

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 24, 2023
STUDENT GOVERNMENT

Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

***Amended 5/23/23**

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

Mayor Anthony Talerico, Jr
Council President Virginia East
Councilmember Mark Regan, Jr.
Councilmember Danielle Jones
Councilmember David Gindi
Councilmember Everett Lucas
Councilmember Meir Araman

Isabela S. Delgado
Logan A. Ortiz
Cody Krueger
Ishman Rahman
Isabela Rahman
Madeline Jacobs
Ky Ngo

Administrator Lucia
Attorney Bayer
Clerk Martin

Lucia E. Buck
Bianca DeMarzo
Rithish Pavatham

- 2. Proclamation, Memorial Day 2023**
- 3. Presentation, Borough Government in Eatontown (C/Jones)**
- 4. Volunteer Fair (C/Jones)**
- 5. NJ Local Government Week, Borough Events Recap (C/Jones)**
- 6. Downtown Redevelopment Planning (Mayor Talerico)**
- 7. Letter Supporting Restoration of Energy Tax Receipts to Municipalities (C/Regan)**

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

1. Roll Call

2. APPROVAL OF MINUTES (vv)

A. Workshop/Regular Meeting/Closed Session - 5/10/2023

8. COMMUNICATIONS

A. Notice of Grant Award, Local Recreational Improvement Program, Repairs to Basketball Court, 80 Acres (\$33,000)

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

A. ORDINANCE ADOPTION (rc)

1) **Ordinance 13-2023** - An Ordinance Vacating Conservation and Drainage Easement of Block 4002, Lot 22.01
Public Hearing/Adoption

2) **Ordinance 14-2023** - An Ordinance of the Borough of Eatontown Concerning the Removal of Trees Deleting Chapter 89 Article I Section 3 and Amending Chapter 307 Articles I and II - **Public Hearing/Adoption**

3) **Ordinance 15-2023** - An Ordinance Authorizing Donation of Block 401, Lots 10, 11, 129 and 130 to Habitat for Humanity
Public Hearing/Adoption

4) **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 - **Public Hearing/Adoption**

5) **Ordinance 18-2023** - An Ordinance Amending Chapter 154 "Firearms", Section 154.1 "Discharge of Firearms Restricted"
Public Hearing/Adoption

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

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

10. NEW BUSINESS

A. 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 109-2023** - Release of Escrow Blk 1304, Lots 4-13, Merchants Retail

2) **Resolution 110-2023** - Auth. Execution of Agreement with Meghan A. Bennett of Dilworth Paxson, LLP (Bond Counsel)

3) **Resolution 111-2023** - Requesting Change in Title, Text or Amount of Appropriation Pursuant to NJSA 40A:4-85

4) **Resolution 112-2023** - Approving Chapter 159, Clean Communities Grant

5) **Resolution 113-2023** - Approving Objective Selection Criteria for Class 5 Cannabis Retailer License Applications

6) **Resolution 114-2023** - Approving Chapter 159, Coronavirus Local Fiscal Recovery Fund (LFRF) *

7) **Resolution 115-2023** - Renew Targeted IT Contract

11. REMARKS OF COUNCIL AND CITIZENS

12. CLOSED SESSION (vv)

A. Resolution 116-2023

1. Potential Litigation - Affordable Housing

13. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday, June 14, 2023 @ 7:00 p.m.***

ORDINANCE 13-2023

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

AN ORDINANCE VACATING CONSERVATION AND DRAINAGE EASEMENT OF BLOCK 4002, LOT 22.01

WHEREAS, under the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et. seq., the Borough of Eatontown (the "Borough") is required to convey real property or any interest in real property through the adoption of an ordinance; and

