

Regular Meeting
Borough of Eatontown Governing Body
Thursday, April 25, 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 7:38pm, 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 David Gindi, Meir Araman, Carl Lawson, Candace M. Faust

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

ABSENT: Councilmember Danielle M. Jones

The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 04/10/2024

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

Voice Vote: AYE – C/East, C/Araman, C/Lawson, C/Faust

ABSTAIN - C/Gindi

ABSENT - C/Jones

3. COMMUNICATIONS

A. Monmouth County Board of Commissioners Resolution Auth. LEAP Grant

B. Borough of Tinton Falls, Notice of Public Hearing (Blk 101.02, Lot 2, Trinity Hall High School)

C. Monmouth County Board of Commissioners Resolution, America 250 MonmouthNJ Committee”
Langan, Notice of Application for Line Verification, Netflix, Inc.

D. DEP, Notice of Application to Divert Water from Wellpoints in Tinton Falls

F. Jacobs Engineering, Freshwater Wetlands Permit for Naval Weapons Station Earle

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

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

ABSENT - C/Jones

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported on community solar programs and asked Attorney Bayer to further explain. Attorney Bayer explained the program is to install solar on private property which goes to community solar which will benefit the residents for lower costs to electricity. Mayor Talerico asked the council if they would support him writing a letter if the Borough Attorney approves said letter. Councilmember Gindi asked about liability. Mayor Talerico explained the BPU requires the Mayor's letter. Attorney Bayer further explained. Mayor Talerico explained he will obtain more information for the council by the next meeting.

Mayor Talerico took the agenda out of order.

11. NEW BUSINESS

A. 2024 BUDGET

Robert Oliwa, Borough Auditor, provided an overview of the 2024 budget and explained the highlights. Mayor Talerico explained the average assessed home in 2024 is \$564,000, but in 2023 the average assessed home was \$503,000 meaning the taxes went down locally \$207.57. Mr. Oliwa agreed, then continued to explain the tax assessments between the two years. Mr. Oliwa continued to provide an overview of the 2024 budget and answer the council's questions. Mayor Talerico thanked the individuals responsible for planning the budget and asked if the council had any further questions. Councilmember Araman asked about the CAP. Mr. Oliwa and Mayor Talerico responded. Attorney Bayer asked for clarification on an item in the budget. Mayor Talerico responded. Councilmember Gindi asked if the Borough can build the budget prior to obtaining assessments. Mr. Oliwa responded. Councilmember Gindi further explained his question. Mr.

Oliwa and Mayor Talerico responded. Councilmember Araman commented on the increased assessments and mortgage rates. Mr. Oliwa responded. Mayor Talerico commented that the Council can contact Mr. Oliwa if they have any further questions. Councilmember Gindi asked if every suggestion would be brought before the council so consideration can be given. Interim Administrator Lucia responded. Councilmember Gindi commented that a lot of small things add up and should be under consideration. Mayor Talerico, Council President East, and Councilmember Faust responded. Mr. Oliwa commented on the inflation rate of more than 3.5% that also affects the budget.

1) Ordinance 05-2024 - Ordinance of the Borough of Eatontown to Exceed the Municipal Budget Appropriations Limited and to Establish a CAP Bank (N.J.S.A. 40A:4-45-14) - First Reading/Introduction (Public Hearing/Adoption 6/5/2024)

Mr. Oliwa provided an overview of the ordinance.

Attorney Bayer read the ordinance by title.

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

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

ABSENT - C/Jones

ORDINANCE 05-2024 - ORDINANCE OF THE BOROUGH OF EATONTOWN TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Eatontown in the County of Monmouth finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$932,831.63 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Eatontown shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$932,831.63 and that the CY 2024 municipal budget for the Borough of Eatontown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

2) Resolution 94-2024 - Resolution to Defer School Tax Levy

Mr. Oliwa provided an overview of the resolution. Councilmember Gindi asked for clarification. Mr. Oliwa responded.

Motion to adopt the resolution by C/East; seconded by C/Gindi

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

ABSENT - C/Jones

RESOLUTION 94-2024 - RESOLUTION TO DEFER SCHOOL TAX LEVY

WHEREAS, the regional high school and local district school taxes for the year July 1, 2023 to June 30, 2024 were raised in the 2023 tax levy in the sum of \$30,742,945; and

WHEREAS, the statutes permit the deferral of the cash liability of such school taxes up to fifty percent (50%) of the school tax levy, as adjusted for amounts requisitioned by the schools prior to December 31, 2023 or \$14,564,602.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Eatontown, in the County of Monmouth, that the deferred school taxes for the regional high school district and the local district be increased from the sum of \$3,636,603, which was deferred as of December 31, 2022 to the sum of \$14,564,602 as of December 31, 2023.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

3) Resolution 95-2024 - Introducing the Municipal Budget of Eatontown for the Year 2024 (Public Hearing 6/5/2024)

Mr. Oliwa provided an overview of the resolution.

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

Councilmember Gindi thanked the Interim Borough Administrator, the Certified Financial Officer and Mr. Oliwa for their hard work in preparing the budget.

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

Mayor Talerico and Interim Administrator Lucia thanked Mr. Oliwa and Dena Amodea, the Certified Financial Officer.

RESOLUTION 95-2024 - RESOLUTION TO INTRODUCE MUNICIPAL BUDGET FOR THE YEAR 2024

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2024.

BE IT FURTHER RESOLVED that said budget be published in **The Asbury Park Press** on Tuesday, May 14, 2024. The governing body of the Borough of Eatontown does hereby approve the following as the budget for the year 2024.

5. REPORTS OF COMMITTEES

A. EMERGENCY SERVICES - Council President East

Council President East reported on the meetings of the Fire Department, the First Aid Squad, and the Historical Committee. Council President East then reported on the walkthrough at the Senior Housing Building on Wyckoff Road by all the Emergency Service Departments in town. Council President East then reported on the Weekend in Old Monmouth participated by the Eatontown Museum and the participation of an essay about Eatontown.

B. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones is absent. Mayor Talerico mentioned that the Drug and Alcohol Alliance is working on the Open Court Basketball, and Councilmember Jones thanked the Auditor and the Certified Financial Officer for their work on the budget. Councilmember Jones report is on file with the Borough Clerk's Office.

C. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Gindi

Councilmember Gindi reported on the meetings of the Tenants' Rights Committee, and mentioned the Housing Department has been receiving phone calls regarding water management.

D. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

Councilmember Araman had nothing to report.

E. PARKS & RECREATION - Councilmember Lawson

Councilmember Lawson reported on the next meetings of the Recreation Advisory Committee, the Community Center, and the Community Garden. Councilmember Lawson then reported on the Eatontown Recreation's 5K Race, the Annual Fishing Derby, the Summer Camp Registration, Before and After Care Registration, and the baseball game being held on Sunday.

