

Mayor
ANTHONY TALERICO, JR.

Council
VIRGINIA M. EAST, President
MARK REGAN, JR.
DANIELLE M. JONES
DAVID GINDI
MEIR ARAMAN
JACQUELINE R. SEVERINSEN



Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

AGENDA
Mayor and Council
Wednesday, August 9, 2023

****Amended 8/8/23***

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. Oath of Office - Councilmember Jacqueline Severinsen (*Oath administered prior on 8/4/23*)
1. Roll Call, Flag Salute
2. Proclamation - International Overdose Awareness Day, August 31, 2023
3. Inground Pool Water Surface (*C/Araman*)
4. **CLOSED SESSION**
 - A. **Resolution 168-2023**
 1. Contractual - Monmouth Mall
 2. Litigation - Mt. Laurel *

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

1. Roll Call
2. **APPROVAL OF MINUTES** (*vv*)
 - A. Workshop/Regular Meeting/Closed Session - 7/26/2023
3. **COMMUNICATIONS**
 - A. Notice of Public Hearing - Monmouth County Division of Transportation (8/17/23)
 - B. Borough of Manasquan Reso. 206-2023 Support of Assembly Bill A-4787
 - C. Township of Ocean, 2023-2024 Board of Adjustment and Planning Board Notice of Meeting Dates
 - D. Notice to Property Owners - Application Filed for Development with Eatontown Planning Board of Adjustment
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. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman
 - F. PUBLIC BUILDING & TENANTS RIGHTS - Councilmember Severinsen

6. **ADMINISTRATOR'S REPORT** - Interim Administrator Lucia
7. **OLD BUSINESS** (rc)
 - A. **ORDINANCE ADOPTION** (rc)
 - 1) **Ordinance 20-2023** - Bond Ordinance Providing for Various Capital Improvements, Appropriating \$2,520,550 Therefor and Authorizing the Issuance of \$1,402,722 Bonds and Notes to Finance a Portion of the Costs Thereof, Authorized In and By the Borough of Eatontown, in the County of Monmouth, New Jersey - **Adoption (Public Hearing Held 7/26/23)**
 - 2) **Ordinance 21-2023** - Bond Ordinance Reappropriating \$4,367,000 in Excess Bond Proceeds Not Needed for Their Original Purpose in Order to Finance the Cost of Various Capital Improvements and Acquisitions, Authorized In and By the Borough of Eatontown, in the County of Monmouth, New Jersey - **Adoption (Public Hearing Held 7/26/23)**
8. **PUBLIC COMMENT ON AGENDA ITEMS ONLY**
9. **BILLS & CLAIMS AND BI-WEEKLY PAYROLL** (vv)
10. **NEW BUSINESS**
 - A. **ORDINANCE INTRODUCTION** (rc)
 1. **Ordinance 22-2023** - Ordinance of the Borough of Eatontown Approving Thirty (30) Year Tax Exemptions for, and the Execution of Financial Agreement with, (i) Monmouth V Urban Renewal, LLC (ii) Monmouth V R1 Urban Renewal, LLC, (iii) Monmouth V R2 Urban Renewal, LLC and (iv) Monmouth V R3 Urban Renewal, LLC, in Connection With A Redevelopment Project to be Undertaken by Such Entities, and Affiliates, and Authorizing Pledge Agreements and Other Documents in Connection with the Issuance by the Borough of its Redevelopment Area Bonds in an Amount Not To Exceed \$3,000,000 to Finance a Portion of the Costs of Such Redevelopment Project, and Determining Various Other Matters in Connection Therewith - **First Reading/Introduction (Public Hearing 8/23/23)**

Presentation – Michael Hanley, NW Financial

 2. **Ordinance 23-2023** - An Ordinance Amending the Redevelopment Plan for the Properties Designated as Block 2201, Lots 1.01, 1.02, 2, 3 and 4 and 5, Block 2201, Lot 1 Known as The Monmouth Mall - **First Reading/Introduction (Public Hearing 8/23/23)**
 3. **Ordinance 24-2023** - An Ordinance Amending Chapter 89 "Land Use" Article VII, "Area, Bulk and Use Requirements" Section 89-47 "Schedule of Zone Requirements"; and Section 89-30 of the Borough Code "List of Zones" and the Establishment of a New Zone in Attachment 1 – Exhibit 3 Entitled "Schedule of Zone Requirements for MU-OO" Mixed Use Old Orchard Zone - **First Reading/Introduction (Public Hearing 8/23/23)**

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 169-2023** - Auth. Renewal of Alcoholic Beverage Control License
- 2) **Resolution 170-2023** - Auth. Release of Escrow Funds (Blk 2801, Lot 41)
- 3) **Resolution 171-2023** - Auth. Reimbursement for Flower Arrangement (C/Lucas Memorial)
- 4) **Resolution 172-2023** - Auth. Rehabilitation of 177 Rodman Court
- 5) **Resolution 173-2023** - Reaffirming Determination that Properties Located within Eatontown, Formerly Part of Ft. Monmouth and that are Identified on the Borough Tax Map as Blk 301, Lot 1, Blk 501, Lots 1 and 1.01, Blk 601, Lot 1 and Blk 701, Lot 1 are a Non-Condemnation Redevelopment Area Under the Local Redevelopment & Housing Law
- 6) **Resolution 174-2023** - Granting Real Estate Property Tax Exemption to Disabled Veteran
- 7) **Resolution 175-2023** - Auth. Tax Sale Certificate Redemptions
- 8) **Resolution 176-2023** - Supporting the Location and Operation of a Class II Cannabis Manufacturer Business to HarvestWorks Farm Corporation located at 34-38 Industrial Way East, Unit 5

C. CONSENT AGENDA MOTIONS (vv)

- 1) Acceptance of Planning/Zoning Report, July 2023**
- 2) Approval of Woodlawn Mobile Home Park Licensing**

11. REMARKS OF COUNCIL AND CITIZENS

12. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday August 23, 2023 @ 7:00 p.m.***

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	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 regular meeting held on August 9, 2023.
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Araman							
Councilmember Severinsen							
Mayor Talerico							