WHEREAS, a Drainage/Conservation Easement was created on the property identified as Block 4002, Lot 22.01, f/k/a Block 4002, Lots 22&23 (the "Property") in favor of the Borough of Eatontown as part of a major subdivision application dating back to 1986 and as a condition of Variance and Site Plan approval granted by the Eatontown Planning Board to the property owner, Shaare Tefilah Ben Moshe, Inc. (the "Synagogue") for the initial construction of the synagogue in 2008, a modified Drainage and Conservation Easement (the "Easement") was filed with the County Clerk in favor of the Borough; and

WHEREAS, the Eatontown Planning Board granted Amended Preliminary and Final Major Site Plan Approval to construct an addition to the existing synagogue including associated site improvements on April 4, 2022; and

WHEREAS, the Planning Board requested that the Borough vacate the Easement because both the Synagogue's expert and the NJDEP concurred that the Easement was not serving any real purpose on the Synagogue's property and would remain in place on the neighboring property; and

WHEREAS, the Borough Council finds it to be in the best interests of the Borough and its residents to vacate the Easement as recommended by the Planning Board to allow for the expansion of the Synagogue as approved.

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 authorizes the vacation of the Drainage and Conservation Easement on Block 4002, Lot 22.1 and the Mayor is authorized to execute the Vacation of Conservation Easement as between the Borough of Eatontown and Congregation Shaare Tefilah Ben Moshe, Inc. in a form approved by the Borough Attorney.

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

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

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

DATE INTRODUCED: 4/26/2023

DATE ADOPTED:

APPROVED:

Anthony Talerico, Jr. Mayor

Date:

ATTEST:

Julie Martin, Municipal Clerk

Date:

ORDINANCE 14-2023

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN CONCERNING TREE REMOVAL AND
AMENDING CHAPTER 89 ARTICLE I SECTION 3 AND CHAPTER 307 ARTICLES I AND II**

WHEREAS, the Borough Council seeks to update the Borough Code to ensure that it is consistent with N.J.S.A. 40:64-1 through N.J.S.A. 40:64-14 by deleting Chapter 89 Section 3 (c)(3) and amending Chapter 307 Articles I and II of the Code of the Borough of Eatontown; and

WHEREAS, Chapter 89 Section 3 (c)(3) is duplicative of the Tree Removal sections of Chapter 307.

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

Chapter 89 Section 3 (c)(3) is hereby stricken.

Chapter 307-1 through Chapter 307-22 is hereby stricken and amended to read as follows:

- A. 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.
- B. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

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.

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.

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.

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 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.

C. Permit requirements. 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 Site Clearing Permit shall be issued by the Zoning Officer. Failure to apply for a Site Clearing Permit is a violations and subject to penalties enforced by the Code Enforcement Officer

b. Residential Properties:

i. Where 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.

ii. Where residential properties are equal or greater to 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.

iii. 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.

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

a. Commercial Properties:

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

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

b. Residential Properties:

- i. All residential applications shall be made to the Zoning Officer and Land Use Administrator. The Zoning Officer and Land Use Administrator shall refer the application to the Department of Public Works if the tree is on a public easement or right-of-way. If the tree is on a public easement or right-of-way, the Department of Public Works shall determine if there is an emergent need to remove or cut the tree.
- ii. 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.
- iii. If there is an emergency, and the tree is located on a public easement or right-of-way, the Department of Public Works may act 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.
- iv. If there is an emergency, the decision to remove a tree on a public easement or right-of-way shall be delegated to the Department of Public Works.

E. Shade Tree Commission. The powers, duties, and authorizations of the Shade Tree Commission are set forth in Section 7-12 through 25 of the Code of the Borough of Eatontown.

F. 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.
 - i. 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.
 - ii. If the property is in violation of Site Plan approval, the property shall be returned to the Planning Board or Zoning Board for resolution.
 - iii. 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.

i. 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, 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.

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

1. 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.

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

G. Tree Fund. The Borough of Eatontown Tree Fund shall hold funds with which to replace trees on residential and commercial properties throughout the Borough.

a. The Shade Tree Commission 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.

