

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, April 10, 2024**

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

Mayor Talerico opened the Regular Meeting at 7:30pm, 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 Danielle M. Jones, David Gindi (by phone), Meir Araman, Carl Lawson, Candace M. Faust
ALSO PRESENT: Attorney Bayer, Deputy Borough Clerk Muscillo
ABSENT: Interim Administrator Lucia
The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 03/27/2024

Motion to approve the minutes by C/Araman; seconded by C/East

Voice Vote: AYE - C/East, C/Jones, C/Araman, C/Lawson, C/Faust
ABSTAIN - C/Gindi

3. COMMUNICATIONS

- A.** Breakwater Treatment & Wellness Corp, Eatontown ZBA Notice of Appeal (Blk 3801, Lot 18)
- B.** DEP Remedial Action Permit Application Approval Letter (200 Industrial Way West)
- C.** Borough of Eatontown, Notice of 4/15/24 Public Hearing on Non-Condemnation Area in Need of Redevelopment
- D.** Public Notice, Netflix, Inc. Wetlands Application
- E.** Notice of Hearing, Monmouth University Planning Board Application

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

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

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico referred his report to the flooding discussion held in the Workshop Meeting.

5. REPORTS OF COMMITTEES

A. EMERGENCY SERVICES - Council President East

Council President East reported on the Fire Department's meeting of April 2nd, the volunteers of the Fire Department and the First Aid's meeting and volunteers. Council President East then reported on the Historical Committee's Museum Open House, their next meeting, and mentioned they will be sponsoring the essay contest "What Eatontown Means to Me."

B. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported on the meetings of the Finance & Ordinance Committee, the Cannabis Regulatory Commission, the Board of Education, the Cannabis Industry Ad-Hoc Committee, the Environmental Commission, the Library Board of Trustees, and the Youth Committee. Councilmember Jones reported that there were no updates regarding the Health & Human Services Committee or the Substitute Abuse Prevention Alliance. Councilmember Jones then reported on open court basketball. Councilmember Jones then reported on a few announcements and upcoming events.

C. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Gindi

Councilmember Gindi reported on the meeting of the Tenants Right's Committee and mentioned a resident came forward from the Lidle Village Complex that there are some issues regarding full dumpsters and water not draining between the nursing home and the Lidle Village Complex. Councilmember Gindi mentioned on July 25th they will have a special in-person Tenants Rights meeting at Borough Hall once he can confirm the date and time works so they can hear from more residents.

D. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

Councilmember Araman reported on the Police Department's March 2024 report. Councilmember Araman then reported on the leaf program event. Further reported, Councilmember Araman stated that on March 24th, a female subject reported a fraudulent charge on her Credit Card in the amount of \$700 for a plane ticket that was later reversed by her Credit Card company.

E. PARKS & RECREATION - Councilmember Lawson

Councilmember Lawson reported that there were no meetings set up for the Parks & Recreation Committee, and that the Recreation Committee meeting that was set up for April 4th but was cancelled. Councilmember Lawson further reported on the next meeting of the Recreation Advisory Committee. Councilmember Lawson then reported on a few announcements and reminders.

F. PUBLIC WORKS & INSURANCE - Councilmember Faust

Councilmember Faust reported on the bulk and brush report for March 2024. Councilmember Faust then reported on the brush and bulk schedule, potholes, and brush and leaf pickup. Councilmember Faust reported on a few upcoming events, and on the next meetings of the Traffic Advisory Committee, the Green Team Committee, and the Shade Tree Committee.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia was absent, therefore had no report.

7. HEARING – BOARDING HOUSE/ROOMING HOUSE - Pheonix Recovery, LLC (18 Willow)

Andy Bayer, Borough Attorney, mentioned the applicants are still under oath. Kevin Mirda and Shawn Metz introduced themselves and provided an update regarding their outstanding violations. Mayor Talerico asked the representatives if they currently have a Certificate of Occupancy for the establishment. Mr. Metz responded the Certificate of Occupancy was issued when they bought the house. Mayor Talerico explained each year the applicants need to obtain a new Certificate of Occupancy as per the ordinance. Mayor Talerico then asked if all housing issues at their other establishment are complete. Mr. Mirda responded yes. Mayor Talerico then asked for an update on the basement apartment. Mr. Mirda responded. Mayor Talerico asked Attorney Bayer about the basement's zoning violation and how the applicants need to resolve it. Attorney Bayer responded. Mayor Talerico asked the applicants the status of the fingerprinting. Mr. Mirda responded. Attorney Bayer asked when the operator scheduled the fingerprinting. Mr. Mirda responded. Mayor Talerico asked the representatives that if the fingerprinting company allows walk-ins, would they object to going sooner. Mr. Mirda responded that he has no objection. Mr. Metz read into the record the prior approval from 2022 and asked why the basement apartment was not a problem in the past. Mayor Talerico and Attorney Bayer responded. Mr. Mirda presented a printout of the email from the state to Mayor Talerico. Mayor Talerico further responded to the email chain. The discussion continued between the applicants and the Mayor and Council regarding the zoning issues related to the 18 Willow Avenue sober living facility.

Motion to carry the hearing to the April 25th meeting by C/East; seconded by C/Lawson

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

8. OLD BUSINESS**A. RESOLUTION ADOPTION****1. Resolution 68-2024 - Resolution on Application of Pheonix Recovery, 18 Willow**

Motion to carry Resolution 68-2024 to the April 25th meeting by C/Jones; seconded by C/East

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

B. ORDINANCE ADOPTION**1) Ordinance 02-2024 - Ordinance of the Borough Creating a New Chapter 262 Entitled "Salt Storage" Implementing the Requirements of The New Jersey Department of Environmental Protection MS4 Permit Regulating Privately Owned Salt Storage - *Public Hearing/Adoption***

Attorney Bayer read the ordinance by title.

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

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

No comments were made.

Mayor Talerico closed the meeting to the public.

Attorney Bayer read the ordinance by title.

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

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

ORDINANCE 02-2024 - ORDINANCE OF THE BOROUGH CREATING A NEW CHAPTER 262 ENTITLED "SALT STORAGE" IMPLEMENTING THE REQUIREMENTS OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MS4 PERMIT REGULATING PRIVATELY OWNED SALT STORAGE

WHEREAS, the Borough has a New Jersey Pollutant Discharge Elimination System (NJPDES) permit which is a Tier A Municipal Stormwater General Permit authorizing the discharge of stormwater from small municipal separate storm sewer systems ("MS4") which was effective on January 1, 2023; and

WHEREAS, the NJDEP requires Tier A municipalities such as Eatontown to adopt a new ordinance regulating Privately-Owned Salt Storage in connection; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to meet its obligations to the NJDEP under its MS 4 permit by adopting a salt storage ordinance regulating the storage of privately owned salt and other solid de-icing materials on private properties throughout the Borough.

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 amends the Borough Code creating a new Chapter 262 entitled "Salt Storage" as follows:

SECTION I.

Purpose §262-1

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Borough of Eatontown to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II.

