

Mayor
ANTHONY TALERICO, JR.

Council
VIRGINIA M. EAST, President
MARK REGAN, JR.
DANIELLE M. JONES
DAVID GINDI
EVERETT D. LUCAS
MEIR ARAMAN



BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

AGENDA
Mayor and Council
Wednesday, May 10, 2023

Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

*** Amended 5/9/23**

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.

WORKSHOP 7:00 pm

1. Roll Call, Flag Salute
2. Proclamation - Peace Officers' Memorial Day, National Police Week
3. Proclamation - Recognizing Annual National EMS Week
4. Proclamation - Public Works Appreciation Week
5. Cannabis Licenses Discussion (C/Gindi)
6. Eatontown Veterans Outreach & Celebration (C/Jones) *
7. **CLOSED SESSION** (vv)
 - A. **Resolution 100-2023**
 1. Contract Negotiations - PBA

REGULAR MEETING 7:30 pm (or as soon thereafter)

1. Roll Call
2. **APPROVAL OF MINUTES** (vv)
 - A. Workshop/Regular Meeting/Closed Session - 4/26/2023
3. **COMMUNICATIONS**
 - A. JCP&L Notice of Public Hearing
 - B. NJ DOT FY2024 State Aid Programs Notice
 - C. Eatontown Planning Board Notice of Public Hearing, R. Ruggieri, 5/15/23 (Blk 3505, Lot 5)
 - D. Freshwater Wetlands Notice to Neighboring Landowners, Two Rivers Reclamation Authority
4. **MAYOR'S REPORT** - Mayor Talerico
5. **REPORTS OF COMMITTEES**
 - A. PARKS & RECREATION - Council President East
 - B. EMERGENCY SERVICES - Councilmember Regan, Jr.
 - C. FINANCE & ORDINANCE - Councilmember Jones
 - D. PUBLIC WORKS & INSURANCE - Councilmember Gindi
 - E. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas
 - F. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

7. OLD BUSINESS - 2023 BUDGET (rc)

A) Ordinance 12-2023 - Ordinance of the Borough of Eatontown to Exceed the Municipal Budget Appropriations Limits - *Public Hearing/Adoption*

B) Resolution 101-2023 - Auth. to Read the Budget by Title Only (rc)

C) Resolution 102-2023 - Auth. Self-Exam of the Municipal Budget (rc)

D) Public Hearing - 2023 Municipal Budget

E) Resolution 103-2023 - Auth. Amendment of 2023 Municipal Budget (rc)

F) Resolution 104-2023 - Adoption of the 2023 Municipal Budget (rc)

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL (vv)

10. NEW BUSINESS

A. ORDINANCE INTRODUCTION (rc)

1. Ordinance 15-2023 - An Ordinance Authorizing Donation of Block 401, Lots 10, 11, 129 and 130 to Habitat for Humanity *First Reading/Introduction (Public Hearing 5/24/23)*

2. Ordinance 16-2023 - An Ordinance Amending Chapter 89 "Land Use", Article VII "Area Bulk and Use Requirements", Section 89-52 "Cannabis Conditional Use Requirements" and Chapter 200 "Licenses and Permits", Article III "Cannabis Licensing and Taxation" Section 200-11 "Taxation" - *First Reading/Introduction (Public Hearing 5/24/23)*

3. Ordinance 17-2023 - An Ordinance Amending Chapter 55 "Police Department", Article I "Appointments", Section 55-1 to 55-3 Deleting the Local Residency Requirements for Police Officers - *First Reading/Introduction (Public Hearing 5/24/23)*

4. Ordinance 18-2023 - An Ordinance Amending Chapter 154 "Firearms", Section 154.1 "Discharge of Firearms Restricted" *First Reading/Introduction (Public Hearing 5/24/23)*

B. CONSENT AGENDA RESOLUTIONS (rc)

(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 105-2023 - Auth. Tax Sale Certificate Redemptions

2) Resolution 106-2023 - Auth. Contract for Added Assessment Inspection & Valuation Services (Jason Sheets)

3) Resolution 107-2023 - Approving Objective Selection Criteria for Class 5 Cannabis Retailer License Applications

4) Resolution 108-2023 - Auth. Discharge of Developer's Agreement, LLP Eatontown, LLC (Blk 1304, Lot 4.01)

C. CONSENT AGENDA MOTIONS (vv)

1) Acceptance of Tax Collector Report of Uncollectable Taxes

2) Acceptance of Tax Collector Report, April 2023

3) Acceptance of Planning/Zoning Report, April 2023

11. REMARKS OF COUNCIL AND CITIZENS

12. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday, May 24, 2023 @ 7:00 p.m.***

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

ORDINANCE 12-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**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 2023 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 \$859,363.82 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 2023 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 \$859,363.82 and that the CY 2023 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.