 Julie Martin, Borough Clerk

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 20-2023

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, APPROPRIATING \$2,520,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,402,722 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,520,550, said sum being inclusive of all appropriations heretofore made therefor, including a grant from the State of New Jersey Department of Transportation in the amount of \$384,000, a grant from the County of Monmouth Open Space Program associated with the Nicodemus Park Splash Pad in the amount of \$60,000, a grant from the Captain James H. Gurbisz Park Grant in the amount of \$600,000 (collectively, the "Grants") and the sum of \$73,828 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,402,722, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of various road improvements, including, but not limited to sidewalk, paving, and road repairs, improvements to Industrial Way West, and Wall Street, miscellaneous storm drainage, sinkhole repairs and replacements, acquisition of various vehicles and equipment and improvements to various Borough buildings, including, but not limited to, the Borough Broad Street Fire House, improvements to the Arboretum culvert and improvements to the Nicodemus Park Splash Pad, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,402,722, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,520,550, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$2,520,550 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$73,828 down payment for said purposes and the Grants.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,402,722 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$294,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION DATE: July 12, 2023

ADOPTION DATE:

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR

Date:

JULIE MARTIN, MUNICIPAL CLERK

Date:

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 21-2023

**BOND ORDINANCE REAPPROPRIATING \$4,367,000 IN EXCESS BOND PROCEEDS
NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST
OF VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, AUTHORIZED IN
AND BY THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH,
NEW JERSEY**

WHEREAS, the Borough Council of the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough") finally adopted Bond Ordinance No. 14-2021 on July 14, 2021 (the "Ordinance"); and

WHEREAS, following the effective date of the Ordinance, the Borough issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Borough has determined that the improvements set forth in the Ordinance have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinance, as applicable; and

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of \$4,367,000, which excess bond proceeds are allocable to such project improvements in the Ordinance (the "Excess Proceeds"), but no longer necessary to complete such improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance the cost of various capital improvements for which improvements, bonds may be issued, thereby, decreasing the amount of additional Borough debt to finance such current capital needs; and

WHEREAS, the Borough Council now desires to reappropriate the Excess Proceeds to undertake the cost of various capital improvements for the Borough.

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. It is hereby determined that the aggregate amount of \$4,367,000 of the balance of the appropriation for capital purposes originally made available pursuant to the Ordinance of the Borough is no longer necessary for the purposes for which the obligation

previously was authorized and the total amount to be reappropriated to other capital purposes is \$4,367,000.

Section 2. The appropriation for the purposes in the amount set forth in Section 1 hereof is hereby canceled and reappropriated pursuant to N.J.S.A. 40A:2-39 to other capital purposes as set forth in Section 3 hereof.

Section 3. The aggregate amount of \$4,367,000, representing the amount referred to in Section 1 hereof, is hereby appropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost of each project is as follows:

**Amount to be
Appropriated**

Purposes

\$1,963,650

Various capital improvements and acquisitions for various Borough Departments, including, but not limited to, for the Community Center/Preschool, an outdoor shed, for the Department of Public Works (DPW) Road Division, hook lift truck with dump body, plow and spreader, Elgin Pelican sweeper, (3) 30 yard open top containers, for the DPW Park/Tree Division, Caterpillar Mini Excavator, for the DPW Auto Shop, refurbishment of truck 59 to be a service truck, automotive updates, fuel management kit, for the Emergency Management Department, upgrade light towers to LED, DPW barricades for truck, sign board with radar and warning lights, traffic device for DPW/OEM/PD, for the Fire/Water Department, personal regulators (10) for SCBA, turnout gear (PPE), thermal imaging cameras, replacement of (5) SCBA Scott bottles, new Fire hose, For the Fire Prevention Department, Chevy Tahoe, for the First Aid Squad, 2 desktop computers, Stryker stair chairs, radios and pagers and Ford Ambulance, for Information/Technology Department, 6 desktop computers, for the Borough Police Department, 3 marked patrol vehicles with upfit, 15 desktop computers, 2 mobile data terminals, 10 less lethal weapons, 1 mobile video recorder, for various Public Buildings, FOB key system for the 2nd floor at Borough Hall, maintenance shop repair, repair of building historical museum, replacement of carpet in 3 offices in Borough Hall, additional fire doors/walls to make buildings fire compliant, for the Recreation Department, replacement of 8 park benches, replacement of 6 bike racks, for the Senior Center, remodeling/refurbishment of senior center with new tables and

chairs, for the Tax Assessor, scanner, for the Tax collector, chair, various other DPW projects including, but not limited to, Holly Glenn Way, cul-de-sac repairs and storm drainage repairs, miscellaneous drainage repairs, existing drains, sink hold repairs, stormwater basin maintenance/repairs, municipal parking lot, Wolcott Park drainage improvements near tennis courts, Husky Brook park improvements, Brook Ave, Grant Downtown Greenway Phase 2, Grant Nicodemus Splash Pad, Grant Industrial Way West Phase 3, Holly Glenn Way, cul-de-sac repairs and storm drainage repairs, miscellaneous drainage repairs, existing drains, sinkhole repairs, stormwater basin maintenance/repairs, municipal parking lot, Wolcott Park drainage improvement near tennis courts, Husky Brook park improvements and Industrial Way Phase 3 Project.

\$2,403,350

Various capital improvements and acquisitions for various Borough Departments, including, but not limited to, for the Borough Administration Department, time and attendance program, for the Community Center/Preschool, indoor classroom furnishings, for the DPW Road Division, Elgin Pelican sweeper (2nd half), single axel dump, flat bed body for hook lift, for the Park/Tree Division, Ventrac 520 tractor with 3 attachments, snowblowers, ride on blower, for the Auto Shop, hydraulic hose crimping machine, trailer mounted hot water commercial power washer, material handling arm attachment for front end loader, auto motive updates, for the Emergency Management Department, Gator ATV, sign board with radar and warning lights, replacement of OEM office equipment, for the Fire/Water Department, personal regulators (10), thermal imaging cameras, replacement of 5 SCBA Scott bottles, new fire hose, high pressure SCBA fill station and compressor, for the First Aid Squad, 2 Stricker stretchers, for the Housing Department, new vehicle with equipment, for Buildings Inspections Department, new vehicle with equipment, for the Planning/Zoning Department, new vehicle, for the Borough Police Department, security camera system, interview room recording system from Axon, paint/upfit for 4 LESO trucks, 8 portable radios with docks, 2 patrol vehicles with upfit, for various Public Buildings, repairs to 17 West, new van Sprinter, heating/cooling system Borough Hall, new boiler, replacement of 3 bay garage Wolcott, carpet replacement at mailroom/break room/fire prevention/hall, replacement of Borough Hall condensing unit components, replacement of dugout roofs - 80 Acres, additional lighting at 80 Acres and Wolcott Park, replacement of defective windows and front door at 72 Broad Street, for the Recreation Department, funds to improve Gurbisz Park, various other Borough projects, including, but not limited to,

improvements to Reynolds Drive, including overlay, curbing and drainage and stormwater basin maintenance repairs.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is 13 years.

(c) An aggregate amount not exceeding \$525,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.