Definitions §262-2

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III.**§262-3 Deicing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater runoff through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV.**Exemptions §262-4**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V.**§262-5 Enforcement:**

This ordinance shall be enforced by the Zoning Code Official, or his/her designee as determined by the Borough Administrator of the Borough of Eatontown during the course of ordinary enforcement duties.

SECTION VI.**§262-6 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in a fine not to exceed \$2,000, per day, per violation.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

2) Ordinance 03-2024 - Ordinance Amending Chapter 281, "Solid Waste", Creating Article V "Dumpsters", Sections 282-1

Through 282-6 Regulating the Use and Location of Dumpsters Within the Borough - **Public Hearing/Adoption**
Attorney Bayer read the ordinance by title.

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

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

No comments were made.

Mayor Talerico closed the meeting to the public.

Councilmember Gindi asked for clarification on this ordinance. Mayor Talerico clarified the ordinance.

Councilmember Araman asked if a permit and inspection will be required for a dumpster. Mayor Talerico responded.

Attorney Bayer read the ordinance by title.

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

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

ORDINANCE 03-2024 - ORDINANCE AMENDING CHAPTER 281, "SOLID WASTE", CREATING ARTICLE V "DUMPSTERS", SECTIONS 282-1 THROUGH 282-6 REGULATING THE USE AND LOCATION OF DUMPSTERS WITHIN THE BOROUGH

WHEREAS, the Borough has encountered significant public safety and public damage concerns from the unregulated placement of dumpsters in and around residential properties throughout the Borough; and

WHEREAS, the Department of Land Use has recommended that the Borough Council regulates the placement and permitting of dumpsters in connection with residential properties throughout the Borough; and

WHEREAS, the Borough Council believes that it is in the best interest of the Borough to regulate dumpsters to further the public, health, safety and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby amends Chapter 281 "Solid Waste", creating Article V entitled "Dumpsters" Section 281-§281-1 **Definitions**.

As used in this chapter, the following words and phrases shall have the following meanings:

DUMPSTER

Any debris-transfer body which is commonly used for the placement, collection and/or carting of rubble, rubbish, garbage, debris, building material or any other matter, whether such container is portable or semiportable.

§28-2 Permitted Locations

Dumpsters shall not be permitted on any location within the Borough of Eatontown, except as set forth herein.

§282-3 Permits Required.

Before a Dumpster is placed on or adjacent to any residential property, the owner, tenant, or contractor working on the subject property shall apply for a permit approving such placement with the Traffic Safety Officer. If the permit application is made by a tenant or contractor, written permission from the owner of the subject property for the placement of such container on the subject property must be provided to the Traffic Safety Officer before a permit may be issued. Permits, in conjunction with building permits, shall be issued for a period of 14 days. The fee for said permit shall be \$25.

§282-4 Number of Dumpsters permitted.

Only one Dumpster may be placed at any residential property at any one time.

§282-5 Dumpster Locations and Liability

Dumpsters may be placed in the streets, public rights-of-way, or upon residential driveways. The property owner shall be liable for any damage caused by the placement of the Dumpsters to the sidewalks and streets. The area surrounding a Dumpster shall be subject to all property maintenance standards outlined in the Borough Code. No Dumpster shall be allowed to remain in a state of disassembly or disrepair.

§282-6 Violations and Penalties.**A.**

Any Dumpster placed in violation of this chapter, or which is not removed at the termination of the permit obtained for the placement of such Dumpster or immediately upon the direction of the Code Enforcement Officer, Traffic Safety Officer, or a law enforcement officer for removal for safety reasons shall be punishable, upon conviction thereof, by a fine not to exceed \$2,000 per day, per violation, for each violation.

B.

The owner of the subject property shall be afforded a five-day period to cure or abate such a violation. Each day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest Tax Map shall be deemed a separate offense and punishable as set forth in Section (A) above.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

9. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

No comments were made.

The meeting was closed to public comment on agenda items.

10. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

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

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

11. NEW BUSINESS**A. ORDINANCE INTRODUCTION**

1) Ordinance 04-2024 - An Ordinance of the Borough of Eatontown Concerning Tree Removal Amending Chapter 307 Removal of Trees Incorporating the Requirements of the Borough's NJDEP Tier One Municipal Stormwater General Permit - **First Reading/Introduction (Public Hearing 4/25/24)**

Attorney Bayer read and explained the ordinance and why the Borough is introducing the ordinance by title only. Mayor Talerico further explained. Councilmember Araman asked for clarification on the ordinance. Mayor Talerico responded.

The public hearing will be held on 4/25/24.

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

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

ORDINANCE 04-2024 - AN ORDINANCE OF THE BOROUGH OF EATONTOWN CONCERNING TREE REMOVAL AMENDING CHAPTER 307 REMOVAL OF TREES INCORPORATING THE REQUIREMENTS OF THE BOROUGH'S NJDEP TIER ONE MUNICIPAL STORMWATER GENERAL PERMIT

WHEREAS, trees play a critical role in the water cycle where they reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety and welfare; and

WHEREAS, the NJDEP revised the Tier A Municipal Stormwater General Permit in 2023, which also reclassified all municipalities into the Tier A; and

WHEREAS, the 2023 Tier A MS4 permit renewal requires permittees to adopt and enforce a community-wide ordinance to control tree removal and replacement.

WHEREAS, the Borough Council believes it is in the best interest of its residents to amend and update its tree replacement requirements in order to comply with the requirements of its Tier A MS 4 stormwater permit and to meet the NJDEP's standards regarding tree removal.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey, hereby amends Chapter 307 of the Borough Code entitled Removal of Trees as follows:

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

Chapter 307

§307-1 -Purpose

The Borough Council of the Borough of Eatontown does herein decide and find that the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts of land within the Borough has resulted in increased municipal drainage costs, drainage control costs, and has further caused increased soil erosion, decreased fertility of soil and increased dust, which has deteriorated property values and has further rendered land unfit and unsuitable for the most appropriate use, with the result that there has been and will result in the future a deterioration of conditions affecting the health, safety and general well-being of the inhabitants of the Borough and has caused the passage of this article to regulate and control the indiscriminate and excessive cutting of trees in the Borough in conformance with its requirements in conformance with its New Jersey Department of Environmental Protection 2023 Tier A MS4 permit.

§307-2 Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Applicant means any person or entity who applies for approval to remove trees regulated under this ordinance.

CALIPER means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees, whose caliper exceeds four inches, the measurement is taken twelve (12) inches above the soil line.

Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

DIAMETER AT BREAST HEIGHT (DBH) means the diameter of trunk of a mature tree generally measured at a point four and half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the four and a half foot height, the DBH shall be measured at the highest point before any division.

DO NOT PLANT LIST a promulgation of the Shade Tree Commission that identifies trees which are not permissible to be planted as a replacement tree or part of a Planning Board or Zoning Board application. The DO NOT PLANT LIST shall be posted on the Borough webpage, filed with the Zoning Officer and may be amended from time to time. Deviations from this list are subject to the approval of the Shade Tree Commission or Planning or Zoning Board depending upon the issue being addressed and their respective jurisdiction.

