

Mayor
ANTHONY TALERICO, JR.

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



BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

AGENDA
Mayor and Council
Wednesday, August 23, 2023

Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

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

WORKSHOP 7:00 pm

1. Roll Call, Flag Salute
2. Introduction of Eatontown Lions on Celebrating their 75th Anniversary (C/East)
3. Proclamation - Eatontown Lions (Mayor Talerico)
4. Certificates of Recognition - Municipal Government Internship Program (MGIP) (C/Jones)
5. Busing of Eatontown Children to Private Schools in Eatontown (C/Araman)
6. **CLOSED SESSION**
 - A. **Resolution 177-2023**
 1. Monmouth Mall - Contractual

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

1. Roll Call
2. **APPROVAL OF MINUTES** (vv)
 - A. Workshop/Regular Meeting/Closed Session - 8/9/2023
3. **COMMUNICATIONS**
 - A. NJ Transit Corporation Federal Fiscal Year 2023 Request for Federal Financial Assistance
 - B. Bed Bath & Beyond Notice of Bankruptcy Court Combined Hearing on the Disclosure Statement
 - C. Monmouth County Board of County Commissioners Resolution Authorizing the Retention of Campanelli and Associates to Draft an Appropriate 5G Network Ordinance and to Authorize the Filing of a motion to Vacate the Federal Court Order of September 8, 2022, as it Relates to the County of Monmouth
 - D. Freshwater Wetlands Letter of Interpretation & Flood Hazard Area Verification Application - West Long Branch
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 BUILDINGS & TENANTS RIGHTS - Councilmember Severinsen

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia**7. HEARING - BOARDING HOUSE/ROOMING HOUSE – GRAY STREET, LLC****8. OLD BUSINESS****A. ORDINANCE ADOPTION (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 - **Public Hearing/Adoption**

2) Ordinance 23-2023 - An Ordinance Amending the Redevelopment Plan for the Properties Designated as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2201, Lot 1 Known as the Monmouth Mall - **Public Hearing/Adoption**

3) Ordinance 24-2023 - An Ordinance Amending Chapter 89 "Land Use" Article VII, "Area and Bulk 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 - **Public Hearing/Adoption**

9. PUBLIC COMMENT ON AGENDA ITEMS ONLY**10. BILLS & CLAIMS AND BI-WEEKLY PAYROLL (vv)****11. NEW BUSINESS****A. ORDINANCE INTRODUCTION (rc)**

1. Ordinance 25-2023 - An Ordinance Amending Chapter 89, Land Use, Article 2 Definitions, Section 89-4 Definitions and Word Usage of the Code of the Borough of Eatontown, County of Monmouth, State of New Jersey Excluding Surface Water of Swimming Pools from the Definition of Impervious Surface - **First Reading/Introduction (Public Hearing 9/13/23)**

2. Ordinance 26-2023 – An Ordinance Amending Chapter 272, Skateboards, Skates, And Roller Blades, Article 1 Purpose, Article 2 Definitions, Article 3, Prohibited Acts, And Article 4, Violations and Penalties, Adding Language Requiring All Riders to Wear Helmets When Riding an Electric Bicycle in the Borough of Eatontown - **First Reading/Introduction (Public Hearing 9/13/23)**

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 178-2023 - Auth. Participation in Intra-County Mutual Aid and Assistance Agreements with Participating Units in the County of Monmouth

2) Resolution 179-2023 - Auth. Tax Sale Certificate Redemptions

3) Resolution 180-2023 - Auth. Commodity Resale Agreement with Monmouth County

4) Resolution 181-2023 - Approving an Application for a Long-Term Tax Exemption Pursuant to N.J.S.A. 40A:20-8

5) Resolution 182-2023 - Making an Application to the Local Finance Board Pursuant to N.J.S.A. 40A:12A-29(a) and 40A:12A-67(g)

6) Resolution 183-2023 - Auth. The Execution and Delivery of a Redevelopment Agreement with Monmouth Square NJ LLC in Connection with a Redevelopment Project to be Constructed on 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 Determining Various Other Matters in Connection Therewith.