Section 7. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

INTRODUCTION DATE: July 12, 2023
ADOPTION DATE:

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR
Date:

JULIE MARTIN, MUNICIPAL CLERK
Date:

August 8, 2023
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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 Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AHH001	AMERICAN HOSE & HYDRAULICS INC	23-00036	01/09/23	OPEN FOR 2023	Open	821.85	0.00		B
AKEQ001	A&K EQUIPMENT CO INC	23-01326	05/22/23	DPW#77 LIFTGATE	Open	4,135.90	0.00		
AMAZ001	AMAZON.COM SERVICES, INC	23-01731	07/12/23	Eatontown Color Run 8/2/23	Open	315.17	0.00		
		23-01737	07/13/23	JOHNNY RAY JR 208 SWIVEL MOUNT	Open	50.91	0.00		
						366.08			
AMER004	AMERICAN WEAR	23-01599	06/28/23	JUNE 2023 REGULAR CLEANING	Open	315.28	0.00		
ANNAB005	ANNA BARCUME	23-01768	07/18/23	MEDICARE REIMBURSEMENT RETIREE	Open	494.70	0.00		
AOC001	ALLIED OIL LLC	23-01387	05/30/23	93 RFG GAS/ETHANOL	Open	9,315.32	0.00		
		23-01428	06/06/23	93 RFG GAS/ETHANOL	Open	6,349.94	0.00		
		23-01694	07/10/23	93 RFG GAS/ETHANOL	Open	7,023.73	0.00		
						22,688.99			
APP002	GANNETT NJ NEWSPAPERS	23-01236	05/11/23	LEGAL ADVERTISEMENTS	Open	161.48	0.00		B
ARC002	A. R. COMMUNICATIONS	23-01658	07/06/23	MICROPHONE CLIPS	Open	52.00	0.00		
ASB001	ASBURY PARK PRESS, INC.	23-01790	07/21/23	PB7.17.23 Meeting Cancel	Open	52.60	0.00		
ATS001	ATLANTIC TREE EXPERTS CO.	23-01188	05/05/23	WOLCOTT PARK & COMMUNITY GARDE	Open	3,800.00	0.00		
		23-01546	06/20/23	REMOVAL - 119 HIGH STREET	Open	2,800.00	0.00		
						6,600.00			
AUTO001	AUTO PARTS CENTER	23-00373	02/07/23	OPEN FOR 2023 - OILS/LUBES	Open	39.92	0.00		B
		23-01329	05/23/23	OPEN FOR 2023	Open	306.12	0.00		B
						346.04			
AVAKL001	LEON AVAKIAN, INC	23-01751	07/17/23	ETWN Inv Sign Escrow #1597	Open	5,840.00	0.00		
BAND001	BANDAG, INC	23-01705	07/10/23	FIRESTONE TRANSFORCE 225/70R19	Open	960.00	0.00		

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BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BAND001	BANDAG, INC			Continued					
		23-01717	07/11/23	GOODYEAR WRL AT ADVENTURE BSL	Open	692.00	0.00		
						1,652.00			
BELOP005	BELO PIZZERIA								
		23-00199	01/19/23	FIRE DEPT OPEN FOOD VOUCHER	Open	146.96	0.00		B
BOE001	EATONTOWN BOARD OF EDUCATION								
		23-01848	08/01/23	TAX LEVY AUGUST 2023	Open	1,449,051.50	0.00		
BORG001	BORGATA HOTEL CASINO AND SPA								
		23-01628	06/29/23	NJLM CONFERENCE LODGING	Open	525.00	0.00		
		23-01853	08/02/23	WILLIAM LUCIA RES# 915257447	Open	402.10	0.00		
		23-01854	08/02/23	MEIR ARAMAN RES# 915277724	Open	402.10	0.00		
						1,329.20			
BULLE001	BULLET LOCK CO								
		23-01450	06/08/23	Traffic Control Keys	Open	500.00	0.00		
CAPIC001	RONALD CAPICHANA								
		23-01224	05/10/23	DJ DANCE PARTY	Open	250.00	0.00		
		23-01689	07/07/23	End of Rec Summer Camp Party	Open	250.00	0.00		
						500.00			
COMC004	COMCAST								
		23-01788	07/19/23	BORO LIBRARY ACCT	Open	96.90	0.00		
		23-01805	07/24/23	INTERNET SERICE 07/19- 08/18	Open	314.44	0.00		
		23-01873	08/02/23	AUGUST BILLING	Open	272.76	0.00		
						684.10			
CUTLE005	CUTLER, LINDA FRED								
		23-01725	07/12/23	REFUND ZONING PERMIT	Open	50.00	0.00		
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		23-01785	07/19/23	COMM CENTER COPIERS LEASE	Open	146.85	0.00		
		23-01786	07/19/23	MAIL ROOM COPIERS LEASE	Open	146.85	0.00		
						293.70			
DELTA001	DELTA DENTAL								
		23-01830	07/27/23	JULY 2023 PREMUIM	Open	13,083.68	0.00		
DEMCO001	DEMCO, INC								
		23-01108	04/24/23	Bookends	Open	328.60	0.00		
ECEL002	EAST COAST EMERGENCY LIGHTING								
		23-00862	03/21/23	Upfit of Chevy Tahoe	Open	6,769.76	0.00		
		23-00951	04/04/23	LIGHTS/TINT - TAHOE FIRE PREV	Open	9,117.40	0.00		
		23-01131	04/28/23	Radio Install	Open	417.75	0.00		
						16,304.91			
EML001	ELECTRONIC MEASURMENT LAB INC								
		23-01645	07/05/23	FIRE DEPT CALIBRATION PURCHASE	Open	1,110.00	0.00		