ENVIRONMENTALLY CRITICAL AREAS. An area or feature which is of significant environmental value, including but not limited to wetlands, floodplains, important farm lands, agricultural development areas, steep slopes, endangered or threatened species and their designated habitats, important aquifer recharge areas, coastal areas, stream corridors, parks and preserves.

HAZARD TREE means a tree or limbs thereof that meet one or more of the following: 1. Has an infectious disease or insect infestation; 2. Is dead or imminently dying; 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective; 4. Is causing obvious damage to structures such as building foundations; or 5. Is determined to be a threat to public health, safety, and/or the welfare by a New Jersey licensed tree expert in accordance with N.J.S.A. 45:15C-11 or a licensed arborist. The Department of Public Works shall have the authority to determine a hazard tree on public property, in a public easement or public right of way.

INVASIVE SPECIES are those species as identified in Borough Land Use Ordinance section 89-83.A.4. Invasive species may be removed without replacement upon proper application to and approval from the Borough Zoning Officer and Land Use Administrator.

PLANTING GUIDE a promulgation of the Shade Tree Commission that identifies trees which are permissible to be planted as a replacement tree. The Planting Guide shall be posted on the Borough webpage, filed with the Zoning Officer and may be amended from time to time. Other trees may be planted which are not included on the list subject to the approval of the Shade Tree Commission or Planning or Zoning Board depending upon the issue being addressed and their respective jurisdiction.

PLANTING STRIP means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

PUBLIC RIGHT-OF-WAY Any street or road shown upon a map or plan filed in the Monmouth County Clerk's office or on the Official Map of the Borough of Eatontown, including but not limited to public easements such as drainage and utility easements.

RESIDENT means an individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

SHRUB. Native or volunteered laurel and wild azaleas having a root crown (the diameter of the trunk just prior to its spreading into roots) of three inches or greater at the soil or surface level.

SITE. Any lot, tract, parcel, or parcels of land within the Borough.

SITE PLAN. A development plan of one or more lots on which is shown: (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; (2) The location of all existing and proposed building, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, and screening devices; (3) The location of all existing and proposed soil erosion and sedimentation control measures; (4) The location of existing and proposed surface water runoff control measures; and (5) Any other information that may be reasonably required in order to make an informed determination with regard to application for approval of site plans.

SUBDIVISION. 1. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created: (a) Divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; (b) Divisions of property by testamentary or intestate provisions; (c) Divisions of property upon court order including but not limited to judgements of foreclosure; (d) Consolidation of existing lots by deed or other recorded instrument; and (e) The conveyance of one or more adjoining lots, tracts, or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the Borough Municipal Land Use Ordinance and are shown and designated as separate lots, tracts or parcels on the Tax Map of the Borough of Eatontown. (2) The term "subdivision" shall also include the term "resubdivision."

TREE. Any of the following living trees having a trunk of a diameter greater than as set forth below, measured at one foot above ground level: (a) Deciduous tree: six inches (or circumf. 19 inches). (b) Coniferous tree: six inches (or circumf. 19 inches). (c) American holly tree (*Ilex opaca*), dogwood (*Cornus florida*), and broadleaf evergreens: one inch.

Tree removal means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

TREE REMOVAL AND SITE CLEARING PERMIT. A certificate issued by the Zoning Officer of the Borough to remove or destroy trees or shrubs as defined in this subsection.

UNDISTURBED AREA. An area in which trees, shrubs and undercover will not be disturbed by filling, cutting, or by any other means.

§307-3 Permit requirements.

Any residential or commercial property owner seeking to remove a tree on their property is subject to an application process, defined below.

A. For purposes of this ordinance, all properties will be divided as residential or commercial. Commercial properties shall mean all properties other than residential properties.

a. Commercial Properties:

i. Tree removal as part of a Site Plan or Subdivision will be referred to the Shade Tree Commission. The Shade Tree Commission may prepare a memorandum to make recommendations to the Planning Board and/or Zoning Board. The Shade Tree Commission shall serve as advisory body to the Planning and Zoning Boards pursuant to N.J.S.A. 40:64-1. The Planning and Zoning Board secretary shall advise the Shade Tree Commission, Environmental Commission, and Fire Prevention Commission of all Site Plan or Subdivision applications.

ii. Tree removal which is not part of a Site Plan and where the property owner wishes to clear cut vacant land of trees shall be applied for with the Zoning Officer and referred to the Borough Engineer who, after consultation with the Shade

Tree Commission, shall determine what may be clear cut. In rendering such a determination, the Borough Engineer may require the applicant to make payment into the tree fund and replant elsewhere on the property. The applicant shall pay monies into escrow in an amount to be determined by the Land Use Administrator for the Borough Engineer to review such an application. The Zoning Officer may require a tree survey be provided to determine the number, sizes and exemptions of trees for assessment of fees related to the application. The site clearing permit shall be issued by the Zoning Officer. Failure to apply for a Site Clearing Permit is a violation and subject to penalties enforced by the Code Enforcement Officer or Zoning Officer.

b. Residential Properties:

i. Tree removal from residential property is subject to the conditions set forth below.

ii. Where a resident seeks to remove a tree from the public easement or right of way, the residential properties are less than one acre and the resident seeks to remove trees on their property:

1. If the tree(s) are on a public easement or right-of-way, referral to the Shade Tree Commission whose process shall be defined below.

2. If the tree(s) are not on a public easement or right-of-way, no municipal approval shall be required. The removal of trees outside of the public easement or right of way shall be subject to the Tree Replacement Requirements Table.

iii. Where residential properties are equal to or greater than one acre:

1. If the tree(s) are on a public easement or right-of-way, referral to the Shade Tree Commission whose process will be defined below.

2. If the tree(s) are not on a public easement or right-of-way, referral to the Borough Engineer with the property owner being required to place money into escrow to pay for the Borough Engineer's review, who in consultation with the Shade Tree Commission shall determine what Trees may be cut down, or whether the property owners shall make payment into a tree fund and/or replant elsewhere on the property. In rendering this review, the Shade Tree Commission shall make a clear explanation to address the harm, if any, of clear cutting Trees and drainage issues.

iv. Stipulations for all residential properties:

1. If the tree is on a public easement or right-of-way, the Department of Public Works alone has the authority to determine whether the tree is a hazard and in need of pruning or removal. The Department of Public Works shall have the authority to make the decision without consultation with the Shade Tree Commission.