DATE INTRODUCED: April 12, 2023
PUBLIC HEARING: May 10, 2023

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40A:4-8, as amended by L.2015, c. 95, §14, 2015, provides that the budget may be ready by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection, and has been made available to each person upon request; and

NOW THEREFORE BE IT RESOLVED, that the budget shall be read by title only.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on May 10, 2023.
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

Julie Martin, RMC, Borough Clerk

RESOLUTION 102-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AUTHORIZING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Eatontown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Eatontown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on May 10, 2023. Julie Martin, RMC, Borough Clerk
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 103-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

RESOLUTION TO AMEND THE 2023 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2023 was approved on April 12, 2023, and;

WHEREAS, the public hearing on said budget has been held and advertised; and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Eatontown, County of Monmouth that the following amendments to the approved budget of 2023 be made:

	FROM	TO
Current Fund - General Revenues		
3. Miscellaneous Revenues - Section F:		
Special Items of General Revenue Anticipated with Prior Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations		
Local Recreation Improvement Grant	\$0.00	\$33,000.00
Total Section F:		
Special Items of General Revenue Anticipated with Prior Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations	110,857.21	143,857.21
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	12,112,650.73	12,145,650.73
7. Total General Revenues	\$31,825,520.48	\$31,858,520.48
Current Fund - Appropriations		
8. General Appropriations		
(a) Operations - Excluded from "CAPS"		
Public and Private Programs Offset by Revenues		
Local Recreation Improvement Grant	\$0.00	\$33,000.00
Total Public and Private Programs Offset by Revenues	140,857.21	173,857.21

Total Operations - Excluded from "CAPS"	1,239,525.21	1,272,525.21
Other Expenses	858,825.21	891,825.21
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	4,050,056.21	4,083,056.21
(O) Total General Appropriations Excluded from "CAPS"	4,050,056.21	4,083,056.21
(L) Subtotal General Appropriations	30,168,050.48	30,201,050.48
9. Total General Appropriations	\$31,825,520.48	\$31,858,520.48

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on May 10, 2023.
Council President East							
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Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

Julie Martin, RMC, Borough Clerk

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT RESOLVED by the Mayor and Council of the Borough of Eatontown, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$19,712,869.75 for municipal purposes.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Lucas						
Councilmember Araman						
Mayor Talerico						

CERTIFICATION

I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on May 10, 2023.

Julie Martin, RMC, Borough Clerk

May 9, 2023
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last

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

Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8X8IN005	8X8 INC	23-01166	05/03/23	BORO PHONE MONTHLY USAGE	Open	2,969.71	0.00		
ADAMS005	BUCHAN & PALO, LLC	23-01033	04/13/23	BORO PUBLIC DEFENDER SESSION	Open	500.00	0.00		
ADD002	ALAN D. DRAKE, INC.	23-01122	04/27/23		Open	6,399.00	0.00		
AHFE001	ALL HANDS FIRE EQUIPMENT	23-00974	04/05/23	FIRE DEPT ACCOUNTABILITY TAGS	Open	77.99	0.00		
		23-01029	04/13/23	FIRE DEPT EQUIPMENT PURCHASE	Open	512.14	0.00		
						590.13			
AKEQ001	A&K EQUIPMENT CO INC	23-00304	01/31/23	DPW#50 SPREADER LIGHT BAR & BR	Open	692.91	0.00		
AMAZ001	AMAZON.COM SERVICES, INC	23-01042	04/14/23		Open	316.68	0.00		
AMER004	AMERICAN WEAR	23-00907	03/28/23	REGULAR CLEANING MARCH 2023	Open	343.04	0.00		
AMER1001	AMERIFLEX BUSINESS SOLUTIONS	23-00950	04/04/23	FSA/COBRA ADMIN FEES 2023	Open	115.00	0.00		B
APP002	GANNETT NJ NEWSPAPERS	23-00605	02/23/23	LEGAL ADVERTISEMENTS	Open	352.88	0.00		B
ARNONE01	JOAN ARNONE	23-00289	01/26/23	2023 SHBP REIMBURSEMENT RETIREE	Open	1,385.54	0.00		B
		23-00510	02/14/23	2023 MEDICARE REIMBURSEMENT	Open	494.70	0.00		B
						1,880.24			
ASHLE005	ASHLEY YATES	23-01075	04/18/23	TA CLASS REIMB - ASHLEY YATES	Open	473.00	0.00		
AUTO001	AUTO PARTS CENTER	23-00037	01/09/23	OPEN FOR 2023	Open	26.11	0.00		B
		23-00372	02/07/23	OPEN FOR 2023	Open	1,601.66	0.00		B
						1,627.77			
AVAKL001	LEON AVAKIAN, INC	23-01012	04/11/23	MC SPCA ESCROW #1580	Open	720.00	0.00		
		23-01052	04/17/23	DCH INVEST ESCROW #1492	Open	155.00	0.00		