PUBLIC WORKS & INSURANCE - Councilmember Faust

Councilmember Faust reported on the bulk schedule, pothole repairs, brush and leaves pickup, and the paper shredding event. Councilmember Faust then reported on the events of the Borough Cleanup, the Bike Safety Rodeo, the Pollinator Garden Project, the Sustainability Summit in Bellworks, and on the New Jersey Bike and Walk Summit. Councilmember Faust then reported on the Girl Scouts taking a tour of the Women's History Display in the Museum and a tour of Borough

Hall. Councilmember Faust further reported that the tree ordinance was discussed with the Green Team, and a tree dedication to Don and Judy Bretzger. Councilmember Faust then commented that she attended the opening day for Eatontown Baseball and the Drama Club's Spring Production of Godspell.

Councilmember East asked if the Bike Rodeo is open to all ages. Councilmember Faust responded yes.

Councilmember Gindi asked about the changes to parking. Councilmember Faust responded.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia had nothing to report.

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

(continued/carried from 2/28/24, 3/13/24 and 4/10/24)

Kevin Mirda, still under oath. Mayor Talerico asked for any updates on the pending background check. Interim Administrator Lucia commented that the results are not in yet but did see proof that it has been done. Mr. Mirda commented that the zoning issue is being handled with the zoning officer and the only outstanding item is the re-inspection from the Housing Office for 11 Park Avenue. Mr. Mirda then explained the pool cover has not yet been delivered and asked if he can obtain a tarp to cover the drained pool as a temporary solution. Mayor Talerico responded, then asked when the pool cover will be delivered. Mr. Mirda responded. Mayor Talerico asked Attorney Bayer how the Borough can resolve 11 Park Avenue with only the pool cover and inspection. Attorney Bayer responded that the council could pass a conditional approval. Mayor Talerico asked Julie Martin, Borough Clerk, if the conditional resolution of approval was already passed. Mrs. Martin responded yes. Attorney Bayer further commented on a resolution. Mayor Talerico deferred to the Interim Borough Administrator to talk to the Housing Officer if he can go and give a CO on condition of a pool cover being obtained. Attorney Bayer explained there would have to be a follow up on the pool cover. Mrs. Martin asked if the Clerk's Office can issue the license after Mr. Mirda obtains a CO. Mayor Talerico responded yes. Mayor Talerico continued the hearing on 18 Willow Avenue. Mayor Talerico asked Mr. Mirda if he is aware that the council cannot grant a license until the CO inspection and zoning violations are abated. Mr. Mirda responded. Attorney Bayer explained the applicant needs to go to the Zoning Board of Adjustment to get relief or challenge the Zoning Officer's determination. Mayor Talerico further explained. Mr. Mirda explained why he will not go to the Zoning Board. Attorney Bayer responded. Mayor Talerico asked Mr. Mirda if he had any questions. Mr. Mirda asked for the Borough Administrator's email address so he may resolve the Certificate of Occupancy. Mayor Talerico responded. Mr. Mirda asked what his next step is for 18 Willow. Mayor Talerico and Attorney Bayer responded. Mayor Talerico asked if the hearing should be left on the Agenda. Mr. Mirda explained they will not be un-licensed because they are still licensed by the State of New Jersey and Eatontown just adopted the right to perform the inspections on the State's behalf. Mr. Mirda further explained that they are still acknowledged by the State as a CSLR and cannot be zoned out of neighborhoods. Mayor Talerico and Attorney Bayer responded. Mayor Talerico asked the council what they wanted to do. Attorney Bayer explained the options. Councilmember East asked if the council would vote on the zoning and pending background check. Mayor Talerico and Attorney Bayer responded. Councilmember Gindi asked Mr. Mirda why he did not go through the motions of rectifying the violations. Mr. Mirda responded by stating the basement apartment was not a problem last year but is this year. Mayor Talerico responded by referring to the Zoning Approval from 2020 that does not include the basement bedroom. Councilmember Faust further explained Councilmember Gindi's question by explaining the appeal process to Mr. Mirda. Mayor Talerico further commented and asked Mr. Mirda if he would like the council to keep the hearing on the agenda for one more meeting. Mr. Mirda responded to leave it on, so he may consult with his attorney. Mayor Talerico explained the council will leave the hearing on for one more meeting and asked Mr. Mirda to let the council know if he will be appearing.

8. OLD BUSINESS

A. RESOLUTION ADOPTION

1) **Resolution 68-2024** – Resolution on Application of Pheonix Recovery, 18 Willow *(carried from 2/27, 3/13 & 4/10/24)*

Motion to carry the resolution to the May 8th meeting by C/Gindi; seconded by C/Faust

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

ABSENT - C/Jones

B. ORDINANCE ADOPTION

1) Ordinance 01-2024 - Ordinance Amending Chapter 89 "Land Use", Article VII, "Area Bulk and Use Requirements", Section 89-52 "Cannabis Conditional Use Requirements" and Article III, Chapter 200 "Licenses and Permits" "Cannabis Licensing and Taxation" - Public Hearing/Adoption

Interim Administrator Lucia called Councilmember Jones for the Ordinance Adoption at 9:16pm.

Attorney Bayer read the ordinance by title.

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

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

Ron Wollner, 275 Industrial Way, commented that cannabis is really good source of revenue for the town and hopes for a yes vote on the ordinance.

Richard Neale, Eatontown, commented that the amendments written in the ordinance are important for Eatontown to thrive and be a leader in the current market and thanked the council for their consideration.

Rita Ruggieri, 38 Industrial Way East, commented that Eatontown is ahead of the whole game and that the council is doing great.

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

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

Attorney Bayer read the ordinance by title.

Mayor Talerico explained the ordinance was brought to the Planning Board and have found it not to be consistent with the Master Plan. Mayor Talerico then explained that if the council votes to adopt the ordinance, then a companion resolution will also need to be adopted. Attorney Bayer further explained that four affirmative votes are required for passing, and the Mayor cannot break the tie due to the inconsistency of the Master Plan.

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

Councilmember Faust commented that she appreciates the work the professionals have done towards making the recommendations. Councilmember Faust explained she still feels like 21 licenses are still too many licenses but understands the push for micro-businesses. Councilmember Faust further explained her views on the ordinance.

Councilmember Araman thanked the professionals for helping the Borough with this ordinance. Councilmember Araman then explained the Borough needs to generate more money from businesses, so the Borough does not need to obtain it from the homeowners.

Councilmember Jones thanked the Borough Professionals and the Cannabis Sub-Committee for their work on the ordinance. Councilmember Jones then commented that the Borough is not adding too many licenses just to have them, but to stay ahead of the curve. Councilmember Jones explained the council is doing their due diligence and what's best for the Borough.

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

Attorney Bayer explained the ordinance does not become legally effective until upon publication, then there is a 45 day challenge period.

Councilmember Jones left the meeting.

ORDINANCE 01-2024 - AN ORDINANCE AMENDING CHAPTER 89 "LAND USE", ARTICLE VII "AREA BULK AND USE REQUIREMENTS", SECTION 89-52 "CANNABIS CONDITIONAL USE REQUIREMENTS" AND ARTICLE III, CHAPTER 200 "LICENSES AND PERMITS" "CANNABIS LICENSING AND TAXATION"

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" ("the Act") (P.L. 2021, c.16), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses to cultivate, manufacture, wholesale, distribute, sell and deliver cannabis and cannabis related products; and

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (or by August 22, 2021); and

WHEREAS, the Borough Council adopted Ordinance 19-2021 authorizing no more than two of each Class 1-Cannabis Cultivator facilities, Class 2-Cannabis Manufacturer facilities, Class 3-Cannabis Wholesaler facilities, Class 4-Cannabis Distributor facilities; and three Class-5 Retailer establishments inclusive of the existing Alternative Treatment Center which was deemed to concurrently hold a Class 5 Retail License pursuant to the Act.