307-4 Application Process. Any person seeking to cut or remove trees shall follow the within process:

a. Commercial Properties:

i. For those applying for Site Plan or Subdivision approval to the Planning Board or Zoning Board, such tree removal applications shall be part of the zoning application process.

ii. For those seeking a site clearing permit, application shall be made to the Zoning Officer and Land Use Administrator, who must receive an escrow fund payment and survey from the applicant, and who shall work in consultation with the Borough Engineer and the Shade Tree Commission to consider a site clearing plan.

b. Residential Properties:

i. All residential applications shall be made to the Zoning Officer and Land Use Administrator using a Tree Removal/Pruning request form. The fee for this application shall be set at \$25.

ii. The Zoning Officer and Land Use Administrator shall determine if the tree is within the public right of way. If the tree is on a public right-of-way, it shall be referred to the Department of Public Works who shall determine if there is an emergent need to remove or cut the tree.

iii. If the Department of Public Works determines that there is no emergent need to remove or cut the tree, the resident shall be referred to the Shade Tree Commission for a public hearing.

iv. If the Department of Public Works determines that there is an emergency, they may act to prune or remove the tree without regard to the Shade Tree Commission. The Department of Public Works may notify the Shade Tree Commission of any requirements to replant the tree, or, if the land cannot sustain a replacement tree, the resident may pay into the tree fund. A tree that is removed by the Department of Public Works for being a hazard will be referred to the Shade Tree Commission for replacement or fee using the Tree Replacement Requirement Table set forth in Section 307-6.

v. If there is an emergency, the decision to remove a tree on public property, in a public easement or public right-of-way shall be delegated to the Department of Public Works.

307-5 Shade Tree Commission. The powers, duties, and authorizations of the Shade Tree Commission are set forth in Chapter 7, Article III, (Sections 7-12 through 25) of the Code of the Borough of Eatontown .

307-6. Tree Replacement Requirements:

A. Any person or entity who removes one or more trees shall be subject to the Tree Replacement Requirements Table below. For Site Plan applications, the Tree Replacement requirements will be considered in addition to any Landscaping, buffering and screening requirement listed in Borough Code 89-39.

Tree Replacement Requirements Table:

Category	Tree (as defined and measured in Chapter 301-1.B.) Removed	Tree Replacement Criteria	Payment to Tree Fund In-Lieu of Replacement
----------	--	---------------------------	---

1	1" to 12.99" DBH	Replant 1 tree with a minimum tree caliper of 2.5"-3" for each tree removed	\$200
2	13" to 22.99" DBH	Replant 2 trees with minimum tree calipers of 2.5"-3" for each tree removed	\$300
3	23" to 32.99" DBH	Replant 3 trees with minimum tree calipers of 2.5"-3" for each tree removed	\$400
4	33" or greater DBH	Replant 4 trees with minimum tree calipers of 2.5"-3" for each tree removed	\$500

B. Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table above;
2. Be planted within twelve (12) months of the date of removal of the original tree(s);
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months;
4. Shall not be planted in temporary containers or pots, as these do not count toward tree replacement requirements; and
5. Shall not be identified on the Do Not Plant List nor be an invasive species.

C. Replacement Alternatives:

1. If it is determined that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred or is requested to occur:
 - a. If the tree is on the public right of way, the Shade Tree Commission may modify the above replacement schedule to allow for a tree or trees appropriately sized for the area. If none exists, the applicant shall pay into the tree fund according to the Tree Replacement Requirements Table.
 - b. If the tree is outside of the public right of way, the applicant shall pay into the tree fund according to the Tree Replacement Requirements Table.

D. Exemptions:

1. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below:
 - a. Residents who remove fewer than four trees outside of the public right of way that fall into any Category 1, Category 2, Category 3 or Category 4 of the Tree Replacement Requirements Table within a five-year period. The number of trees removed is a rolling count across a five year period. This exemption does not apply to the count of trees removed from the public easement or right of way which are governed by the Shade Tree Commission;
 - b. Tree farms in active operation, nurseries, fruit orchards and garden centers (excluding those trees required as part of their site plan approval);
 - c. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
 - d. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan;
 - e. Any trees removed pursuant to New Jersey Department of Environmental Protection (NJ DEP) or US Environmental Protection Agency (EPA) approved environmental cleanup, or NJ DEP approved habitat enhancement plan;
 - f. Approved game management practices, as recommended by the State of New Jersey, Department of Environmental Protection, Division of Fish, Game and Wildlife;
 - g. Any invasive tree may be removed without regard to the tree removal count above. Such removal will neither require a replacement tree nor a payment to the tree fund; and
 - h. Hazard trees may be removed without regard to the tree removal count above. Such removal will neither require a replacement tree nor a payment to the tree fund. A tree outside of the public right of way will only be determined a hazard in need of removal with a written and signed statement from a New Jersey licensed tree expert as per NJ Statute 45:15C-11 or licensed arborist.

§307-7 Fines and Penalties.

A. Commercial Properties: All allegations of code violations shall be referred to the Zoning Officer. The Zoning Officer shall determine site plan conformity.

1. In consultation with the Borough Engineer, the Zoning Officer shall have the authority to determine if the property is in violation of Site Plan approval.

2. If the property is in violation of Site Plan approval, the property issue shall be returned to the Planning Board or Zoning Board for resolution.

3. If a violation is found to exist which does not require appearance at the Planning Board or Zoning Board, the matter shall be referred to the Shade Tree Commission, who in conjunction with the Borough Engineer shall recommend replacement trees or payment to the tree fund. Commercial Properties who disagree with this decision may appeal to the Planning or Zoning Board, as appropriate for final resolution.

B. Residential Properties: All residential properties whose owners cut a non-hazardous tree without permission shall be subject to the following penalties.

1. Trees on a public easement or right-of-way: The owner shall meet with the Shade Tree Commission to determine whether a replacement tree must be planted. If a replacement tree is not plausible due to issues with topography and roots, etc. the owner shall be required to make a payment to the tree fund. Failure to do so will result in a violation of the ordinance and the issuance of a summons to Court by the Code Enforcement Officer.

2. Trees outside a public easement or right-of-way:

A. All trees removed outside of the public right of way shall be subject to the Tree Replacement Requirements Table.

3. On properties an acre or larger, the matter shall be referred to the Borough Engineer who, in consultation with the Shade Tree Commission, shall determine the penalty including but not limited to replanting; if replanting is not plausible, a payment to the tree fund shall be made. Failure to do so will result in a violation of the ordinance and the issuance of a summons to Court by the Code Enforcement Officer.

4. On properties measuring less than one acre are not subject to this code section.

C. The Zoning Officer shall be responsible to implement and enforce this Ordinance. The failure to replace a tree or make a payment to the Eatontown Tree Fund as required by the Ordinance shall result in a penalty to be assessed in an amount up to \$2000 per violation.

307-8 Tree Fund. The Borough of Eatontown Tree Fund shall hold maintain funds with which to replace trees on public, residential and commercial properties throughout the Borough.

A. The Shade Tree Commission and Department of Public Works shall have the authority to cause trees to be planted using funds held in the Tree Fund.

B. The Fund shall set aside the following funds for the following tree sizes:

i. Small trees, whose height at maturity is under 25 feet: \$150.

ii. Medium trees, whose height at maturity is between 25 feet and 40 feet: \$250.

iii. Large trees, whose height at maturity is over 40 feet: \$350.

