

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, August 23, 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 8:14pm, noting the Borough's compliance with the Open Public Meetings Act

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Virginia M. East,
Councilmembers Mark Regan, Jr., Danielle M. Jones, David Gindi, Meir Araman, Jackie Severinsen

ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Deputy Borough Clerk Muscillo

The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 08/09/2023

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

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

Council President East abstained from the Closed Session minutes.

3. COMMUNICATIONS

A. NJ Transit Corporation Federal Fiscal Year 2023 Request for Federal Financial Assistance

B. Bed Bath & Beyond Notice of Bankruptcy Court Combined Hearing on the Disclosure Statement

C. Monmouth County Board of County Commissioners Resolution Authorizing the Retention of Campanelli and Associates to Draft an Appropriate 5G Network Ordinance and to Authorize the Filing of a motion to Vacate the Federal Court Order of September 8, 2022, as it Relates to the County of Monmouth

D. Freshwater Wetlands Letter of Interpretation & Flood Hazard Area Verification Application - West Long Branch

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

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

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reserved his report.

5. REPORTS OF COMMITTEES

A. PARKS & RECREATION - Council President East

Council President East reported on the annual 5k Labor Day run, and the Dog Wag run.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reserved his report.

C. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported on the school supply drive, then reported on the donations for Coffee K-Cups.

D. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi reserved his report.

E. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

Councilmember Araman had no report.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Severinsen

Councilmember Severinsen had no report.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia reserved his report.

7. HEARING – BOARDING HOUSE/ROOMING HOUSE – GRAY STREET, LLC

None of the representatives for Gray Street, LLC was present. No hearing was held.

8. OLD BUSINESS

A. ORDINANCE ADOPTION

1) **Ordinance 22-2023** - Ordinance of the Borough of Eatontown Approving Thirty (30) Year Tax Exemptions for, and the Execution of Financial Agreement with, (i) Monmouth V Urban Renewal, LLC, (ii) Monmouth V R1 Urban Renewal, LLC, (iii) Monmouth V R2 Urban Renewal, LLC and (iv) Monmouth V R3 Urban Renewal, LLC, in Connection with A Redevelopment Project to be Undertaken by Such Entities, and Affiliates, and Authorizing Pledge Agreements and Other Documents in Connection with the Issuance by the Borough of its Redevelopment Area Bonds in an Amount Not To Exceed \$3,000,000 to Finance a Portion of the Costs of Such Redevelopment Project, and Determining Various Other Matters in Connection Therewith - **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title.

Mr. Hanley, NW Financial shared a presentation regarding the Monmouth Mall's potential impact on the municipality. Mayor Talerico summarized and explained the benefits of settling the Monmouth Mall's Tax Appeals. Attorney Bayer further explained the assessments on the tax appeals. Councilmember Gindi asked Mr. Hanley to reiterate the amount the Borough would have had to pay if the Borough had not done anything. Mr. Hanley responded.

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/Araman, C/Severinsen

Merissa Buczny, Reynolds Drive, shared she is in favor of the Monmouth Mall PILOT and asked what the total amount of the tax appeals are. Attorney Bayer responded. Ms. Buczny asked how Mr. Hanley came up with the numbers and ranges. Attorney Bayer, Mr. Hanley and Mayor Talerico responded. Ms. Buczny what items they will be using it for and if Kushner is doing anything regarding contributing to the municipality. Mayor Talerico and Jim Fueron responded.

Al Baginsky, Irving Place, asked about the percentages that goes to the county and the school. Mr. Hanley from NW Financial responded. Mr. Baginsky asked if the PILOT payments will need to be made up by the taxpayers. Mr. Hanley responded. Mr. Baginsky asked for further clarification. Mayor Talerico responded. Councilmember Gindi asked how much the schools will contribute if the Borough loses money. Mayor Talerico responded. Mr. Baginsky commented on the mayor previously stating the Mall will not be getting a tax break and asked what changed his mind. Mayor Talerico responded stating the Borough is not giving the Mall a tax break and explained his reasoning. Councilmember Gindi agreed with Mayor Talerico. Mr. Baginsky asked if the Borough saw the tax appeals coming. Mayor Talerico responded.

Motion to close 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/Araman, C/Severinsen

Attorney Bayer read the ordinance by title.

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

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

ORDINANCE 22-2023 - THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE "REDEVELOPMENT AREA BOND FINANCING LAW" AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL OTHER NON-MUNICIPAL LIENS HEREINAFTER RECORDED.

ORDINANCE OF THE BOROUGH OF EATONTOWN APPROVING THIRTY (30) YEAR TAX EXEMPTIONS FOR, AND THE EXECUTION OF FINANCIAL AGREEMENTS WITH, (i) MONMOUTH V URBAN RENEWAL, LLC, (ii) MONMOUTH V R1 URBAN RENEWAL, LLC, (iii) MONMOUTH V R2 URBAN RENEWAL, LLC AND (iv) MONMOUTH V R3 URBAN RENEWAL, LLC, IN CONNECTION WITH A REDEVELOPMENT PROJECT TO BE UNDERTAKEN BY SUCH ENTITIES, AND AFFILIATES, AND AUTHORIZING PLEDGE AGREEMENTS AND OTHER DOCUMENTS IN CONNECTION WITH THE

ISSUANCE BY THE BOROUGH OF ITS REDEVELOPMENT AREA BONDS IN AN AMOUNT NOT TO EXCEED \$3,000,000 TO FINANCE A PORTION OF THE COSTS OF SUCH REDEVELOPMENT PROJECT, AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, in order to stimulate redevelopment, Borough Council of the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough"), by Resolution No. 208-2021 adopted on April 14, 2021, designated certain properties within the Borough commonly known as the Monmouth Mall and identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 and Block 2202, Lot 1 as a non-condemnation area in need of redevelopment (the "Redevelopment Area") in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"); and

WHEREAS, by Ordinance No. 05-2023 finally adopted April 26, 2023, the Borough Council adopted the Monmouth Mall Redevelopment Plan dated January 2023, setting forth the plan for the redevelopment of the Redevelopment Area (as amended from time to time, the "Redevelopment Plan"); and

WHEREAS, the Borough expects to enter into a Redevelopment Agreement (the "Redevelopment Agreement") with Monmouth Square NJ LLC (the "Redeveloper") to undertake, with its affiliates, a redevelopment project on a portion of the Redevelopment Area identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 (the "Project Site"), which redevelopment project (the "Project") is expected to be undertaken in multiple phases, and will include the development, design, financing, permitting, demolition of certain existing improvements on the Project Site, site preparation, construction, implementation and cohesive redevelopment of the Project Site with a project comprised of a mixture of complementary residential, retail, commercial and medical office uses, including (i) up to approximately one thousand (1,000) non-age restricted residential rental units, with twelve and one-half percent (12.5%) of the actual number of units build to be set aside for very low-, low- and moderate-income households in furtherance of the Borough's Settlement Agreement with Fair Share Housing Center, dated December 17, 2018 (the "FSHC Settlement"), (ii) approximately 900,000 square feet of total commercial and retail space, and (iii) public spaces, strategically placed parking, and a safe and efficient circulation system; and

WHEREAS, pursuant to the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Tax Exemption Law"), the Borough is authorized to provide for tax exemptions within a redevelopment area and for payments in lieu of taxes in accordance with the applicable provisions thereof; and

WHEREAS, pursuant to and in accordance with the provisions of the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Redevelopment Bond Law", and together with the Redevelopment Law and the Tax Exemption Law, the "Acts"), specifically N.J.S.A. 40A:12A-66(a), the Borough is authorized to provide for such tax exemptions and payments in lieu of taxes in a manner that deviates from the structure otherwise established under the Tax Exemption Law, if the redevelopment project is to be financed with bonds issued in accordance with the Redevelopment Bond Law; and

WHEREAS, the Borough has received an Application for Long Term Tax Exemption (the "Exemption Application") from (i) Monmouth V Urban Renewal, LLC, (ii) Monmouth V R1 Urban Renewal, LLC, (iii) Monmouth V R2 Urban Renewal, LLC and (iv) Monmouth V R3 Urban Renewal, LLC (collectively, the "Entities"), requesting long term tax exemptions under the provisions of the Tax Exemption Law and the Redevelopment Bond Law in connection with each entity's respective portion of the Project and Project Site, located within the portion of the Project Site identified as Block 2201, Lots 1.01, a portion of 1.02, 2 and 5; and

WHEREAS, the Exemption Application contemplates future partial assignments by Monmouth V Urban Renewal, LLC of the requested Financial Agreement to Monmouth V B Urban Renewal, LLC, Monmouth V WF Urban Renewal, LLC, and/or Monmouth V Urban Renewal, LLC; and

WHEREAS, the Exemption Applications contain documentation evidencing financial responsibility and capability with respect to the proposed development; estimated total development costs; estimated time schedule for start and completion of the proposed development; and conceptual plans; and

WHEREAS, the Borough evaluated the Exemption Application according to criteria which included financial capabilities, experience, expertise, and project concept descriptions; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Borough will enter into a Financial Agreement (as hereinafter defined) with each Entity governing payments made to the Borough in lieu of real estate taxes on the portion of the Project allocable to such Entity, all pursuant to the Tax Exemption Law, and

WHEREAS, to finance a portion of the cost of the Project, the Borough will issue bonds, in multiple tranches, in a combined aggregate principal amount of up to \$3,000,000 (the "Redevelopment Area Bonds") pursuant to the Redevelopment Bond Law; and

WHEREAS, funds for the payment of debt service on each tranche of the Redevelopment Area Bonds will be derived from the pledge and assignment by the Borough to the trustee for the Redevelopment Area Bonds of the Pledged Annual Service Charge, as such term is defined in the respective Financial Agreement, relating to the applicable portion of the Project; and **WHEREAS**, the Unpledged Annual Service Charge, as such term is defined in each Financial Agreement, relating to the applicable portion of the Project, shall be retained by the Borough for its use in its sole discretion, following payment of the required share to the County of Monmouth, as required by N.J.S.A. 40A:20-12; and

WHEREAS, the Borough made the following findings:

In accordance with the Tax Exemption Law, specifically N.J.S.A. 40A:20-11, the Borough hereby finds and determines that the Financial Agreements are to the direct benefit of the health, welfare and financial well-being of the Borough and its citizens because it allows for the development of a property that has fallen into disrepair into a productive, useful and job-creating property, and further:

(a) *The Project will help revitalize and/or repurpose underutilized land, will invigorate the Project Site and surrounding community, will create approximately three hundred fifty (350) construction jobs and three hundred (300) new permanent jobs in connection with the operation of the Project, will improve the quality of life in the community, and will enhance the economic development of the Borough. In addition, 12.5% of the rental units actually built (approximately 125 units, which count may vary depending on the actual number of residential units built) will be deed restricted for very low-, low- and moderate-income households in furtherance of the FSHC Settlement; and*

(b) *Without the tax exemption granted herein it is highly unlikely that the Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available; and*

WHEREAS, the Borough has determined to authorize the execution and delivery of the Financial Agreements in order to set forth the terms and conditions under which the respective Entities and the Borough (collectively, the "Parties") shall carry out their respective obligations with respect to (a) payment of the Annual Service Charge, as that term is defined in the respective Financial Agreement, by the respective Entity, in lieu of real property taxes, and (b) issuance of the respective tranches of Redevelopment Area Bonds by the Borough and provision for repayment thereof by the respective Entities; and **WHEREAS**, each of the Entities either owns or will own its respective portion of the Project Site, each is qualified to do business under the provisions of the Tax Exemption Law, and each has joined in the submission to the Mayor of the Exemption Application, which is on file with the Office of the Borough Clerk, requesting a tax exemption for the Project; and **WHEREAS**, the Borough wishes to approve the execution and delivery of a Financial Agreement, each pertaining to a specific portion of the Project and the Project Site and one or more specific tranches of the Redevelopment Area Bonds, with each Entity (collectively, the "Financial Agreements"), forms of which are on file in the office of the Borough Clerk (capitalized terms not defined herein shall have the meaning assigned to such terms in the Financial Agreements); and

WHEREAS, the Mayor has submitted the Exemption Applications (including forms of the requested Financial Agreements) to the Borough Council, together with his written recommendation of approval (the "Mayor's Recommendation"), a copy of which is on file in the office of the Borough Clerk; and

WHEREAS, the Borough further wishes to approve the execution and delivery of one or more Pledge and Assignment Agreements with the Borough's bond trustee(s) (each, a "Pledge Agreement"), a form of which is on file in the office of the Borough Clerk, which Pledge Agreement(s) will provide for, inter alia, the pledge and assignment of the Pledged Annual Service Charge allocable to each portion of the Project to the Borough's bond trustee(s), as security for the payment of debt service on the allocable tranche of Redevelopment Area Bonds; and

WHEREAS, the terms of any bond resolution or trust indenture to be entered into by the Borough in connection with the issuance of each tranche of the Redevelopment Area Bonds will provide terms and provisions relating to the disbursement of proceeds of such Redevelopment Area Bonds to the respective Entity or its agent.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

1. The Entities are hereby designated to act, together with or on behalf of the Redeveloper, as redevelopers for their respective portions of the Project, in accordance with the Redevelopment Plan, the Redevelopment Agreement and the plans and specifications contained in the Exemption Applications, subject to the conditions and as more fully set forth in the forms of Financial Agreement, copies of which have been presented to this meeting and are on file in the office of the Borough Clerk.

2. The Borough Council hereby finds and determines that the Financial Agreements are to the direct benefit of the health, welfare and financial well-being of the Borough and its citizens because they allow for the development of a property that has fallen into disrepair into a productive, useful and job-creating property, and further (a) the Project will help revitalize and/or repurpose underutilized land, will invigorate the Project Site and surrounding community, will create approximately three hundred fifty (350) construction jobs and three hundred (300) new permanent jobs in connection with the operation of the Project, will improve the quality of life in the community, and will enhance the economic development of the Borough, (b) 12.5% of the rental units actually built (approximately 125 units, which count may vary depending on the actual number of residential units built) will be deed restricted for very low-, low- and moderate-income households in furtherance of the FSHC Settlement, and (c) without the tax exemption granted herein it is highly unlikely that the Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available.

3. An exemption from taxation is hereby granted to each Entity with respect to the Improvements (as defined in the respective Financial Agreement) and, in the case of the residential component of the Project only, the Land (as defined in the respective Financial Agreement), in respect of such Entity's portion of the Project, located within the portion of the Project Site identified as Block 2201, Lots 1.01, portion of 1.02, 2 and 5, as more fully set forth in the respective Financial Agreement. Such exemption shall extend to each subsequent Owner (as defined in the respective Financial Agreement), and shall commence and terminate on such dates as set forth in the respective Financial Agreement, but in no event shall the tax exemption commence until the ASC Commencement Date (as such term is defined in the respective Financial Agreement), nor extend beyond the earlier of (i) thirty (30) years from the ASC Commencement Date or (ii) such number of years from the date of execution of the respective Financial Agreement (not forty-five (45) years) as specified therein, and only so long as the respective Owner remains subject to and complies with the respective Financial Agreement and the Tax Exemption Law. To the extent of any inconsistency with any prior Borough ordinance and/or Municipal Code provision governing the granting of long-term tax exemptions, including, inter alia, procedures for application, review and approval, required terms of the financial agreement, required conditions and covenants, limits on duration, means of enforcement, and all other matters whatsoever, such prior Borough ordinances and/or Municipal Code provisions are hereby waived (or, alternatively, shall be deemed to be amended and/or superseded by this ordinance) to the extent of such inconsistency, but only with respect to this Ordinance.

4. The Financial Agreements, in substantially the forms presented to this meeting and on file in the office of the Borough Clerk, are hereby approved. The Mayor and the Business Administrator of the Borough (each, an "Authorized Officer") are each hereby authorized to execute and deliver, on the Borough's behalf, a Financial Agreement with each Entity in respect of each specific portion of the Project, in substantially such forms, with such changes as the Authorized Officers shall determine, in consultation with the Borough's Redevelopment Counsel, such determination to be conclusively evidenced by their execution of such Financial Agreement. The Borough Clerk is hereby authorized and directed to attest to the execution of the Financial Agreements by the Authorized Officers of the Borough as determined hereunder and to affix the corporate seal of the Borough thereto.

5. To the extent provided in the Financial Agreements, the Authorized Officers are each hereby authorized to execute and deliver, on the Borough's behalf, such agreements, documents and instruments (including one or more replacement or successor agreements) as may be necessary or useful in connection with any partial or complete assignment of any Financial Agreements, including specifically and partial assignments to Monmouth V B Urban Renewal, LLC, Monmouth V WF Urban Renewal, LLC and/or Monmouth V Urban Renewal, LLC as contemplated by Section 9.01(c) of the Financial Agreement to be entered into by Monmouth V Urban Renewal, LLC.

6. Pursuant to the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-67(c) and, if applicable, N.J.S.A. 40A:12A-69, the Borough hereby assigns, as security for each tranche of the Redevelopment Area Bonds, all of the Borough's right, title and interest in and to the Pledged Annual Service Charges pertaining to such portion of the Project. The Pledge Agreement, in substantially the form presented to this meeting and on file with the Borough Clerk, is hereby approved. The Authorized Officers, or either of them, are each hereby authorized to execute and deliver, on the Borough's behalf, a Pledge Agreement in respect of each specific portion of the Project and each specific tranche of Redevelopment Area Bonds, in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Borough's Redevelopment Counsel, such determination to be conclusively evidenced by their execution of such Pledge Agreement. The Borough Clerk is hereby authorized and directed to attest to the execution of the Pledge Agreements by the Authorized Officers of the Borough as determined hereunder and to affix the corporate seal of the Borough thereto.

7. Executed copies of the Financial Agreements and the Pledge Agreements shall be certified by the Borough Clerk and filed with the Office of the Borough Clerk. The Office of the Borough Clerk shall also forthwith file certified copies of this ordinance and the Financial Agreements with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:20-12.

8. Upon the execution of the Financial Agreements as contemplated herein, the Authorized Officers and the Borough Clerk are each hereby severally authorized and directed to file and record this ordinance and the Financial Agreements with the Monmouth County Clerk such that the Financial Agreements and this ordinance shall be reflected upon the land records of the County of Monmouth as a lien upon and a covenant running with each and every parcel of land constituting the Parcels. Pursuant to and in accordance with the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-68(c), and notwithstanding any other law to the contrary, upon recordation of both this ordinance and the Financial Agreements, the lien thereof shall be perfected for all purposes in accordance with law and the lien shall thereafter be superior to all non-municipal liens thereafter recorded or otherwise arising, without any additional notice, recording, filing, continuation filing or action, until payment of all of the Redevelopment Area Bonds.

9. The Authorized Officers of the Borough are hereby further severally authorized and directed to (i) execute and deliver, and the Borough Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consulting with the Borough's Redevelopment Counsel, to be executed in connection with the execution and delivery of the Financial Agreements and the Pledge Agreements and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

10. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance grants long-term exemptions and approves the execution of financial agreements with (i) Monmouth V Urban Renewal, LLC, (ii) Monmouth V R1 Urban Renewal, LLC, (iii) Monmouth V R2 Urban Renewal, LLC and (iv) Monmouth V R3 Urban Renewal, LLC, in connection with portions of a redevelopment project to be constructed on property commonly known as the Monmouth Mall, which portion is identified as identified as Block 2201, Lots 1.01, portion of 1.02, 2, and 5. The redevelopment project is expected to be undertaken in multiple phases, and will include the development, design, financing, permitting, demolition of certain existing improvements on the project site, site preparation, construction, implementation and cohesive redevelopment of the project site with a project comprised of a mixture of complementary residential, retail, commercial and medical office uses, including (a) up to approximately one thousand (1,000) non-age restricted residential rental units, with twelve and one-half percent (12.5%) of the actual number of units build to be set aside for very low-, low- and moderate-income households in furtherance of the Borough's Settlement Agreement with Fair Share Housing Center, dated December 17, 2018, (b) approximately 900,000 square feet of total commercial and retail space, and (c) public spaces, strategically placed parking, and a safe and efficient circulation system. This Ordinance also authorizes pledge agreements and other documents in connection with the issuance by the Borough of Eatontown of its Redevelopment Area Bonds in an amount of up to \$3,000,000 (to be secured by an assignment of certain pledged annual service charges under the respective financial agreements) and determines various other matters in connection therewith.

2) **Ordinance 23-2023** - An Ordinance Amending the Redevelopment Plan for the Properties Designated as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2201, Lot 1 Known as the Monmouth Mall - **Public Hearing/Adoption**
Attorney Bayer read the ordinance by title.

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

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

No public comment was made.