WHEREAS, the Borough Council adopted Ordinance 16-2023 amending Ordinance 19-2021 expanding the eligible locations for Class 1 through 5 Cannabis operations, defined a "School" and the manner in which the distance to a School is measured, allowed microbusiness operations for Classes 1 through 4, and increased the number of Class 5 licenses from three to four (Ordinance 19-2021 and Ordinance 16-2023 shall be collectively referred to as the "Cannabis Ordinance"); and

WHEREAS, the Borough Council created a Cannabis Industry Subcommittee as an advisory committee to the Economic Development Committee given the significant interest from the cannabis industry to expand operations within the Borough and it has made certain recommendations to the Borough Council which it has evaluated and as a result, the Council believes it is in the best interest of the Borough to amend the Cannabis Ordinance to add a Class 5 microbusiness license and to clarify certain operational regulations.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown that the Borough Code of the Borough of Eatontown be and is hereby amended as follows:

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown that the Borough Code of the Borough of Eatontown be and is hereby amended as follows:

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

SECTION 1. Chapter 89, Section 52 entitled "Cannabis Conditional Use Requirements" is hereby amended as follows:

Section 89-52 -Cannabis Conditional Use Requirements

Cannabis Class uses, (other than Alternative Treatment Centers) shall be permitted as a Conditional Use given the following conditions:

A. Hours of Operation. Cannabis classes 3, 4 and 5 users are permitted the following hours of operation:

(1) Monday through Saturday: 9:00 am to 10:00 p.m.

(2) Sunday: 11:00 a.m. to 7:00 p.m.

B. Cannabis Class 1 and 2 users are permitted to operate twenty-four hours per day, seven days per week.

B. C. Location. The permitted location of such uses shall be in accordance with the current NJ State requirements in addition to the following:

1 All Class 1, 2, 3 and 4 (non-Microbusiness facilities) facilities, including Microbusinesses, shall be permitted to be located on Industrial Way West, and Industrial Way East to Wall Street. Class 1, 2, 3 and 4 Microbusiness facilities shall also be located on Meridian Road, Corbett Way, Christopher Way and James Way.

2 Class 5, including Microbusiness Class 5 retail establishments, shall be permitted to be located on Route 36 and on Route 35 both south of the intersection with Route 36 and north of the intersection with Route 36 until the south corner of Clinton Avenue.

i. Class 5 cannabis retail facilities establishments (including Class 5 microbusiness establishments) shall be located a minimum of a 1,000 feet radius from any property line of a Class 5 retail facility to any property line of a School or Day-Care Center. This measurement shall not apply to properties on the opposite side of a divided State Highway.

- ii. Class 5 cannabis retail facilities establishments (including Class 5 microbusiness establishments) shall also be located a minimum of a 1,000 feet radius from any property line of such facility to any property line of another Class 5 cannabis retail facility.

D. [No changes].

E. Quantity. The maximum permitted number of Class 5 Cannabis Retail establishments within the Borough of Eatontown is four (4) inclusive of the existing Alternative Treatment Center which is deemed to concurrently hold a Class 5 Retail License pursuant to the Act. There shall be no more than three of each Class 1-Cannabis Cultivator facilities, Class 2-Cannabis Manufacturer facilities, Class 3-Cannabis Wholesaler facilities, and Class 4-Cannabis Distributor facilities. Notwithstanding this limitation on the number of Class 1, 2, 3, and 4, and 5 Cannabis facilities and establishments, there shall be one additional Microbusiness permitted for each Class 1-Cannabis Cultivator facilities, Class 2-Cannabis Manufacturer facilities, Class 3-Cannabis Wholesaler facilities, and Class 4-Cannabis Distributor facilities, and Class 5 -Cannabis Retail establishments.

E-F. [No changes].

SECTION 2

Cannabis Licenses and Permits, Chapter 200-7 is hereby amended as follows:

- A. [No change].
- B. [No change].
- C. [No change].
- D. The annual license fees, type and maximum number of licenses for the cultivation, manufacture, wholesale, distribution retail sale and delivery of cannabis shall be as follows: The application fee for Class 1 through 5 non-Microbusiness licenses shall be \$10,000 and \$2,500 per annum thereafter. The application fee for Class 1 through 5 Microbusiness shall be \$5000.00 and \$1250.00 per annum thereafter.
- E. [No change].
- F. In order to be eligible for the issuance of a license to operate a Class 1, 2, 3, 4 or 5 license, including a license to operate a Microbusiness authorized hereunder, the applicant shall provide the Borough with proof of the following:
 1. [No change].
 2. [No change].
 3. Proof of site control for the location proposed for the cannabis facility through either proof of ownership of the property, ~~or a lease or a Letter of Intent between the property owner and the cannabis licensee applicant evidencing the intent of the property owner to lease the property to the cannabis licensee applicant~~ for at least six months, and the lease or Letter of Intent shall be renewed thereafter in at least 6 month intervals until a license is issued. the period the license is effective for
 4. [No change].

The remainder of all other sections and subsections of the Cannabis Ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4.

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

SECTION 5.

This Ordinance shall take effect upon its passage and publication according to law.

2) **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 - **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/Lawson

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

Dee Slattery, 9 Lone Oak Way, summarized some context and history behind the efforts on updating the tree ordinance.

Ron Wollner, 275 Industrial Way, commented that he is opposed to putting a burden on the residents. Mr. Wollner then explained that he does not like the fact that they are now obligated to get permission to chop down a tree on their own property.

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

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

Councilmember Jones joined the meeting in person at 9:37pm.

Councilmember Faust asked the council if they would be willing to hold on voting on the ordinance until next meeting, then explained her reasoning. Councilmember Gindi asked if the Shade Tree Committee is looking to just review or make changes. Councilmember Faust responded.

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

Mayor Talerico asked Attorney Bayer if it is ok for the Borough to carry the ordinance to the next meeting. Attorney Bayer responded.

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:

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.

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.

6307-8 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.

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.

9. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

Roy Eisen, Byrnes Lane, asked when the budget information will be available to the public. Mayor Talerico responded.