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 87-2024** - Appointment to Certain Boards/Commissions

2) **Resolution 88-2024** - Auth. Cancellation of Property Taxes Due to Totally Exempt Veteran

3) **Resolution 89-2024** - Auth. Refunds of Overpaid Property Taxes

4) **Resolution 90-2024** - Auth. Tax Sale Certificate Redemptions

5) **Resolution 91-2024** - Auth. Application, 2024 Local Recreation Improvement Grant, Wolcott Park Court Repairs

6) **Resolution 92-2024** - Auth. DEP Grant Agreement SWM-2022, Rain Gardens at Wampum Lake Park

7) **Resolution 93-2024** - Auth. Amended Developer's Agreement with Hotel Eatontown, LLC in Connection with the Property Designated as Block 3901, Lot 41 A/K/A 6 Industrial Way East

Motion to approve Consent Items 1-7 (Resolutions 87-93) as a group by C/East; seconded by C/Jones

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

RESOLUTION 87-2024 - AUTHORIZE APPOINTMENT TO CERTAIN BOARDS AND COMMITTEES

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

GREEN TEAM

MEMBER - Alt #2
UNEXP. 3-YR TERM:

Mylena Guimaraes
4/10/24 - 12/31/24

RESOLUTION 88-2024 - 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 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 adjust 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
201	15	Donato, Anthony	\$730.00 (1 st Q 2024) \$2,628.33 (2 nd Q 2024)

RESOLUTION 89-2024 - AUTHORIZING REFUNDS OF OVERPAID PROPERTY TAXES

WHEREAS, the Tax Collector has forwarded to the Borough of Eatontown, a list of taxes which are overpaid, and has recommended that the same be refunded; and

WHEREAS, State Statute makes provisions for the Borough of Eatontown to make adjustments with respect to overpaid taxes.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Eatontown that the following taxes are hereby authorized to be refunded/apply based upon the recommendation of the tax collector:

BLOCK	LOT	NAME	AMOUNT
201	15	Corelogic	\$ 730.00

RESOLUTION 90-2024 - 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
301	19		USBANK CUST/PC8 FIRSTRUST BANK	\$ 1,815.84	\$ 0	23-00002
1006	19		USBANK CUST/PC8 FIRSTRUST BANK	\$ 1,094.55	\$ 300	23-00005
1107	1		USBANK CUST/PC8 FIRSTRUST BANK	\$ 2,083.69	\$ 300	23-00008
2606	6		USBANK CUST/PC8 FIRSTRUST BANK	\$ 1,075.92	\$ 300	23-00019
3002	3		DANIEL RICHARDS	\$ 855.63	\$ 900	23-00021
3101	1		USBANK CUST/PC8 FIRSTRUST BANK	\$ 966.81	\$ 1,200	23-00022

RESOLUTION 91-2024 - AUTHORIZING APPLICATION – 2024 LOCAL RECREATION IMPROVEMENT GRANT WOLCOTT PARK COURT REPAIRS

Whereas, the Borough of Eatontown desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$56,000. to carry out a project to repair and re-surface the Wolcott Park large basketball court, the Wolcott Park small basketball court and the Wolcott Park handball court. These three courts require repairs, surface re-glazing and new lines.

Be it therefore RESOLVED,

- 1) that the Borough of Eatontown does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between The Borough of Eatontown and the New Jersey Department of Community Affairs.

Be it further **RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

RESOLUTION 92-2024 - AUTHORIZING GRANT AGREEMENT SWM-2022-EATONTOW-00143 BETWEEN THE BOROUGH OF EATONTOWN AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, The Governing Body of the Borough of Eatontown desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$209,000 to fund the following project:

Construction of Rain Gardens at Wampum Lake Park

NOW, THEREFORE BE IT RESOLVED that the Mayor and/or Administrator are authorized to make application for such a grant and, if awarded, to execute a grant agreement with the State for a grant in the amount of \$209,000 and to make any amendments thereto.

NOW, BE IT FURTHER RESOLVED the Governing Body authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement and that the Borough agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

RESOLUTION 93-2024 - RESOLUTION AUTHORIZING AMENDED DEVELOPER'S AGREEMENT WITH HOTEL EATONTOWN, LLC IN CONNECTION WITH THE PROPERTY DESIGNATED AS BLOCK 3901, LOT 41 A/K/A 6 INDUSTRIAL WAY EAST

WHEREAS, Hotel Eatontown, LLC ("Hotel Eatontown"), previously applied to the Planning Board of the Borough of Eatontown for Preliminary and Final Minor Site Plan Approval with Variances, to construct an addition of approximately 990 square feet to the existing hotel to be used as a pre-function space to provide ADA related improvements to the existing parking area for the property located at Block 3901, Lot 34 on the Borough's Tax Map (the "Property") ; and

WHEREAS, the Planning Board of the Borough of Eatontown granted Preliminary and Final Minor Site Plan Approval (the "Planning Board Approval") by Resolution dated January 18, 2019 to allow for the improvements contemplated in the application and the Planning Board Approved required Hotel Eatontown, LLC to enter into a Developer's Agreement with the Borough of Eatontown to guarantee the faithful performance of the obligations and representations associated with the Minor Site Plan Approval; and

WHEREAS, the Borough Council approved and the Borough subsequently entered into a Developer's Agreement with Hotel Eatontown on September 11, 2019 to insure the proper development of the Property and the Developer's Agreement required Hotel Eatontown to complete the improvements contemplated by the Planning Board approval within five (5) years, or such additional periods of time as may be granted by the Borough in accordance with N.J.S.A. 40:55D-52; and

WHEREAS, Hotel Eatontown has requested a three extension of time of time to complete the improvements contemplated in the Planning Board's approval under N.J.S.A. 40:55D-52 because of the impact of COVID on the hospitality business and the Borough Council believes it is in the best interest of the Borough to amend the Developer's Agreement with Hotel Eatontown to allow for three additional years to complete the improvements under the condition that all other terms and conditions of the original Agreement shall remain in place and the Borough Engineer review the amount of performance guarantees with regards to its sufficiency to insure faithful completion of the required bondable improvements.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, Monmouth County, New Jersey, that the Mayor and Clerk are hereby authorized to execute an Amended Developer's Agreement with Hotel Eatontown, LLC to allow for three additional years to complete the improvements contemplated by the Planning Board Approval and the Developer's Agreement under the condition that Hotel Eatontown post an updated Performance Bond in accordance with the requirements of the Borough Engineer.

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

1. Hotel Eatontown, LLC
2. Edward Herrman, P.E., Borough Engineer

1. CONSENT AGENDA MOTIONS

- 1) Acceptance of Tax Collector Report, March 2024
- 2) Acceptance of Planning/Zoning Report, March 2024

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

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

12. REMARKS OF COUNCIL AND CITIZENS

Councilmember Jones reported on a few announcements.

Councilmember Araman asked Attorney Bayer who legally needs to obtain a Certificate of Occupancy, the realtor, or the homeowner. Councilmember Gindi explained he sent some information to Attorney Bayer regarding this question. Attorney Bayer and Mayor Talerico responded.

Councilmember Lawson asked the council if he can add the 1984 Baseball League to the workshop meeting sometime in July or August for their 40th anniversary of their championship. Mayor Talerico responded.

Councilmember Faust brought to the council's attention the complete streets ordinance and explained an amendment that needs to be made.

The meeting was open to the public.

Richard Neale, Eatontown, commented on the importance of having cannabis businesses in town and shared the work that is put into caring for the plants along with the lengthy process.

