the absence of guidance from the State of New Jersey as to how municipalities should implement the Legislation and in an effort to comply with the provisions of the Legislation, the Borough Council adopted Ordinance 20-2022 on September 29, 2022 implementing the Legislation requiring businesses to register and provide proof of liability insurance with the Borough Clerk; and

WHEREAS, the implementation of the Legislation amounts to an unfunded mandate resulting in an immense administrative burden on the Borough and there have been numerous inquiries and nuances as to how the Legislation applies to certain businesses; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to repeal Ordinance #20-2022 until the State of New Jersey provides detailed guidance as to how municipalities should enforce the Legislation and to in the meantime alleviate the administrative burden on the Borough.

NOW THEREFORE, BET IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby repeals Ordinance 20-2022 in its entirety amending 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.

BET 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.

9. 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.

10. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

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

Voice Vote: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

11. NEW BUSINESS

A. ORDINANCE INTRODUCTION

1) **Ordinance 04-2023** – Ordinance of the Borough of Eatontown Amending Chapter 118 "Checks", Article I "Insufficient Funds" Section 118-1(A) "Service Charge; Other Remedies" to Reduce the Returned Check Fee - **First Reading/Introduction Public Hearing 2/08/23**

Attorney Bayer read the ordinance by title. Mayor Talerico and Attorney Bayer explained the Ordinance. The public hearing will be held on 2/08/23.

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

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

ORDINANCE 04-2023 - AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 118 "CHECKS", ARTICLE I "INSUFFICIENT FUNDS" SECTION 118-1(a) "SERVICE CHARGE; OTHER REMEDIES" TO REDUCE THE RETURNED CHECK FEE
WHEREAS, Section 118-1(a) of the Code of the Borough of Eatontown (the "Borough") currently mandates a service charge of \$35.00 for any check made payable to the Borough that is returned due to insufficient funds; and
WHEREAS, the current fee of \$35.00 is above the statutory limit for returned check fees and thus, the Borough Council has determined it is appropriate to lower the fee from \$35.00 to \$20.00.

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:

The contents of Chapter 118, Section 118-1(a) shall be amended as follows:

[deletions are shown as stricken and additions are shown as underlined]

Whenever payment on any account owing to the Borough of Eatontown is made by check or other written instrument, which is subsequently returned for insufficient funds, the Chief Financial Officer or his/her designee may impose a service charge of \$35 \$20.00 for each returned check or written instrument.

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 05-2023 – An Ordinance Approving a Redevelopment Plan for the Properties Designated as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, Block 2201 Lot 1 Known as the Monmouth Mall - ***First Reading/Introduction (Public Hearing 2/22/23)***

Attorney Bayer read the ordinance by title. The public hearing will be held on 2/22/23.

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

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

Councilmembers Regan and Gindi expressed their concerns for this Ordinance. Mayor Talerico agreed with their concerns.

ORDINANCE 05-2023 - AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR THE PROPERTIES DESIGNATED AS BLOCK 2201, LOTS, 1.01, 1.02, 2, 3, 4 and 5, BLOCK 2201, LOT 1 KNOWN AS THE MONMOUTH MALL

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

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

WHEREAS, Borough Council reviewed the recommendations of the Planning Board and adopted Resolution 208-202 designating the Property as a Non-Condensation Area in Need of Redevelopment under the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 (b) and (h) on December 8, 2021; and

WHEREAS, the Borough and Planning Board Planner, Jennifer C. Beahm, P.P., AICP of Leon S. Avakian, Inc. prepared a report entitled "Monmouth Mall Redevelopment Plan" dated January 2023 setting for the zoning and bulk standards by which the Monmouth Mall Property may be redeveloped; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to adopt a Redevelopment Plan to resuscitate and redevelop the Monmouth Mall Property so as to ensure continuing and sustained tax revenue from the Monmouth Mall Property and to otherwise serve the public.

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 and adopts the Monmouth Mall Redevelopment Plan dated January 2023 for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 on the Borough of Eatontown Tax Map in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.

BE IT FURTHER ORDAINED THAT in accordance with N.J.S.A. 40A:12A-7 (c), the Monmouth Mall Redevelopment Plan contains superseding zoning and the Zoning District Map of the Borough of Eatontown is hereby amended to include the Monmouth Mall Redevelopment Plan as a zoning district.

BE IT FURTHER ORDAINED THAT the superseding zoning standards contained within the Monmouth Mall Redevelopment Plan shall supersede the applicable regulations in the Eatontown Borough Land Use Ordinances governing the Monmouth Mall Property and if a particular land use, development regulations or site standards are not addressed in this Redevelopment Plan, compliance with the Eatontown Borough Land Use Ordinances or other applicable code requirements apply.

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.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication in accordance with applicable law.

3) Ordinance 06-2023 – Ordinance of the Borough of Eatontown Amending Chapter 281-26 of the Borough Code Entitled “Violation and Penalties” to Increase the Fine for Failure to Comply with Chapter 281 Solid Waste, Article IV Bulk Trash - First Reading/Introduction

Attorney Bayer read the ordinance by title.

Mayor Talerico explained the Ordinance. Interim Administrator Lucia explained the fee will be dropped from \$500 for the first offense. Attorney Bayer explained the fee will have to be changed before introduction. Councilmember Regan motioned to table the Ordinance. Mayor Talerico agreed and explained the Ordinance should state the fee will be up to \$500. Interim Administrator Lucia responded. Councilmember Gindi agreed that the \$500 fine is too high for the first offense. Mayor Talerico explained the reasoning for this Ordinance and explained his suggestion of having the fine up to \$500. Attorney Bayer explained the process issue regarding the penalty and violations of the Code Enforcement Department. Mayor Talerico responded explaining the process. Mayor Talerico and the rest of Council agree to table this Ordinance.