7) Resolution 184-2023 - Award of Contract - Banking Services

8) Resolution 185-2023 - Auth. Professional Engineering Services, Wampum Lake Dam T&M

9) Resolution 186-2023 - Auth. Cancellation of Property Taxes Due to Totally Exempt Veteran

C. CONSENT AGENDA MOTIONS (vv)

- 1) Approval of Pine Tree Mobile Park Licensing**

12. REMARKS OF COUNCIL AND CITIZENS

13. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday, September 13, 2023 @ 7:00 p.m.***

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

CERTIFICATION

I, Kathleen Muscillo, Deputy 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 23, 2023.

Kathleen Muscillo, Deputy Borough Clerk

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:

Kathleen Muscillo, Deputy 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 on 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:

Kathleen Muscillo, Deputy 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 and Redfern Way are 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:

KATHLEEN MUSCILLO, DEPUTY MUNICIPAL CLERK
Date:

August 22, 2023
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last
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
8X8IN005	8X8 INC	23-01942	08/10/23	QB1974443011121	Open	2,971.17	0.00		
ADAMS005	BUCHAN & PALO, LLC	23-01874	08/02/23	PUBLIC DEFENDER SESSION	Open	500.00	0.00		
AHFE001	ALL HANDS FIRE EQUIPMENT	23-01831	07/27/23	STREAMLIGHT FIRE VULCAN LED	Open	185.13	0.00		
AMAZ001	AMAZON.COM SERVICES, INC	23-01796	07/21/23	Loom Party Pack Rainbow Bands	Open	180.00	0.00		
		23-01846	07/31/23	FLUID FILM	Open	316.47	0.00		
		23-01871	08/02/23	FIRE PREV CLIPBOARDS	Open	101.97	0.00		
						598.44			
AMER004	AMERICAN WEAR	23-00405	02/13/23	2023 UNIFORMS	Open	5,462.03	0.00		
		23-01809	07/25/23	JULY 2023 RENTALS	Open	315.28	0.00		
						5,777.31			
AOC001	ALLIED OIL LLC.	23-01782	07/19/23	DYED DIESEL ULSD	Open	7,725.79	0.00		
		23-01789	07/20/23	DYED DIESEL ULSD	Open	2,711.49	0.00		
		23-01863	08/02/23	93 RFG GAS/ETHANOL	Open	10,019.04	0.00		
						20,456.32			
APP002	GANNETT, NJ NEWSPAPERS	23-01236	05/11/23	LEGAL ADVERTISEMENTS	Open	164.56	0.00		B
		23-01945	08/10/23	LEGAL ADVERTISEMENTS	Open	297.44	0.00		B
						462.00			
APS002	ATLANTIC PLUMBING & SUPPLY COR	23-01351	05/24/23		Open	592.66	0.00		B
ARH001	ADAMS, REHMANN, HEGGAN ASSOC INC	23-01814	07/25/23	GREENWAY CONSTRUCTION MANAGE	Open	6,260.00	0.00		
ASFI001	ATLANTIC SECURITY & FIRE, INC.	23-00701	03/06/23		Open	257.00	0.00		B
		23-01772	07/19/23		Open	275.85	0.00		
						532.85			
AT5001	ATLANTIC TREE EXPERTS CO.	23-01808	07/25/23	1 HOLLY GLEN WAY - REMOVAL	Open	1,500.00	0.00		
		23-01883	08/04/23	PRUNE TREE AT 42 EMORY	Open	450.00	0.00		
						1,950.00			