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

13. CLOSED SESSION

A. Resolution 86-2024

1) Attorney Client Privilege – CSLR's

2) Personnel – Committee Appointments

Mayor Talerico noted the Council would not act on the items in Closed Session.

Attorney Bayer read the resolution into the record.

RESOLUTION 86-2024

AUTHORIZING EXECUTIVE SESSION UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., a municipality may exclude the public from a meeting of the Municipal Council where the Council intends to discuss certain matters for which privacy is needed in order to protect the public interest or certain enumerated private interests; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Eatontown to discuss in session not open to the public certain matters that are required by law to be confidential, more specifically:

1) Attorney Client Privilege – CSLR's; 2) Personnel – Committee Appointments

WHEREAS, it is anticipated that the minutes from the deliberations conducted in closed session may be disclosed to the public upon the determination that the public interest will no longer be served by such confidentiality.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the above-referenced executive session to be held closed to the public, on April 10, 2024.

Motion to enter into closed session by C/Jones; seconded C/East

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

Council entered Closed Session at 8:56pm

Motion to return from closed session by C/Gindi; seconded C/Araman

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

Council returned from Closed Session at 9:37pm

14. ADJOURNMENT – 9:37pm

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

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


By: Kathleen Muscillo, Deputy Borough Clerk

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

Approval 04/25/2024

April 9, 2024
11:04 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Name

Page No: 1

P.O. Type: All

Open: N Paid: N Void: N

Range: First

to Last

Rcvd: Y Held: Y Aprv: N

Format: Condensed

Bid: Y State: Y Other: Y Exempt: Y

Vendors: All

Include Non-Budgeted: Y

Rcvd Batch Id Range: First to Last

Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
4IMP001	4 IMPRINT USA					
24-00093	01/10/24 FLAT FLEXIBLE MAGNET-RECTANGLE	Open	562.72	0.00		
8X8IN005	8X8 INC					
24-00852	04/03/24 BORO MONTHLY PHONE SERVICES	Open	2,977.09	0.00		
ACTI005	ACTION UNIFORM CO, LLC					
23-02804	11/14/23 2023 Police Uniforms	Open	396.00	0.00		B
24-00463	02/15/24 FIRE DEPT WEATHER EQUIPMENT	Open	850.00	0.00		
			1,246.00			
ARH001	ADAMS, REHMANN HEGGAN ASSOC INC					
24-00651	03/07/24 ARP DOWNTOWN GREENWAY PHASE 2	Open	4,190.70	0.00		
RESC002	ALBERT J. RESCINIO, ESQ.					
24-00845	04/02/24 BORO MUNICIPAL PUBLIC DEFENDER	Open	6,322.50	0.00		
ALLSE005	ALL SEASON SERVICE					
24-00645	03/07/24	Open	450.00	0.00		
AOC001	ALLIED OIL LLC.					
24-00556	02/27/24 WINTER DYED ULSD 2/1/24	Open	13,229.03	0.00		
24-00568	02/29/24 93 RFG GAS/ETHANOL 2/16/24	Open	5,897.87	0.00		
			19,126.90			
AMAZ001	AMAZON.COM SERVICES, INC					
24-00803	03/28/24	Open	52.46	0.00		
ANNH001	ANN HOWELL					
24-00296	01/26/24 2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
ATTA001	ATLANTIC TACTICAL					
23-00222	01/23/23 Firearms Supplies	Open	1,441.90	0.00		
23-02172	09/13/23 Def Tec Equipment	Open	1,740.40	0.00		
23-02173	09/13/23 Firearms Flashlights	Open	1,476.20	0.00		
			4,658.50			
MCA001	BARBARA MCAULIFFE					
24-00302	01/26/24 2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
GENAC001	BOROUGH OF EATONTOWN GENERAL A					
24-00761	03/20/24 PAY PERIOD 3/29/24 O/S DETAIL	Open	7,584.00	0.00		
TF001	BOROUGH OF TINTON FALLS					
24-00869	04/08/24 BORO SHARED SERV COURT AGRMT	Open	78,670.50	0.00		

April 9, 2024
11:04 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Name

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BBBA001	BROWN & BROWN BENEFITS ADV.								
		24-00644	03/07/24	APRIL 2024 CONSULTING FEE	Open	1,500.00	0.00		
CSUT001	CAROL SUTPHIN								
		24-00312	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
CGPH001	CGP&H, LLC								
		24-00694	03/14/24	HOUSING REHABILITATION PROGRAM	Open	550.00	0.00		
		24-00695	03/14/24	ADMINISTRATIVE AGENT SERVICES	Open	186.00	0.00		
						736.00			
KAW001	CHARLES KAWAS								
		24-00298	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
CAG001	CLEARY GIACOBBE ALFIERI & JACO								
		24-00837	04/02/24	MUNICIPAL PROSECUTOR SERVICES	Open	3,000.00	0.00		
COMC004	COMCAST								
		24-00794	03/27/24	PUBLIC WORKS INTERNET SERVICE	Open	279.84	0.00		
		24-00832	04/02/24	BORO SPC VIDEO SERVICES	Open	135.33	0.00		
						415.17			
COM006	COMCAST BUSINESS								
		24-00876	04/09/24	BORO INTERNET SERVICES	Open	779.13	0.00		
BEN002	DALE BENNETT								
		24-00282	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		24-00843	04/02/24	COMM CENTER COPIER LEASE	Open	146.85	0.00		
		24-00844	04/02/24	MAILROOM COPIER LEASE	Open	146.85	0.00		
						293.70			
DELTA001	DELTA DENTAL								
		24-00819	04/01/24	APRIL 2024 PREMIUM	Open	12,634.81	0.00		
DEMC001	DEMCO, INC								
		24-00583	03/02/24	W13802720 DVD CASE 3 CAPACITY	Open	360.60	0.00		
DWOM001	DORIS M. WOMBOUGH								
		24-00313	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	455.10	0.00		B
DCLAN001	DREW CLANCY								
		24-00769	03/20/24	EYEGLASS REIMBURSEMENT	Open	246.50	0.00		
BOE001	EATONTOWN BOARD OF EDUCATION								
		24-00576	02/29/24	1/13-2/24 Meadowbrook Rec	Open	1,206.00	0.00		
EDWAR005	EDWARD MARANTE								
		24-00762	03/20/24	Refund misapplied taxes	Open	2,204.52	0.00		
KLEINE01	EILEEN KLEINMAN								
		24-00728	03/18/24	MEDICARE REIMBURSEMENT 2024	Open	174.70	0.00		