Ron Wollner, 275 Industrial Way, asked if the surplus is \$5 million. Mayor Talerico responded. Mr. Wollner asked if there's other ways the Borough can generate money in town, they should investigate that. 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/Gindi; seconded by C/Jones

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

11. NEW BUSINESS CONT.

A. CONSENT AGENDA RESOLUTIONS

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 96-2024** - Setting Forth Reasons for Adopting Ord. 01-2024 Notwithstanding the PB Report of Inconsistency with the Master Plan
- 2) **Resolution 97-2024** - Designating Block 304, Lots 5, 6, 7, 8, 9, 10, 13, 13, 15 and 16, Block 301, Lots 14 and 18 and Block 401, Lots 64, 65, 66, 67 and 68 as a Non-Condemnation Area in Need of Redevelopment
- 3) **Resolution 98-2024** - Recommendation of Award, Phase II Downtown Eatontown Greenway
- 4) **Resolution 99-2024** - Appointment of Fire Police Member (Halleran)
- 5) **Resolution 100-2024** - Appointment to Certain Boards/Commissions
- 6) **Resolution 101-2024** - Auth. Emergency Temporary Appropriations
- 7) **Resolution 102-2024** - Auth. Contract for Added Assessment/Inspection/Valuation Services (Kulka)
- 8) **Resolution 103-2024** - Auth. MOU with FMERA for the Survey & Design of Improvements to Nicodemus & Wilson Avenues on Fort Monmouth

Motion to approve Consent Items 1-8 (Resolutions 96-103) as a group by C/Gindi; seconded by C/Jones

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

RESOLUTION 96-2024 - RESOLUTION SETTING FORTH THE REASONS FOR ADOPTING ORDINANCE 01-2024 NOTWITHSTANDING THE PLANNING BOARD'S REPORT OF INCONSISTENCY WITH THE MASTER PLAN

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" ("the Marijuana Act") (P.L. 2021, c.16), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Marijuana Act establishes six marketplace classes of licensed businesses to cultivate, manufacture, wholesale, distribute, sell and deliver cannabis and cannabis related products; and

WHEREAS, Section 31a of the Marijuana Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Marijuana Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Marijuana Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (or by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the State legislature; and

WHEREAS, the Borough Council adopted Ordinance 19-2021 authorizing no more than two of each Class 1-Cannabis Cultivator facilities, Class 2-Cannabis Manufacturer facilities, Class 3-Cannabis Wholesaler facilities, Class 4-Cannabis Distributor facilities; and three Class-5 Retailer establishments inclusive of the existing Alternative Treatment Center which was deemed to concurrently hold a Class 5 Retail License pursuant to the Act.

WHEREAS, the Borough Council adopted Ordinance 16-2023 amending Ordinance 19-2021 expanding the eligible locations for Class 1 through 5 Cannabis operations, defined a “School” and the manner in which the distance to a School is measured, allowed microbusiness operations for Classes 1 through 4, and increased the number of Class 5 licenses from three to four; and

WHEREAS, the Borough Council created a Cannabis Industry Subcommittee as an advisory committee to the Economic Development Committee given the significant interest from the cannabis industry to expand operations within the Borough and it has made certain recommendations to the Borough Council which it has evaluated and as a result, the Council believes it is in the best interest of the Borough to amend the Cannabis Ordinance to add a Class 5 microbusiness license and to clarify certain operational regulations.

WHEREAS, the Borough Council introduced Ordinance 01-2024 amending the Cannabis Ordinance to allow for a Class 5 microbusiness in the same locations as the Class 5 microbusinesses; expanding the locations of Class 1-4 microbusiness; lowering the application fee for microbusiness and an administrative change to the application process; and

WHEREAS, the Planning Board considered Ordinance 01-2024 at its regularly scheduled meeting of April 15, 2024, and it reported to the Borough Council pursuant to N.J.S.A. 40:55D-62 (a) that the Ordinance is not consistent with the Master Plan; and

WHEREAS, N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-62(a) authorizes a municipality to adopt or amend a zoning ordinance which is inconsistent with the Master Plan but in such case, the Council is required to adopt a resolution and place on the record the reasons for the adoption notwithstanding the inconsistency finding of the Planning Board; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to adopt an Ordinance and it is therefore adopting the within Resolution setting forth the rationale for the adoption in light of the inconsistency with the Master Plan finding of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it has adopted Ordinance #01-2024 notwithstanding the Master Plan inconsistency finding of the Eatontown Planning Board because the Planning Board’s last Master Plan review was approved in December 2018 at a time when only medical marijuana facilities were authorized by state law and the Legislature subsequently adopted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” legalizing recreational cannabis in 2021; and (2) the current Cannabis ordinance furthers the interests and policies of authorizing and promoting legal cannabis businesses in Eatontown in furtherance of the Borough Council’s prior adoption of Ordinances 19-2021 and 16-2023.

RESOLUTION 97-2024 - DESIGNATING BLOCK 304, LOTS 5, 6, 7, 8, 9, 10, 12, 13, 15 AND 16, BLOCK 301, LOTS 13 AND 18, AND BLOCK 401, LOTS 64, 65, 66, 67 AND 68 AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Mayor and Council of the Borough of Eatontown adopted Resolution 44-2021 on February 24, 2021 directing the Planning Board to conduct a preliminary investigation of the properties officially designated as Block 304, Lots

1, 2, 3, 4, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26; Block 901, Lots 1, 2, 3, 4, 5, 6, 7 and 8; and Block 401, Lots 61, 62 and 63 on the tax map of the Borough of Eatontown (the "Downtown Study Area") so as to determine whether the Downtown Study Area meets the criteria to be designated a Non-Condensation Area in Need of Redevelopment; and

WHEREAS, the Planning Board conducted an investigation which included consideration of the report prepared by Jennifer Beahm, P.P., AICP of Leon S. Avakian Inc., dated April 2021 entitled "Area In Need of Redevelopment Investigation Report" and conducted a public hearing on May 17, 2021 in accordance with the requirements of applicable law; and **WHEREAS**, the Planning Board determined the Downtown Study Area meets the criteria under the LRHL to be declared a Non-Condensation Area in Need of Redevelopment and adopted a Resolution on June 7, 2021 confirming that finding; and **WHEREAS**, Borough Council adopted Resolution 102-2021 determining the Downtown Study Area constitutes an Area in Need of Redevelopment under N.J.S.A. 40A:12A-5 (a) and (b).

WHEREAS, the Borough Council adopted Resolution 38-2024 authorizing the Planning Board to conduct a preliminary investigation to determine whether the properties designated as Block 304, Lots 5, 6, 7, 8, 9, 10, 12, 13, 15, and 16 and Block 301, Lots 13 and 18 and Block 401, Lots 64, 65, 66, 67 and 68 on the Borough Tax Map (the "Amended Downtown Study Area") meets the criteria to be declared an Area in Need of Redevelopment in conjunction with its previous determination that the Downtown Study Area met the redevelopment designation under the LRHL.

WHEREAS, the Planning Board conducted a public hearing and considered the report by the Planning Board Planner Jennifer C. Beahm, P.P. AICP of Leon S. Avakian, Inc. dated April 2021 which recommends the designation of the Amended Downtown Study Area as a non-condemnation Area in Need Redevelopment and the Planning Board adopted a Resolution on April 15, 2024 recommending that the Downtown Study Area continues to qualify as an Area in Need of Redevelopment; and the Amended Downtown Study Area constitutes a Non-Condensation Area in Need of Redevelopment premised upon N.J.S.A. 40A:12A-5 (a) (b) (c), (d) and (h).

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby determines that Block 304, Lots 5, 6, 7, 8, 9, 10, 12, 13, 15, and 16, Block 301, Lots 13 and 18 and Block 401, Lots 64, 65, 66, 67 and 68 on the official tax map of the Borough of Eatontown hereby constitutes a Non-Condensation Area in Need of Redevelopment under the criteria set forth at N.J.S.A. 40A:12A-5 (a), (b), (c), (d) and (h).