August 22, 2023
10:50 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
ATTM002	AT&T MOBILITY - 287306454448	23-01968	08/15/23	AUGUST BILL 287306454448	Open	441.00	0.00		
ATTM003	AT&T MOBILE 287306454309	23-01967	08/15/23	AUGUST BILL 287306454309	Open	2,753.53	0.00		
AUTO001	AUTO PARTS CENTER	23-00373	02/07/23	OPEN FOR 2023 - OILS/LUBES	Open	47.94	0.00		B
		23-01329	05/23/23	OPEN FOR 2023	Open	300.76	0.00		B
						348.70			
AVAKI001	LEON AVAKIAN, INC	23-01946	08/10/23	Ruggieri Escrow #1594	Open	10,920.00	0.00		
BAND001	BANDAG, INC	23-00291	01/26/23	OPEN FOR 2023	Open	415.56	0.00		B
		23-01800	07/24/23	POLICE CARS	Open	1,064.00	0.00		
						1,479.56			
BBBA001	BROWN & BROWN BENEFITS ADV.	23-01886	08/04/23	SEPTEMBER 2023 CONSULTING FEE	Open	1,500.00	0.00		
BELOP005	BELO PIZZERIA	23-01906	08/07/23	20 lg plain pizza for reccamp	Open	322.30	0.00		
BOE001	EATONTOWN BOARD OF EDUCATION	23-01994	08/18/23	TAX LEVY SEPTEMBER 2023	Open	1,449,051.50	0.00		
BRADY002	JEROME BRADY	23-01792	07/21/23	MEDICARE REIMBURSEMENT RETIREE	Open	989.40	0.00		
CAG001	CLEARY GIACOBBE ALFIERI & JACO	23-01962	08/15/23	BORO MUNICIPAL PROSECUTOR	Open	3,000.00	0.00		
CGPH001	CGP&H, LLC	23-01901	08/07/23	HOUSING REHABILITATION PROGRAM	Open	3,200.00	0.00		
		23-01902	08/07/23	HOUSING REHABILITATION PROGRAM	Open	164.00	0.00		
						3,364.00			
CHEM001	CHEM-TEK INDUSTRIES INC.	23-01755	07/17/23	PAPER JRT JUNIOR 2 PLY GENTLEK	Open	2,994.65	0.00		
COM006	COMCAST BUSINESS	23-01941	08/10/23	ACC# 708742071	Open	779.25	0.00		
DELTA001	DELTA DENTAL	23-01928	08/09/23	AUGUST 2023 PREMIUM	Open	13,020.87	0.00		
DILW001	DILWORTH PAXSON	23-01986	08/17/23	PROFESSIONAL SERVICES RENDERED	Open	2,980.00	0.00		
DT5001	DYNAMIC TESTING SERVICE	23-01820	07/26/23	RANDOM DRUG TESTING	Open	280.00	0.00		

August 22, 2023
10:50 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
DWD002	D&W DIESEL	23-00042	01/09/23	OPEN FOR 2023	Open	1,128.76	0.00		B
EAT003	EATONTOWN T.V. AND APPLIANCE C	23-01850	08/01/23		Open	2,496.00	0.00		
EDM001	EDMUNDS & ASSOCIATES, INC.	23-01757	07/17/23	Blank Tax Bills	Open	136.00	0.00		
		23-01758	07/17/23	Printing of 2023-24 Tax Bills	Open	954.99	0.00		B
						1,090.99			
EHR001	ARTHUR EHRLMANTRAUT	23-01753	07/17/23	EYEGLASS REIMBURSEMENT	Open	600.00	0.00		
FIX001	MATT FIX	23-01818	07/26/23	EYEGLASS REIMBURSEMENT	Open	356.20	0.00		
FMERA001	FMERA	23-01953	08/12/23	STREET LIGHTING FT MONMOUTH	Open	382.20	0.00		
FOO001	SAKER SHOPRITES, INC.	23-01553	06/20/23	Week 4- Summer Camp	Open	148.74	0.00		
		23-01668	07/06/23	SUMMER CAMP SESSION II SNACKS	Open	133.26	0.00		
						282.00			
FORM001	FORMDOCS LLC	23-01698	07/10/23	Software Maintenance Renewal	Open	1,349.90	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A	23-01927	08/09/23	PAY PERIOD 8/18/23 O/S DETAIL	Open	6,995.00	0.00		
GM001	G&M TROPHY CO, INC	23-01877	08/03/23	2X10 Woodgrain Name Plate	Open	10.00	0.00		
GPC001	GENUINE PARTS COMPANY INC	23-01331	05/23/23	OPEN FOR 2023	Open	453.53	0.00		B
GRAVI005	GRAVITY VAULT	23-01685	07/07/23	Gravity Vault Camp Trip	Open	1,980.00	0.00		
GWL001	GEORGE WALL LINCOLN MERCURY, IN	23-01319	05/22/23	OPEN FOR 2023	Open	354.56	0.00		B
HOMED01	HOME DEPOT/6035322538819545	23-01607	06/28/23	Open 2023	Open	217.73	0.00		B
		23-01845	07/31/23	Comm. Gdn. 3 hoses & 6 parts	Open	167.30	0.00		
						385.03			
IMA003	MARCO TECHNOLOGIES, LLC	23-01965	08/15/23	POLICE/CONSTRUCTION COPIER CHG	Open	377.06	0.00		
INTEG005	INTEGRITY INTERPRETING LLC	23-01724	07/12/23	Interpreting Services	Open	80.00	0.00		