April 9, 2024
11:04 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Name

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SS002	FIRE & SAFETY SERVICES, LTD								
		24-00561	02/28/24	FIRE DEPT REPAIRS ENGINE 11-72	Open	436.88	0.00		
VANB001	FLOWERS BY VAN BRUNT								
		23-02777	11/09/23	FIRST AID VETERANS DAY WREATH	Open	150.00	0.00		
FMERA001	FMERA								
		24-00854	04/03/24	ELECTRIC USUAGE 537 EXTENSION	Open	382.20	0.00		
MEGIL001	FRED MEGILL								
		24-00304	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
FUNEX001	FUN EXPRESS, LLC								
		24-00592	03/04/24	ROID Easter & Spring Supplies	Open	1,537.63	0.00		
GM001	G&M TROPHY CO, INC								
		24-00688	03/13/24	ONE PERPETUAL PLATE	Open	10.00	0.00		
APP002	GANNETT NJ NEWSPAPERS								
		24-00003	01/05/24	Legal Advertisements	Open	38.72	0.00		B
GENSE005	GENSERVE, LLC								
		24-00601	03/05/24		Open	1,075.00	0.00		B
		24-00620	03/06/24		Open	489.10	0.00		B
						1,564.10			
BENNG01	GWEN E BENNETT								
		24-00283	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA								
		24-00759	03/19/24	76 Broad Escrow #1640	Open	150.00	0.00		
IPD001	INST. FOR PROFESSIONAL DEVELOP								
		24-00710	03/15/24	Webinar - Julie Martin	Open	50.00	0.00		
JPISC001	J. PISCITELLI								
		24-00440	02/14/24	Fire Police Traffic Detail	Open	25.00	0.00		
JERS001	JCP&L								
		24-00833	04/02/24	BORO ELECTRIC MONTHLY USUAGE	Open	480.08	0.00		
		24-00877	04/09/24	BORO STREET LIGHT USUAGE	Open	413.11	0.00		
		24-00878	04/09/24	BORO MONTHLY ELECTRIC USUAGE	Open	648.66	0.00		
						1,541.85			
PIR002	JERSEY SHORE PIRATES								
		24-00253	01/24/24	Camp Trip Deposit 7.18.24	Open	400.00	0.00		
JRCAMP01	John R. Campbell								
		24-00285	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
BS001	K.B.D. SUPPLY LLC								
		24-00243	01/23/24		Open	54.32	0.00		B

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KBS001	K.B.D. SUPPLY LLC				Continued				
		24-00617	03/06/24		Open	380.50	0.00		
						434.82			
KAT001	KATHLEEN STAUFFER								
		24-00310	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
KLEIN1	KENNETH KLEINMAN								
		24-00727	03/18/24	MEDICARE REIMBURSEMENT 2024	Open	174.70	0.00		
KEPWE005	KEPWEL SPRING WATER CO, INC								
		24-00046	01/08/24		Open	22.00	0.00		B
LASER001	LASER SAVE								
		24-00658	03/08/24	Ink cartridges	Open	400.00	0.00		
LEAF0006	LEAF								
		23-02962	12/11/23	BORO WATER COOLER SERVICE	Open	179.70	0.00		
		24-00135	01/11/24	BORO WATER COOLER SERVICE	Open	179.70	0.00		
		24-00136	01/11/24	PUBLIC WORKS WATER COOLER SRV	Open	89.85	0.00		
						449.25			
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		24-00744	03/18/24	MM Medical Extension of Time	Open	1,750.00	0.00		
LEES002	LEE'S GARAGE, INC								
		23-02592	10/26/23	Paint LESO F-150	Open	2,000.00	0.00		
FERRUGIA	LINDA G FERRUGIA								
		24-00492	02/21/24	MEDICARE INS REIMBURSEMENT 24	Open	524.10	0.00		B
MOR002	LINDA MORGAN								
		24-00495	02/21/24	MEDICARE INS REIMBURSE 2024	Open	733.80	0.00		B
PAY003	LOUISE M. PAYNE								
		24-00722	03/18/24	MEDICARE REIMBURSEMENT 2024	Open	380.01	0.00		
IMA003	MARCO TECHNOLOGIES, LLC								
		24-00724	03/18/24	POLICE/CONSTRUCTION COPIER USE	Open	181.95	0.00		
		24-00848	04/02/24	COMM CENTER COPIER CONTRACT	Open	618.52	0.00		
		24-00849	04/02/24	MAILROOM YEARLY COPIER LEASE	Open	618.56	0.00		
						1,419.03			
MARIN005	MARINA HAHLLIDIS								
		24-00675	03/11/24	GIRLS SOFTBALL REG CANCELATION	Open	95.00	0.00		
MCMAS005	MCMAS CARR SUPPLY COMPANY								
		24-00673	03/11/24		Open	118.96	0.00		
		24-00745	03/19/24		Open	75.10	0.00		B
						194.06			
MEIA005	MEIA-NJ								
		24-00622	03/06/24	NJMEIA RENEWAL - BRUCE FENTON	Open	60.00	0.00		