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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.					
23-01225	05/10/23 PRESCHOOL JUNE SNACKS	Open	74.80	0.00		
23-01552	06/20/23 Week 3- Summer Camp	Open	156.84	0.00		
23-01596	06/28/23 weekly supplies sr progs	Open	29.04	0.00		
23-01597	06/28/23 weekly supplies sr progs	Open	26.97	0.00		
23-01667	07/06/23 SUMMER CAMP SESSION I SNACKS	Open	156.96	0.00		
			444.61			
FOU001	ALL SEASONS DINER & RESTAURANT					
23-01728	07/12/23 Prisoner Meal	Open	14.67	0.00		
FOURS005	FOUR STAR DEVELOPERS					
23-01766	07/18/23 HOME IMPROVEMENT PROGRAM	Open	24,000.00	0.00		B
FSS002	FIRE & SAFETY SERVICES, LTD.					
23-01735	07/13/23 FIRE SEPARTMENT SUPPLIES	Open	270.43	0.00		
23-01736	07/13/23 EMEERGENCY REPAIR to QUINT	Open	1,054.71	0.00		
			1,325.14			
GENAC001	BOROUGH OF EATONTOWN GENERAL A					
23-01819	07/26/23 PAY PERIOD 8/4/23 O/S DETAIL	Open	8,004.00	0.00		
GENEL001	GEN-EL SAFETY & INDUSTRIAL PRO					
23-01332	05/23/23 CONFONED SPACE EQUIPMENT	Open	7,494.21	0.00		
GPC001	GENUINE PARTS COMPANY INC					
23-01331	05/23/23 OPEN FOR 2023	Open	980.36	0.00		B
GRACE005	GRACE CHRISTEN CHURCH					
22-02398	10/17/22 EATONTOWN DAY 2022 REFUND	Open	25.00	0.00		
GROFFMID	GROFF TRACTOR MID ATLANTIC LLC					
23-00885	03/24/23 OPEN FOR 2023	Open	474.88	0.00		B
GWL001	GEORGE WALL LINCOLN MERCURY, IN					
23-01677	07/07/23 DPW#72 GASKET	Open	1,663.95	0.00		
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA					
23-01752	07/17/23 Starbucks Escrow#1590	Open	1,132.50	0.00		
IMP001	IMPRINT SHOP LLC					
23-01732	07/13/23 BRASS SOFT ENAMEL CHALLENGE	Open	814.00	0.00		
IPD001	INST. FOR PROFESSIONAL DEVELOP					
23-01761	07/18/23 WEBINAR	Open	50.00	0.00		
JASCW001	JERSEY AUTO SPA CAR WASH LLC					
23-00168	01/18/23 CAR WASHES - CONSTRUCTION DEPT	Open	44.00	0.00		B
JENK001	JENKINSON'S GROUP SALES					
23-01633	06/30/23 Jenkinson's Aquarium Trip	Open	258.00	0.00		