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be sent to the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 40A:12A-6.

**RESOLUTION 98-2024 - NEW JERSEY DEPARTMENT OF TRANSPORTATION DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT RECOMMENDATION OF AWARD, STATE AID PROJECT
PHASE II DOWNTOWN EATONTOWN GREENWAY**

BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, hereby recommends to the New Jersey Department of Transportation that the contract for Phase II Downtown Eatontown Greenway in the Borough of Eatontown, County of Monmouth, be awarded to Precise Construction Incorporated whose bid amount of \$102,630.00 is subject to the approval of the Department.

BE IT FURTHER RESOLVED that the Presiding Officer, Eatontown Borough Mayor (or his designee), be and is hereby directed to sign for and on its behalf the contract in the prescribed form of said construction.

BE IT FURTHER RESOLVED that the Eatontown Borough Clerk be and is hereby directed to seal said contract with the corporate seal of the Borough of Eatontown and to attest to the same.

Approved by the Mayor and Council of the Borough of Eatontown on April 25, 2024.

RESOLUTION 99-2024 - CONFIRMING APPOINTMENT TO EMERGENCY SERVICE

BE IT RESOLVED that the following appointment to Emergency Services for the Borough of Eatontown for the term of 4/25/2024-12/31/2024, unless noted otherwise, as made by the Mayor, is hereby confirmed:

FIRE POLICE

Member: Michael Halleran

RESOLUTION 100-2024 - 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:

SENIOR HOUSING BOARD OF TRUSTEES

MEMBER Robin Larsen

UNEXP. 3-YR TERM: 4/25/24 - 12/31/24

RESOLUTION 101-2024 - RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergency condition has arisen in the 2024 Current Fund Budget with respect to additional costs prior to the adoption of the 2024 Budget; and

WHEREAS, the adoption of the 2024 Budget has not been completed and adequate provision was not made in the 2024 Temporary Budget and N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation; and

WHEREAS, the total emergency resolutions adopted in the year 2024 pursuant to the provisions of N.J.S.A. 40A:4-20, chapter 96 P.L. (as amended) including this resolution total of \$9,722,793.87

NOW, THEREFORE BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-20 an Emergency Temporary Appropriation be and the same is hereby made as follows:

GENERAL GOVERNMENT:

ADMIN	S/W	\$10,000.00	4-01-20-100-000-110
	O/E	\$10,000.00	4-01-20-100-000-223
CLERK	S/W	\$15,000.00	4-01-20-112-000-110
	O/E	\$10,000.00	4-01-20-112-000-223
IT	O/E	\$50,000.00	4-01-20-114-000-222
ASSESSOR	S/W	\$10,000.00	4-01-20-115-000-110
FINANCE	S/W	\$10,000.00	4-01-20-130-000-110
PURCHASING	S/W	\$10,000.00	4-01-20-133-000-110
COLLECTOR	S/W	\$10,000.00	4-01-20-145-000-110
ZONING	S/W	\$10,000.00	4-01-21-187-000-110
INSP BUILDING	S/W	\$40,000.00	4-01-22-195-000-110
HOUSING	S/W	\$10,000.00	4-01-22-205-000-110
GROUP INSURANCE	O/E	\$50,000.00	4-01-23-221-000-293
UNEMPLOYMENT	O/E	\$8,000.00	4-01-23-225-000-249
POLICE	S/W	\$500,000.00	4-01-25-240-000-110
FIRE PREVENTION	S/W	\$10,000.00	4-01-25-265-000-110
PUBLIC BLDGS	S/W	\$30,000.00	4-01-26-310-000-110
PUBLIC BLDGS	O/E	\$30,000.00	4-01-26-310-000-224
COURT TINTON FALLS	O/E	\$40,000.00	4-01-26-317-000-249
RECREATION	S/W	\$20,000.00	4-01-28-375-000-110
COMMUNITY CENTER	S/W	\$30,000.00	4-01-28-376-000-110
SENIOR CITIZENS	S/W	\$10,000.00	4-01-28-378-000-110
LIBRARY	S/W	\$10,000.00	4-01-29-390-000-110
MON CTY RECYCLE	O/E	\$60,000.00	4-01-32-465-000-279
SOCIAL SECURITY	O/E	\$100,000.00	4-01-36-472-000-388
MUNICIPAL COURT	S/W	\$10,000.00	4-01-43-490-000-110
	O/E	\$10,000.00	4-01-43-490-000-236
		\$1,113,000.00	

RESOLUTION 102-2024 - AUTHORIZING CONTRACT FOR ADDED ASSESMENT INSPECTION AND VALUATION SERVICES WITH JOSEPH KULKA

WHEREAS, N.J.S.A. 40A:11-3 of the Local Public Contracts Law authorizes a Municipality to award a contract under a threshold amount without public advertising for bids and bidding if authorized by resolution;

WHEREAS, the Borough of Eatontown ("Borough") has a need for added assessment inspection and valuation of real property tax purposes which will be performed by a professional qualified to perform such services.

WHEREAS, the Borough Tax Assessor requested a proposal for such services for the tax year 2024.

WHEREAS, Joseph Kulka submitted a proposal to provide these services.

WHEREAS, the Borough Tax Assessor recommends the award of the contract to Joseph Kulka; and

WHEREAS, the Borough Council of Borough of Eatontown believes that the award of the contract to Joseph Kulka is in the best interest of the Borough and its residents:

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

1. The Borough authorizes the retention Joseph Kulka for Added Assessment Inspection and Valuation Services for the 2024 Tax Year.
2. The contract is awarded in an amount not to exceed \$6,000.
3. The contract is awarded subject to and conditional upon the contractor completing all documents required by law for review by and approval of the Borough Administrator and Attorney.
4. The Mayor and the Borough Clerk, together with all appropriate officers, employees, professionals and staff of the Borough are authorized and directed to take all steps necessary to effectuate the purposes of this resolution.

This resolution shall take effect immediately.

RESOLUTION 103-2024 - RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY FOR THE SURVEY AND DESIGN OF IMPROVEMENTS TO NICODEMUS AND WILSON AVENUES ON FORT MONMOUTH

WHEREAS, the Fort Monmouth Economic Revitalization Authority ("FMERA") seeks to enter into a Memorandum of Understanding ("MOU") regarding the funding, analysis and survey of existing roadway and stormwater infrastructure conditions on, and design for the improvement and transfer of portions of Nicodemus and Wilson (South) Avenues located within the Borough of Eatontown (the "FMERA Road Project"); and

WHEREAS, ARH Associates ("ARH") has been appointed by the Borough Council as its conflict engineering firm for the calendar year 2024; and

WHEREAS, FMERA seeks the Borough's assistance using ARH to implement the FMERA Road Project; and

WHEREAS, FMERA has agreed to fund the engineering services for the FMERA Road Project through the placement of \$90,940.00 with the Borough to pay for ARH's engineering services with FMERA further agreeing that upon approval, it will pay for any additional costs and fees incurred by ARH, as needed; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to enter into the Memorandum of Understanding to ensure the roadways on Fort Monmouth are restored and meet current municipal roadway standards at no cost to the Borough before the roadways are transferred from FMERA to the Borough; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown hereby approves the Memorandum of Understanding with the Fort Monmouth Economic Revitalization Authority in connection with the FMERA Road Project in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to execute the Memorandum of Understanding and other documentation necessary to implement the FMERA Road Project.