Motion to close 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/Araman, C/Severinsen

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/Araman, C/Severinsen

ORDINANCE 23-2023 - AN ORDINANCE AMENDING THE 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 Council adopted Ordinance 05-2023, approving the Monmouth Mall Redevelopment Plan on April 26, 2023 for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 (the "Property") on the Borough of Eatontown Tax Map in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7 and it amended the Zoning District Map because the Redevelopment Plan contains superseding zoning; and

WHEREAS, the Borough Council seeks to amend the approved Redevelopment Plan to clarify the type of residential buildings to be a permitted principal use so as to conform to the proposed Concept Plan.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Monmouth Mall Redevelopment Plan 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, Article II General Guidelines, Section C. Permitted Land Uses, Permitted Principal Uses, shall be amended as follows:

[Additions are underscored]

19. Multi-Family Residential Buildings.

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 Amended Monmouth Mall Redevelopment Plan as a zoning district as amended.

BE IT FURTHER ORDAINED THAT the superseding zoning standards contained within the Amended Monmouth Mall Redevelopment Plan as amended 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 24-2023 - An Ordinance Amending Chapter 89 "Land Use" Article VII, "Area and Bulk Use Requirements: Section 89-47 "Schedule of Zone Requirements"; and Section 89-30 of the Borough Code "List of Zones" and the Establishment of a New Zone in Attachment 1 – Exhibit 3 Entitled "Schedule of Zone Requirements for MU-OO" Mixed Use Old Orchard Zone - *Public Hearing/Adoption*

Attorney Bayer read the ordinance by title. Council President East recused herself from this Ordinance and stepped down from the dais. Councilmember Regan shared the request from the Environmental Commission to carry the Ordinance.

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

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

Leslie Mele, Reynolds Drive, spoke about the petition of protest that was submitted earlier that day and read the letter into the record. Attorney Bayer explained the legalities of the petition. Ms. Mele explained she can get plenty more signatures if required.

Dee Slattery, Lone Oak Way, spoke about Old Orchard being the last open space in Eatontown, the wetlands throughout the golf course and expressed her views on wanting to keep Old Orchard a golf course. Ms. Slattery mentioned the other projects going on in town and the impact on traffic. Mayor Talerico commented regarding the Environmental Wetlands.

Al Baginsky, Irving Place, spoke about the previous 2013 Old Orchard proposal relating to deed restrictions. Mr. Baginsky asked about the 100-foot buffer and spoke about the zoning of the property. Attorney Bayer and Mayor Talerico responded, also explaining the current zoning of the property does not have a buffer. Councilmember Gindi asked for clarification. Mayor Talerico responded. Mr. Baginsky asked about the traffic on Highway 36. Mayor Talerico responded.

Maria Kaarstaren, Reynolds Drive, spoke about the developer being able to go to the Zoning Board for a variance for having an access road on Reynolds Drive. Ms. Kaarstaren asked for specifics on the sizes and heights of the buildings. Mayor Talerico and Ms. Krimko responded.

John Lastella, Reynolds Drive, explained that Old Orchard is going to be developed one way or another and expressed he's in favor of the development.

Ron Wolner, Industrial Way West, explained he is in favor of the development and explained he does not believe there will be any impact on traffic.

Leslie Mele, Reynolds Drive, asked the council how hard they had worked on saving the golf course either as an open park or as to remain a golf course. Mayor Talerico responded. Ms. Mele asked how hard the council has worked to find a different buyer for the golf course.

Jennifer Krimko, attorney for the Old Orchard development, answered some of the residents' concerns. Ms. Krimko explained the town has no ability to purchase the property and that it will be developed. Ms. Krimko explained why the developer agreed to build age-restricted homes. Ms. Krimko then explained there will not be a second access and there will be no variance request into the Reynolds Drive development. Ms. Krimko then spoke about the wetlands and the existing trees on the wetlands. Ms. Krimko then spoke about the open space between the wetlands and the buffer that will not be developed.

Leslie Mele, Reynolds Drive, asked if there is a site plan and if it is public. Ms. Krimko responded.

Councilmember Gindi asked Ms. Mele why she waited until the last minute to submit the protest petition. Ms. Mele responded.

George Sanchez, Reynolds Drive, thanked Ms. Krimko for the explanation and wished he would've known the information earlier. Mr. Sanchez asked if the plans are guaranteed. Mayor Talerico responded. Mr. Sanchez agreed that Old Orchard is going to be developed and it could be worse.

Councilmember Gindi explained that Mr. Sanchez is a signature on the petition. Mr. Sanchez explained his wife signed the petition by mistake. Councilmember Gindi spoke about the petition and explained many of the houses that surround Old Orchard did not sign the petition.

Merissa Buczny, Reynolds Drive, explained she understands the development will happen and appreciates the council's work and time on the negotiations.

Mr. Mele, Reynolds Drive, spoke about the petition and everyone around the golf course did sign. Councilmember Gindi responded that only the odd numbers were signed. Mr. Mele asked Ms. Krimko what the time frame of construction is. Ms. Krimko responded.

Peggy Ciok, Cortland Road, asked about the R-32 Zone on the ordinance. Mayor Talerico and Ms. Krimko responded.

Motion to close 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/Araman, C/Severinsen

Attorney Bayer read the ordinance by title.

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

Roll Call: AYE - C/Jones, C/Gindi, C/Araman, C/Severinsen

ABSTAIN - C/Regan

RECUSED - C/East

ORDINANCE 24-2023 - AN ORDINANCE AMENDING CHAPTER 89, "LAND USE" ARTICLE VII "AREA, BULK AND USE REQUIREMENTS" SECTION 89-47 "SCHEDULE OF ZONE REQUIREMENTS"; AND SECTION 89-30 OF THE BOROUGH CODE "LIST OF ZONES" AND THE ESTABLISHMENT OF A NEW ZONE IN ATTACHMENT 1-EXHIBIT 3 ENTITLED "SCHEDULE OF ZONE REQUIREMENTS FOR THE MU-OO" MIXED USE OLD ORCHARD ZONE.

WHEREAS, the Borough Planning Board adopted its most recent version of the Master Plan in 2018 which established the policies for land development and redevelopment within the Borough because it serves as the principal document concerning land use, and guides both public and private development in making land use decisions and it forms the legal foundation for the Borough's zoning ordinances and zoning map.

WHEREAS, the Borough Planning Board considered and adopted a 2023 Master Plan Reexamination Report pursuant to N.J.S.A. 40:55D-89 (the "Report") which is a review and evaluation of municipal planning documents and development regulations on a periodic basis to reflect the changing needs of the Borough.

WHEREAS, the Report, amongst other suggestions, recommends that the Borough Council create the MU-OO Mixed Use Old Orchard Zone by rezoning Block 2701, Lot 69 on the Borough Tax Map (the "Old Orchard Property") for age-restricted housing as a permitted use along the northern portion of the property and certain commercial uses along the Route 36 frontage within the current R-32 Residential Zone District to ensure the establishment of a significant buffer to the existing residential properties that abut the site and which allows for the distinction between the residential and commercial uses that have been identified as being permitted on the Old Orchard Property.

WHEREAS, the Borough Council believes it is in the best interest of the Borough to implement the Planning Board recommendation to rezone the Old Orchard Property by creating the MU-OO Mixed Use Old Orchard Zoning District which will limit the development of the site through the development of small lot age-restricted housing, preserve open space, and encourage the development of the property's frontage along Route 36 with appropriate commercial development.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION 1: Section 89-47 Schedule of Zone Requirements shall include reference to the MU-OO Mixed Use Old Orchard Zone of the revised general ordinances of the Borough of Eatontown is hereby Amended.

SECTION 2: Section 89-30, List of Zones shall be amended to include the MU-OO Mixed Use Old Orchard Zone of the revised general ordinances of the Borough of Eatontown is hereby Amended.

SECTION 3: Attachment 1 – Exhibit 3 shall be amended to include the following:

In the MU-OO Old Orchard Zoning District the following uses are permitted:

- a. Principal Permitted Uses in Zone A as illustrated on the attachment Form Based Zoning Exhibit:
 1. Age-Restricted Housing
- b. Accessory Uses permitted in Zone A as illustrated on the attached Form Based Zoning Exhibit:
 1. Pickleball Courts
 2. Outdoor recreation
 3. Club house
 4. Swimming pool
 5. Gazebos
 6. Walking trails
 7. Benches

- c. Private Sheds or detached garage structures is not permitted.
- d. Area and Bulk Standards for Zone A as illustrated on the attachment Form Based Zoning Exhibit:
 - 1. Overall Tract Area 60 acres
 - 2. Minimum Lot Area – Interior Lot 7,200 s.f.
 - 3. Minimum Lot Area – Corner Lot 10,500 s.f.
 - 4. Minimum Lot Width – Interior Lot 60 feet
 - 5. Minimum Lot Width – Corner Lot 90 feet
 - 6. Minimum Lot Depth 120 feet
 - 7. Minimum Front Yard Setback 25 feet
 - 8. Minimum Rear Yard Setback 25 feet
 - 9. Minimum Side Yard Setback – Interior Lot 10 feet
 - 10. Minimum Side Yard Setback – Corner Lot 25 feet
 - 11. Minimum Combined Side Yard Setback - Interior Lot 20 feet
 - 12. Maximum Building Height – Principal Building 35 feet
 - 13. Maximum Lot Coverage 48.5%
 - 14. Maximum Density 2 du/acre
- e. Buffer Requirements for Zone A as illustrated on the attachment Form Based Zoning Exhibit:
 - 1. A minimum of 100-foot buffer is required around the perimeter of Zone A as illustrated on the attachment Form Based Zoning Exhibit, with the exception of those lots that back up to the stream corridor, in that instance the buffer will be determined by the New Jersey Department of Environmental Protection.
 - 2. The requirement of a permanent 100-foot buffer easement, measured from the property line, shall be provided by the applicant and is in addition to any land that is required under ordinance for use as a side and rear yard setback for proposed residential lots.
 - 3. No structure, disturbance, storage of materials or parking of vehicles shall be permitted in the buffer area.
 - 4. The buffer shall consist of the following:
 - i. Landscaped berm at least six feet high.
 - ii. Planted and maintained with either grass or ground cover together with a screen of live shrubs and scattered planting of live trees, shrubs or other plant material meeting the following requirements:
 - 1. The preservation of natural wood tracts shall be an integral part of all major subdivisions and may be calculated as part of the required buffer area, provided that the growth is of a density and the area is wide enough to serve with the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
 - 2. Plant materials used in screen plantings shall be evergreens at least six feet to eight feet in height when planted, be balled and burlapped nursery stock and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights.
 - 3. The screen plantings shall be so placed that at maturity it will not be closer than three feet from any street or property line.
 - 4. Trees shall be at least 10 feet in height and 2 ½ inches in caliper when planted and will be hardy and thrive in the area, of balled and burlapped nursery stock, free of insect and disease.
 - 5. Any plant material which does not live shall be replaced within two years from release of performance bond.
- f. Access from Zone A, B or C as illustrated on the attached Form Based Zoning Exhibit, directly to Reynolds Drive and Redfern Way are prohibited.
- g. Principal Permitted Uses in Zone B as illustrated on the attached Form Based Zoning Exhibit shall be:
 - 1. Dedicated Open Space no less than 45 acres.
 - 2. Stormwater management facilities.
- h. Principal Permitted Uses in Zone C as illustrated on the attached Form Based Zoning Exhibit shall include:

1. New Car and Truck Sales and Internet-based Used Car and Truck sales.
2. Self-storage.
3. Entertainment/recreation.
4. Office (professional and medical)
5. Quick Services Restaurants.
6. Retail.

i. Accessory Structures permitted in Zone C as illustrated on the attached Form Based Zoning Exhibit shall include:

- j.
1. Essential services as defined in the Code of the Borough of Eatontown
 2. Off-street parking in accordance with the regulations in the Code of the Borough of Eatontown.
 3. Signs in accordance with the regulations of Article XI of this chapter.
 4. Any accessory use clearly incidental to the principal use on the lot, provided that any and all regulations of the Borough Code are met.

k. Area and Bulk Standards for Zone C as illustrated on the attachment Form Based Zoning Exhibit:

- | | |
|---|------------|
| 1. Overall Tract Area | 25.5 acres |
| 2. Minimum Lot Area | 5 acres |
| 3. Minimum Lot Width | 400 feet |
| 4. Minimum Lot Depth | 330 feet |
| 5. Minimum Front Yard Setback | 90 feet |
| 6. Minimum Rear Yard Setback | 100 feet |
| 7. Minimum Side Yard Setback | 45 feet |
| 8. Maximum Building Height - Principal Building | 40 feet |
| 9. Maximum Lot Coverage | 65 % |

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5

This ordinance shall take effect after final passage and publication as provided by law.

BE IT FURTHER ORDAINED, that this Ordinance shall become part of the Borough's Code, as though codified as set forth more fully herein.

9. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

Gerard Washington, Country Club Road, read a statement into the record regarding Kushner's lack of work safety.

Al Baginsky, Irving Place, asked for clarification on the Introductory Ordinance 25-2023. Mayor Talerico responded. 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/Regan; seconded by C/Jones

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

11. NEW BUSINESS

A. ORDINANCE INTRODUCTION

1. **Ordinance 25-2023** - An Ordinance Amending Chapter 89, Land Use, Article 2 Definitions, Section 89-4 Definitions and Word Usage of the Code of the Borough of Eatontown, County of Monmouth, State of New Jersey Excluding Surface Water of Swimming Pools from the Definition of Impervious Surface - **First Reading/Introduction (Public Hearing 9/13/23)**
Attorney Bayer read the ordinance by title. The public hearing will be held on 9/13/23.

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

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

ORDINANCE 25-2023 - AN ORDINANCE AMENDING CHAPTER 89, LAND USE, ARTICLE 2 DEFINITIONS, SECTION 89-4 DEFINITIONS AND WORD USAGE OF THE CODE OF THE BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY EXCLUDING SURFACE WATER OF SWIMMING POOLS FROM THE DEFINITION OF IMPERVIOUS SURFACE.

WHEREAS, the current definition of "Impervious Coverage" in Section 89-4 of the Borough Code includes the surface area of swimming pools; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to exclude from the definition of Impervious Coverage the surface area of swimming pools so as to not overburden residents and unnecessarily require them to apply to the Borough's Zoning Board of Adjustment for relief to construct a pool or other amenities on their properties.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, and State of New Jersey, that Chapter 89, Article 2, Section 89-4 of the Borough Code is hereby amended as follows:

[additions are underlined, and deletions are marked as strike-out]

IMPERVIOUS COVERAGE

A surface area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration of water. In addition to buildings or structures, impervious coverage shall also include the surface area containing asphalt, concrete, gravel, broken-ended stone, stone dust, slag, crushed concrete, aggregate, pavers, and brick. ~~The surface area of swimming pools,~~ sheds or other accessory buildings or structures as defined in this chapter shall also be included in the impervious surface coverage of a lot.

IT FURTHER ORDAINED, that this Ordinance shall become part of the Borough's Code, as though codified as set forth more fully herein.

2. Ordinance 26-2023 – An Ordinance Amending Chapter 272, Skateboards, Skates, And Roller Blades, Article 1 Purpose, Article 2 Definitions, Article 3, Prohibited Acts, And Article 4, Violations and Penalties, Adding Language Requiring All Riders to Wear Helmets When Riding an Electric Bicycle in the Borough of Eatontown - *First Reading/Introduction (Public Hearing 9/13/23)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 9/13/23.

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

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

ORDINANCE 26-2023 - AN ORDINANCE AMENDING CHAPTER 272, SKATEBOARDS, SKATES, AND ROLLER BLADES, ARTICLE 1 PURPOSE, ARTICLE 2 DEFINITIONS, ARTICLE 3, PROHIBITED ACTS, AND ARTICLE 4, VIOLATIONS AND PENALTIES, ADDING LANGUAGE REQUIRING ALL RIDERS TO WEAR HELMETS WHEN RIDING AN ELECTRIC BICYCLE IN THE BOROUGH OF EATONTOWN.

WHEREAS, New Jersey Statute 39:4-10.1 requires bicycle operators and passengers under age 17 required to wear helmets; and

WHEREAS, there has been a rise in ridership of low-speed electric bicycles as a method of travel and recreation in the Borough; and

WHEREAS, low-speed electric bicycles are capable of reaching high speeds and are dangerous to ride without helmets; and

WHEREAS, the Borough Code is presently silent as to helmet requirements for low-speed electric bicycle riders; and

WHEREAS, the Borough has an interest in protecting low-speed electric bicycle riders by requiring helmets for all low-speed electric bicycle riders.

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

[additions are underlined, and deletions are marked as strike-out.]

Chapter 272 Skateboards, Skates, ~~and~~ Roller Blades, and Low-Speed Electric Bicycles

272-1 Purpose and Intent

The purpose and intent of this chapter is to establish regulations and guidelines for the operation and use of roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices within the Borough of Eatontown in order to ensure the welfare of all persons using said devices, motorists and pedestrians.

272-2 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

LOW-SPEED ELECTRIC BICYCLE

A two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, that meets the requirements of one of the following classifications: "class 1 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; or "class 2 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
See N.J.S.A. 39:1-1.

ROLLER SKATE OR ROLLER BLADES

A skate or shoe having four or more or less small wheels instead of a runner.

SKATEBOARD

A platform or other board which is mounted on wheels or a board with roller-skate wheels or other similar wheels affixed to the underside, having no mechanism or other device with which to steer or control the direction or movement thereof while being used or operated or ridden.

...

272-3 Prohibited acts; users to obey traffic devices.

The following rules and regulations shall apply to all roller blades, inline skates, skateboards, low-speed electric bicycles, or other similar devices operated and used by any person within the boundaries of the Borough of Eatontown.

- A. No person shall operate or use roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices in a reckless or careless manner that endangers or is likely to endanger the safety or welfare of other persons or property.
- B. No person shall operate or use roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices at a speed faster than is reasonable or proper, taking into account the presence of traffic and/or pedestrians in the area.
- C. Every person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall obey all traffic signals, signs and devices in the same manner and to the same extent as would be required if said person was operating a motor vehicle.
- D. No person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall attach the same or himself to any vehicle upon a roadway and no operator of any vehicle shall knowingly allow any person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices to attach the same or himself to the vehicle.
- E. No person shall use, operate or ride roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other devices of similar nature in Wampum Memorial Park
- F. No person shall ride or sit as a passenger on a low-speed electric bicycle unless such person is wearing a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling.

272-4 Violations and Penalties

Any person violating the provisions of this chapter shall be subject to the following penalties:

- A. The first offense. Any adult shall be subject to a fine not to exceed \$250. Any minor who violates this chapter on a first offense shall be reprimanded, in writing, by the Eatontown Police Department addressed to the parents or guardians of said offender stating the nature of the violation and a warning that a repetition of the violation or any other violation must be prevented or the device would be impounded for a period of time not less than seven days nor more than 60 days, and during that period of time, the offender cannot ride his or her device or anyone else's device on any public streets or sidewalks.
- B. The second offense. Upon a second or subsequent offense the parent or guardian of a minor offender shall be subject to a fine not to exceed \$250 and/or the Police Department shall confiscate the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices pending a hearing in which case the offender's device may be impounded for a period of time not less than seven days nor more than 60 days for a second offense or confiscated and destroyed for a third or subsequent offense.

- C. Parental guidance. If for some reason the law enforcement officer cannot determine the name and address of the parent of any minor who violates the provisions of this chapter, then the roller blades, inline skates, skates, skateboards or other similar devices utilized shall be automatically confiscated and the offender will be summoned to appear at Municipal Hall with his or her parent or guardian whereby a summons shall be issued for the appropriate offense. If not a second or greater offense, the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall be returned to the parent or guardian. Should the parent or guardian not appear within 30 days of the confiscation of the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices, then such devices shall be forfeited and destroyed by the Borough of Eatontown.

BE IT FURTHER ORDAINED, that this Ordinance shall become part of the Borough's Code, as though codified as set forth more fully herein.

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 178-2023** - Auth. Participation in Intra-County Mutual Aid and Assistance Agreements with Participating Units in the County of Monmouth
- 2) **Resolution 179-2023** - Auth. Tax Sale Certificate Redemptions
- 3) **Resolution 180-2023** - Auth. Commodity Resale Agreement with Monmouth County
- 4) **Resolution 181-2023** - Approving an Application for a Long-Term Tax Exemption Pursuant to N.J.S.A. 40A:20-8
- 5) **Resolution 182-2023** - Making an Application to the Local Finance Board Pursuant to N.J.S.A. 40A:12A-29(a) and 40A:12A-67(g)
- 6) **Resolution 183-2023** - Auth. The Execution and Delivery of a Redevelopment Agreement with Monmouth Square NJ LLC in Connection with a Redevelopment Project to be Constructed on Certain Properties within the Borough Commonly Known as the Monmouth Mall and Identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Determining Various Other Matters in Connection Therewith.
- 7) **Resolution 184-2023** - Award of Contract - Banking Services
- 8) **Resolution 185-2023** - Auth. Professional Engineering Services, Wampum Lake Dam T&M
- 9) **Resolution 186-2023** - Auth. Cancellation of Property Taxes Due to Totally Exempt Veteran
- 10) **Resolution 187-2023** - Auth. Resolution of All Pending Tax Appeals with Monmouth Square, NJ, LLC in Connection with the Monmouth Mall Property

Resolutions 183-2023 and 187-2023 were held for separate consideration.