Motion to table the ordinance by C/Regan; seconded by C/Gindi

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

ORDINANCE 06-2023 - AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 281-26 OF THE CODE OF THE BOROUGH OF EATONTOWN ENTITLED “VIOLATION AND PENALTIES” TO INCREASE THE FINE FOR FAILURE TO COMPLY WITH CHAPTER 281 SOLID WASTE, ARTICLE IV BULK TRASH

WHEREAS, the Borough of Eatontown (the “Borough”) is authorized, to enact ordinances necessary for public, health safety and welfare; and

WHEREAS, the placement of bulk trash, garbage and recyclables for collection often creates a nuisance and/or unsafe conditions for the residents of the Borough; and

WHEREAS, the Borough Council believes it is in the best interests of the Borough’s residents to increase fines for failing to comply with the bulk penalty ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 281-26 of the Code of the Borough of Eatontown, entitled, “Violation and Penalties” shall be amended as follows:

[deletions are stricken and additions are underlined]

§281-26 Violation and Penalties.

Any person who violates or neglects to comply with any provisions of this article shall, upon conviction thereof, be punishable by a fine/penalty not to exceed the following amounts:

- A. For a first offense: \$25 ~~\$500~~ to \$100 \$1,000
- B. For a second offense: \$50 ~~\$1,000~~ to \$250 \$1,500

- C. For a third and subsequent offense: \$100 \$1,500 to \$1500 \$2,000 and/or the performance of community service in the recycling program, for a period not to exceed 90 days.

BE IT FURTHER ORDAINED, that

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

4) Ordinance 07-2023 – Ordinance of the Borough of Eatontown Amending Chapter 312 “Vehicles and Traffic”, Article XXI “Parking on Lawns”, Chapter 312-82 of the Code of the Borough of Eatontown Entitled “prohibited Conduct” to Include Commercial Properties - **First Reading/Introduction (Public Hearing 2/08/23)**

Attorney Bayer read the ordinance by title. Mayor Talerico explained the Ordinance. The public hearing will be held on 2/08/23.

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

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

ORDINANCE 07-2023 - AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 312 “VEHICLES AND TRAFFIC”, ARTICLE XXI “PARKING ON LAWNS,” CHAPTER 312-82 OF THE CODE OF THE BOROUGH OF EATONTOWN ENTITLED “PROHIBITED CONDUCT” TO INCLUDE COMMERCIAL PROPERTIES

WHEREAS, the Borough of Eatontown (the “Borough”) is authorized, to enact ordinances necessary for public, health safety and welfare; and

WHEREAS, the Borough has enacted rules and regulations prohibiting parking in the front yard area of any residential dwelling beyond limits of hard surface parking; and

WHEREAS, the Borough seeks to amend Chapter 312-82 to enforce rules and regulations prohibiting parking in the front yard against commercial properties as well as residential properties; and

WHEREAS, the Borough Council believes it is in the best interests of the Borough’s residents to prohibit off-street parking in the front yard area of any commercial property beyond the hard surface parking area;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 312-82 of the Code of the Borough of Eatontown, entitled, “Prohibited Conduct” shall be amended as follows:

[deletions are noted through strike-out and additions are underlined]

§312-82 Prohibited Conduct

No off-street parking shall occur in the front yard area of any residential dwelling or frontage of a commercial property beyond the limits of the hard surface parking area required in Chapter 89.

BE IT FURTHER ORDAINED, that:

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

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico had skipped his report.

5. REPORTS OF COMMITTEES

A. PARKS & RECREATION - Council President East

Council President East’s report will be done at the next meeting.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan’s report will be done at the next meeting.

C. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones's report will be done at the next meeting.

D. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi report will be done at the next meeting.

E. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas had nothing to report.

F. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

Councilmember Araman's report will be done at the next meeting.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia's report will be done at the next meeting.

7. PRESENTATION – CANNABIS APPLICATION - Cana-Bosem, LLC

Mayor Talerico presented a background on the previous presentation. Attorney Bayer gave the oath to the representatives. The representatives introduced themselves as Daryl Hammary, business partner and responsible for community affairs, and Alexander Kettles, part owner. Mayor Talerico asked the Council if they have any questions for the owners. Councilmember Gindi asked what their backgrounds are regarding cannabis. Mr. Kettles and their Attorney Melissa Warnick responded. Mayor Talerico asked Mr. Kettles and Mr. Hammary if they had participated in running a business in the past relating to Cannabis. Mr. Kettles and Mr. Hammary responded and mentioned his non-profit organization. Councilmember Regan asked Mr. Hammary what his non-profit organization does. Mr. Hammary responded. Councilmember Gindi asked the representatives if they are Eatontown residents and if they will become residents if their resolution becomes approved. Mr. Kettles and Mr. Hammary responded. Councilmember Gindi expressed his concerns for the owners not being local. Mr. Hammary responded. Councilmember Jones commented on the charges from the Commissioners of the Cannabis Regulatory Council. Councilmember Gindi responded to Councilmember Jones. Mr. Hammary explained Cana-Bosem's business plan. Mayor Talerico asked Attorney Bayer what the Council's options are. Attorney Bayer responded. Councilmember Gindi asked the applicants if they are applying for Class I and Class II together, or separately. Attorney Warnick responded. Councilmember Gindi asked Attorney Bayer if it would be easier to issue a resolution for each Class separately. Attorney Bayer responded. Councilmember Jones asked about their community outreach and education plans. Mr. Hammary responded. Mayor Talerico asked what their proposed location is. Mr. Hammary responded. Councilmember Gindi asked what the potential annual gross sales are. Mr. Hammary responded. Councilmember Gindi asked what their estimated build out will be to get the company up and running. Mr. Hammary responded. Councilmember Jones asked if their estimated price will be for both Class I and Class II. Mr. Hammary responded. Councilmember Gindi asked if the applicants are running a similar facility in Denver. Mr. Hammary responded. Councilmember Gindi asked what their plans are regarding controlling the odor. Mr. Hammary responded. Mayor Talerico explained the Zoning Ordinance that prohibits odors from buildings. Attorney Bayer commented on the conviction of one of the owners from 20 years ago. Mr. Kettles explained the State dropped the case. Mayor Talerico explained the reasoning for the conditional resolution of support. The consensus of the Council was to add the conditional resolution to the agenda meeting.