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BOROUGH OF EATONTOWN
Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AVAKL001	LEON AVAKIAN, INC	Continued							
		23-01095	04/20/23	PV Generators Escrow #1587	Open	3,160.00	0.00		
						4,035.00			
BECK001	BECKER'S SCHOOL SUPPLIES								
		23-00921	03/30/23	BACKORDER ITEMS FROM 22-02476	Open	53.66	0.00		
BEN002	DALE BENNETT								
		23-00968	04/05/23	MEDICARE REIMBURSEMENT 2023	Open	989.40	0.00		B
BENNG01	GWEN E BENNETT								
		23-00967	04/05/23	MEDICARE REIMBURSEMENT 2023	Open	989.40	0.00		B
BRUN001	MARTIN R. BRUNO								
		23-00542	02/14/23	2023 MEDICARE REIMBURSEMENT	Open	989.40	0.00		B
CHAS001	ARTHUR F. CHASEY, JR.								
		23-00260	01/25/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		B
CHERI005	CHERI THOMAS								
		23-01074	04/18/23	TA CLASS REIMB - CHERI THOMAS	Open	473.00	0.00		
CKC001	CAROL K. CHASEY								
		23-00259	01/25/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		B
COMC004	COMCAST								
		23-01154	05/02/23	BORO SPC VIDEO ACCOUNT	Open	136.38	0.00		
DTS001	DYNAMIC TESTING SERVICE								
		23-01035	04/13/23	RANDOM DRUG TESTING	Open	280.00	0.00		
EAT003	EATONTOWN T.V. AND APPLIANCE C								
		23-00296	01/27/23		Open	150.00	0.00		
		23-00301	01/30/23		Open	500.00	0.00		B
		23-01053	04/17/23		Open	128.00	0.00		
						778.00			
FARY003	DOROTHY FARY								
		23-00818	03/15/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		B
FMERA001	FMERA								
		23-01165	05/03/23	BORO STREET LIGHTS RT537	Open	382.20	0.00		
FOLE002	FOLEY, INCORPORATED								
		23-00043	01/09/23	OPEN FOR 2023	Open	1,042.16	0.00		B
FOO001	SAKER SHOPRITES, INC.								
		23-00732	03/07/23	March Bingo supplies	Open	58.57	0.00		
		23-00733	03/07/23	March Breakfast supplies	Open	101.92	0.00		
		23-00734	03/07/23	March Lunch Supplies	Open	144.24	0.00		
		23-00953	04/05/23	April Lunch Supplies	Open	112.25	0.00		
		23-00954	04/05/23	April Bingo Supplies	Open	123.72	0.00		

May 9, 2023
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BOROUGH OF EATONTOWN
Bill List By Vendor Id