Date Introduced: 4/26/2023

Date Adopted:

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 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

May 23, 2023
11:08 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

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

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AI5001	SITEONE LANDSCAPE SUPPLY	23-01196	05/08/23		Open	254.68	0.00		
AMAZ001	AMAZON.COM SERVICES, INC.	23-01107	04/24/23	BUNN COFFEE POT DECANter	Open	70.89	0.00		
		23-01210	05/09/23	BUILDING DEPT CLIPBOARDS	Open	56.95	0.00		
		23-01211	05/09/23	TABLET CASE - BUILDING DEPT	Open	26.99	0.00		
						154.83			
ANNAB005	ANNA BARCUME	23-01144	05/01/23	MEDICARE REIMBURSEMENT 2023	Open	494.70	0.00		
AOC001	ALLIED OIL LLC.	23-01103	04/21/23	93 RFG GAS/ETHANOL	Open	10,263.93	0.00		
APP002	GANNETT NJ NEWSPAPERS	23-01236	05/11/23	LEGAL ADVERTISEMENTS	Open	176.00	0.00		B
APS002	ATLANTIC PLUMBING & SUPPLY COR.	23-01118	04/26/23		Open	426.20	0.00		
ASFI001	ATLANTIC SECURITY & FIRE, INC.	23-00701	03/06/23		Open	278.90	0.00		B
		23-01041	04/14/23		Open	2,436.00	0.00		
		23-01123	04/27/23		Open	106.52	0.00		
						2,821.42			
ATTM002	AT&T MOBILITY - 287306454448	23-01303	05/19/23	BORO/DPW CELL USAGE	Open	440.13	0.00		
ATTM003	AT&T MOBILE 287306454309	23-01304	05/19/23	BORO/POLICE CELL USAGE	Open	2,463.81	0.00		
BBBA001	BROWN & BROWN BENEFITS ADV.	23-01217	05/10/23	JUNE 2023 CONSULTING FEE	Open	1,500.00	0.00		
BELOP005	BELO PIZZERIA	23-00199	01/19/23	FIRE DEPT OPEN FOOD VOUCHER	Open	108.00	0.00		B
BOE001	EATONTOWN BOARD OF EDUCATION	23-01287	05/17/23	TAX LEVY JUNE 2023	Open	1,396,189.50	0.00		
BRUNO001	MATT BRUNO	23-01168	05/03/23	WORK BOOT REIMBURSEMENT	Open	249.95	0.00		
CAG001	CLEARY GIACOBBE ALFIERI & JACO	23-01231	05/10/23	MUNICIPAL PROSECUTOR SRVC	Open	3,000.00	0.00		