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 34-2023** - Auth. Bid Opportunity be Advertised for Bulky Waste Disposal
- 2) **Resolution 35-2023** - Auth. Appointment of Alternate Prosecutors for Municipal Court
- 3) **Resolution 36-2023** - Auth. Cancellation of Tax Sale Certificate (Blk 3313, Lot 3)
- 4) **Resolution 37-2023** - Auth. Tax Sale Cost Not to Exceed Twenty-Five Dollars (\$25.00)
- 5) **Resolution 38-2023** - Auth. Electronic Tax Sales
- 6) **Resolution 39-2023** - Auth. Reimbursement, Technical Assistant Course Attendance, C. Thomas (\$473.00)
- 7) **Resolution 40-2023** - Confirming Appointments of Borough Professionals
- 8) **Resolution 41-2023** - Auth. Contracts for 2023 Professional Services
- 9) **Resolution 42-2023** - Auth. Developer's Agreement, PQ B-Tech, LLC for Property Identified as 125 Wyckoff
- 10) **Resolution 43-2023** - Auth. Amended Developer's Agreement, Mon. Plaza Enterprises, LLC, 133 Hwy 35

11) Resolution 44-2023 - Authorize Appointment to Certain Boards and Committees

12) Resolution 45-2023 - Resolution Supporting the Location and Operation of a Class I Cannabis Cultivator and Class II Cannabis Manufacturer Business to Cana -Bosem, LLC to be Located at 265 Industrial Way West, Subject to Conditions Because the Number of Class 1 and Class 2 Applicants Exceeds the Number of Authorized Class 1 and Class 2 Cannabis Licenses Allowed for by the Borough

Motion to approve Consent Items 1-12 (Resolutions 34-45) as a group by C/Regan; seconded by C/Gindi

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

RESOLUTION 34-2023 - AUTHORIZING BID OPPORTUNITY BE ADVERTISED FOR BULKY WASTE DISPOSAL

WHEREAS, it is the desire of the Borough of Eatontown to advertise a bid opportunity for the disposal of bulky waste; and **WHEREAS**, bid specifications are being prepared by Director of Public Works, Keith Ferrugia and will thereafter be available in the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Eatontown, Monmouth County, New Jersey, hereby authorizes a notice to bidders be published and advertised in order to seek a contract for the specifications and proposal package for the disposal of bulky waste.

RESOLUTION 35-2023 - APPOINTING ALTERNATE PROSECUTORS FOR MUNICIPAL COURT

WHEREAS, the Borough of Eatontown via Resolution 05-2023 appointed the firm of Cleary Giacobbe Alfieri as the Municipal Prosecutor for 2023, term expiring December 31, 2023; and

WHEREAS, there is a need to appoint Alternate Municipal Prosecutors in the event that the Attorneys of Cleary Giacobbe Alfieri are unavailable or has a conflict of interest; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey, hereby appoints the below named individuals as Alternate Municipal Prosecutors for Eatontown Borough Court for the 2023 Calendar year to be paid as the same rate as the firm of Cleary Giacobbe Alfieri:

James Carton, Esq.

Mike Lynch Esq.

John T. Lane, Jr., Esq.

Susan DeSimone, Esq.

Ron Sage, Esq.

Robert Wittek, Esq.

Pat Menna, Esq.

RESOLUTION 36-2023 - CANCELLATION OF BOROUGH TAX SALE CERTIFICATE # 22000034 222 CORTLAND RD, BLOCK 3313 LOT 3

BE IT RESOLVED, by the Mayor and Council of the Borough of Eatontown, New Jersey, that:

WHEREAS, the Tax Collector has been paid the amount in full required to redeem Tax Sale Certificate #22000034, held by the Borough of Eatontown, pertaining to Block 3313, Lot 3 on the Tax Map of Eatontown.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, that the appropriate municipal officials be and are hereby authorized to cancel and discharge Tax Sale Certificate #22000034, on Block 3313 lot 3 known as 222 Cortland Rd, Eatontown, NJ.

AND BE IT FURTHER RESOLVED, that said cancelled Tax Sale Certificate be returned to the Tax Collector with two (2) certified copies of this resolution.

RESOLUTION 37-2023 - AUTHORIZING MUNICIPAL TAX COLLECTOR TO SUBSTITUTE UP TO TWO (2) MAILINGS IN LIEU OF ADVERTISEMENT FOR TAX SALE AT A COST NOT TO EXCEED \$25.00 (TWENTY-FIVE DOLLARS) FOR EACH MAILING WHICH MAY BE ADDED TO THE COST OF THE SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Eatontown wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Borough of Eatontown that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2023 electronic tax sale.

RESOLUTION 38-2023 - AUTHORIZING TO APPROVE ELECTRONIC TAX SALES THROUGH REALAUCTION.COM PURSUANT TO THE RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of Borough of Eatontown wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Borough of Eatontown, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

RESOLUTION 39-2023 - AUTHORIZING REIMBURSEMENT OF TECHNICAL ASSISTANT COURSE ATTENDANCE

Whereas, the Borough of Eatontown Building Department has a need for Cheri Thomas to undertake the course work for Technical Assistant; and

Whereas, Django Wieggers, Construction Official is requesting Cheri Thomas register for the Technical Assistant course work.

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Eatontown authorizes reimbursement in an amount not to exceed \$473.00 to Cheri Thomas for Technical Assistant course attendance.