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Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
FOO001	SAKER SHOPRITES, INC.	Continued				
23-01097	04/21/23 Bike Rodeo supplies	Open	65.35	0.00		
			606.05			
FSS002	FIRE & SAFETY SERVICES, LTD					
23-00613	02/23/23 FIRE DEPT LCD MONITOR INSTALL	Open	500.00	0.00		
GAYL005	GAYLIEN THOMPSON					
23-01030	04/13/23 HISTORICAL PROGRAM FEE	Open	87.58	0.00		
GM001	G&M TROPHY CO, INC					
23-01038	04/13/23 3 fishing derby awards	Open	46.50	0.00		
GPC001	GENUINE PARTS COMPANY INC					
23-00375	02/07/23 OPEN FOR 2023	Open	520.04	0.00		B
GROFFMID	GROFF TRACTOR MID ATLANTIC LLC					
23-00047	01/09/23 OPEN FOR 2023	Open	36.04	0.00		B
23-00801	03/15/23 STOCK PLOW BOLT 1/2X1-1/2 NC G	Open	2,618.08	0.00		
			2,654.12			
HOFF004	HOFFMAN SERVICE, INC.					
23-00990	04/10/23 ANNUAL LIFT INSPECTIONS	Open	1,000.00	0.00		
IAFC002	IAFC					
23-01028	04/13/23 FIRE DEPT ANNUAL MEMBERSHIPS	Open	536.00	0.00		
IMP001	IMPRINT SHOP LLC					
22-02813	12/06/22 Embroidery for uniforms	Open	60.00	0.00		B
JERS001	JCP&L					
23-01156	05/02/23 BORO MONTHLY ELECTRIC USAGE	Open	661.05	0.00		
23-01192	05/05/23 BORO MONTHLY ELECTRIC USAGE	Open	791.05	0.00		
			1,452.10			
JFWLL001	JOSEPH FAZZIO-HOWELL LLC					
23-00051	01/09/23 OPEN FOR 2023	Open	86.50	0.00		B
23-00847	03/20/23 OPEN FOR 2023	Open	251.87	0.00		B
			338.37			
KCB001	KCB WELDING					
23-01045	04/14/23 MORBARK 1200 DOUBLE BOLT TIP 3	Open	4,718.97	0.00		
KRES001	BRIAN KRESZL					
23-01051	04/14/23 DPW WORKBOOT REIMBURSEMENT	Open	144.98	0.00		
LECK001	LECKSTEIN & LECKSTEIN, LLC					
23-01094	04/20/23 Attendance PB 4.17.2023	Open	450.00	0.00		
LEES002	LEE'S GARAGE, INC					
23-00739	03/08/23 Paint for police vehicle	Open	530.50	0.00		

May 9, 2023
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LOU001	LOUIS R. MICELI	23-00270	01/25/23	MEDICARE REIMBURSEMENT 2023	Open	1,285.80	0.00		B
MCA001	BARBARA MCAULIFFE	23-00271	01/25/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		B
MCBT001	COUNTY TAX ADMINISTRATOR	23-01014	04/11/23	FOR MAILING STATE MANDATED CRD	Open	1,529.71	0.00		
MCK001	MARY ANN MCKEAN	23-00269	01/25/23	MEDICARE REIMBURSEMNT 2023	Open	494.70	0.00		B
MCT001	MONMOUTH COUNTY TREASURER	23-01002	04/11/23	MUNICIAPL WASTE	Open	1,872.19	0.00		
MECO01	MECO, INC	21-02037	09/10/21	2021 INDUSTRIAL WAY GRANT	Open	96,059.88	0.00		B
MON002	MONMOUTH BUILDING CENTER	23-00011	01/06/23		Open	174.20	0.00		B
MONMO05	MONMOUTH COUNTY PUBLIC WORKS	23-00999	04/11/23	VEHICLE WASH	Open	120.00	0.00		
MOTCTA14	MONMOUTH/OCEAN TCTA	23-01135	04/28/23	TAX BUSINESS MEETING/LUNCH	Open	35.00	0.00		
MU002	MONMOUTH UNIVERSITY	23-00879	03/23/23	FEDERAL WROK STUDY EMPLOYMENT	Open	45.02	0.00		
		23-00992	04/10/23	FEDERAL WORK STUDY EMPLOYMENT	Open	60.49	0.00		
						105.51			
NAU001	KAREN SIANO	23-00504	02/14/23	2023 MEDICARE REIMBURSEMENT	Open	494.70	0.00		B
NJAWC001	NEW JERSEY AMERICAN WATER	23-01155	05/02/23	BORO WATER/HYDRANT SERVICES	Open	16,436.36	0.00		
NJB001	VERIZON	23-01141	05/01/23	BORO MAIN PHONE SERVICES	Open	9,846.06	0.00		
NJN001	NJ NATURAL GAS CO.	23-01157	05/02/23	BORO NATURAL GAS USAGE	Open	4,087.63	0.00		
NJSA002	NJ STATE ASSOC OF CHIEFS OF PO	23-01044	04/14/23	Accreditation 2023 Fee	Open	1,667.00	0.00		
NJSHD001	NEW JERSEY STATE VET HEALTH DE	23-01128	04/28/23	Monthly Dog Report - April	Open	21.60	0.00		
NWFG001	NW FINANCIAL GROUP LLC	23-00478	02/14/23	FINANCIAL ADVISORY SERVICES	Open	4,443.75	0.00		
		23-00868	03/22/23	FINANCIAL ADVISORAY SERVICES	Open	1,237.50	0.00		