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MON002	MONMOUTH BUILDING CENTER	24-00041	01/08/24		open	276.56	0.00		B
MCT001	MONMOUTH COUNTY TREASURER	24-00555	02/27/24	MUNICIPAL WASTE	open	1,410.70	0.00		
		24-00619	03/06/24	MUNICIPAL WASTE	open	1,950.87	0.00		
						3,361.57			
MU002	MONMOUTH UNIVERSITY	24-00686	03/12/24	FEDERAL WORK STUDY PROGRAM	open	499.63	0.00		
MRK001	MR KEYS INC	24-00646	03/07/24		open	638.00	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER	24-00831	04/02/24	BORO HYDRANTS WATER SERVICE	open	16,433.10	0.00		
NJDH001	NJ DEPT OF HEALTH AND SENIOR S	24-00821	04/01/24	MARCH 2024 DOG REPORT	open	21.00	0.00		
NJDL003	NJ DEPT OF LABOR & WORKFORCE D	24-00829	04/02/24	FEDERAL UI BENEFIT CHARGES	open	12,581.97	0.00		
NJN001	NJ NATURAL GAS CO.	24-00836	04/02/24	BORO MONTHLY NATURALGAS USAGE	open	4,706.95	0.00		
NRDRP005	NRDR PROPERTIES	24-00811	04/01/24	Lien 23-00021 Redemption	open	1,755.63	0.00		
OUT003	OUTSTANDING SERVICE CO., INC.	24-00557	02/27/24	QUARTELY SERVICE	open	121.90	0.00		
PCAMP001	Patricia Campbell	24-00287	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
PATRI010	PATRICIA R. GREEN	24-00738	03/18/24	MEDICARE INS REIMBURSEMENT 23	open	1,978.80	0.00		
CIOK001	PEGGY CIOK	24-00290	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
MACA001	PETER MACALUSO	24-00301	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
PROCA006	PRO CAP 8, LLC	24-00715	03/15/24	Lien 23-00004 Redemption	open	794.01	0.00		
		24-00716	03/15/24	Lien 23-00044 Redemption	open	1,642.99	0.00		
						2,437.00			
QUAUT001	QUALITY AUTO-GLASS, INC.	24-00428	02/13/24	DPW#24 OEM W/S - OEM CASE CENT	open	1,284.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
RHEL005	R. HELFRICH & SON CHARTER BUS								
		24-00718	03/18/24	APRIL AC BUS TRIP 04/09/24	Open	1,000.00	0.00		
REPT001	REPUBLIC SERVICES								
		24-00805	03/28/24	FEBRUARY 24 TONNAGE	Open	6,010.00	0.00		
RICOH005	RICOH USA, INC								
		24-00793	03/27/24	FINANCE COPIER LEASE	Open	166.75	0.00		
RSTA001	ROBERT G. STAUFFER								
		24-00311	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
CIOK002	ROBERT S CIOK								
		24-00291	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
ROBIN011	ROBIN LAURIA								
		24-00692	03/13/24	EATONTOWN DAY REFUND VENDOR	Open	25.00	0.00		
CAPIC001	RONALD CAPICHANA								
		24-00691	03/13/24	DJ Egg Hunt 3.23.24	Open	250.00	0.00		
RSUNJ001	RUTGERS, STATE UNIVERSITY OF N								
		24-00024	01/05/24	COMPOST OPERATOR CERTIFICATION	Open	295.00	0.00		
FOO001	SAKER SHOPRITES, INC.								
		24-00350	02/01/24	MARCH SNACKS	Open	51.15	0.00		
		24-00636	03/07/24	APRIL SNACKS	Open	23.82	0.00		
		24-00637	03/07/24	APRIL BINGO SUPPLIES	Open	61.75	0.00		
						136.72			
SEACST01	SEA COAST CHEVROLET-OLDSMOBILE								
		24-00025	01/05/24	OPEN FOR 2024	Open	848.51	0.00		B
SWOMB001	SHARON WOMBOUGH								
		24-00315	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
SIERR005	SIERRA WILSON								
		24-00804	03/28/24	REIMBURSEMENT FOR FINGERPIRNTS	Open	45.73	0.00		
SIC003	STANDARD INSURANCE COMPANY INC								
		24-00813	04/01/24	FEBRUARY 2024 PREMIUM	Open	2,903.74	0.00		
		24-00814	04/01/24	FEBRUARY 2024 TRUCK & HOSE	Open	310.63	0.00		
		24-00815	04/01/24	MARCH 2024 PREMIUM	Open	2,903.74	0.00		
		24-00816	04/01/24	MARCH 2024 TRUCK & HOSE	Open	310.63	0.00		
		24-00817	04/01/24	APRIL 2024 PREMIUM	Open	2,903.74	0.00		
		24-00818	04/01/24	APRIL 2024 TRUCK & HOSE	Open	310.63	0.00		
						9,643.11			
STAP003	STAPLES ADVANTAGE								
		24-00614	03/05/24	POLICE-CHIEF OFFICE SUPPLIES	Open	210.58	0.00		
		24-00729	03/18/24	OFFICE SUPPLIES-FD/EMS/OEM	Open	281.19	0.00		
		24-00732	03/18/24	POLICE RECORDS OFFICE SUPPLIES	Open	182.56	0.00		
		24-00734	03/18/24	SENIOR CENTER OFFICE SUPPLIES	Open	41.08	0.00		

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STAP003	STAPLES ADVANTAGE				Continued				
		24-00735	03/18/24	FINANCE OFFICE SUPPLIES	Open	38.84	0.00		
						754.25			
TEPS001	STATE OF NJ DEPT-OF TREASURY								
		24-00858	04/04/24	APRIL 2024 SHBP CONTRIBUTIONS	Open	317,018.52	0.00		
STA001	STAVOLA CONTRACTING CO. INC.								
		24-00248	01/23/24	OPEN FOR 2024	open	709.50	0.00		B
TMOBI005	T MOBILE USA INC.								
		24-00157	01/12/24	Tower Dump	open	25.00	0.00		
SCH001	T&M ASSOCIATES								
		21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	4,034.75	0.00		B
		24-00760	03/19/24	FMERA WATER ESCROW #1598	Open	18,884.26	0.00		
						22,919.01			
TARGE005	TARGETED TECHNOLOGIES LLC								
		24-00369	02/05/24	BORO/POLICE IT SERVICES 2024	Open	7,272.96	0.00		B
		24-00828	04/02/24	BORO MONTHLY IT SERVICES BAL	Open	4,771.04	0.00		
						12,044.00			
TERM001	TERMINATOR TERMITE & PEST MGT								
		24-00051	01/08/24		open	75.00	0.00		B
LINK002	THE LINK NEWS								
		24-00391	02/07/24	Legal Advertisement	Open	39.00	0.00		
THINK005	THINK NJ LLC								
		24-00721	03/18/24	Rec Basketball Referees	open	3,723.20	0.00		
TWOM001	THOMAS C. WOMBOUGH III								
		24-00314	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
SEC002	THYSSSEN KRUPP ELEVATOR								
		24-00771	03/21/24		open	744.98	0.00		
TNJ001	TREASURER, STATE OF NJ								
		24-00859	04/04/24	MARRIAGE 1ST QTR 2024 REPORT	Open	825.00	0.00		
UGIEN005	UGI ENERGY SERVICE, LLC								
		24-00835	04/02/24	BORO NATURAL GAS USAGE	open	3,019.95	0.00		
ULINE001	ULINE								
		24-00643	03/07/24	2024 GLOVES	Open	679.07	0.00		
NJB001	VERIZON								
		24-00834	04/02/24	BORO MONTHLY PHONE USAGE	Open	9,856.67	0.00		
WGO10	W.W. GRAINGER, INC.								
		24-00034	01/08/24		open	301.91	0.00		B
		24-00337	01/31/24		open	41.18	0.00		B

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WWG010	W.W. GRAINGER, INC.	Continued							
24-00578	03/01/24				Open	469.60	0.00		
						812.69			
HOW001	WALTER HOWELL								
24-00297	01/26/24	2024	MEDICARE REIMBURSEMENT	Open	524.10	0.00		B	
WAR001	WARSHAUER ELECTRIC SUPPLY CO. I								
23-00013	01/06/23				Open	22.02	0.00		B
24-00039	01/08/24				Open	247.73	0.00		B
						269.75			
WHITE006	WHITE DOVE CLEANERS								
24-00681	03/12/24		Dry Cleaning 3/4 - 3/8	Open	290.88	0.00			
24-00725	03/18/24		Dry Cleaning 3/11-3/18	Open	299.39	0.00			
						590.27			
Total Purchase Orders: 142 Total P.O. Line Items: 0 Total List Amount: 612,722.64 Total Void Amount: 0.00									

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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	3-01	7,474.87	0.00	7,474.87	0.00	0.00	7,474.87
CURRENT FUND:	4-01	564,871.06	0.00	564,871.06	2,299.52	0.00	567,170.58
GENERAL CAPITAL F	C-04	2,850.00	0.00	2,850.00	0.00	0.00	2,850.00
GRANT FUND	G-02	10,325.80	0.00	10,325.80	0.00	0.00	10,325.80
	T-12	21.00	0.00	21.00	0.00	0.00	21.00
	T-15	12,537.63	0.00	12,537.63	0.00	0.00	12,537.63
	T-17	12,342.76	0.00	12,342.76	0.00	0.00	12,342.76
Year Total:		24,901.39	0.00	24,901.39	0.00	0.00	24,901.39
Total of All Funds:		610,423.12	0.00	610,423.12	2,299.52	0.00	612,722.64