RESOLUTION 40-2023 - CONFIRMING APPOINTMENTS OF BOROUGH PROFESSIONALS

BE IT RESOLVED that the following appointments to the professional positions for the Borough of Eatontown for the one-year term of 1/1/2023-12/31/2023 (unless otherwise noted) are hereby confirmed:

SPECIAL COUNSEL	Rainone Coughlin Minchello
LABOR ATTORNEY	O'Toole Scrivo, LLC
ARCHITECT	DIGroup Architecture, LLC
	DMR Architects
	Mancini Duffy Architects, LLC
	Parallel Architectural Group, LLC
	Settembrino Architects
	USA Architects
AUDITOR	Oliwa & Company
PUBLIC DEFENDER	Albert J. Rescinio

PROPERTY/CASUALTY INS. BROKER Acrisure, LLC

RESOLUTION 41-2023 - AUTHORIZING CONTRACTS FOR PROFESSIONAL SERVICES IN THE BOROUGH OF EATONTOWN

WHEREAS, the Borough of Eatontown is in need of qualified professionals for the year 2023; and

WHEREAS, the below listed appointments were made effective January 1, 2023, after selection through the "Fair and Open" process established by N.J.S.A. 19:44A-20.5 et seq. and Borough Ordinance 35-2006; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorized the execution of contracts for the provision of services as listed below commencing January 1, 2023 and ending December 31,

2023, per the Contracts for Services on file in the Office of the Borough Clerk according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

Appointed Position**Firm**

Borough Attorney	Andrew Bayer, Esq., Pashman Stein Walder Hayden
Bond Counsel	GluckWalrath, LLC
Appraiser	Gagliano & Company
Special Projects Engineer	ARH & Associates, Inc.
Special Projects Engineer	Chapman Environmental Services
Special Projects Engineer	Colliers Engineering & Design
Borough Planner	ARH & Associates, Inc.
Borough Planner	Jennifer C. Beahm, Leon S. Avakian, Inc.
Health Insurance Broker	Brown & Brown Benefit Advisors, Inc.
Municipal Prosecutor	Cleary Giacobbe Alfieri Jacobs LLC
Alternate Public Defender	Kevin A. Buchan, Esq.

RESOLUTION 42-2023 - RESOLUTION APPROVING DEVELOPER'S AGREEMENT WITH PQ B-TACH, LLC FOR PROPERTY IDENTIFIED AS 125 WYCKOFF ROAD

WHEREAS, PQ B-Tach, LLC (the "Developer") is the developer of the premises designated as Block 1401, Lot 16, on the official tax map of the Borough of Eatontown and located at 125 Wyckoff Road in the Borough of Eatontown, (the "Premises"); and

WHEREAS, the Planning Board granted Minor Site Plan Approval with Use and Bulk Variance to remove the existing drive thru canopy with pavement lay-out and replace the pavement area with grass, eliminate access to the site from Wyckoff Road, erect anew fence and replace an existing sign on the Premises (the "Project") on October 3, 2022;

WHEREAS, the Developer has agreed to construct the Project in accordance with the terms set forth in the approved Resolution of the Planning Board, amongst other requirements, was subject to and conditioned upon the execution of Developer's Agreement between the Borough and the Developer (the "Developer's Agreement"); and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents and taxpayers to enter into the Developer's Agreement with the Developer to ensure construction of the Project in accordance with the approved plans and the terms and conditions required by the Planning Board.

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 Developer's Agreement with PQ B-Tach, LLC and the Mayor is authorized to execute the Developer's Agreement in a form approved by the Borough Attorney.

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

1. PQ B-Tach, LLC
2. Kathy Muscillo, Zoning Officer
3. Ed Herrman, Borough Engineer

RESOLUTION 43-2023 - RESOLUTION APPROVING AMENDED DEVELOPER'S AGREEMENT WITH MONMOUTH PLAZA ENTERPRISES, LLC FOR PROPERTY IDENTIFIED AS 133 NEW JERSEY STATE HIGHWAY 35

WHEREAS, Monmouth Plaza Enterprises, LLC (the "Developer") is the developer of the premises designated as Block 1304, Lot 21.01, on the official tax map of the Borough of Eatontown and located at 133 New Jersey State Highway 35 in the Borough of Eatontown, (the "Premises"); and

WHEREAS, the Planning Board previously granted preliminary and major site for the Premises on February 1, 2021 (the "Original Approval"); and

WHEREAS, the Borough Council adopted Resolution 88-2021 approving a Developer's Agreement with the Developer arising from the Original Approval requiring the Developer to construct the Project in conformance with the approved plans and specifications including any and all representations made before the Planning Board;

WHEREAS, the Planning Board subsequently granted Amended Preliminary and Final Site Plan approval to finalize the location of the 4028 square foot retail pad site building along with associated site improvements on April 18, 2022 (the "Amended Approval") (the Original Approval and the Amended Approval shall be collectively referred to as the "Project")

WHEREAS, the Developer has agreed to construct the Project in accordance with the terms set forth in the Original Approval and the Amended Approval of the Planning Board, and amongst other requirements, the approvals were subject to and conditioned upon the execution of a Developer's Agreement between the Borough and the Developer (the "Developer's Agreement"); and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents and taxpayers to enter into an Amended Developer's Agreement with the Developer to ensure construction of the Project in accordance with the approved plans and the terms and conditions required by the Planning Board in both the Original Approval and the Amended Approval.

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 Amended Developer's Agreement with Monmouth Plaza Enterprises, LLC and the Mayor is authorized to execute the Developer's Agreement in a form approved by the Borough Attorney.