Motion to approve Consent Items 1-5 and 7-9 (Resolutions 178-182 and 184-186) as a group by C/Gindi; seconded by C/Regan

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

RESOLUTION 178-2023 - AUTHORIZING PARTICIPATION BY THE BOROUGH OF EATONTOWN IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., ("Act") provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System ("NIMS"), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App. A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Mayor and Council of the Borough of Eatontown do hereby deem it to be in the best interests of the Borough of Eatontown to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team ("CERT") members, Medical Reserve Corps ("MRC") members or other volunteers and other jurisdictions defined "local governments" in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized inter-jurisdictional mutual aid; and

WHEREAS, the Mayor and Council of the Borough of Eatontown and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize and accept the Intra-County Mutual Aid and Assistance Agreements between the Borough of Eatontown and Participating Units; and

BE IT FURTHER RESOLVED that the Mayor and Borough Administrator of the Borough of Eatontown are hereby authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

RESOLUTION 179-2023 - 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	CERTIFICATE NUMBER
1302	15		PRO CAP 8 FBO FIRSTRUST BANK	\$ 1,042.45	\$ 1,900	22000014

RESOLUTION 180-2023 - AUTHORIZING COMMODITY RESALE AGREEMENT WITH MONMOUTH COUNTY

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS) for the period of October 1, 2023 through September 30, 2028; and

WHEREAS, such an agreement will allow the municipality to purchase certain commodities through Monmouth County, such as gasoline, diesel fuel, snow removal chemicals, public works materials and supplies and other materials as may be approved by the Director of the Division of Local Government Services at a reasonable rate; and

WHEREAS, it is in the best interest of the Borough of Eatontown to remain a member of the Monmouth County Commodity Resale System for that period; having been a member previously under a contract between the dates of October 1, 2018 until September 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Eatontown that the Mayor and Clerk are hereby authorized to execute a renewed Commodity Resale Agreement with the County of Monmouth for the period of October 1, 2023 through September 30, 2028; a true copy of which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a certified copy of this Resolution to Tamara Brown, Clerk of the Board of Chosen Freeholders, Hall of Records, One East Main Street, PO Box 1255, Freehold, New Jersey 07728 and to Elizabeth Perez, Shared Services Coordinator, County of Monmouth, Hall of Records, First Floor, One East Main Street, Freehold, New Jersey 07728.

RESOLUTION 181-2023 - RESOLUTION OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-8

WHEREAS, the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough") has received an Application for Long Term Tax Exemption (collectively, the "Exemption Application") from each of (i) Monmouth V Urban

Renewal, LLC, (ii) Monmouth V R1 Urban Renewal, LLC, (iii) Monmouth V R2 Urban Renewal, LLC and (iv) Monmouth V R3 Urban Renewal, LLC (collectively, the "Entities"), requesting a long term tax exemption under the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Tax Exemption Law") and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Redevelopment Bond Law") in connection with portions of a redevelopment project to be undertaken by the Entities, and affiliates thereof, on certain real property commonly known as the Monmouth Mall and identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 (the "Project Site"), which Project Site is located within a designated non-condemnation area in need of redevelopment within the Borough; and

WHEREAS, the redevelopment project (the "Project") is expected to be undertaken by the Entities, and affiliates thereof, in multiple phases, and will include the development, design, financing, permitting, demolition of certain existing improvements on the Project Site, site preparation, construction, implementation and cohesive redevelopment of the Project Site with a project comprised of a mixture of complementary residential, retail, commercial and medical office uses, including (i) up to approximately one thousand (1,000) non-age restricted residential rental units, with twelve and one-half percent (12.5%) of the actual number of units build to be set aside for very low-, low- and moderate-income households in furtherance of the Borough's Settlement Agreement with Fair Share Housing Center, dated December 17, 2018, (ii) approximately 900,000 square feet of total commercial and retail space, and (iii) public spaces, strategically placed parking, and a safe and efficient circulation system, all as more fully described in the Financial Agreements; and

WHEREAS, the Borough Council has received and viewed the Exemption Application, requesting long term tax exemptions for a portion of the Project Site identified as Block 2201, Lots 1.01, a portion of 1.02, 2 and 5, together with the Mayor's recommendation letter relating thereto (the "Mayor's Recommendation Letter");

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Eatontown, in the County of Monmouth, New Jersey, as follows:

Section 1. The Exemption Application (a copy of which has been presented to this meeting, and is on file in the office of the Borough Clerk), and the Project described therein, are each hereby approved, in accordance with the Mayor's Recommendation Letter.

Section 2. This Resolution shall take effect immediately.

RESOLUTION 182-2023 - RESOLUTION OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:12A-29(a) AND 40A:12A-67(g)

WHEREAS, the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough") expects to enter into Financial Agreements (collectively, the "Financial Agreements") with (i) Monmouth V Urban Renewal, LLC, (ii) Monmouth V R1 Urban Renewal, LLC, (iii) Monmouth V R2 Urban Renewal, LLC and (iv) Monmouth V R3 Urban Renewal, LLC (collectively, the "Entities") under the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Tax Exemption Law"), and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Redevelopment Bond Law"), in support of portions of a redevelopment project to be undertaken by the Entities, and affiliates thereof, on certain real property commonly known as the Monmouth Mall and identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 (the "Project Site"), which Project Site is located within a designated non-condemnation area in need of redevelopment within the Borough; and

WHEREAS, the redevelopment project (the "Project") is expected to be undertaken by the Entities, and affiliates thereof, in multiple phases, and will include the development, design, financing, permitting, demolition of certain existing improvements on the Project Site, site preparation, construction, implementation and cohesive redevelopment of the Project Site with a project comprised of a mixture of complementary residential, retail, commercial and medical office uses, including (i) up to approximately one thousand (1,000) non-age restricted residential rental units, with twelve and one-half percent (12.5%) of the actual number of units build to be set aside for very low-, low- and moderate-income households in furtherance of the Borough's Settlement Agreement with Fair Share Housing Center, dated December 17, 2018, (ii) approximately 900,000 square feet of total commercial and retail space, and (iii) public spaces, strategically placed parking, and a safe and efficient circulation system, all as more fully described in the Financial Agreements; and

WHEREAS, in order to assist in financing a portion of the costs of the Project, the Borough expects to issue its non-recourse redevelopment area bonds from time to time, in multiple tranches, in an aggregate principal amount not to exceed \$3,000,000 (collectively, the "RAB Bonds"), pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") and the Redevelopment Bond Law; and

WHEREAS, funds for the payment of debt service on each tranche of the RAB Bonds will be derived from the pledge and assignment by the Borough to the trustee of the RAB Bonds of the Pledged Annual Service Charge, as such term is defined

in the applicable Financial Agreement, relating to the applicable portion of the Project, such portions of the Project Site being collectively identified as Block 2201, Lots 1.01, a portion of 1.02, 2 and 5; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-29(a), bonds (including the RAB Bonds) issued by a "redevelopment entity" (including the Borough) pursuant to the Redevelopment Law may be sold at private sale upon application to and prior approval of the Local Finance Board; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-67(g), a financial instrument (including the RAB Bonds), whether issued by a municipality or an authority, that is secured in whole or in part by payments in lieu of taxes as provided in the Redevelopment Bond Law, shall be subject to the review and approval of the Local Finance Board; and

WHEREAS, in accordance with the foregoing statutes, the Borough desires to make application to the Local Finance Board for approval of the issuance of the proposed RAB Bonds (the "Application"); and

WHEREAS, on the basis of the representations made by the Entities in the respective Financial Agreements and the respective applications therefor, the Borough Council believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Eatontown, in the County of Monmouth, New Jersey, as follows:

Section 1. The Application is hereby approved, and the Mayor, the Borough Administrator, the Chief Financial Officer, and the Borough's Bond Counsel, the Borough Attorney or his designee, the Borough Engineer and the Borough's Municipal Advisor, along with other representatives of the Borough, are hereby authorized to prepare such Application, to file such Application with the Local Finance Board and to represent the Borough in matters pertaining thereto.

Section 2. The Borough Clerk is hereby directed to prepare and file a copy of this Resolution and the Financial Agreement(s) with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record their respective findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

Section 4. This Resolution shall take effect immediately.

RESOLUTION 184-2023 - AUTHORIZING THE PLACEMENT OF BOROUGH FUNDS WITH OCEANFIRST BANK FOR BANKING SERVICES

WHEREAS, in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., the Borough of Eatontown (the "Borough") issued a request for proposals related to the Borough's banking services (the "Service"); and

WHEREAS, the Borough received proposals on July 2023 for the Service from:

BCB Bank
Citizens Bank
Lakeland Bank
Manasquan Bank
Northfield Bank
OceanFirst Bank
TD Bank, N.A.

WHEREAS, it is the recommendation of the Borough Administrator and the Chief Financial Officer to award the contract to OceanFirst Bank; and

WHEREAS, the Borough Attorney has reviewed OceanFirst Bank's proposal and finds it to be legally sufficient; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough Council hereby authorizes the placement of Borough Funds with OceanFirst Bank for Banking Services in accordance with the terms of its proposal.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute any documents necessary to effectuate the implementation of this proposal to OceanFirst Bank in a form legally acceptable to the Borough Attorney; and

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

- a. OceanFirst Bank
- b. William Lucia, Interim Borough Administrator
- c. Andrew Bayer, Borough Attorney
- d. Dena Amodea, CFO

RESOLUTION 185-2023 - RESOLUTION AUTHORIZING BOROUGH ENGINEER TO PERFORM PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH WAMPUM LAKE DAM AS FUNDED THROUGH THE COMMUNITY PROJECT FUNDING GRANT

WHEREAS, the Borough received a grant from the Community Project Funding Grant ("CPF Grant") from the Department of Housing and Urban Development in the amount of \$2M to amongst other areas, help alleviate the flooding issues in connection with Wampum Lake Dam the Borough; and

WHEREAS, the Borough Engineer, T&M Associates, submitted a letter proposal to the Borough Administrator dated July 21, 2023 outlining the engineering work necessary meet the initial requirements of the CPF Grant including an environmental review of the proposed improvements to Wampum Lake Dam in the amount of \$10,000; and

WHEREAS, T&M's work may be funded through the CPF grant and the Borough Council believes it is in the best interest of its residents to authorize the engineering services necessary to effectuate and implement the CPF Grant to alleviate the flooding associated with Wampum Lake Dam.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby authorizes T&M Associates to perform the engineering services outlined in its proposal to the Borough dated July 21, 2023 in connection with implementing the CPF Grant as it relates to Wampum Lake Dam in an amount not to exceed 10,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer hereby certifies that there are available funds in the to fund this work.