12. REMARKS OF COUNCIL AND CITIZENS

No comments from Council.

The meeting was open to the public.

No comments were made, the meeting was closed to the public.

13. ADJOURNMENT – 9:46pm

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

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



By: Julie Martin, RMC, Borough Clerk

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

P.O. Type: All

Range: First to Last

Format: Condensed

Vendors: All

Include Non-Budgeted: Y

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

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
4TMP001	4 IMPRINT USA								
		24-00772	03/21/24	ARBOR DAY 2024	Open	295.84	0.00		
ACTI0005	ACTION UNIFORM CO, LLC								
		23-02804	11/14/23	2023 Police Uniforms	Open	1,188.00	0.00		B
AKE0001	A&K EQUIPMENT CO INC								
		24-00792	03/27/24	12/24V JUMP START PACK	Open	1,449.29	0.00		
AMAZ001	AMAZON.COM SERVICES, INC								
		24-00677	03/11/24	PAINT CONTAINERS W/ LIDS	Open	156.04	0.00		
		24-00697	03/14/24	3PC GLASS MEASURING SET\$22.55	Open	48.49	0.00		
		24-00699	03/14/24	MODGE PODGE 3 PK \$16.05	Open	123.47	0.00		
		24-00703	03/14/24	BIC WHITE-OUT CORRECTION TAPE	Open	126.55	0.00		
						454.55			
AMER1001	AMERIFLEX BUSINESS SOLUTIONS								
		24-00406	02/08/24	2024 FSA ADMIN/COBRA FEES	Open	115.00	0.00		B
CO01	ALLIED OIL LLC								
		24-00684	03/12/24	93 RFG GAS/ETHANOL	Open	16,739.12	0.00		
APP002	GANNETT NJ NEWSPAPERS								
		24-00003	01/05/24	Legal Advertisements	Open	746.42	0.00		B
APS002	ATLANTIC PLUMBING & SUPPLY COR								
		24-00767	03/20/24		Open	591.68	0.00		B
ARNONE01	JOAN ARNONE								
		24-00281	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
ARO002	AMERICAN ROLL-OFF								
		24-00341	01/31/24	OPEN FOR 2024	Open	958.15	0.00		B
ASB001	ASBURY PARK PRESS, INC								
		24-00921	04/12/24	PB Cancellation 4.1.2024	Open	45.56	0.00		
ATS001	ATLANTIC TREE EXPERTS CO								
		24-00680	03/12/24	1 PRINCESS-REMOVAL/TRIMMING	Open	3,000.00	0.00		
ATT001	ATLANTIC TACTICAL								
		24-00533	02/23/24	SLEO Vests	Open	4,107.60	0.00		
ATTM002	AT&T MOBILITY - 287306454448								
		24-00968	04/18/24	BORO/DEPT CELL PHONE USAGE	Open	18.52	0.00		

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ATTM003	AT&T MOBILE 287306454309								
		24-00961	04/17/24	BORO/POLICE CELL PHONE USAGE	Open	115.83	0.00		
AVAKI001	LEON AVAKIAN, INC								
		24-00924	04/15/24	Indust Ww Ruggier Escrow#1594	Open	5,812.50	0.00		
BACKY005	BACKYARD STRUCTURES LLC								
		24-00723	03/18/24	HISTORICAL MUSEUM SHED	Open	4,500.00	0.00		
BAND001	BANDAG, INC								
		24-00404	02/07/24	OPEN FOR 2024	Open	268.00	0.00		B
BBBA001	BROWN & BROWN BENEFITS ADV								
		24-00861	04/05/24	MAY 2024 CONSULTING FEE	Open	1,500.00	0.00		
BLA001	JUDITH CLAUS BLAIR								
		24-00284	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
BOE001	EATONTOWN BOARD OF EDUCATION								
		24-00892	04/10/24	TAX LEVY MAY 2024	Open	1,449,051.50	0.00		
BRC001	BOARD OF RECREATION COMMISSION								
		24-00713	03/15/24	2024 RECASTIST APPLICATION FEE	Open	25.00	0.00		
BSA001	BOY SCOUTS OF AMERICA								
		24-00010	01/05/24	OPEN FOR 2024	Open	125.00	0.00		B
CARR004	MICHAEL CARR								
		24-00808	03/28/24	WOOBOOT REIMBURSEMENT	Open	400.00	0.00		
CELL01	CELEBRITE INC								
		23-02923	12/01/23	Annual Renewal	Open	6,450.00	0.00		
CHAS001	ARTHUR F. CHASEY, JR.								
		24-00289	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
CHEM001	CHEM-TEK INDUSTRIES INC								
		23-02780	11/09/23	OPEN FOR 2023	Open	404.10	0.00		B
		24-00785	03/26/24	PARK SUPPLIES 2024	Open	990.10	0.00		
						1,394.20			
CKC001	CAROL K. CHASEY								
		24-00288	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
COMC004	COMCAST								
		24-00939	04/16/24	BORO LIBRARY BUSINESS INTERNET	Open	96.90	0.00		
DEADY002	FLORA DEADY								
		24-00494	02/21/24	MEDICARE INS REIMBURSE 2024	Open	524.10	0.00		B
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		24-00964	04/18/24	BORO MAILROOM COPIER LEASE	Open	146.85	0.00		

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DELAG01	DE LAGE LANDEN FINANCIAL INC			Continued					
		24-00965	04/18/24	COMMUNITY CTR COPIER LEASE	Open	146.85	0.00		
						293.70			
DENA001	DENA AMODEA								
		24-00914	04/12/24	2024 CELL PHONE REIMBURSEMENT	Open	90.00	0.00		B
DILW001	DILWORTH PAXSON								
		24-00820	04/01/24	FINANCE PROFEESIONAL SERVICES	Open	2,685.00	0.00		
DOBRO01	JOHN DOBROWOLSKI								
		24-00292	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
ENG001	WALLACE ENGLEHART								
		24-00293	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
		24-00329	01/30/24	2024 SHBP REIMBURSMENT RETIREE	Open	2,426.89	0.00		B
						2,950.99			
FOO001	SAKER SHOPRITES, INC.								
		24-00442	02/14/24	PRESCHOOL MARCH SNACKS	Open	96.77	0.00		
		24-00599	03/04/24	PRESCHOOL APRIL SNACKS	Open	72.68	0.00		
		24-00600	03/04/24	AFTERCARE APRIL SNACKS	Open	255.23	0.00		
		24-00634	03/07/24	APRIL SNACKS	Open	48.23	0.00		
						472.91			
NDP005	FUNDPALITY II, LLC								
		23-02970	12/12/23	Lien 22000006 Redemption	Open	87,990.69	0.00		
FWWEB005	F.W. WEBB COMPANY								
		24-00502	02/22/24		Open	249.29	0.00		B
GEN001	GENERAL CODE PUBLISHERS CORP.								
		24-00871	04/08/24	ANNUAL MAINTENANCE ECODE360	Open	1,195.00	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A								
		24-00851	04/03/24	PAY PERIOD 4/12/24 O/S DETAIL	Open	8,216.00	0.00		
		24-00969	04/18/24	PAY PERIOD 4/26/24 O/S DETAIL	Open	8,124.00	0.00		
						16,340.00			
GPC001	GENUINE PARTS COMPANY INC								
		24-00014	01/05/24	OPEN FOR 2024	Open	1,629.18	0.00		B
GRAS002	JANICE GRASSO								
		24-00915	04/12/24	2024 CELL PHONE REIMBURSEMENT	Open	90.00	0.00		
GWL001	GEORGE WALL LINCOLN MERCURY, IN								
		24-00257	01/24/24	OPEN FOR 2024	Open	60.71	0.00		B
		24-00806	03/28/24	DPW#73 GASKET&FUEL TANK	Open	1,660.33	0.00		
						1,721.04			
BPG001	IMPERIAL BAG & PAPER CO LLC								
		23-02022	08/23/23	ITEM #02936	Open	1,179.36	0.00		