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

1. Monmouth Plaza Enterprises, LLC
2. Kathy Muscillo, Zoning Officer
3. Ed Herrman, Borough Engineer

RESOLUTION 44-2023 - AUTHORIZE APPOINTMENT TO CERTAIN BOARDS AND COMMITTEES

BE IT RESOLVED that the following Borough Committee appointments for the Borough of Eatontown, as made by the Mayor, are hereby confirmed:

GREEN TEAM

MEMBER	Dan Murphy
TERM:	1/25/23 – 12/31/23

ECONOMIC ADVISORY

MEMBER	Dee Slattery
TERM:	1/25/23 – 12/31/23

HISTORICAL COMMITTEE

MEMBER	Maria Escalante
TERM:	1/25/23 – 12/31/23

RECREATION ADVISORY

ALTERNATE	Maria Escalante
TERM:	1/25/23 – 12/31/23

RESOLUTION 45-2023 - RESOLUTION SUPPORTING THE LOCATION AND OPERATION OF A CLASS I CANNABIS CULTIVATOR AND CLASS II CANNABIS MANUFACTURER BUSINESS TO CANA -BOSEM, LLC TO BE LOCATED AT 265 INDUSTRIAL WAY WEST, SUBJECT TO CONDITIONS BECAUSE THE NUMBER OF CLASS 1 AND CLASS 2 APPLICANTS EXCEEDS THE NUMBER OF AUTHORIZED CLASS 1 AND CLASS 2 CANNABIS LICENSES ALLOWED FOR BY THE BOROUGH

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 and two (2) Class 2 Cannabis Manufacturer businesses on Industrial Way west of Route 35; and

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

WHEREAS, Cana-Bosem, LLC (Cana-Bosem) filed a New Marijuana Business License Application with the Borough to operate both a Class 1 Cannabis Cultivator business and a Class 2 Cannabis Manufacturer business located at the property bearing the address 265 Industrial Way West, Eatontown, New Jersey (the "Property"); and

WHEREAS, the Zoning Officer found that the proposed location of Cana-Bosem's Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer businesses located at the Property is consistent with the Borough's zoning requirements for such facilities; and

WHEREAS, the Cannabis Regulatory Commission issued an approval of Conditional License Application to Cana-Bosem on May 25, 2022; and

WHEREAS, the Borough held hearings at its January 11, 2025 and January 25, 2023 Council meetings and Cana-Bosem being represented by Melissa F. Wernick, Esq. with Scott Stein testifying before the Council at its January 11, 2023 meeting and the Council requesting that Cana-Bosem's ownership appear and testify thereby carrying the hearing until January 25, 2023; and

WHEREAS, ownership of Cana-Bosem (Darryl Hammary and Alexander Kettles) appeared before the Council being represented by Melissa F. Wernick, Esq. and testified before the Council on January 25, 2023; and

WHEREAS, the Borough previously issued three Resolutions of Support to other Class 1 cannabis facilities and two Resolutions of Support to other Class 2 cannabis facilities; and

WHEREAS, the Borough reviewed Cana-Bosem's New Marijuana Business application and having considered the testimony of Scott Stein, Darryl Hammary and Alexander Kettles and the Council finding that Cana-Bosem meets the criteria to obtain a Resolution of Support for a Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer license from the Borough 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 Cana-Bosem, LLC to operate a Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer businesses at the premises located at 265 Industrial Way West, Eatontown, New Jersey subject to the conditions outlined herein; and

BE IT FURTHER RESOLVED as follows:

1. Cana-Bosem is a Limited Liability Company registered to do business in the State of New Jersey.
2. The Borough of Eatontown has authorized up to two Class 1 Cannabis Cultivator and two Class 2 Cannabis Manufacturer Retail through the adoption of Ordinance 19-2021 (the "Cannabis Ordinance").
3. Because the number of license applications for Class 1 Cultivator Licenses and Class 2 Manufacturer licenses received and already approved by the Borough exceed the number of these authorized facilities permitted by the Cannabis Ordinance, the Borough reserves the right to issue a license or other required approvals necessary to locate and operate Class 1 and Class 2 cannabis businesses to the first and second fully approved Class 1 and Class 2 cannabis facilities which have obtained all other necessary approvals to locate and operates within the Borough, including but not limited to all required land use approvals, all required outside federal and state agency approvals, and ultimately a certificate of occupancy after having constructed a Class 1 or Class 2 facility in accordance with its approved plans and construction permits.
4. The Borough Council further reserves the right to issue additional Resolutions of Support to other Class 1 and Class 2 Cannabis facilities which have or will apply for such licenses subject to the same conditions set forth herein.
5. A copy of this Resolution shall be forwarded to the following:
 - a. Cana-Bosem, LLC
 - b. Melissa F. Wernick, Esq.
 - c. Kathy Muscillo, Director of Planning and Zoning

C. CONSENT AGENDA MOTIONS

- 1) Acceptance of NJ Firemen's Membership Application (Deaver)
- 2) 2022 Annual Report of Collections (Tax Collector)

Motion to accept Consent Agenda Motions 1-2 by C/Regan; seconded by C/Gindi

Roll Call: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman

12. REMARKS OF COUNCIL AND CITIZENS

Councilmember Jones made an announcement regarding the Martin Luther King, Jr. Food Drive.

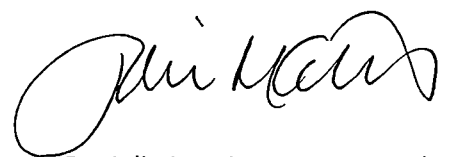
The meeting was open to the public.

Maria Escalante, Farm Lane, asked if a "keeping of chickens" class is being offered. Mayor Talerico responded. There being no further comments, the meeting was closed to the public.