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Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
JERS001	JCP&L					
23-01870	08/02/23 JULY BILLING	Open	638.45	0.00		
23-01899	08/07/23 UTILITY BILLS 2023	Open	930.79	0.00		
			1,569.24			
JERS002	HUNTER JERSEY PETERBILT LP					
23-01763	07/18/23 DPW# 93 HEAD, CYLINDER	Open	6,100.00	0.00		
JGC001	John Guire Supply LLC					
23-01465	06/09/23 OPEN FOR 2023	Open	163.26	0.00		B
JSPOT01	JOHNNY ON THE SPOT, LLC					
23-01738	07/13/23 STATNDARD TEMPORARY RESTROOM	Open	94.50	0.00		
KEPWE005	KEPWEL SPRING WATER CO, INC					
23-00018	01/06/23	Open	27.50	0.00		B
KLEIN1	KENNETH KLEINMAN					
23-01821	07/26/23 MEDICARE REIMBURSEMENT 2023	Open	461.60	0.00		
LASER001	LASER SAVE					
23-01619	06/29/23 Printer Ink Cartridges	Open	1,677.00	0.00		
LEE003	LEES EMERGENCY EQUIPMENT, INC.					
23-00935	03/31/23 ACCIDENT REPAIRS FIRE TRUCK	Open	10,922.77	0.00		
MAD002	MAD SCIENCE OF WNJ					
23-00925	03/30/23 PRESCHOOL WORKSHOP 8/2/23	Open	209.00	0.00		
MAZZ003	MAZZA RECYCLING SERVICES INC					
23-00745	03/08/23 OPEN FOR BULK 2023	Open	6,067.40	0.00		B
23-01646	07/05/23 JUNE 2023 RECYCLING	Open	789.52	0.00		
			6,856.92			
MCMAS005	MCMASER CARR SUPPLY COMPANY					
23-01722	07/12/23	Open	21.23	0.00		
MCT001	MONMOUTH COUNTY TREASURER					
23-01710	07/11/23 MUNICIPAL WASTE	Open	4,951.35	0.00		
MEC001	MECO, INC					
21-02037	09/10/21 2021 INDUSTRIAL WAY GRANT	Open	413,408.60	0.00		B
MEGAN005	MEGAN KNIGHT					
23-01730	07/12/23 SUMMER PROGRAM REFUND	Open	335.00	0.00		
MHH001	MONMOUTH HOSE & HYDRAULICS					
23-00887	03/24/23 OPEN FOR 2023	Open	45.24	0.00		B
MIDAT001	MID ATLANTIC TRUCK CENTRE, INC					
23-01502	06/14/23 OPEN FOR 2023	Open	420.38	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
MIL002	JOSEPH MILLER								
		23-01740	07/13/23	MEDICARE REIMBURSEMENT 2023	Open	659.60	0.00		
MON002	MONMOUTH BUILDING CENTER								
		23-01391	05/30/23	OPEN FOR 2023	Open	43.25	0.00		B
MONMO005	MONMOUTH COUNTY PUBLIC WORKS								
		23-01644	07/05/23	2023 FA AMBULANCE CAR WASHES	Open	14.00	0.00		B
		23-01712	07/11/23	VEHICLE WASH	Open	45.00	0.00		
						59.00			
MRH00L	MONMOUTH REGIONAL H.S. BD. OF								
		23-01847	08/01/23	TAX LEVY AUGUST 2023	Open	926,785.00	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER								
		23-01862	08/02/23	JULY BILLING DATE	Open	16,637.80	0.00		
NJB001	VERIZON								
		23-01872	08/02/23	MAIN BORO JULY 2023 BILL	Open	9,846.80	0.00		
NJDH001	NJ DEPT OF HEALTH AND SENIOR S								
		23-01856	08/02/23	Monthly Dof Report	Open	23.40	0.00		
NJN001	NJ NATURAL GAS CO.								
		23-01866	08/02/23	JULY 2023 BILLING	Open	1,301.93	0.00		
OICEAN01	OCEAN TOOLS, LLC								
		23-01767	07/18/23	TIRE PRESSURE MONITORING SYSTE	Open	1,720.00	0.00		
OMEG002	OMEGA GRAPHICS								
		23-01690	07/07/23	Mayor Business Cards	Open	70.00	0.00		
OTOOL005	O'TOOLE SCRIVO, LLC								
		23-01759	07/17/23	LABOR COUNSEL FEES	Open	3,657.50	0.00		
PAGE003	PAGECOM, LLC.								
		23-01630	06/30/23	3rd Quarter Maintenance	Open	1,926.00	0.00		
PASHSTEI	PASHMAN STEIN WALDER HAYDEN								
		23-01823	07/26/23	JUNE 2023-GENERAL	Open	9,485.07	0.00		
		23-01824	07/26/23	JUNE 2023-RETAINER	Open	1,541.66	0.00		
		23-01825	07/26/23	JUNE 2023-TAX APPEALS	Open	612.50	0.00		
		23-01826	07/26/23	EATONTOWN ADV.FRESH DISPENSARY	Open	192.50	0.00		
		23-01827	07/26/23	MONMOUTH MALL REDEVELOPMENT	Open	2,625.00	0.00		
						14,456.73			
PAY003	LOUISE M. PAYNE								
		23-01727	07/12/23	SHBP REIMBURSEMENT	Open	323.72	0.00		
PETRO02	PETRO KING SERVICE								
		23-01691	07/10/23	GIR-NA ADDITIONAL KEY FOBS	Open	573.50	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
REP002	REPUBLIC SERVICES #873								
		23-01813	07/25/23	AUG 2023 RESI RECYCLING	Open	16,779.53	0.00		
REPT001	REPUBLIC SERVICES								
		23-01812	07/25/23	JUNE 2023 TONNAGE	Open	6,687.67	0.00		
		23-01864	08/02/23	JULY 2023 TONNAGE	Open	24,112.66	0.00		
						30,800.33			
RICOH005	RICOH USA, INC								
		23-01770	07/18/23	FINANCE MONTHLY LEASE JULY 23	Open	166.75	0.00		
RIG001	MICHAEL RIGNEY								
		23-01775	07/19/23	WOOBOOT REIMBURSEMENT	Open	250.00	0.00		
RIZZ001	RIZZO'S WILDLIFE DISCOVERY LLC								
		23-01627	06/29/23	Rizzo's Wildlife Programs	Open	875.00	0.00		
SCH001	T&M ASSOCIATES								
		21-01756	08/06/21	ADA RAMP UPGRADES/SIDEWALK	Open	13,229.29	0.00		B
		21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	4,607.50	0.00		B
		23-00995	04/11/23	ENVIRONMENTAL HUSKY BROOK	Open	504.97	0.00		B
		23-01806	07/24/23	Road Open 6.23 Escrow #5555	Open	37,646.66	0.00		
		23-01822	07/26/23	Silvercar Escrow #1586	Open	542.60	0.00		
						56,531.02			
SEA002	SEABOARD WELDING SUPPLY, INC.								
		23-00404	02/10/23	OPEN FOR 2023 - NON RENTAL	Open	222.50	0.00		B
SEACST01	SEA COAST CHEVROLET-OLDSMOBILE								
		23-00711	03/06/23	OPEN FOR 2023	Open	171.54	0.00		B
SEAVI005	SEA VIEW AUTO CORP								
		23-00840	03/20/23	OPEN FOR 2023	Open	386.30	0.00		B
SIC001	SELECTIVE INSURANCE COMPANY OF								
		23-01746	07/14/23	2023 FLOOD INSURANCE RENEWAL	Open	24,570.00	0.00		
SL001	STAR LEDGER								
		23-01750	07/17/23	PB Special Meeting 7.11.2023	Open	20.64	0.00		
SNJ004	STATE OF NEW JERSEY								
		23-01891	08/04/23	CATASTROPHIC ILLNESS FUND	Open	282.00	0.00		
STA001	STAVOLA CONTRACTING CO., INC.								
		23-00325	02/01/23	OPEN FOR 2023	Open	664.55	0.00		B
STAP003	STAPLES ADVANTAGE								
		23-01720	07/11/23	BUILDING-DCA OFFICE SUPPLIES	Open	345.99	0.00		
		23-01771	07/18/23	10" TAX ENVELOPES WINDOWS	Open	244.13	0.00		
		23-01803	07/24/23	OFFICE SUPPLIES	Open	536.35	0.00		
		23-01804	07/24/23	BORO COPY PAPER REPLENISH	Open	444.90	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
STAP003	STAPLES ADVANTAGE	Continued							
23-01833	07/27/23	SENIOR CENTER SUPPLIES	Open	82.16	0.00				
				1,653.53					
STORR001	STORR TRACTOR COMPANY								
23-01163	05/03/23	OPEN FOR 2023	Open	96.75	0.00			B	
TARGE005	TARGETED TECHNOLOGIES LLC								
23-01407	06/02/23	POLICE IT SERVICES 2023	Open	3,996.00	0.00			B	
23-01408	06/02/23	BORO IT SERVICES 2023	Open	7,452.00	0.00			B	
23-01749	07/17/23	VPN Connection	Open	60.00	0.00				
23-01890	08/04/23	QUARTERLY DOMAIN AGREEMENT 23	Open	300.00	0.00				
				11,808.00					
TEAM003	TEAM LIFE								
23-01734	07/13/23	FIRE DEPARTMENT EQUIPMENT	Open	379.00	0.00				
TEPS001	STATE OF NJ DEPT OF TREASURY								
23-01855	08/02/23	SHBP AUGUST 2023 CONTRIBUTION	Open	295,455.86	0.00				
TURF001	TURF TRADE								
23-01584	06/26/23	IGO PAINT MACHINE PUMP	Open	448.00	0.00				
UGIEN005	UGI ENERGY SERVICE, LLC								
23-01869	08/02/23	JULY BILLING	Open	274.65	0.00				
WWG010	W.W. GRAINGER, INC.								
23-00991	04/10/23		Open	265.58	0.00			B	
Total Purchase Orders: 130 Total P.O. Line Items: 0 Total List Amount: 3,441,084.24 Total Void Amount: 0.00									

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	3-01	2,930,216.31	0.00	2,930,216.31	385.00	0.00	2,930,601.31
GENERAL CAPITAL F	C-04	433,407.65	0.00	433,407.65	0.00	0.00	433,407.65
GRANT FUND	G-02	5,112.47	0.00	5,112.47	0.00	0.00	5,112.47
	T-12	23.40	0.00	23.40	0.00	0.00	23.40
	T-15	41,146.40	0.00	41,146.40	0.00	0.00	41,146.40
	T-17	30,793.01	0.00	30,793.01	0.00	0.00	30,793.01
Year Total:		71,962.81	0.00	71,962.81	0.00	0.00	71,962.81
Total of All Funds:		3,440,699.24	0.00	3,440,699.24	385.00	0.00	3,441,084.24

ORDINANCE 22-2023

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

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

ORDINANCE OF THE BOROUGH OF EATONTOWN APPROVING THIRTY (30) YEAR TAX EXEMPTIONS FOR, AND THE EXECUTION OF FINANCIAL AGREEMENTS WITH, (i) MONMOUTH V URBAN RENEWAL, LLC, (ii) MONMOUTH V R1 URBAN RENEWAL, LLC, (iii) MONMOUTH V R2 URBAN RENEWAL, LLC AND (iv) MONMOUTH V R3 URBAN RENEWAL, LLC, IN CONNECTION WITH A REDEVELOPMENT PROJECT TO BE UNDERTAKEN BY SUCH ENTITIES, AND AFFILIATES, AND AUTHORIZING PLEDGE AGREEMENTS AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE BY THE BOROUGH OF ITS REDEVELOPMENT AREA BONDS IN AN AMOUNT NOT TO EXCEED \$3,000,000 TO FINANCE A PORTION OF THE COSTS OF SUCH REDEVELOPMENT PROJECT, AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH.