May 9, 2023
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

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Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
NWFG001	NW FINANCIAL GROUP LLC	Continued				
23-00997	04/11/23 FINANCIAL ADVISORY SERVICES	Open	3,937.50	0.00		
23-00998	04/11/23 FINANCIAL ADVISORY SERVICES	Open	150.00	0.00		
			9,768.75			
ODELL001	KAREN A ODELL					
23-00272	01/25/23 MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		B
OLIVIO05	OLIVIA'S II					
23-00247	01/25/23 BEAUTIFY EATONTOWN VOUCHER	Open	131.65	0.00		B
23-00815	03/15/23 FIRE DEPT FOOD VOUCHER	Open	110.70	0.00		B
			242.35			
OMEG002	OMEGA GRAPHICS					
23-00802	03/15/23 Business Cards	Open	130.00	0.00		
PAGE002	COMMUNICATIONS SPECIALISTS, INC					
23-00965	04/05/23 2nd quarterly billing	Open	1,926.00	0.00		
PEL002	JOSEPH PELELLA JR					
23-00512	02/14/23 2023 MEDICARE REIMBURSEMENT	Open	494.70	0.00		B
PEL003	SHERYL PELELLA					
23-00515	02/14/23 2023 MEDICARE REIMBURSEMENT	Open	494.70	0.00		B
PROCA006	PRO CAP 8, LLC					
23-01039	04/14/23 Lien Redemption Cert #22000003	Open	3,766.26	0.00		
REPT001	REPUBLIC SERVICES					
23-01068	04/18/23 MARCH 2023 RECYCLING TONNAGE	Open	19,156.42	0.00		
23-01099	04/21/23 MARCH 2023 TONNAGE	Open	20,692.95	0.00		
			39,849.37			
SCH001	T&M ASSOCIATES					
23-00688	03/02/23 373 South Escrow #1570	Open	1,848.10	0.00		
23-01010	04/11/23 A&P PORK ESCROW #1571	Open	894.60	0.00		
23-01011	04/11/23 MC SPCA ESCROW #1580	Open	388.00	0.00		
23-01013	04/11/23 MM MED PAVILION ESCROW 1464	Open	827.00	0.00		
23-01080	04/19/23 373-375 South Escrow #1570	Open	1,018.50	0.00		
23-01115	04/25/23 80 Corbett Escrow #1545	Open	1,043.50	0.00		
			6,019.70			
SEA001	SEABOARD FIRE & SAFETY EQUIPME					
23-00590	02/21/23	Open	1,863.00	0.00		B
SEAVI005	SEA VIEW AUTO CORP					
23-00840	03/20/23 OPEN FOR 2023	Open	544.32	0.00		B
SIC003	STANDARD INSURANCE COMPANY INC					
23-01132	04/28/23 APRIL 2023 TRUCK & HOSE	Open	310.63	0.00		
23-01134	04/28/23 APRIL 2023 PREMIUM	Open	2,903.74	0.00		
			3,214.37			