13. ADJOURNMENT – 9:13pm

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

Voice Vote: AYE - C/East, C/Regan, C/Jones, C/Gindi, C/Lucas, C/Araman



By: Julie Martin, RMC, Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJSA 47:3-15 *et seq* and approved by the State Records Committee. Audio is available on the Borough website.
Approval 02/08/2023

January 24, 2023
11:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

P.O. Type: All

Range: First to Last

Format: Condensed

Vendors: All

Rcvd Batch Id Range: First to Last

Include Non-Budgeted: Y

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

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ACTI0005	ACTION UNIFORM CO, LLC								
		22-02160	09/21/22	Class III Uniforms 2022	Open	799.96	0.00		B
		22-02161	09/21/22	Class A & SLEO 2 2022 Uniforms	Open	2,720.00	0.00		B
						3,519.96			
ANJ001	ANJEC								
		23-00195	01/19/23	2023 ENVIROMENTAL COMMISSION	Open	400.00	0.00		
AOC001	ALLIED OIL LLC								
		22-02880	12/14/22	WINTER DYE ULSD	Open	19,598.91	0.00		
APP002	GANNETT NJ NEWSPAPERS								
		23-00022	01/06/23	LEGAL ADVERTISEMENTS	Open	425.48	0.00		B
ATTM003	AT&T MOBILE 287306454309								
		23-00237	01/24/23	BORO POLICE CELL USAGE	Open	2,746.02	0.00		
AUTO001	AUTO PARTS CENTER								
		22-02541	10/28/22	OPEN FOR 2022	Open	238.97	0.00		B
BTF001	BOROUGH OF TINTON FALLS								
		23-00167	01/18/23	MUNICIPAL COURT SHARED SERVICE	Open	76,476.75	0.00		
CAV002	CAVANAUGH'S TERMITE & PEST SER								
		22-01270	06/03/22		Open	68.00	0.00		B
		22-01939	08/25/22		Open	225.00	0.00		B
						293.00			
CELL01	CELLEBRITE INC								
		22-02571	10/28/22	Certified Operator Training	Open	6,930.00	0.00		
CGPH001	CGP&H, LLC								
		23-00078	01/11/23	ADMINISTRATIVE AGENT SERVICES	Open	2,000.00	0.00		
		23-00079	01/11/23	HOUSING REBAILITATION PROGRAM	Open	3,210.86	0.00		
		23-00080	01/11/23	HOUSING REHABILITATION PROGRAM	Open	202.40	0.00		
		23-00081	01/11/23	ADMINISTRATIVE AGENT SERVICES	Open	4,356.00	0.00		
						9,769.26			
COMC004	COMCAST								
		23-00206	01/19/23	LIBRARY ONLINE BUSINESS ACCT	Open	96.90	0.00		
		23-00234	01/24/23	PUBLIC WORKS ONLINE SERVICE	Open	273.64	0.00		
						370.54			
RE003	CORELOGIC TAX COLLECTION SVCS								
		23-00065	01/09/23	REFUND OVERPAYMENT B 4103 L 7	Open	2,333.21	0.00		

January 24, 2023
11:50 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
DELAG01	DE LAGE LANDEN FINANCIAL INC								
23-00178	01/19/23	MAILROOM LEASE COPIER	Open	146.85	0.00				
23-00179	01/19/23	COMMUNITY CTR COPIER LEASE	Open	146.85	0.00				
23-00181	01/19/23	MAILROOM COPIER LEASE	Open	154.20	0.00				
23-00184	01/19/23	COMMUNITY CTR COPIER LEASE	Open	154.19	0.00				
				602.09					
DELTA001	DELTA DENTAL								
23-00207	01/19/23	JANUARY 2023 PREMIUM	Open	12,872.73	0.00				
23-00209	01/20/23	FEBRUARY 2023 PREMIUMS	Open	13,034.31	0.00				
				25,907.04					
EBSCO005	EBSCO INDUSTRIES, INC.								
23-00033	01/06/23	Magazine subscription renewal	Open	1,737.57	0.00				
EPG001	EAGLE POINT GUN								
21-00489	02/25/21	2021 Ammo Purchase	Open	17,303.45	0.00				
FOO001	SAKER SHOPRITES, INC.								
23-00087	01/11/23	PRESCHOOL JANUARY SNACKS	Open	82.74	0.00				
23-00088	01/11/23	AFTERCARE JANUARY SNACKS	Open	247.36	0.00				
				330.10					
FORBES01	TERESA CONNELLY								
23-00024	01/06/23	EYEGLASS REIMBUREMENT RETIREE	Open	484.02	0.00				
GAGL001	GAGLIANO & COMPANY								
22-02917	12/21/22	Professional Services Rendered	Open	2,500.00	0.00				
22-02918	12/21/22	Professional Services Rendered	Open	2,000.00	0.00				
22-02919	12/21/22	Professional Services Rendered	Open	1,500.00	0.00				
				6,000.00					
GENAC001	BOROUGH OF EATONTOWN GENERAL A								
23-00108	01/12/23	PAY PERIOD 01-20-23 O/S DETAIL	Open	7,426.00	0.00				
GFOA002	GFOA OF NEW JERSEY								
23-00145	01/17/23	GFOA MEMBERSHIP D.AMODEA	Open	90.00	0.00				
GLENCO01	GLENCO SUPPLY, INC.								
22-01068	05/04/22	OPEN FOR 2022	Open	399.84	0.00				B
GM001	G&M TROPHY CO, INC								
22-02594	11/01/22	Retirement Plaque	Open	110.00	0.00				
GPC001	GENUINE PARTS COMPANY INC								
22-01558	07/11/22	OPEN FOR 2022	Open	648.50	0.00				B
GSHP001	GARDEN STATE HIGHWAY PRODUCTS,								
22-02702	11/16/22	Traffic Signs	Open	948.52	0.00				
GTBM001	GTBM, INC.								
22-02741	11/21/22	Info cop License and Bundle	Open	4,800.00	0.00				