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

- 1. Edward Herrman, P.E., T&M Associates
- 2. William P. Lucia, III, Interim Administrator

RESOLUTION 186-2023 - AUTHORIZE CANCELLATION OF PROPERTY TAXES DUE TO TOTALLY EXEMPT VETERAN

WHEREAS, the Tax Collector has forwarded to the Mayor and Council of the Borough of Eatontown, a recommendation to cancel uncollectible taxes, due to approval by the Tax Assessor of tax-exempt status (veteran); and

WHEREAS, in accordance with N.J.S.A. 54:4-99, there are provisions for the Borough of Eatontown to make adjustments with respect to uncollectible taxes.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown, Monmouth County, New Jersey, do hereby authorize the cancellation of taxes as follows, based upon the recommendation of the Tax Collector:

BLOCK	LOT	NAME	AMOUNT
2002	47	Salvato, Peter & Lorraine	\$3,189.77 (3 rd Q 2023)
			\$3,189.77 (4 th Q 2023)
			\$2,810.65 (1 st Q 2024)
			\$2,810.64 (2 nd Q 2024)

ITEMS HELD FOR SEPARATE CONSIDERATION

6) Resolution 183-2023 - Auth. The Execution and Delivery of a Redevelopment Agreement with Monmouth Square NJ LLC in Connection with a Redevelopment Project to be Constructed on Certain Properties within the Borough Commonly Known as the Monmouth Mall and Identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Determining Various Other Matters in Connection Therewith.

10) Resolution 187-2023 - Auth. Resolution of All Pending Tax Appeals with Monmouth Square, NJ, LLC in Connection with the Monmouth Mall Property.

Councilmember Gindi asked Attorney Bayer to clarify what the council is voting on for both resolutions. Attorney Bayer responded.

Motion to adopt items 6 and 10 (Resolution 183-2023 and 187-2023) by C/Gindi; seconded by C/Regan

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

RESOLUTION 183-2023 - RESOLUTION OF THE BOROUGH OF EATONTOWN AUTHORIZING THE EXECUTION AND DELIVERY OF A REDEVELOPMENT AGREEMENT WITH MONMOUTH SQUARE NJ LLC IN CONNECTION WITH A REDEVELOPMENT PROJECT TO BE CONSTRUCTED ON CERTAIN PROPERTIES WITHIN THE BOROUGH COMMONLY KNOWN AS THE MONMOUTH MALL AND IDENTIFIED AS BLOCK 2201, LOTS 1.01, 1.02, 2, 3, 4 AND 5, AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, in order to stimulate redevelopment, Borough Council of the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough"), by Resolution No. 208-2021 adopted on April 14, 2021, designated certain properties within the Borough commonly known as the Monmouth Mall and identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 and Block 2202, Lot 1 as a non-condemnation area in need of redevelopment (the "Redevelopment Area") in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"); and

WHEREAS, by Ordinance No. 05-2023 finally adopted April 26, 2023, the Borough Council adopted the Monmouth Mall Redevelopment Plan dated January 2023, setting forth the plan for the redevelopment of the Redevelopment Area (as amended from time to time, the "Redevelopment Plan"); and

WHEREAS, the Borough desires to enter into a Redevelopment Agreement (the "Redevelopment Agreement") with Monmouth Square NJ LLC (the "Redeveloper") to undertake, with its affiliates, a redevelopment project on a portion of the Redevelopment Area identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 (the "Project Site"), which redevelopment project (the "Project") is expected to be undertaken in multiple phases, and will include the development, design, financing, permitting, demolition of certain existing improvements on the Project Site, site preparation, construction, implementation and cohesive redevelopment of the Project Site with a project comprised of a mixture of complementary residential, retail, commercial and medical office uses, including (i) up to approximately one thousand (1,000) non-age restricted residential rental units, with twelve and one-half percent (12.5%) of the actual number of units build to be set aside for very low-, low- and moderate-income households in furtherance of the Borough's Settlement Agreement with Fair Share Housing Center, dated December 17, 2018 (the "FSHC Settlement"), (ii) approximately 900,000 square feet of total commercial and retail space, and (iii) public spaces, strategically placed parking, and a safe and efficient circulation system; and

WHEREAS, Section 8.03(e) of the proposed Redevelopment Agreement contemplates that the Redevelopment Agreement may, from time to time, be partially assigned by the Redeveloper to certain affiliates thereof, including specifically Monmouth V Urban Renewal, LLC, Monmouth V R1 Urban Renewal, LLC, Monmouth V R2 Urban Renewal, LLC, and/or Monmouth V R3 Urban Renewal, LLC (collectively, the "Affiliate Partial Assignees"), in connection with the construction of the various components of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

1. The Redevelopment Agreement, in substantially the form presented to this meeting and on file in the office of the Borough Clerk, is hereby approved. The Mayor and the Business Administrator of the Borough (each, an "Authorized Officer") are each hereby authorized to execute and deliver, on the Borough's behalf, a Redevelopment Agreement with the Redeveloper in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Borough Attorney or his designee, such determination to be conclusively evidenced by their execution of such Redevelopment Agreement. The Borough Clerk is hereby authorized and directed to attest to the execution of the Redevelopment Agreement by the Authorized Officers of the Borough as determined hereunder and to affix the corporate seal of the Borough thereto.
2. To the extent provided in the Redevelopment Agreement, the Authorized Officers are each hereby authorized to execute and deliver, on the Borough's behalf, such agreements, documents and instruments (including one or more replacement or successor agreements) (collectively, the "Partial Assignment Documents") as may be necessary or useful in connection with any partial assignment(s) of the Redevelopment Agreement to the Affiliate Partial Assignees, or any of them, as contemplated by Section 8.03(e) of the Redevelopment Agreement.
3. Executed copies of the Redevelopment Agreement and any Partial Assignment Documents shall be certified by the Borough Clerk and filed with the Office of the Borough Clerk.
4. The Authorized Officers of the Borough are hereby further severally authorized and directed to (i) execute and deliver, and the Borough Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consulting with the Borough's Redevelopment Counsel, to be executed in connection with the execution and delivery of the Redevelopment Agreement

and any Partial Assignment Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

5. This resolution shall take effect upon final passage in accordance with the laws of the State of New Jersey.

RESOLUTION 187-2023 - RESOLUTION AUTHORIZING RESOLUTION OF ALL PENDING TAX APPEALS WITH MONMOUTH SQUARE, NJ, LLC, IN CONNECTION WITH THE MONMOUTH MALL PROPERTY

WHEREAS, the Borough of Eatontown and Monmouth Square NJ, LLC ("Monmouth Square") entered into a Redevelopment Agreement concerning the property located on the Borough Tax Map at Block 2201, Lots 1.01, 1.02, 2, 3, 4, and 5 (the "Monmouth Mall Property"); and

WHEREAS, pursuant to the Redevelopment Agreement, the parties acknowledge that Monmouth Square, has tax appeals pending in the Tax Court of New Jersey for the various parcels comprising the Monmouth Mall Property for the years 2018 through 2023 (the "Tax Appeals"); and

WHEREAS, pursuant to the Redevelopment Agreement, Monmouth Square has agreed to resolve all pending tax appeals at no cost or liability to the Borough in accordance with certain Stipulations of Settlement and ancillary documents to be entered into by and between the Borough and each of the various land-owning affiliates including Lt. Propco LLC Brookfield Properties, Eatontown Monmouth Mall, LLC, JC Penney, VM Kushner, LLC, Brookfield Properties of Monmouth Square, NJ, LLC; and the Altus Group; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough and its residents to resolve the Tax Appeals to eliminate any liability associated with these appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth that it hereby approves the Tax Appeal Stipulations, and the Tax Assessor and Borough Attorney are hereby authorized to execute the Tax Appeal Stipulations and related ancillary documents.

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

1. Monmouth Square, NJ, LLC
2. John Gillooly, Tax Assessor
3. Andrew Bayer, Borough Attorney
4. William P. Lucia, III, Borough Administrator

C. CONSENT AGENDA MOTIONS

1) Approval of Pine Tree Mobile Park Licensing

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

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

12. REMARKS OF COUNCIL AND CITIZENS

Councilmember Regan congratulated the council for doing a great job regarding the approved ordinances.

Councilmember Jones thanked the Borough Professionals for their expertise and guidance.

The meeting was open to the public.

Gerard Washington, Country Club Road, read a statement into the record regarding Kushner's lack of work safety.

Peggy Ciok, Cortland Road, spoke about a letter regarding a green space in their neighborhood that was submitted to council. Ms. Ciok requested making it a pocket park or leaving it as a green space. Ms. Ciok advised the council that a developer is looking to build a big house on the property but has not bought it yet. Mayor Talerico responded. Ms. Ciok asked the council if they can approach the county to turn the property into green space. The council agreed. There being no further comments, the meeting was closed to the public.