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

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

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

total commercial and retail space, and (iii) public spaces, strategically placed parking, and a safe and efficient circulation system; and

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

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

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

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

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

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

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

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

WHEREAS, funds for the payment of debt service on each tranche of the Redevelopment Area Bonds will be derived from the pledge and assignment by the Borough to the trustee for the Redevelopment Area Bonds of

the Pledged Annual Service Charge, as such term is defined in the respective Financial Agreement, relating to the applicable portion of the Project; and

WHEREAS, the Unpledged Annual Service Charge, as such term is defined in each Financial Agreement, relating to the applicable portion of the Project, shall be retained by the Borough for its use in its sole discretion, following payment of the required share to the County of Monmouth, as required by N.J.S.A. 40A:20-12; and

WHEREAS, the Borough made the following findings:

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

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

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

WHEREAS, the Borough has determined to authorize the execution and delivery of the Financial Agreements in order to set forth the terms and conditions under which the respective Entities and the Borough (collectively, the "Parties") shall carry out their respective obligations with respect to (a) payment of the Annual Service Charge, as that term is defined in the respective Financial Agreement, by the respective Entity, in lieu of real property taxes, and (b) issuance of the respective tranches of Redevelopment Area Bonds by the Borough and provision for repayment thereof by the respective Entities; and

WHEREAS, each of the Entities either owns or will own its respective portion of the Project Site, each is qualified to do business under the provisions of the Tax Exemption Law, and each has joined in the submission to the Mayor of the Exemption Application, which is on file with the Office of the Borough Clerk, requesting a tax exemption for the Project; and

WHEREAS, the Borough wishes to approve the execution and delivery of a Financial Agreement, each pertaining to a specific portion of the Project and the Project Site and one or more specific tranches of the Redevelopment Area Bonds, with each Entity (collectively, the "Financial Agreements"), forms of which are on file in the office of the Borough Clerk (capitalized terms not defined herein shall have the meaning assigned to such terms in the Financial Agreements); and

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

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

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

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

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

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

3. An exemption from taxation is hereby granted to each Entity with respect to the Improvements (as defined in the respective Financial Agreement) and, in the case of the residential component of the Project only, the Land (as defined in the respective Financial Agreement), in respect of such Entity's portion of the Project, located within the portion of the Project Site identified as Block 2201, Lots 1.01, portion of 1.02, 2 and 5, as more fully set forth in the respective Financial Agreement. Such exemption shall extend to each

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

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

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

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

Agreements by the Authorized Officers of the Borough as determined hereunder and to affix the corporate seal of the Borough thereto.

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

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

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

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

STATEMENT

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

DATE INTRODUCED: August 9, 2023

ADOPTION:

APPROVED:

ATTEST:

Anthony Talerico, Jr., Mayor
Date:

Julie Martin, Municipal Clerk
Date:

ORDINANCE 23-2023

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

AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTIES DESIGNATED AS BLOCK 2201, LOTS, 1.01, 1.02, 2, 3, 4 and 5, BLOCK 2201, LOT 1 KNOWN AS THE MONMOUTH MALL

WHEREAS, the Mayor and Council of the Borough of Eatontown adopted Resolution 70-2021 on April 14, 2021 Authorizing the Borough Planning Board to undertake a preliminary investigation to determine whether Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202, Lot 1 on the Borough Tax Map, commonly known as the Monmouth Mall Property (the "Monmouth Mall Property"), meets the criteria to be designated as a non-condemnation area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5 (the "LRHL"); and

WHEREAS, the Planning Board adopted a Resolution on December 6, 2021, determining that the Property meets the criteria under the LRHL to be declared a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, Borough Council reviewed the recommendations of the Planning Board and adopted Resolution 208-202 designating the Property as a Non-Condemnation Area in Need of Redevelopment under the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 (b) and (h) on December 8, 2021; and

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

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

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Monmouth Mall Redevelopment Plan for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 on the Borough of Eatontown Tax Map, Article II General Guidelines, Section C. Permitted Land Uses, Permitted Principal Uses, shall be amended as follows:

[Additions are underscored]

19. Multi-Family Residential Buildings.

BE IT FURTHER ORDAINED THAT in accordance with N.J.S.A. 40A:12A-7 (c), the Monmouth Mall Redevelopment Plan contains superseding zoning and the Zoning District Map of the Borough of Eatontown is hereby amended to include the Amended Monmouth Mall Redevelopment Plan as a zoning district as amended.

BE IT FURTHER ORDAINED THAT the superseding zoning standards contained within the Amended Monmouth Mall Redevelopment Plan as amended shall supersede the applicable regulations in the Eatontown Borough Land Use Ordinances governing the Monmouth Mall Property and if a particular land use, development regulations or site standards are not addressed in this Redevelopment Plan, compliance with the Eatontown Borough Land Use Ordinances or other applicable code requirements apply.

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.

- B: If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C: This Ordinance shall take effect upon its passage and publication as required by law.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication in accordance with applicable law.

DATE INTRODUCED: August 9, 2023

ADOPTION:

APPROVED:

ATTEST:

Anthony Talerico, Jr., Mayor
Date:

Julie Martin, Municipal Clerk
Date:

ORDINANCE 24-2023

**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 89-47 "SCHEDULE OF ZONE REQUIREMENTS"; AND SECTION 89-30 OF THE BOROUGH CODE "LIST OF ZONES" AND THE ESTABLISHMENT OF A NEW ZONE IN ATTACHMENT 1- EXHIBIT 3 ENTITLED "SCHEDULE OF ZONE REQUIREMENTS FOR THE MU-OO" MIXED USE OLD ORCHARD ZONE

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

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

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

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

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

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

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

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

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

a. Principal Permitted Uses in Zone A as illustrated on the attachment Form Based Zoning Exhibit:

1. Age-Restricted Housing

b. Accessory Uses permitted in Zone A as illustrated on the attached Form Based Zoning Exhibit:

1. Pickleball Courts
2. Outdoor recreation
3. Club house
4. Swimming pool
5. Gazebos
6. Walking trails
7. Benches

c. Private Sheds or detached garage structures is not permitted.