May 9, 2023
10:50 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
SPCA001	MONMOUTH COUNTY SPCA								
		23-00926	03/30/23	REFUND OF RAFFLE FEE 2/17/2023	Open	20.00	0.00		
STAP003	STAPLES ADVANTAGE								
		23-01070	04/18/23	BUILDING-FRED OFFICE SUPPLY	Open	98.67	0.00		
		23-01089	04/19/23	FINANCE OFFICE SUPPLY	Open	446.23	0.00		
		23-01090	04/19/23	RECREATION OFFICE SUPPLIES	Open	35.30	0.00		
		23-01091	04/19/23	BORO REPLENISH PAPER SUPPLY	Open	444.90	0.00		
		23-01092	04/19/23	CLERK OFFICE SUPPLIES	Open	39.66	0.00		
		23-01093	04/19/23	PLAN/ZONING OFFICE SUPPLIES	Open	294.72	0.00		
						1,359.48			
STORA005	STORAGE ENGINE, INC								
		23-00362	02/07/23	Fujitsu Scanners	Open	2,627.00	0.00		
TARGE005	TARGETED TECHNOLOGIES LLC								
		23-00824	03/16/23	SET UP OF WORK STATION	Open	300.00	0.00		
TEAM003	TEAM LIFE								
		23-01037	04/13/23	2 AED Sil ServicePlanrenewals	Open	560.00	0.00		
TEPS001	STATE OF NJ DEPT OF TREASURY								
		23-01148	05/02/23	SHPB CONTRIBUTION MAY 2023	Open	299,068.54	0.00		
TRE001	TREASURER, STATE OF NEW JERSEY								
		23-01066	04/18/23	ENVIRONMENTAL REGULATION-NJPDE	Open	3,000.00	0.00		
ULINE001	ULINE								
		23-00912	03/28/23	SHRINK WRAP AND SHRINK GUN	Open	1,311.31	0.00		
USB001	US BANK								
		23-01017	04/12/23	DEBT SERVICE PAYMENTS	Open	326,035.83	0.00		
VBF001	VERIZON BUSINESS FIOS								
		23-01142	05/01/23	FIREHOUSE FIOS SERVICES	Open	409.80	0.00		
VERR001	PATRICIA VERRONE								
		23-00277	01/25/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		B
WAR001	WARSHAUER ELECTRIC SUPPLY CO.I								
		23-00013	01/06/23		Open	310.91	0.00		B
Total Purchase Orders:	114	Total P.O. Line Items:	0	Total List Amount:	880,569.10	Total Void Amount:	0.00		

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	2-01	258.64	0.00	258.64	0.00	0.00	258.64
CURRENT FUND:	3-01	768,401.02	0.00	768,401.02	20.00	0.00	768,421.02
GENERAL CAPITAL F	C-04	98,686.88	0.00	98,686.88	0.00	0.00	98,686.88
	T-12	21.60	0.00	21.60	0.00	0.00	21.60
	T-15	3,766.26	0.00	3,766.26	0.00	0.00	3,766.26
	T-17	9,414.70	0.00	9,414.70	0.00	0.00	9,414.70
Year Total:		13,202.56	0.00	13,202.56	0.00	0.00	13,202.56
Total of All Funds:		880,549.10	0.00	880,549.10	20.00	0.00	880,569.10

ORDINANCE 15-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING DONATION OF BLOCK 401, LOTS 10, 11, 129, AND
130 TO HABITAT FOR HUMANITY**

WHEREAS, the Borough filed a declaratory judgment action captioned In the Matter of the Application of the Borough of Eatontown, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2522-15 (the "Mt. Laurel Litigation") in July 2015 following the New Jersey Supreme Court's decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Borough of Eatontown were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mount Laurel* obligations in order to maintain immunity from builder's remedy litigation; and

WHEREAS, the Borough entered into a Settlement Agreement with the Fair Share Housing Center on December 17, 2018 to resolve the Superior Court Litigation, and the Court thereafter entered a Final Third Round Judgment of Repose and Compliance on January 17, 2020 approving the Settlement Agreement with Fair Share Housing Center and immunizing the Borough from builder's remedy litigation through July 1, 2025.

WHEREAS, the Borough is seeking to plan for its Fourth Round affordable housing obligation by donating land to Habitat for Humanity to construct a single family home on Block 401, Lots 10, 11, 129 and 130 (the "Subject Properties") which will be deed restricted as an affordable housing unit available to either a low or moderate income household in conformance with COAH and UHAC regulations.

WHEREAS, the Local Land and Buildings Law, N.J.S.A. 40A:12-21 and the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. authorizes a municipality to sell real property for nominal consideration to a nonprofit organization for the purpose of building residential property for resale for affordable housing purposes; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to donate the Subject Properties for the laudable public purpose of having Habitat for Humanity construct a single family home which will be deed restricted for occupancy by a low or moderate income household in accordance with COAH and UHAC regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby approves the conveyance of Block 401, Lots 10, 11, 129 and 130 for nominal consideration to Habitat for Humanity.