May 23, 2023
11:08 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
CARLOS01	CARLOS & SON JANITORIAL	23-01117	04/26/23		Open	600.00	0.00		
CGPH001	CGP&H, LLC	23-01204	05/09/23	HOUSING REHABILITATION PROGRAM	Open	292.00	0.00		
		23-01219	05/10/23	ADMINISTRATIVE AGENT SERVICES	Open	525.00	0.00		
						817.00			
COM006	COMCAST BUSINESS	23-01297	05/18/23	BORO MONTHLY INTERNET SERVICE	Open	779.25	0.00		
COMC004	COMCAST	23-01296	05/18/23	LIBRARY ONLINE SERVICES	Open	96.90	0.00		
		23-01321	05/22/23	DPW ONLINE BUSINESS ACCT	Open	314.44	0.00		
						411.34			
CTCF001	CHRISTIANA T C/F CE1/1ST TRUST	23-01137	04/28/23	Lien Redemption #22000025	Open	2,629.85	0.00		
DD001	D&D GLASS	23-01126	04/27/23		Open	265.00	0.00		
DMV001	NJ DIVISION OF MOTOR VEHICLES	23-01159	05/03/23	NEW TITLES/REGISTRATION	Open	120.00	0.00		
		23-01216	05/10/23	NEW TITLE	Open	60.00	0.00		
						180.00			
EAT003	EATONTOWN T.V. AND APPLIANCE C	23-00902	03/28/23		Open	5,398.00	0.00		
ELITE01	ELITE VEHICLE SOLUTIONS	23-00738	03/08/23	Graphics Reflective	Open	350.00	0.00		
EML001	ELECTRONIC MEASUREMENT LAB INC	23-00409	02/13/23	FIRE DEPT MULTIGAS CALIBRATION	Open	144.00	0.00		
FOO001	SAKER SHOPRITES, INC.	23-00774	03/10/23	PRESCHOOL APRIL SNACKS	Open	74.28	0.00		
		23-00775	03/10/23	AFTERCARE APRIL SNACKS	Open	262.41	0.00		
		23-00958	04/05/23	May Bingo Supplies	Open	124.64	0.00		
						461.33			
FSS002	FIRE & SAFETY SERVICES, LTD	23-00306	01/31/23	EMERGENCY FIRE TRUCK REPAIRS	Open	21,126.40	0.00		
FUNSER01	FUN SERVICES	23-01096	04/20/23	Photo Booth and Airbrush Tats	Open	1,400.00	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A	23-01160	05/03/23	POLICE O/S PAY PERIOD 5/12/23	Open	7,584.00	0.00		
GIRL001	GIRL SCOUTS OF THE JERSEY SHOR	23-00045	01/09/23	OPEN FOR 2023	Open	125.00	0.00		B

May 23, 2023
11:08 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
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA	23-01008	04/11/23	373 SOUTH HOLD ESCROW #1570	Open	990.00	0.00		
IDONM005	IDON MEDIA NJ LLC	23-01150	05/02/23	#1321 RELEASE ESCROW FUNDS	Open	500.59	0.00		
IMA003	MARCO TECHNOLOGIES, LLC	23-01228	05/10/23	DPW YEARLY COPIER LEASE	Open	547.20	0.00		
		23-01229	05/10/23	COMM CTR COPIER YRLY CONTRACT	Open	537.88	0.00		
		23-01230	05/10/23	MAILROOM YRLY COPIER CONTRACT	Open	537.88	0.00		
						1,622.96			
JAMM001	JAMM PRINTING	23-01057	04/18/23	SPRING/SUMMER FLYERS	Open	175.00	0.00		
JERS001	JCP&L	23-01251	05/12/23	BORO STREET LIGHTING USAGE	Open	30.27	0.00		
		23-01295	05/18/23	BORO ELECTRIC USAGE SERVICE	Open	6,867.76	0.00		
		23-01305	05/19/23	BORO ELECTRIC SERVICES	Open	9,464.95	0.00		
						16,362.98			
JGC001	John Guire Supply LLC	23-00158	01/18/23	OPEN FOR 2023	Open	161.97	0.00		B
JOHN005	MICHAEL JOHNSON	23-01031	04/13/23	REIMBURSEMENT FIRE EXPOSITION	Open	481.50	0.00		
KEPWE005	KEPWEL SPRING WATER CO., INC	23-00018	01/06/23		Open	34.75	0.00		B
KLEIN1	KENNETH KLEINMAN	23-01146	05/01/23	MEDICARE REIMBURSEMENT 2023	Open	230.80	0.00		
KLEINE01	EILEEN KLEINMAN	23-01147	05/01/23	MEDICARE REIMBURSEMENT 2023	Open	230.80	0.00		
KORPA005	KORPACZ REALTY ADVISORS, INC	23-01139	05/01/23	APPRAISAL/VALUATION MON MALL	Open	3,875.00	0.00		
LECK001	LECKSTEIN & LECKSTEIN, LLC	23-01129	04/28/23	Attendance During 4.24.2023 ZB	Open	450.00	0.00		
		23-01193	05/08/23	DeMarzo ZB2022-24 Escrow #1577	Open	1,450.00	0.00		
						1,900.00			
LEE003	LEES EMERGENCY EQUIPMENT, INC.	23-00934	03/31/23	ACCIDENT REPAIRS FIRE TRUCK	Open	14,391.14	0.00		
LEES002	LEE'S GARAGE, INC	23-01061	04/18/23	2023 PPV Paint	Open	750.00	0.00		
LUCI001	WILLIAM LUCIA	23-01203	05/09/23	REIMBURSEMENT FOR ZOOM VIDEO	Open	213.14	0.00		