January 24, 2023
11:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
HIGGI005	HIGGINS, JAMES								
		21-02823	12/10/21	RELEASE ESCROW #1240	Open	50.08	0.00		
HOFFM006	HOFFMAN RADIO NETWORK								
		22-02432	10/18/22	FIRST AID NEW PAGERS-UPDATE	Open	13,446.00	0.00		
HOMED01	HOME DEPOT/6035322538819545								
		22-00194	01/20/22	OPEN FOR 2022	Open	157.80	0.00		B
IMP001	IMPRINT SHOP LLC								
		22-02330	10/07/22	Embroidery for Winter Hats	Open	240.00	0.00		
IPD001	INST. FOR PROFESSIONAL DEVELOP								
		23-00064	01/09/23	GREEN PURCHASING WEBINAR	Open	50.00	0.00		
		23-00203	01/19/23	TAX APPEAL WEBINAR DAMODEA	Open	50.00	0.00		
						100.00			
JERS001	JCP&L								
		23-00114	01/13/23	BORO ELECTRIC USAGE	Open	25.40	0.00		
		23-00236	01/24/23	STREET LIGHTING ELECTRIC SRVC	Open	15,411.13	0.00		
						15,436.53			
JERS002	HUNTER JERSEY PETERBILT LP								
		22-00776	03/28/22	OPEN FOR 2022	Open	1,961.89	0.00		B
JLL001	JOSEPH FAZZIO-HOWELL LLC								
		22-00996	04/25/22	OPEN FOR 2022	Open	129.96	0.00		B
		22-02546	10/28/22	OPEN FOR 2022	Open	393.80	0.00		B
						523.76			
JGC001	John Guire Supply LLC								
		22-01857	08/12/22	OPEN FOR DIRT	Open	427.00	0.00		B
KLEIN1	KENNETH KLEINMAN								
		23-00118	01/13/23	MEDICARE REIMBURSEMENT 2023	Open	230.80	0.00		
		23-00129	01/17/23	MEDICARE REIMBURSEMENT 2023	Open	230.80	0.00		
						461.60			
KLEINE01	EILEEN KLEINMAN								
		23-00117	01/13/23	MEDICARE REIMBURSEMENT 2023	Open	230.80	0.00		
		23-00130	01/17/23	MEDICARE REIMBURSEMENT 2023	Open	230.80	0.00		
						461.60			
KORPA005	KORPACZ REALTY ADVISORS, INC								
		23-00072	01/10/23	APPRAISAL/VALUATION MON MALL	Open	10,000.00	0.00		
LAN001	LANIGAN ASSOCIATES, INC.								
		21-01578	07/12/21	New Hire Uniform and Equipment	Open	1,059.95	0.00		B
		22-00199	01/21/22	Remaining Recruit Uniforms	Open	894.90	0.00		
						1,954.85			
L001	LAKESHORE LEARNING MATERIALS								
		22-02521	10/27/22		Open	1,434.05	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LUCT001	WILLIAM LUCIA								
		23-00086	01/11/23	REIMBURSEMENT FOR ZOOM VIDEO	Open	213.14	0.00		
MAZ004	MAZZA MULCH								
		22-02506	10/26/22	OPEN FOR 2022	Open	3,960.00	0.00		B
MCANJ01	MUNICIPAL CLERKS ASSOC OF NJ								
		23-00198	01/19/23	MC ASSOC CONFERENCE 2023	Open	400.00	0.00		
MCMAN01	KYLE MCMANUS ASSOC, LLC								
		22-02831	12/08/22	SPECIAL MASTER SERVICES	Open	62.50	0.00		
		22-02832	12/08/22	SPECIAL MASTER SERVICES	Open	125.00	0.00		
						187.50			
MCT001	MONMOUTH COUNTY TREASURER								
		22-02879	12/14/22	MUNICIPAL WASTE	Open	2,148.83	0.00		
MON002	MONMOUTH BUILDING CENTER								
		22-02551	10/28/22	OPEN FOR 2022 DPW	Open	34.75	0.00		B
MOTCTA14	MONMOUTH/OCEAN TCTA								
		23-00127	01/17/23	DAMODEA 2023 MOTCTA MEMBERSHIP	Open	80.00	0.00		
MUNCL021	MUN CLERK ASSOC OF MON COUNTY								
		23-00166	01/18/23	2023 MEMBERSHIP DUES	Open	150.00	0.00		
NJASR001	NJASRO								
		22-00607	03/08/22	SRO Training - SLEO Guido	Open	425.00	0.00		
NJB001	VERIZON								
		23-00113	01/13/23	MUSEUM/COMM CTR PHONE USAGE	Open	103.56	0.00		
NJC001	NJ CONFERENCE OF MAYORS								
		22-02896	12/16/22	2023 MEMBERSHIP DUES	Open	475.00	0.00		
NJDH001	NJ DEPT OF HEALTH AND SENIOR'S								
		23-00032	01/06/23	SECOND DECEMBER DOG REPORT	Open	49.20	0.00		
NJDIV001	NJ MOTOR VEHICLES COMMISSION								
		23-00082	01/11/23	2023 ANNUAL ADMINISTRATIVE FEE	Open	150.00	0.00		
NJLE001	NJ LEAGUE OF MUNICIPALITIES								
		23-00083	01/11/23	NJLM SEMINAR-FEBRUARY 11, 2023	Open	130.00	0.00		
		23-00084	01/11/23	NJLM SEMINAR-MARCH 11, 2023	Open	75.00	0.00		
		23-00097	01/11/23	JOB POSTING-ADULT PROGRAMS	Open	115.00	0.00		
						320.00			
NJSA002	NJ STATE ASSOC OF CHIEFS OF PO								
		22-02246	09/28/22	NJSACOP Mid Year Meeting	Open	1,125.00	0.00		
NOR002	NORTHWIND MECHANICAL SYSTEMS								
		22-00255	01/26/22		Open	1,303.90	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BR002	NORTHWIND MECHANICAL SYSTEMS			Continued					
		22-00842	04/05/22		Open	220.00	0.00		B
						1,523.90			
OLIV005	OLIVIA S II								