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

1. Overall Tract Area	60 acres
2. Minimum Lot Area – Interior Lot	7,200 s.f.
3. Minimum Lot Area – Corner Lot	10,500 s.f.
4. Minimum Lot Width – Interior Lot	60 feet
5. Minimum Lot Width – Corner Lot	90 feet
6. Minimum Lot Depth	120 feet
7. Minimum Front Yard Setback	25 feet
8. Minimum Rear Yard Setback	25 feet
9. Minimum Side Yard Setback – Interior Lot	10 feet
10. Minimum Side Yard Setback – Corner Lot	25 feet
11. Minimum Combined Side Yard Setback - Interior Lot	20 feet
12. Maximum Building Height – Principal Building	35 feet
13. Maximum Lot Coverage	48.5%
14. Maximum Density	2 du/acre

e. Buffer Requirements for Zone A as illustrated on the attachment Form Based Zoning Exhibit:

1. A minimum of 100-foot buffer is required around the perimeter of Zone A as illustrated on the attachment Form Based Zoning Exhibit, with the exception of those lots that back up to the stream corridor, in that instance the buffer will be determined by the New Jersey Department of Environmental Protection.
2. The requirement of a permanent 100-foot buffer easement, measured from the property line, shall be provided by the applicant and is in addition to any land that is required under ordinance for use as a side and rear yard setback for proposed residential lots.

3. No structure, disturbance, storage of materials or parking of vehicles shall be permitted in the buffer area.
4. The buffer shall consist of the following:
 - i. Landscaped berm at least six feet high.
 - ii. Planted and maintained with either grass or ground cover together with a screen of live shrubs and scattered planting of live trees, shrubs or other plant material meeting the following requirements:
 1. The preservation of natural wood tracts shall be an integral part of all major subdivisions and may be calculated as part of the required buffer area, provided that the growth is of a density and the area is wide enough to serve with the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
 2. Plant materials used in screen plantings shall be evergreens at least six feet to eight feet in height when planted, be balled and burlapped nursery stock and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights.
 3. The screen plantings shall be so placed that at maturity it will not be closer than three feet from any street or property line.
 4. Trees shall be at least 10 feet in height and 2 ½ inches in caliper when planted and will be hardy and thrive in the area, of balled and burlapped nursery stock, free of insect and disease.
 5. Any plant material which does not live shall be replaced within two years from release of performance bond.
- f. Access from Zone A, B or C as illustrated on the attached Form Based Zoning Exhibit, directly to Reynolds Drive is prohibited.
- g. Principal Permitted Uses in Zone B as illustrated on the attached Form Based Zoning Exhibit shall be:
 1. Dedicated Open Space no less than 45 acres.
 2. Stormwater management facilities.
- h. Principal Permitted Uses in Zone C as illustrated on the attached Form Based Zoning Exhibit shall include:
 1. New Car and Truck Sales and Internet-based Used Car and Truck sales.
 2. Self-storage.
 3. Entertainment/recreation.
 4. Office (professional and medical)
 5. Quick Services Restaurants.
 6. Retail.

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

j.

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

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

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

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

SECTION 4

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

SECTION 5

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

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

DATE INTRODUCED: August 9, 2023

DATE ADOPTED:

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR

Date:

JULIE MARTIN, MUNICIPAL CLERK

Date:

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown do hereby grant the applicant listed below a renewal of their ABC License in the Borough of Eatontown for the period of July 1, 2023, through June 30, 2024, as follows:

(Renewed Pursuant to Special Ruling by Director for 12.39 Relief for 2023-2024 & 2024-2025 License Term)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Araman						
Councilmember Severinsen						
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 regular meeting held on August 9, 2023.

Julie Martin, RMC, Borough Clerk

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the applicant has requested the release of the escrow funds for 7 Cambridge Court received by mail on August 3, 2023; and

**Linda Cutler
7 Cambridge Court
Eatontown, New Jersey 07724
For Block 2801, Lot 41**

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the applicant, the Zoning Officer and the Borough Chief Financial Officer.

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

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 August 9, 2023.

Julie Martin, RMC, Borough Clerk

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

Whereas, the Borough of Eatontown wishes to purchase a flower arrangement for Councilman Lucas Everett's Memorial Service; and

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Eatontown authorizes the reimbursement in an amount not to exceed amount of \$177.51 to Interim Administrator Lucia.

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

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 August 9, 2023.

Julie Martin, Clerk

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

WHEREAS, the Borough adopted a Rehabilitation Program known as the Eatontown Home Improvement Program as a condition of compliance in obtaining court approval of its court approved Settlement Agreement and appointed Community Grants Planning & Housing ("CGP&H) as the Borough's Rehabilitation Program Administrator (the "Program Administrator); and

WHEREAS, the Borough Council believes it is in the best interest of the Borough for the Program Administrator to award a bid to High Quality Contracting in the amount of \$25,000 so as to improve the Property and the surrounding neighborhood.

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

1. Beth McCann, Community Grants Planning & Housing
2. Dena Amodea, Chief Financial Officer

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Araman						
Councilmember Severinsen						
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 August 9, 2023.

Julie Martin, RMC, Borough Clerk

RESOLUTION 173-2023

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

REAFFIRMING DETERMINATION THAT PROPERTIES LOCATED WITHIN EATONTOWN THAT WERE FORMERLY PART OF FORT MONMOUTH AND THAT ARE IDENTIFIED ON THE BOROUGH'S TAX MAP AS BLOCK 301, LOT 1, BLOCK 501, LOTS 1 AND 1.01, BLOCK 601, LOT 1, AND BLOCK 701, LOT 1 ARE A NON-CONDEMNATION REDEVELOPMENT AREA UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on July 12, 2017, the Eatontown Borough Council adopted Resolution 152-2017 authorizing the Eatontown Planning Board to conduct a preliminary investigation to determine whether a study area consisting of the former Fort Monmouth Properties located in the Borough of Eatontown which are identified on the Borough's tax map as Block 301, Lot 1, Block 501, Lot 1, Block 601, Lot 1 and Block 701, Lot 1 (collectively, the "Study Area") should be determined to be a Non-Condemnation Redevelopment Area under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"); and

WHEREAS, on July 26, 2017, the Eatontown Borough Council adopted Resolution 162-2017 authorizing the Eatontown Planning Board to expand the Study Area to include Block 501, Lot 1.01 (as amended, the "Expanded Study Area"); and