May 23, 2023
11:08 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
MAT002	MATTHEW WILLIAMS	23-01149	05/02/23	ORTHODONTIC REIMBURSEMENT	Open	250.00	0.00		
MAZ003	MAZZA RECYCLING SERVICES INC	23-00745	03/08/23	OPEN FOR BULK 2023	Open	6,442.93	0.00		B
		23-01065	04/18/23	MARCH 2023 RECYCLING	Open	368.11	0.00		
						6,811.04			
MCAA016	M.C.A.A.	23-01161	05/03/23	2023 MEMBERSHIP JOHN GILLOOLY	Open	200.00	0.00		
MCMAS005	MCMAS CARR SUPPLY COMPANY	23-01105	04/24/23		Open	14.31	0.00		
MHH001	MONMOUTH HOSE & HYDRAULICS	23-00560	02/15/23	OPEN FOR 2023	Open	11.80	0.00		B
MON002	MONMOUTH BUILDING CENTER	23-00054	01/09/23	OPEN FOR 2023	Open	22.09	0.00		B
		23-00559	02/15/23	OPEN FOR 2023	Open	132.22	0.00		B
						154.31			
MRH00L	MONMOUTH REGIONAL H.S. BD. OF	23-01288	05/17/23	TAX LEVY JUNE 2023	Open	843,146.50	0.00		
MRK001	MR KEYS INC	23-00776	03/13/23		Open	295.00	0.00		
MU002	MONMOUTH UNIVERSITY	23-01113	04/25/23	FEDERAL WORK STUDY PROGRAM	Open	45.23	0.00		
MYREC005	MYRECDEPT.COM	23-01133	04/28/23	My Rec Annual Software Fee Rec	Open	2,800.75	0.00		
		23-01136	04/28/23	MYREC.COM SOFTWARE FEE-ANNUAL	Open	4,764.25	0.00		
						7,565.00			
NJAWC001	NEW JERSEY AMERICAN WATER	23-01300	05/19/23	BORO MONTHLY WATER USAGE	Open	1,668.53	0.00		
NJB001	VERIZON	23-01252	05/12/23	BORO PHONE MONTHLY USAGE	Open	108.67	0.00		
NJSH001	NJ SHADE TREE FEDERATION	23-00948	04/04/23	MUNICIPAL MEMBERSHIPS	Open	95.00	0.00		
OICEAN01	OCEAN TOOLS LLC	23-00845	03/20/23	CREEPER SEAT WITH TR BLACK	Open	305.00	0.00		
OLIVI005	OLIVIA'S II	23-00815	03/15/23	FIRE DEPT FOOD VOUCHER	Open	90.25	0.00		B
		23-01101	04/21/23	FIRE DEPT FOOD/CLEAN-UP MTG	Open	110.70	0.00		B
						200.95			