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to negotiate and finalize a Developer's Agreement with Habitat for Humanity for the conveyance of the Subject Properties in accordance with all requirements of law.

BE IT FURTHER ORDAINED, that:

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

DATE INTRODUCED: May 10, 2023
PUBLIC HEARING: May 24, 2023

ORDINANCE 16-2023

**BOROUGH OF EATONTOWN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 89 "LAND USE", ARTICLE VII "AREA BULK AND USE REQUIREMENTS", SECTION 89-52 "CANNABIS CONDITIONAL USE REQUIREMENTS" AND CHAPTER 200 "LICENSES AND PERMITS", ARTICLE III "CANNABIS LICENSING AND TAXATION" SECTION 200-11 "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 of the Borough of Eatontown has determined that it is in the public interest to expand the number of cannabis licenses to four within each Class to enhance tax revenue from cannabis and to otherwise clarify certain conditions within the Cannabis Ordinance.

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 additions are noted through strike-out]

SECTION 1.

89-4– DEFINITIONS – is hereby amended to add the following:

"School means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve."

SECTION 2. 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. [No changes].
- B. Location. The permitted location of such uses shall be in accordance with the current NJ State requirements in addition to the following:
- 1 Class 1, 2, 3 and 4 shall be located on Industrial Way west and east of Route 35 to Wall Street, and on Meridian Road.
 - 2 Class 5 shall be located on Route 36 and on Route 35 south of the intersection with Route 36; and is not to be located less than 1,000 feet from a school on the same side or opposite of the street and must be located a minimum of a 1,000 feet radius from the furthest parcel lot line measurement of a School.
 - 3 [No change]
- C. [No changes].
- D. Quantity. The maximum permitted number of Class 5 Cannabis Retail establishments within the Borough of Eatontown is ~~three (3)~~, 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 ~~two-four~~ of each Class 1-Cannabis Cultivator facilities, Class 2-Cannabis Manufacturer facilities, Class 3-Cannabis Wholesaler facilities, and Class 4-Cannabis Distributor facilities.
- E. Cannabis Consumption Areas. Cannabis Consumption Areas are prohibited.

SECTION 3.

Article III,

Cannabis Licenses and Permits, Chapter 200-11 entitled “Taxation” is hereby created as follows:

200-11. Taxation.

Cannabis products will be subject to the State sales tax and, as authorized by the Legislature, local cannabis tax of 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and will be paid directly to the municipality ~~in the manner prescribed by the Borough~~ quarterly with payments due on January 5, April 5, July 5 and October 5 of each year for receipts generated the previous three months. Any delinquencies are treated the same as delinquent property taxes. The local tax does not apply to delivery services to consumers transfers for the purpose of bulk transportation.

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

SECTION 4

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

SECTION 5.

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 6.

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

DATE INTRODUCED: MAY 10, 2023
PUBLIC HEARING: MAY 24, 2023

ORDINANCE 17-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 55 "POLICE DEPARTMENT", ARTICLE I "APPOINTMENTS", SECTION 55-1 TO 55-3 DELETING THE LOCAL RESIDENCY REQUIREMENTS FOR POLICE OFFICERS

WHEREAS, New Jersey state law, N.J.S.A. 40A:14-118, allows municipalities to create, establish and regulate a police force as an executive and enforcement function of municipal government; and

WHEREAS, the Borough Council of the Borough of Eatontown adopted Chapter 55 of the Borough Code establishing the Eatontown Police Department and the Police Chief has recommended that the Borough Council amend Chapter 55 which has limiting and outdated residency requirements thereby limiting the pool of available personnel to be qualified and serve as Police Officers.

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to adopt the recommendation of the Police Chief by expanding the available pool of applicants to serve as Police Officers.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, and State of New Jersey that it hereby amends Chapter 55 Police Department, Article I Appointments, Sections 55-1 to 3 as follows:

(additions are underlined and deletions are ~~stricken~~)

~~Sections 55-1, Waiver of Residence Requirement. From and after the effective date of this article, the residence requirements of N.J.S.A. 40:47-1 et seq. governing the appointment and retention of police officers in the Police Department of the Borough of Eatontown be and the same are hereby waived.~~

~~Section 55-2. Limitations on Appointments of Nonresidents. No person shall be appointed pursuant to this article unless at the time of his appointment there shall be a vacancy in the Police Department which cannot be filled by a qualified resident.~~