WHEREAS, pursuant to this authorization, the Planning Board scheduled a public hearing on the preliminary investigation of the Expanded Study Area for Monday, August 21, 2017 at 7:30 p.m. and published notice of the hearing to the public and to all impacted property owners in accordance with the requirements of the LRHL; and

WHEREAS, the Fort Monmouth Economic Revitalization Authority ("FMERA") retained Phillips Preiss Grygiel, LLC ("PPG") to prepare a planning report analyzing whether the Expanded Study Area qualifies as a Non-Condemnation Redevelopment Area under the LRHL; and

WHEREAS, PPG issued a planning report dated July 2017 concluding that the Expanded Study Area has conditions within it which would qualify it for designation as an area in need of redevelopment; and

WHEREAS, the Planning Board conducted a public hearing on its preliminary investigation of the Expanded Study Area on August 21, 2017 and heard testimony at that public hearing from a representative of PPG; and

WHEREAS, the Planning Board adopted a resolution finding that the Expanded Study Area qualifies as an area in need of redevelopment due to the existence of conditions within the Expanded Study Area satisfying criteria N.J.S.A. 40A:12A-5(b) and (d), and recommending that the Borough Council determine that the Expanded Study Area is a Non-Condemnation Redevelopment Area under the LRHL; and

WHEREAS, the Borough Council adopted Resolution 178-2017 declaring that the Expanded Study Area qualifies as a Non-Condemnation area in need of redevelopment due to the existence of conditions satisfying criteria N.J.S.A. 40A:12A-5(b) and (d) under the LRHL

WHEREAS, the Borough Council seeks to reaffirm the previous finding of the Borough Council because of the potential redevelopment of the Mega Parcel on Fort Monmouth and in order to ensure that all procedural requirements required by the LRHL have been satisfied.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby reaffirms its finding set forth in Resolution 178-2017 that Expanded Study Area consisting of the former Fort Monmouth Properties located in the Borough of Eatontown which are identified on the Borough's tax map as Block 301, Lot 1, Block 501, Lots 1 and 1.01, Block 601, Lot 1 and Block 701, Lot 1 qualifies as an area in need of redevelopment due to the existence of conditions within the Expanded Study Area satisfying criteria N.J.S.A. 40A:12A-5(b) and (d), and that the Expanded Study Area is

hereby determined to be a Non-Condernnation Redevelopment Area under the LRHL; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided by the Borough Clerk to the Commissioner of Community Affairs for review in accordance with N.J.S.A. 40A:12A-6; and

BE IT FURTHER RESOLVED, that a certified copy of the Resolution shall also be provided by the Borough Clerk to each of the following:

- (a) Clerk, Eatontown Planning Board;
- (b) Kara Kopach, FMERA Executive Director;
- (c) William P. Lucia, III, Interim Borough Administrator;
- (d) Andrew Bayer, Borough Attorney;
- (e) All record owners of property within the Expanded Study Area;

<i>voice vote</i>	Offered	Second	Ayes	Nays	Abstain	Absent
Council President East						
Councilman Regan						
Councilwoman Jones						
Councilwoman Gindi						
Councilman Araman						
Councilwoman Severinsen						
Mayor Talerico						

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

BE IT FURTHER RESOLVED that said exemption shall continue for as long as Mr. Salvato remains completely disabled or owns his premises.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Araman						
Councilmember Severinsen						
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 regular meeting held on August 9, 2023.

Julie Martin, Borough Clerk

**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 Municipal Lien(s) for Redemption and has recommended that the same be refunded.

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
1502	5		BOROUGH OF EATONTOWN	\$ 1,471.56	\$ 0

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Regan, Jr.						
Councilmember Jones						
Councilmember Gindi						
Councilmember Araman						
Councilmember Severinsen						
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 regular meeting held on August 9, 2023.

Julie Martin, Borough Clerk

RESOLUTION 176-2023

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

**RESOLUTION SUPPORTING THE LOCATION AND OPERATION OF A CLASS II CANNABIS MANUFACTURER
BUSINESS TO HARVESTWORKS FARM CORPORATION LOCATED AT 34-38 INDUSTRIAL WAY EAST, UNIT 5**

WHEREAS, on August 5, 2021, the Borough of Eatontown adopted Ordinance No. 19-2021 (the "Cannabis Ordinance") authorizing and limiting cannabis business establishments in the Borough including two (2) Class 1 Cannabis Cultivator businesses and two (2) Class 2 Cannabis Manufacturer businesses on Industrial Way west of Route 35; and

WHEREAS, the Borough Council adopted Resolution No. 176-2021 on October 27, 2021 approving a New Marijuana Business License Application requirement for all potential Cannabis businesses seeking to do business in the Borough; and

WHEREAS, HarvestWorks Farm, Corporation ("Harvest Works") filed a New Marijuana Business License Application with the Borough to operate both a Class 1 Cannabis Cultivator business and a Class 2 Cannabis Manufacturer business located at the property bearing the address 0 Industrial Way West, Eatontown, New Jersey (the Initial "Property"); and

WHEREAS, the Zoning Officer found that the proposed location of Harvest Works' Class 1 Cannabis Cultivator and Class 2 Cannabis Manufacturer businesses located at the Initial Property was consistent with the Borough's zoning requirements for such facilities; and

WHEREAS, the Borough held a hearing, and the Borough issued a Resolution of Support to HarvestWorks Farm, Corp. for the operation of a Cannabis Classes I and II facilities located at 0 Industrial Way West on August 24, 2022; and

WHEREAS, the Cannabis Regulatory Commission ("CRC") issued a letter to HarvestWorks Farm Corporation dated February 9, 2023 advising that the CRC reviewed and approved its application for conversion from a Conditional License to an Annual License for a Class 2 Cannabis Manufacturer facility; and

WHEREAS, the Borough adopted Ordinance 16-2023 on July 26, 2023 expanding the locations within the Borough that Class II Cannabis Manufacturer facilities may operate to include Industrial Way East; and

WHEREAS, HarvestWorks Farm Corporation filed an amended application with the Borough Clerk to relocate its Class II Cannabis Manufacturer business to 34-38 Industrial Way East, Unit 5 (the "Amended Location"); and the Zoning Officer found the Amended Location meets the zoning requirements of Ordinance 16-2023; and

WHEREAS, the Borough reviewed HarvestWorks Amended application and held a public hearing at the August 9, 2023 Council meeting, and the Borough Council having found that Harvest Works meets the criteria to obtain a Resolution of Support for a Class 2 Cannabis Manufacturer license at the Amended Location.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that it hereby issues this Resolution of Support to HarvestWorks Farm Corporation