May 23, 2023
11:08 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
OTOOL005	O'TOOLE SCRIVO, LLC								
		23-01112	04/25/23	LABOR COUNSEL FEES	Open	927.50	0.00		
OUT003	OUTSTANDING SERVICE CO., INC.								
		23-01064	04/18/23	CHECK TANKS WATER AND CONTAMIN	Open	111.90	0.00		
PASHSTEI	PASHMAN STEIN WALDER HAYDEN								
		23-01205	05/09/23	MARCH 2023-GENERAL	Open	16,763.50	0.00		
		23-01206	05/09/23	MARCH 2023-RETAINER	Open	1,541.66	0.00		
		23-01207	05/09/23	MARCH 2023-TAX APPEALS	Open	4,010.00	0.00		
		23-01208	05/09/23	MARCH 2023-MONMOUTH MALL	Open	1,627.50	0.00		
						23,942.66			
PAY003	LOUISE M. PAYNE								
		23-01145	05/01/23	MEDICARE REIMBURSEMENT 2023	Open	318.64	0.00		
POORJ005	POOR JOHN'S PORTABLE TOILETS								
		23-01098	04/21/23	Bike Rodeo May 7 portapotti	Open	258.00	0.00		
PROCA006	PRO-CAP 8, LLC								
		23-01125	04/27/23	Lien Redemption 22000010	Open	5,558.03	0.00		
		23-01260	05/15/23	Lien 22000027 Redemption	Open	2,844.60	0.00		
						8,402.63			
PUB005	PUBLIC WORKS ASSOC OF NEW JERS								
		23-00331	02/03/23	2023 REGISTRATION 4/19/23	Open	40.00	0.00		
REP001	REPUBLIC SERVICES								
		23-01199	05/09/23	RESIDENTIAL RECYCLING	Open	74,872.63	0.00		
REPT001	REPUBLIC SERVICES								
		23-01195	05/08/23	RECYCLING 3/31/23	Open	41,606.97	0.00		
RHELFO05	R. HELFRICH & SON CHARTER BUS								
		23-01114	04/25/23	AC TRIP MAY BUS	Open	950.00	0.00		
RICOH005	RICOH USA, INC.								
		23-01322	05/22/23	FINANCE MONTHLY COPIER LEASE	Open	166.75	0.00		
SCH001	T&M ASSOCIATES								
		21-01755	08/06/21	INDUSTRIAL WAY WEST	Open	752.00	0.00		B
		21-02119	09/17/21	ENVIRONMENTAL INVESTIGATION	Open	764.03	0.00		B
		21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	4,377.50	0.00		B
						5,893.53			
SC0001	SCOLE'S FLOORSHINE IND.								
		23-00919	03/28/23	PROLINK MANUAL PINK HAND SOAP	Open	375.25	0.00		
		23-00947	04/03/23		Open	600.40	0.00		
						975.65			
SEAVI005	SEA VIEW AUTO CORP.								
		23-00840	03/20/23	OPEN FOR 2023	Open	377.05	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
STA001 STAVOLA CONTRACTING CO. INC.								
	23-00325	02/01/23	OPEN FOR 2023	Open	298.50	0.00		B
STAP003 STAPLES ADVANTAGE								
	23-01140	05/01/23	ADMIN/MAYOR OFFICE SUPPLIES	Open	141.99	0.00		
	23-01254	05/12/23	FIRE DEPT OFFICE SUPPLIES	Open	41.37	0.00		
	23-01255	05/12/23	FINANCE OFFICE SUPPLIES	Open	139.18	0.00		
	23-01256	05/12/23	RECREATION OFFICE SUPPLIES	Open	120.62	0.00		
					443.16			
STEP001 STEPHEN L. GREEN TRAILERS								
	23-01043	04/14/23	10 TON 3 AXLE TRAILER 36000 LB	Open	20,000.00	0.00		
TARGE005 TARGETED TECHNOLOGIES LLC								
	23-01270	05/15/23	POLICE IT MONTHLY SERVICES	Open	3,996.50	0.00		
	23-01271	05/15/23	BORO IT MONTHLY SERVICES	Open	7,162.13	0.00		
	23-01272	05/15/23	BORO QUATERLY DOMAIN SERVICE	Open	300.00	0.00		
					11,458.63			
THYG001 SENIORCIZE WITH CORINNE, LLC								
	23-00190	01/19/23	SENIOR CTR CARDIO CORE CLASS	Open	350.00	0.00		B
TREAS005 TREASURER, STATE OF NJ DCA								
	23-01238	05/11/23	LICENSE RENEWAL - CONSENTINO	Open	91.00	0.00		
TSI001 TSI INCORPORATED								
	22-01130	05/16/22	FIRE DEPT CALIBRATION CONTRACT	Open	2,100.00	0.00		
UGIEN005 UGI ENERGY SERVICE, LLC								
	23-01292	05/18/23	BORO MONTHLY NATURAL GAS USE	Open	1,942.26	0.00		
VERIZ005 VERIZON - ALBANY								
	23-01253	05/12/23	BORO FIBEROPTIC SERVICES	Open	808.14	0.00		
WCE001 WIRELESS ELECTRONICS INC								
	23-00753	03/08/23	Radio Cable & Removal	Open	839.34	0.00		
WWG010 W.W. GRAINGER, INC.								
	23-00371	02/07/23		Open	855.89	0.00		B
	23-00839	03/20/23		Open	877.32	0.00		
	23-00991	04/10/23		Open	821.42	0.00		B
					2,554.63			
Total Purchase Orders: 116 Total P.O. Line Items: 0 Total List Amount: 2,563,335.86 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	2,100.00	0.00	2,100.00	0.00	0.00	2,100.00
CURRENT FUND:	3-01	2,511,268.26	0.00	2,511,268.26	0.00	0.00	2,511,268.26
GENERAL CAPITAL F	C-04	22,266.03	0.00	22,266.03	0.00	0.00	22,266.03
GRANT FUND	G-02	5,777.50	0.00	5,777.50	0.00	0.00	5,777.50
	T-15	19,433.48	0.00	19,433.48	0.00	0.00	19,433.48
	T-17	2,490.59	0.00	2,490.59	0.00	0.00	2,490.59
Year Total:		21,924.07	0.00	21,924.07	0.00	0.00	21,924.07
Total of All Funds:		2,563,335.86	0.00	2,563,335.86	0.00	0.00	2,563,335.86