~~Section 55-3 Requirements for Non-Resident Applicants~~ Residency Requirements

~~A. No person shall be appointed pursuant to this article unless he/she has is been a resident of the State of New Jersey. and County of Monmouth for a period of at least one year next preceding his appointment and resides within a five mile radius of the headquarters for the said Police Department.~~

~~B. If an applicant for appointment hereunder is otherwise qualified pursuant to Subsection A above, but does not reside within a five mile radius of the headquarters for the said Police Department at the time of his appointment, said applicant may be appointed pursuant to this article, provided that he agrees to reside within said five mile radius within one year from the date of his appointment hereunder.~~

~~C. In the event that said applicant fails to become a resident within said five mile radius within one year from the date of his appointment, he shall cease to be a member of said Police Department.~~

[Section 55-3 shall be relabeled Section 55-1\.]

BE IT FURTHER ORDAINED, that:

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

DATE INTRODUCED: May 10, 2023

PUBLIC HEARING: May 24, 2023

ORDINANCE 18-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 154 "FIREARMS", SECTION 154.1 "DISCHARGE OF FIREARMS RESTRICTED"

WHEREAS, the Borough Code currently contains outdated provisions regarding the use and discharge of firearms; and

WHEREAS, the Police Chief recommends that the Borough Council update the firearms provision of the Borough Code; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to adopt the recommendation of the Police Chief by updating the Borough Code regarding its firearm provisions.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, and State of New Jersey that it hereby amends Chapter 154 Firearms, Section 154-1 Discharge of Firearms Restricted as follows:

(additions are underlined and deletions are ~~stricken~~)

Section 154-1 Discharge of Firearms Restricted. It shall be unlawful to discharge any rifle, gun, pistol or firearm of any sort, or any air gun, sling shot, bow or cross bow or any other missile projecting device or contrivance within the Borough of Eatontown except as duly authorized by applicable law and the Borough Code.

BE IT FURTHER ORDAINED, that:

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

DATE INTRODUCED: May 10, 2023
PUBLIC HEARING: May 24, 2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

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.

BLOCK	LOT	QUAL	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM	CERTIFICATE NUMBER
1001	18		PRO CAP 8 FBO FIRSTTRUST BANK	\$ 5,558.03	\$ 0	22000010
2501	2		CHRISTIANA T C/F CE1/FIRSTTRUST	\$ 729.85	\$ 1,900	22000025

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Lucas						
Councilmember Araman						
Mayor Talerico						

CERTIFICATION

I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on May 10, 2023.

Julie Martin, RMC, Borough Clerk

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Lucas						
Councilmember Araman						
Mayor Talerico						

CERTIFICATION

I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the reorganization meeting held on May 10, 2023.

Julie Martin, RMC, Borough Clerk

RESOLUTION 107-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

APPROVING OBJECTIVE SELECTION CRITERIA FOR CLASS 5 CANNABIS RETAILER LICENSE APPLICATIONS

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, 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, 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 (the "Cannabis Ordinance").

WHEREAS, the Borough Council of the Borough of Eatontown received three Class 5 Retailer license applications and it issued Resolutions of Support for two of the three applications with one of the three applicants being disqualified for zoning reasons; and

WHEREAS, there is litigation pending in the Superior Court of New Jersey-Appellate Division challenging a decision of the Superior Court setting aside the Resolutions of Support previously issued by the Borough Council; and

WHEREAS, the Cannabis Ordinance states that the "Borough shall develop an objective selection criteria for the issuance of Class 5 retail licenses should the number of license applications exceed the limit noted in the Cannabis Ordinance; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest to approve an objective selection criteria to evaluate Class 5 Cannabis Retailers in order to facilitate the approval and development of cannabis facilities in Eatontown to bolster its tax revenue.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown that it hereby approves the Eatontown Class 5 Cannabis Grading Criteria to evaluate Class 5 Cannabis Retailer license applications appended hereto.

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

1. Julie Martin, Clerk and Qualified Purchasing Agent
2. William P. Lucia, III, Borough Administrator
3. Andrew Bayer, Borough Attorney

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Lucas						
Councilmember Araman						
Mayor Talerico, Jr.						

CERTIFICATION

I, Julie Martin, Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on May 10, 2023.

Julie Martin, RMC, Borough Clerk