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 4

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
IMA003	MARCO TECHNOLOGIES, LLC								
		24-00847	04/02/24	DPW YEAR COPIER CONTRACT 2024	Open	601.92	0.00		
JENG001	JOYCE ENGLEHART								
		24-00295	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
JERS001	JCP&L								
		24-00936	04/16/24	BORO ELECTRIC USAGE	Open	6,311.48	0.00		
		24-00983	04/19/24	BORO MONTHLY ELECTRIC USAGE	Open	9,738.06	0.00		
						16,049.54			
JERS002	HUNTER JERSEY PETERBILT LP								
		24-00018	01/05/24	OPEN FOR 2024	Open	1,163.82	0.00		B
JFWL003	JOSEPH FAZZIO-HOWELL LLC								
		24-00255	01/24/24	OPEN FOR 2024	Open	374.22	0.00		B
JGC001	John Guire Supply LLC								
		24-00261	01/24/24	OPEN FOR 2024	Open	137.54	0.00		B
JSPOT01	JOHNNY ON THE SPOT, LLC								
		24-00020	01/05/24	OPEN FOR 2024	Open	94.50	0.00		B
JUST005	JUSTIN MCGARTHY								
		24-00809	03/28/24	WOOBOOT REIMBURSEMENT	Open	200.00	0.00		
KSTAUF01	KATHLEEN M. STAUFFER								
		24-00330	01/30/24	2024 SHBP REIMBURSEMENT RETIREE	Open	2,426.89	0.00		B
LASER001	LASER SAVE								
		24-00690	03/13/24	HP CF248 INK CARTRIDGE	Open	31.00	0.00		
LAWES002	LAWES COMPANY								
		24-00522	02/22/24	OPEN FOR 2024	Open	122.00	0.00		B
LEAF0006	LEAF								
		24-00846	04/02/24	DPW COOLER LEASE 2024	Open	89.85	0.00		
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		24-00778	03/21/24	Target Bollards Escrow #1627	Open	250.00	0.00		
		24-00875	04/08/24	4.8.2024 Zoning Board Meeting	Open	500.00	0.00		
		24-00880	04/09/24	Fortin Escrow #1638	Open	750.00	0.00		
		24-00881	04/09/24	Culmac Escrow #1534	Open	150.00	0.00		
		24-00928	04/15/24	AINR Study Work	Open	581.39	0.00		
						2,231.39			
LEE003	LEES EMERGENCY EQUIPMENT, INC.								
		23-02775	11/09/23	FIRE DEPT INSTALLATION STEPS	Open	2,675.00	0.00		
		24-00396	02/07/24	FIRE DEPT REPAIRS 11-72 ACCID	Open	18,940.14	0.00		
						21,615.14			
LOEFF001	LOEFFEL'S WASTE OIL COMPANY								
		24-00626	03/06/24	OPEN FOR 2024	Open	220.00	0.00		B

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 5

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LOU0001 LOUIS R. MICELI								
	24-00305	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
LUCI001 WILLIAM LUCIA								
	24-00905	04/10/24	REIMBURSEMENT FOR ZOOM VIDEO	Open	234.47	0.00		
MARTU001 MARTURANO RECREATION CO.								
	24-00535	02/23/24	Picnic Tables Chal Park 80 Acr	Open	5,357.81	0.00		
MAZ003 MAZZA RECYCLING SERVICES INC								
	24-00900	04/10/24	MARCH '24 BULKY WASTE	Open	8,535.92	0.00		
MCA001 MONMOUTH MUNICIPAL JUDGES ASSO								
	24-00956	04/17/24	BORO EATONTOWN YEAR DUES 2024	open	200.00	0.00		
MCK001 MARY ANN MCKEAN								
	24-00303	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
MONMO005 MONMOUTH COUNTY PUBLIC WORKS								
	24-00553	02/27/24	SALT 2/13 - 2/14	Open	2,685.21	0.00		
	24-00588	03/04/24	SALT	Open	3,844.91	0.00		
					6,530.12			
MRH001 MONMOUTH REGIONAL H.S. BD OF								
	24-00891	04/10/24	TAX LEVY MAY 2024	Open	926,785.00	0.00		
MU002 MONMOUTH UNIVERSITY								
	24-00783	03/25/24	FEDERAL WORK STUDY PROGRAM	Open	731.56	0.00		
NAU001 KAREN STANO								
	24-00309	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
NJAWC001 NEW JERSEY AMERICAN WATER								
	24-00929	04/15/24	BORO MONTHLY WATER USAGE	Open	1,229.34	0.00		
	24-00985	04/19/24	BORO MONTHLY WATER USAGE	Open	31.65	0.00		
					1,260.99			
NJB001 VERIZON								
	24-00938	04/16/24	COMM CTR/MUSEUM PHONE SERVICE	Open	148.17	0.00		
NJDL003 NJ DEPT OF LABOR & WORKFORCE ID								
	24-00925	04/15/24	FEDERAL UI BENEFIT CHARGES	Open	7.18	0.00		
NJFE001 NEW JERSEY FIRE EQUIPMENT CO.								
	23-02943	12/06/23	EMERG REPAIR FIRE DEPT LIGHT	Open	2,225.00	0.00		
NJPES005 NJ PEST MANAGEMENT ASSOC								
	23-02618	10/27/23	BASIC PESTICIDE TRAINING/CORE	Open	99.00	0.00		
NR002 NORTHWIND MECHANICAL SYSTEMS								
	24-00048	01/08/24		Open	345.00	0.00		B
	24-00375	02/05/24		Open	805.00	0.00		B