13. ADJOURNMENT – 10:22pm

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

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


By: Kathleen Muscillo, Deputy Borough Clerk

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P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last
Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y
Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8X8IN005	8X8 INC								
		23-02128	09/07/23	BORO MONTHLY PHONE USAGE	open	2,970.77	0.00		
ABC001	NJ DIV. OF ALCOHOLIC BEVERAGE								
		23-01794	07/21/23	2022-2023 RENEW LIQUOR LICENSE	Open	51.00	0.00		
ACTION005	ACTION UNIFORM CO, LLC								
		23-01918	08/08/23	Firearms Uniforms	open	1,021.00	0.00		
AHH001	AMERICAN HOSE & HYDRAULICS INC								
		23-01200	05/09/23	OPEN FOR 2023	open	1,163.17	0.00		B
		23-01503	06/14/23	OPEN FOR 2023	open	818.30	0.00		B
						1,981.47			
ALLSE005	ALL SEASON SERVICE								
		23-01441	06/06/23		open	150.00	0.00		
AMAZ001	AMAZON.COM SERVICES, INC								
		23-02032	08/24/23	HAUNTED MUSEUM SUPPLIES	open	94.65	0.00		
		23-02046	08/25/23	FIRE PREV OFFICE CHAIRS	open	713.97	0.00		
						808.62			
AMAZ005	AMAZON.COM #A3898AWA7QWVMO								
		23-01783	07/19/23	White Board Calendar	open	129.99	0.00		
		23-01932	08/10/23	Wall Mount Fan (Breathalyzer)	open	27.99	0.00		
						157.98			
AMER1001	AMERIFLEX BUSINESS SOLUTIONS								
		23-00950	04/04/23	FSA/COBRA ADMIN FEES 2023	open	115.00	0.00		B
APP002	GANNETT NJ NEWSPAPERS								
		23-01945	08/10/23	LEGAL ADVERTISEMENTS	open	225.72	0.00		B
APS002	ATLANTIC PLUMBING & SUPPLY COR								
		23-01351	05/24/23		open	118.66	0.00		B
ARCHER01	ARCHER LAW OFFICE								
		23-02135	09/08/23	BOND COUNSEL SERVICES	open	15,748.39	0.00		
ASB001	ASBURY PARK PRESS, INC.								
		23-02007	08/21/23	PB Re-Exam 8.7.2023	open	40.28	0.00		
ASFI001	ATLANTIC SECURITY & FIRE, INC.								
		23-00701	03/06/23		open	187.50	0.00		B
		23-01897	08/07/23		open	252.00	0.00		
						439.50			

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AUTO001	AUTO PARTS CENTER								
		23-00373	02/07/23	OPEN FOR 2023 - OILS/LUBES	Open	33.35	0.00		B
		23-01329	05/23/23	OPEN FOR 2023	Open	389.37	0.00		B
		23-01764	07/18/23	OPEN FOR 2023	Open	<u>1,721.51</u>	0.00		B
						2,144.23			
AVAKL001	LEON AVAKIAN, INC								
		23-02008	08/21/23	July Aug 2023 General Planning	Open	3,830.00	0.00		
BELOP005	BELO PIZZERIA								
		23-01582	06/26/23	10 LARGE PLAIN PIES	Open	130.00	0.00		
BORG001	BORGATA HOTEL CASINO AND SPA								
		23-01747	07/14/23	NJLM CONFERENCE LODGING	Open	350.00	0.00		
		23-01748	07/14/23	NJLM CONFERENCE LODGING	Open	<u>350.00</u>	0.00		
						700.00			
BOW004	BOW WOW PET WASTE								
		23-01876	08/03/23	TIE-HANDLE BAGS CASE 2400	Open	959.90	0.00		
BSA001	BOY SCOUTS OF AMERICA								
		23-00041	01/09/23	OPEN FOR 2023	Open	250.00	0.00		B
CAPIC001	RONALD CAPICHANA								
		23-02071	08/29/23		Open	250.00	0.00		
CARLOS01	CARLOS & SON JANITORIAL								
		23-01910	08/08/23		Open	1,375.00	0.00		
CHOR001	THE CHORALTIERS								
		23-02002	08/21/23	2023 MUSICAL ENTERTAINMENT	Open	250.00	0.00		B
COMC004	COMCAST								
		23-02055	08/27/23	INTERNET SERICE 08/18- 9/17	Open	314.44	0.00		
CRANB005	CRANBURY CUSTOM LETTERING INC								
		23-01237	05/11/23	Alum 8' x 5' sign	Open	750.00	0.00		
CUTLE005	CUTLER, LINDA								
		23-01950	08/11/23	RELEASE ESCROW FUNDS #1316	Open	150.21	0.00		
DCHF0005	DCH FORD OF EATONTOWN								
		23-01828	07/27/23	open 2023	Open	179.99	0.00		B
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		23-02034	08/24/23	CONT# 25495996 -COMMUNITY CENT	Open	146.85	0.00		
		23-02036	08/24/23	CONT# 25495996 -BORO MAIL ROOM	Open	146.85	0.00		
		23-02044	08/25/23	CONSTRUCTION COPIERS 4/15/2022	Open	<u>239.09</u>	0.00		
						532.79			
DENA001	DENA AMODEA								
		23-02129	09/07/23	CELL PHONE REIMBURSEMENT 2023	Open	90.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DREE010	DOREEN R. JACKSON	23-01993	08/17/23	MEDICARE REIMBURSEMENT 2023	Open	692.40	0.00		
DWD002	D&W DIESEL	23-01384	05/30/23		Open	569.15	0.00		
EATON36	EATONTOWN 36, LLC	23-02122	09/07/23	PRPERTY TAX REFUND OVERPAYMENT	Open	207,000.00	0.00		
ECEL002	EAST COAST EMERGENCY LIGHTING	23-00863	03/21/23	2021 SSV Tahoe to PPV Tahoe	Open	9,306.57	0.00		
EHR001	ARTHUR EHRMANTRAUT	23-01947	08/11/23	ORTHODONTIC REIMBURSEMENT	Open	1,000.00	0.00		
ESA001	EATONTOWN SEWERAGE AUTHORITY	23-02082	08/30/23	MUNICIPAL LIEN REDEEMED	Open	1,273.00	0.00		
ESMC001	EMERGENCY SRVCS MARKETING CORP	23-01916	08/08/23	3 YRS RENEWAL CONTRACT	Open	3,311.00	0.00		
FMERA001	FMERA	23-02123	09/07/23	FT MONMOUTH STREETLIGHT USE	Open	382.20	0.00		
00001	SAKER SHOPRITES, INC.	23-01835	07/28/23	AUGUST BIRTHDAY LUNCHEON	Open	100.89	0.00		
		23-01836	07/28/23	AUGUST BINGO PRIZES	Open	52.71	0.00		
		23-01837	07/28/23	AUGUST SNACKS	Open	25.93	0.00		
		23-01838	07/28/23	AUGUST SNACKS	Open	33.97	0.00		
		23-01839	07/28/23	AUGUST SNACKS	Open	22.52	0.00		
		23-01842	07/31/23	5K Race Supplies	Open	59.24	0.00		
						295.26			
FRANK006	FRANK LURCH DEMOLITION CO LLC	22-01201	05/20/22	REMOVAL/DISPOSAL OF ASBESTOS	Open	4,047.98	0.00		
		22-01932	08/23/22	ADDL WORK DEMO NICODEMUS	Open	1,995.00	0.00		
						6,042.98			
GEN001	GENERAL CODE PUBLISHERS CORP.	23-02111	09/06/23	Supplement Payments	Open	3,112.00	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A	23-02049	08/25/23	PAY PERIOD 9/1/23 O/S DETAIL	Open	8,284.00	0.00		
GHW001	GEORGE H. WITTENBERG	23-02029	08/24/23	MEDICARE REIMBURSE SEPT/NOVEM	Open	494.70	0.00		
GM001	G&M TROPHY CO, INC	23-01923	08/08/23	2 PERPETUAL PLATE ENGRAVED	Open	10.00	0.00		
PC001	GENUINE PARTS COMPANY INC	23-01331	05/23/23	OPEN FOR 2023	Open	724.79	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
GWL001	GEORGE WALL LINCOLN MERCURY, IN	23-01319	05/22/23	OPEN FOR 2023	Open	723.53	0.00		B
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA	23-01943	08/10/23	Paul Ave Escrow #1599	Open	420.00	0.00		
HOMED01	HOME DEPOT/6035322538819545	23-01607	06/28/23	Open 2023	Open	39.78	0.00		B
IMP001	IMPRINT SHOP LLC	23-01913	08/08/23	Labor Day 5K Race Shirts	Open	3,222.50	0.00		
INT001	INTERSTATE BATTERIES, INC	23-00050	01/09/23	OPEN FOR 2023	Open	575.80	0.00		B
INTEG010	INTEGRATED SYSTEMS & SERV INC	23-01591	06/27/23		Open	18,206.00	0.00		
IPD001	INST. FOR PROFESSIONAL DEVELOP	23-02077	08/30/23	Pay-To-Play Update Webinar	Open	50.00	0.00		
JAC001	GEORGE JACKSON	23-01992	08/17/23	MEDICARE REIMBURSEMENT 2023	Open	692.40	0.00		
JASCHW001	JERSEY AUTO SPA CAR WASH LLC	23-00168	01/18/23	CAR WASHES - CONSTRUCTION DEPT	Open	15.00	0.00		B
JERS001	JCP&L	23-02027	08/24/23	UTILITY BILLS AUGUST 2023	Open	9,803.56	0.00		
		23-02095	09/05/23	BORO MONTHLY ELECTRIC USUAGE	Open	699.95	0.00		
		23-02097	09/05/23	BORO MONTHLY ELECTRIC SERVICE	Open	866.04	0.00		
						11,369.55			
JERS002	HUNTER JERSEY PETERBILT LP	23-00049	01/09/23	OPEN FOR 2023	Open	160.26	0.00		B
JFWLL001	JOSEPH FAZZIO-HOWELL LLC	23-00051	01/09/23	OPEN FOR 2023	Open	35.88	0.00		B
		23-00308	01/31/23	OPEN FOR 2023 - COMPOST TRUCK	Open	276.00	0.00		B
		23-00847	03/20/23	OPEN FOR 2023	Open	804.75	0.00		B
						1,116.63			
KEPWE005	KEPWEL SPRING WATER CO, INC	23-00018	01/06/23		Open	52.00	0.00		B
KKDEN005	KKD ENTERPRISES	23-01948	08/11/23		Open	7,200.00	0.00		
KLEINE01	EILEEN KLEINMAN	23-01931	08/09/23	MEDICARE REIMBURSME JUNE/JULY	Open	461.60	0.00		
LAN001	LANIGAN ASSOCIATES, INC.	23-01414	06/05/23	SLEO II Defeo Academy Gear	Open	2,057.65	0.00		B