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

WHEREAS, the Zoning Officer has requested release of escrow funds held for Merchants Retail Partners Management LLC (Block 1304, Lots 4-13) for work completed at 97 Highway 35; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the Escrow funds as follows:

\$482.82 (plus any additional interest accrued)

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Planning/Zoning and the Finance Department.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan						
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 a regular meeting held on May 24, 2023.

Julie Martin, RMC, Borough Clerk

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

4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer and to Meghan Ann Bennett.

	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 24, 2023.

Julie Martin, RMC, Borough Clerk

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

WHEREAS, NJS 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

Public and Private Programs offset by Revenue, DCA/Rec Individuals with Disabilities - Match

The Borough provided for the possibility of receiving added grant match after adoption of the 2023 budget by providing a line item "Matching Funds for Grants" The amount of the related match requirement now becoming known after passage of the budget. To accept the DCA/Rec Individuals with Disabilities Grant, legal provision for the required match must be made. The above correction will provide for the said legal provisions.

	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 24, 2023.

Julie Martin, RMC, Borough Clerk

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

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Borough of Eatontown has received notice of an award of \$32,211.25 from the State of New Jersey and wishes to amend its 2023 Budget to include this amount as revenue.

Public and Private Revenues off-set with Appropriations:
Clean Communities \$32,211.25

Public and Private Programs Offset by Revenues: Clean Communities Grant

	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 24, 2023.
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

Julie Martin, RMC, Borough Clerk

RESOLUTION 113-2023

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

RESOLUTION 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”), and which also may be amended from time to time to increase the number of Class 5 Retail Licenses and/or the location where such businesses will be permitted.

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 the tax revenue derived from such facilities.

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

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

1) Potential Litigation - Affordable Housing

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the above-referenced executive session to be held closed to the public, on May 24, 2023.

	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 24, 2023.

Julie Martin, RMC, Borough Clerk