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 6

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
NOR002	NORTHWIND MECHANICAL SYSTEMS			Continued					
		24-00613	03/05/24		Open	1,890.27	0.00		B
						3,040.27			
ODEL001	KAREN A ODELL								
		24-00306	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
OTOOL005	O'TOOLE SCRIVO, LLC								
		24-00781	03/22/24	LABOR COUNSEL FEES	Open	1,462.50	0.00		
PAGE001	THE PAGE SEED COMPANY								
		24-00795	03/27/24	BEAUTIFY ETNT FLOWER PACKETS	Open	240.30	0.00		
PCREC002	JANICE GRASSO								
		24-00913	04/12/24	Petty Cash	Open	246.06	0.00		
PEL002	JOSEPH PELELLA JR								
		24-00307	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
PEL003	SHERYL PELELLA								
		24-00308	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
PROCA006	PRO CAP 8, LLC								
		24-00797	03/29/24	Lien 23-00002 Redemption	Open	1,815.84	0.00		
		24-00798	03/29/24	Lien 23-00005 Redemption	Open	1,394.55	0.00		
		24-00799	03/29/24	Lien 23-00008 Redemption	Open	2,383.69	0.00		
		24-00800	03/29/24	Lien 23-00019 Redemption	Open	1,375.92	0.00		
		24-00801	03/29/24	Lien 23-00022 Redemption	Open	2,166.81	0.00		
						9,136.81			
QUAD01	QUADIENT LEASE								
		24-00957	04/17/24	BORO MAIL MACHINE LEASE 2024	Open	501.75	0.00		
REPT001	REPUBLIC SERVICES								
		24-00867	04/08/24	MARCH 2024 TONNAGE	Open	23,072.20	0.00		
		24-00899	04/10/24	MARCH '24 TONNAGE	Open	15,993.62	0.00		
						39,065.82			
RICOH005	RICOH USA, INC								
		24-00970	04/18/24	FINANCE COPIER LEASE	Open	166.75	0.00		
RUTG099	RUTGERS CONTINUING STUDIES GOV								
		24-00708	03/14/24	P&Z Board Secretary Cert Renew	Open	25.00	0.00		
SCOO01	SCOOLES FLOORSHINE IND.								
		24-00683	03/12/24	PROLINK MANUAL PINK HANDSOAP	Open	432.25	0.00		
SCW001	SHREWSBURY CAR WASH, LLC								
		24-00516	02/22/24	DETAILING OF DPW 45	Open	300.00	0.00		
SEA001	SEABOARD FIRE & SAFETY EQUIPME								
		24-00389	02/07/24		Open	430.00	0.00		B

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 7

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SHORE002	THE HOSE SHOP, INC.								
		24-00031	01/05/24	OPEN FOR 2024	Open	16.77	0.00		B
SIRCO01	SIRCHIE								
		24-00090	01/10/24	Crime Scene Processing School	Open	1,300.00	0.00		
SPCA001	MONMOUTH COUNTY SPCA								
		24-00796	03/27/24	BORO ANIMAL CONTROL SERVICES	Open	1,759.50	0.00		
STA001	STAVOLA CONTRACTING CO. INC.								
		24-00625	03/06/24	OPEN FOR 2024	Open	435.00	0.00		B
STAP003	STAPLES ADVANTAGE								
		24-00838	04/02/24	SENIOR CENTER OFFICE SUPPLIES	Open	42.52	0.00		
		24-00839	04/02/24	EMERG SERVICES OFFICE SUPPLIES	Open	44.49	0.00		
		24-00840	04/02/24	BUILDING DCA OFFICE SUPPLIES	Open	660.38	0.00		
		24-00841	04/02/24	PUBLIC WORKS OFFICE SUPPLIES	Open	139.53	0.00		
		24-00842	04/02/24	ZONING OFFICE SUPPLIES	Open	55.73	0.00		
						942.65			
TARGE005	TARGETED TECHNOLOGIES LLC								
		24-00693	03/14/24	Tablet for Chief Lucia	Open	2,450.00	0.00		
		24-00726	03/18/24	Port Network Switch	Open	1,485.00	0.00		
		24-00779	03/22/24	5 TB Digital External Drive	Open	175.00	0.00		
						4,110.00			
TAXH001	MONMOUTH COUNTY TREASURER								
		24-00706	03/14/24	MAY 2024 COUNTY HEALTH TAX	Open	32,572.90	0.00		
TAXL001	MONMOUTH COUNTY TREASURER								
		24-00705	03/14/24	MAY 2024 COUNTY LIBRARY TAX	Open	118,309.51	0.00		
TAXO001	MONMOUTH COUNTY TREASURER								
		24-00704	03/14/24	MAY COUNTY TAX LEVY 2024	Open	1,635,582.22	0.00		
		24-00707	03/14/24	MAY 2024 COUNTY OPEN SPACE TAX	Open	231,821.63	0.00		
						1,867,403.85			
TAY001	TAYLOR FENCE								
		24-00256	01/24/24	OPEN FOR 2024	Open	107.98	0.00		B
TCTA006	TAX COLLECTORS & TREASURERS AS								
		24-00927	04/15/24	TAX COLLECTOR MEMBERSHIP 2024	Open	100.00	0.00		
		24-00935	04/16/24	TAX COLLECTORS WEBINAR	Open	50.00	0.00		
						150.00			
TERM001	TERMINATOR TERMITE & PEST MGT								
		24-00866	04/08/24		Open	800.00	0.00		
THOMA005	THOMAS J HYNES								
		24-00807	03/28/24	WOOBOOT REIMBURSEMENT	Open	87.58	0.00		
TRIUS001	TRIUS, INC								
		24-00028	01/05/24	OPEN FOR 2024	Open	544.00	0.00		B

April 23, 2024
11:46 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 8

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
UPS003	UPS								
		24-00960	04/17/24	FINANCE DEPT SHIPPING	Open	45.73	0.00		
VBFO01	VERIZON BUSINESS FIOS								
		24-00982	04/19/24	BORO FIREHOUSE FIBEROPTIC SRV	Open	421.25	0.00		
VERIZ005	VERIZON - ALBANY								
		24-00940	04/16/24	BORO FIBEROPTIC SERVICES	Open	820.44	0.00		
WGE001	WIRELESS ELECTRONICS INC								
		23-02298	09/25/23	PROGRAM AND RESYNC ALL RADIOS	Open	375.00	0.00		
WWG001	GRAINGER INC								
		24-00197	01/17/24	OPEN FOR 2024	Open	106.99	0.00		B
WWG010	W.W. GRAINGER, INC.								
		24-00510	02/22/24		Open	846.05	0.00		B
		24-00782	03/25/24		Open	623.87	0.00		
						1,469.92			
Total Purchase Orders:		144	Total P.O. Line Items:		0	Total List Amount:		4,707,658.43	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:	3-01	14,595.46	0.00	14,595.46	0.00	0.00	14,595.46
CURRENT FUND:	4-01	4,564,002.66	0.00	4,564,002.66	0.00	0.00	4,564,002.66
GENERAL CAPITAL F	C-04	4,170.00	0.00	4,170.00	0.00	0.00	4,170.00
	T-15	120,325.31	0.00	120,325.31	0.00	0.00	120,325.31
	T-17	4,565.00	0.00	4,565.00	0.00	0.00	4,565.00
Year Total:		124,890.31	0.00	124,890.31	0.00	0.00	124,890.31
Total of All Funds:		4,707,658.43	0.00	4,707,658.43	0.00	0.00	4,707,658.43