		22-01874	08/15/22	FIRE DEPT FOOD VOUCHER	Open	70.00	0.00		B
PCFIRE01	MICHAEL HREHA								
		23-00161	01/18/23	2023 PETTY CASH FIRE PREVENT	Open	100.00	0.00		
PCREC002	JANICE GRASSO								
		23-00160	01/18/23	2023 PETTY CASH RECREATION	Open	250.00	0.00		
PDMS001	POWERDMS								
		22-02877	12/14/22	NJSACOP Accreditation Fee	Open	805.00	0.00		
PETWL001	WILLIAM LUCIA								
		23-00162	01/18/23	2023 PETTY CASH POLICE DEPT	Open	300.00	0.00		
		23-00163	01/18/23	2023 PETTY CASH INVESTIGATION	Open	1,000.00	0.00		
						1,300.00			
QUAL005	QUAL-LYNX								
		22-02784	11/29/22	OVERPAYMENT CL# 2019147475	Open	405.42	0.00		
SC002	ALBERT J. RESCINIO, ESQ.								
		23-00177	01/19/23	BORO PUBLIC DEFENDER SERVICES	Open	4,910.00	0.00		
RICOH005	RICOH USA, INC.								
		23-00202	01/19/23	FINANCE COPIER MONTHLY LEASE	Open	166.75	0.00		
RUTG099	RUTGERS CONTINUING STUDIES GOV								
		23-00077	01/11/23	ADVANCED MUNICIPAL CLERK DUTIES	Open	653.00	0.00		
SCH001	T&M ASSOCIATES								
		21-02119	09/17/21	ENVIRONMENTAL INVESTIGATION	Open	185.00	0.00		B
		21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	1,295.00	0.00		B
		22-01903	08/16/22	INDUSTRIAL WAY PHASE 3	Open	25,092.65	0.00		B
						26,572.65			
SIC003	STANDARD INSURANCE COMPANY INC								
		23-00211	01/20/23	JANUARY 2023-STD PREMIUM	Open	2,903.74	0.00		
		23-00212	01/20/23	JANUARY 2023 TRUCK & HOSE	Open	310.63	0.00		
		23-00213	01/20/23	FEBRUARY 2023-STD PREMIUM	Open	2,903.74	0.00		
		23-00214	01/20/23	FEBRUARY 2023-TRUCK & HOSE	Open	310.63	0.00		
						6,428.74			
SL001	STAR LEDGER								
		23-00123	01/13/23	Legal Advertisement	Open	182.85	0.00		
CA001	MONMOUTH COUNTY SPCA								
		22-02931	12/28/22	BORO ANIMAL CONTROL SERVICES	Open	1,537.50	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SUST001	SUSTAINABLE JERSEY INC								
		23-00128	01/17/23	SUSTAINABLE JERSEY LUNCHEON	Open	35.00	0.00		
TARGE005	TARGETED TECHNOLOGIES LLC								
		22-02359	10/12/22	BORO SERVER CABINET/INSTALLED	Open	4,965.03	0.00		
		22-02822	12/08/22		Open	660.00	0.00		
		23-00139	01/17/23	YEARLY DOMAIN HOSTING AGREMT	Open	600.00	0.00		
		23-00140	01/17/23	BORO DOMAIN HOSTING AGREEMENT	Open	300.00	0.00		
		23-00142	01/17/23	POLICE MONTHLY MSP AGREEMENT	Open	3,996.00	0.00		
		23-00143	01/17/23	BORO MSP MONTHLY AGREEMENT	Open	7,452.00	0.00		
						17,973.03			
TAXC001	MONMOUTH COUNTY TREASURER								
		23-00029	01/06/23	COUNTY TAX 02/2023	Open	1,504,087.55	0.00		
TAXH001	MONMOUTH COUNTY TREASURER								
		23-00027	01/06/23	COUNTY TAX-HEALTH 02/2023	Open	31,139.93	0.00		
TAXL001	MONMOUTH COUNTY TREASURER								
		23-00028	01/06/23	COUNTY TAX- LIBRARY TAX 02/23	Open	113,070.18	0.00		
TAXO001	MONMOUTH COUNTY TREASURER								
		23-00026	01/06/23	COUNTY TAX-OPEN SPACE 02/2023	Open	195,214.03	0.00		
USBAN006	USBANK CUST/PC8 FIRSTTRUST BANK								
		22-02743	11/21/22	REDEMPTION CERT #22000011	Open	2,308.74	0.00		
USPS002	US POSTAL SERVICE								
		23-00038	01/09/23	REPLENISH MAILROOM FUNDS	Open	4,000.00	0.00		
VERIZ005	VERIZON - ALBANY								
		23-00112	01/13/23	BORO FIBEROPTIC ACCOUNT	Open	822.37	0.00		
WAR001	WARSHAUER ELECTRIC SUPPLY CO.I								
		22-02854	12/12/22		Open	44.02	0.00		
WBMAS005	W.B. MASON CO, INC								
		22-02776	11/29/22		Open	559.98	0.00		
		22-02803	12/05/22		Open	1,119.96	0.00		
						1,679.94			

Total Purchase Orders: 115 Total P.O. Line Items: 0 Total List Amount: 2,161,646.97 Total Void Amount: 0.00

Totals by Year-Fund

Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	2-01	87,193.55	0.00	87,193.55	0.00	0.00	87,193.55
CURRENT FUND:	3-01	2,013,222.93	0.00	2,013,222.93	0.00	0.00	2,013,222.93
GENERAL CAPITAL F C-04		38,723.65	0.00	38,723.65	0.00	0.00	38,723.65
GRANT FUND	G-02	1,295.00	0.00	1,295.00	0.00	0.00	1,295.00
	T-12	49.20	0.00	49.20	0.00	0.00	49.20
	T-15	21,112.56	0.00	21,112.56	0.00	0.00	21,112.56
	T-17	50.08	0.00	50.08	0.00	0.00	50.08
Year Total:		21,211.84	0.00	21,211.84	0.00	0.00	21,211.84
Total of All Funds:		2,161,646.97	0.00	2,161,646.97	0.00	0.00	2,161,646.97