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LAN001	LANIGAN ASSOCIATES, INC.			Continued					
		23-01580	06/26/23	Academy Gear for SLEO Murphy	Open	2,057.65	0.00		B
		23-01581	06/26/23	Academy SLEO II Giannotte	Open	2,057.65	0.00		B
						6,172.95			
LASER001	LASER SAVE								
		23-01908	08/08/23	Ink Cartridges	Open	1,020.00	0.00		
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		23-02006	08/21/23	Habbaz Escrow #1589	Open	1,650.00	0.00		
		23-02043	08/24/23	Lagares 144 Malibu Escrow#1581	Open	250.00	0.00		
						1,900.00			
LUCI001	WILLIAM LUCIA								
		23-02105	09/06/23	REIMBURSEMENT FOR ZOOM VIDEO	Open	213.14	0.00		
MAZ003	MAZZA RECYCLING SERVICES INC								
		23-00745	03/08/23	OPEN FOR BULK 2023	Open	5,012.16	0.00		B
		23-01865	08/02/23	JULY 2023 RECYCLING	Open	868.91	0.00		
						5,881.07			
MAZ004	MAZZA MULCH								
		23-01152	05/02/23	OPEN FOR 2023	Open	4,968.00	0.00		B
MCMA005	MCMASER CARR SUPPLY COMPANY								
		23-01954	08/14/23		Open	193.02	0.00		
MCT001	MONMOUTH COUNTY TREASURER								
		23-01930	08/09/23	MUNICIPAL WASTE	Open	2,808.55	0.00		
MGL001	MGL PRINTING SOLUTIONS								
		23-01602	06/28/23	DOG TAGS	Open	420.00	0.00		
		23-01958	08/14/23	PURCHASE ORDER-E026-02 LASER	Open	1,336.00	0.00		
						1,756.00			
MHH001	MONMOUTH HOSE & HYDRAULICS								
		23-00887	03/24/23	OPEN FOR 2023	Open	147.14	0.00		B
MICHA010	MICHAEL HREHA								
		23-01991	08/17/23	M HREHA PHONE BILL REIMBURSE	Open	90.00	0.00		
MIL002	JOSEPH MILLER								
		23-01990	08/17/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		
MONMO005	MONMOUTH COUNTY PUBLIC WORKS								
		23-01867	08/02/23	VEHICLE CAR WASH	Open	70.00	0.00		
MRK001	MR KEYS INC								
		23-01184	05/05/23		Open	2,294.00	0.00		
RR00005	MR. ROOTER PLUMBING CENTRAL JE								
		23-00703	03/06/23		Open	1,395.00	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
MUNI001	MUNISSON, LLC								
		23-01452	06/08/23	Smart Shot Yearly Renewal	Open	399.00	0.00		
MWCOM005	M&W COMMUNICATIONS, INC								
		23-01858	08/02/23	UNICATION G3-G5 PAGER BELT CLI	Open	167.06	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER								
		23-02026	08/24/23	SEPTEMBER BILLING UTILITIES	Open	2,643.89	0.00		
		23-02074	08/29/23	BORO WATER/HYDRANT SERVICES	Open	16,436.36	0.00		
						19,080.25			
NJB001	VERIZON								
		23-02053	08/27/23	BORO PHONE AUG 452360043000158	Open	9,849.77	0.00		
		23-02127	09/07/23	POLICE CELL TOWER/ANTENNA SRVC	Open	1,597.24	0.00		
						11,447.01			
NJCIV01	NJ CIVIL SERVICE COMMISSION								
		23-01985	08/17/23	HR HORIZONS PANEL DISCUSSION	Open	1,899.00	0.00		
NJDH001	NJ DEPT OF HEALTH AND SENIOR S								
		23-02079	08/30/23	Monthly Dog Report	Open	3.60	0.00		
NJLE001	NJ LEAGUE OF MUNICIPALITIES								
		23-01903	08/07/23	JOB POSTING-FT MECHANIC	Open	115.00	0.00		
		23-01929	08/09/23	Legal Advertisement	Open	160.00	0.00		
		23-01975	08/16/23	WEBINAR REGISTRSTIONS	Open	90.00	0.00		
		23-02021	08/23/23	RMS Records Retention Training	Open	45.00	0.00		
		23-02144	09/08/23	Legislative Bulletin	Open	7.00	0.00		
						417.00			
NJN001	NJ NATURAL GAS CO.								
		23-02056	08/27/23	SEPTEMBER 2023 BILLING	Open	911.49	0.00		
		23-02098	09/05/23	MUSEUM GAS USAGE	Open	11.00	0.00		
		23-02124	09/07/23	BORO MONTHLY GAS USAGE	Open	106.57	0.00		
						1,029.06			
OMEG002	OMEGA GRAPHICS								
		23-02047	08/25/23	BUILDING DEPT BUSINESS CARDS	Open	210.00	0.00		
OTOOL005	O'TOOLE SCRIVO, LLC								
		23-01996	08/18/23	LABOR COUNSEL FEES	Open	5,470.58	0.00		
OUT003	OUTSTANDING SERVICE CO., INC.								
		23-01935	08/10/23	CHECK TANKS WATER AND CONTAMIN	Open	111.90	0.00		
PASHSTEI	PASHMAN STEIN WALDER HAYDEN								
		23-02108	09/06/23	JULY 2023-GENERAL	Open	7,542.50	0.00		
		23-02109	09/06/23	JULY 2023-RETAINER	Open	1,541.66	0.00		
		23-02110	09/06/23	JULY 2023-TAX APPEALS	Open	3,639.00	0.00		
		23-02112	09/06/23	EATONTOWN ADV FRESH DISPENSARY	Open	2,887.50	0.00		
		23-02113	09/06/23	MONMOUTH MALL REDEVELOPMENT	Open	1,032.50	0.00		
						16,643.16			

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PAY003	LOUISE M. PAYNE	23-01963	08/15/23	SHBP REIMBURSEMENT	Open	323.72	0.00		
PCREC002	JANICE GRASSO	23-02081	08/30/23	Petty Cash Reimb.	Open	210.82	0.00		
PETRO02	PETRO KING SERVICE	23-01912	08/08/23	6/1/23 REPAIRS TO FUEL MASTER	Open	268.00	0.00		
REP001	REPUBLIC SERVICES	23-02052	08/25/23	SEPT 23 RESI RECYCLING	Open	74,872.63	0.00		
		23-02058	08/28/23	AUG 2023 RESI SERVICES	Open	58,093.10	0.00		
						132,965.73			
REPT001	REPUBLIC SERVICES	23-02003	08/21/23	AUGUST 23 TONNAGE	Open	21,467.63	0.00		
RRD001	R.R. DONNELLEY	23-01372	05/25/23	PURPLE SAFETY PAPER ORDER	Open	213.00	0.00		
SCH001	T&M ASSOCIATES	23-01960	08/14/23	AMEND EC ESCROW #1556	Open	2,653.49	0.00		
		23-01973	08/16/23	IW Partners Escrow #1605	Open	510.25	0.00		
		23-01976	08/16/23	MOB PHASE II ESCROW #1596	Open	2,085.00	0.00		
		23-01978	08/16/23	SHAARE TEMPLE ESCROW #1487	Open	2,559.50	0.00		
		23-01980	08/16/23	373 SOUTH ESCROW #1570	Open	542.60	0.00		
						8,350.84			
SERV001	SERVPRO OF EATONTN/LONG BRANCH	23-01919	08/08/23	Bio Remediation	Open	350.00	0.00		
STA001	STAVOLA CONTRACTING CO. INC.	23-00325	02/01/23	OPEN FOR 2023	Open	135.01	0.00		B
STAP003	STAPLES ADVANTAGE	23-02062	08/28/23	PUBLIC WORKS SUPP 354105285	Open	434.91	0.00		
		23-02064	08/28/23	FINANCE SUP 3545005488	Open	85.30	0.00		
						520.21			
TARGE005	TARGETED TECHNOLOGIES LLC	23-01920	08/08/23	Service call	Open	281.25	0.00		
		23-01949	08/11/23	Annual Pro Support PD Server	Open	1,320.00	0.00		
		23-01997	08/18/23	FIREWALL RENEWAL-BOROUGH	Open	525.00	0.00		
		23-02016	08/23/23	OPTIPLEX MICRO- FIRE DEPT	Open	1,354.99	0.00		
						3,481.24			
TEPS001	STATE OF NJ DEPT OF TREASURY	23-02103	09/06/23	SHBP CONTRIBUTION SEPTEMBER	Open	294,155.53	0.00		
ERM001	TERMINATOR TERMITE & PEST MGT	23-01882	08/04/23		Open	195.00	0.00		B

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Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
TOWNBAGE	TOWN BAGEL AND GRILL					
23-01924	08/08/23 7- Dozen Bagles 5K Run	Open	90.65	0.00		
TREAS010	TREASURER, STATE OF NEW JERSEY					
23-02131	09/07/23 OSHE INTERN PROGRAM 2023	Open	285.00	0.00		
TURF001	TURF TRADE					
23-01952	08/11/23 2.5 GAL BUCCANEER	Open	83.40	0.00		
UGIEN005	UGI ENERGY SERVICE, LLC					
23-02073	08/29/23 AUGUST UTILITY BILLS	Open	186.38	0.00		
USB001	US BANK					
23-02057	08/27/23 2019 MCIA BONDS PAYMENT	Open	45,200.00	0.00		
VBF001	VERIZON BUSINESS FIOS					
23-02054	08/27/23 FIREHOUSE AUG 156904874000131	Open	415.01	0.00		
WALTE005	WALTER SMITH					
23-02072	08/29/23 MEDICARE REIMBURSEMENT	Open	494.70	0.00		
WWG001	GRAINGER INC					
23-00046	01/09/23 OPEN FOR 2023	Open	88.97	0.00		B
WWG010	W.W. GRAINGER, INC.					
23-01417	06/05/23	Open	1,174.52	0.00		B
Total Purchase Orders: 152			Total P.O. Line Items: 0	Total List Amount: 919,474.60	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	239.09	0.00	239.09	0.00	0.00	239.09
CURRENT FUND:	3-01	837,586.42	0.00	837,586.42	0.00	0.00	837,586.42
GENERAL CAPITAL F	C-04	58,797.94	0.00	58,797.94	0.00	0.00	58,797.94
GRANT FUND	G-02	3,472.50	0.00	3,472.50	0.00	0.00	3,472.50
	T-12	423.60	0.00	423.60	0.00	0.00	423.60
	T-15	9,034.00	0.00	9,034.00	0.00	0.00	9,034.00
	T-17	9,921.05	0.00	9,921.05	0.00	0.00	9,921.05
Year Total:		19,378.65	0.00	19,378.65	0.00	0.00	19,378.65
Total of All Funds:		919,474.60	0.00	919,474.60	0.00	0.00	919,474.60