August 22, 2023
10:50 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
JERS001	JCP&L								
		23-01971	08/15/23	AUGUST UTILITY BILLS	Open	12,482.10	0.00		
JERS002	HUNTER JERSEY PETERBILT LP								
		23-00049	01/09/23	OPEN FOR 2023	Open	106.74	0.00		B
JFWLL001	JOSEPH FAZZIO-HOWELL LLC								
		23-00847	03/20/23	OPEN FOR 2023	Open	161.67	0.00		B
JGC001	John Guire Supply LLC								
		23-01153	05/02/23	OPEN FOR 2023	Open	85.63	0.00		B
		23-01244	05/12/23	FIRE DEPT MAINT/REPAIRS	Open	275.80	0.00		B
		23-01465	06/09/23	OPEN FOR 2023	Open	128.49	0.00		B
						489.92			
JSC001	JERSEY STATE CONTROLS								
		23-01778	07/19/23		Open	820.00	0.00		B
KBS001	K.B.D. SUPPLY LLC								
		23-00297	01/30/23		Open	77.99	0.00		B
		23-01817	07/26/23		Open	2,035.08	0.00		
						2,113.07			
KRIST005	KRISTINA CAPRIOTTI								
		22-01882	08/15/22	RECREATION REFUND SOCCER LEAG	Open	95.00	0.00		
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		23-01957	08/14/23	PREPARING RE-EXAM NOTICE	Open	635.72	0.00		
LUCI001	WILLIAM LUCIA								
		23-01888	08/04/23	REIMBURSEMENT FOR SYMPATHY	Open	177.51	0.00		
		23-01900	08/07/23	REIMBURSEMENT FOR ZOOM VIDEO	Open	213.14	0.00		
						390.65			
MON002	MONMOUTH BUILDING CENTER								
		23-00011	01/06/23		Open	201.06	0.00		B
		23-01171	05/04/23		Open	160.86	0.00		B
		23-01815	07/26/23		Open	942.30	0.00		
						1,304.22			
MRH001	MONMOUTH REGIONAL H.S. BD. OF								
		23-01995	08/18/23	TAX LEVY SEPTEMBER 2023	Open	926,785.00	0.00		
MSW001	MOTOROLA SOLUTIONS								
		23-01309	05/19/23	Mobile Radio Mics	Open	117.50	0.00		
MU002	MONMOUTH UNIVERSITY								
		23-01777	07/19/23	FEDERAL WORK STUDY PROGRAM	Open	21.83	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER								
		23-01966	08/15/23	AUGUST UTILITY BILLS 2023	Open	1,144.64	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
NJB001	VERIZON								
		23-01939	08/10/23	POLICE 201M55-4970-809	Open	1,723.11	0.00		
		23-01969	08/15/23	NUSEUM 732-542-4026	Open	177.54	0.00		
						1,900.65			
NJLE001	NJ LEAGUE OF MUNICIPALITIES								
		23-01878	08/03/23	NJLM ANNUAL CONFERENCE	Open	60.00	0.00		
		23-01879	08/03/23	NJLM ANNUAL CONFERENCE	Open	60.00	0.00		
		23-01880	08/03/23	NJLM ANNUAL CONFERENCE	Open	60.00	0.00		
						180.00			
NOR002	NORTHWIND MECHANICAL SYSTEMS								
		23-00015	01/06/23		Open	485.98	0.00		B
OLIVIO05	OLIVIA'S II								
		23-01101	04/21/23	FIRE DEPT FOOD/CLEAN-UP MTG	Open	71.76	0.00		B
PANTH005	PANTHER PRESS								
		22-01587	07/13/22	Uniforms Code Zoning	Open	1,074.00	0.00		
PLC002	PORTER LEE CORPORATION								
		23-01708	07/11/23	Annual Software Support	Open	1,389.00	0.00		
POORJO05	POOR JOHN'S PORTABLE TOILETS								
		23-00673	03/01/23		Open	732.00	0.00		B
		23-01841	07/31/23	ADA Unit 9/4/23 Gurbisz Park	Open	258.00	0.00		
						990.00			
PROCA006	PRO CAP 8, LLC								
		23-01894	08/04/23	Redemption of lien 22000014	Open	2,942.45	0.00		
RELI001	RELIANCE GRAPHICS								
		23-01843	07/31/23	2023 Primary Election Ballots	Open	3,870.00	0.00		
RHELFO05	R HELFRICH & SON CHARTER BUS								
		23-01840	07/28/23	August AC Trip	Open	950.00	0.00		
RICOH005	RICOH USA, INC								
		23-01998	08/18/23	FINANCE MONTHLY LEASE AUG 23	Open	166.75	0.00		
ROBER030	ROBERTO CASAS-ALVARADO								
		23-01639	07/05/23	2023 HISTORICAL ESSAY WINNER	Open	100.00	0.00		
RUTG099	RUTGERS CONTINUING STUDIES GOV								
		23-01834	07/27/23	DIVERSITY, EQUITY & INCLUSION	Open	1,200.00	0.00		
		23-01852	08/02/23	RPPO Certificate Renewal	Open	25.00	0.00		
						1,225.00			
SCH001	T&M ASSOCIATES								
		21-01756	08/06/21	ADA RAMP UPGRADES/SIDEWALK	Open	2,241.75	0.00		B
		21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	727.50	0.00		B

Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
SCH001	T&M ASSOCIATES	Continued				
23-01956	08/14/23 FMRA WATER MAIN ESCROW #1598	Open	15,524.25	0.00		
			18,493.50			
SEA002	SEABOARD WELDING SUPPLY, INC.					
23-00057	01/09/23 OPEN FOR 2023	Open	37.90	0.00		B
23-01608	06/28/23 OPEN FOR 2023	Open	222.50	0.00		B
			260.40			
SEACST01	SEA COAST CHEVROLET-OLDSMOBILE					
23-00711	03/06/23 OPEN FOR 2023	Open	881.77	0.00		B
SERV001	SERVPRO OF EATONTN/LONG BRANCH					
23-01811	07/25/23 BIO Remediation	Open	300.00	0.00		
SHORE017	SHORE LANES					
23-01686	07/07/23 Shore Lanes Bowling Trip	Open	332.00	0.00		
SHRM001	SOCIETY FOR HUMAN RESOURCE					
23-00694	03/02/23 2023 SHRM MEMBERSHIP	Open	244.00	0.00		
SIC003	STANDARD INSURANCE COMPANY INC					
23-01925	08/09/23 JULY 2023 TRUCK & HOSE	Open	310.63	0.00		
23-01926	08/09/23 JULY 2023 PREMIUM	Open	2,903.74	0.00		
23-01983	08/17/23 AUGUST 2023 TRUCK & HOSE	Open	310.63	0.00		
23-01984	08/17/23 AUGUST 2023 PREMIUM	Open	2,903.74	0.00		
			6,428.74			
SL001	STAR LEDGER					
23-01944	08/10/23 PB Special Meeting 7.11.2023	Open	20.64	0.00		
SPCA001	MONMOUTH COUNTY SPCA					
23-01832	07/27/23 BORO ANIMAL CONTROL SERVICE	Open	1,912.50	0.00		
SPECI005	SPECIALTY STORE SERVICES					
23-01776	07/19/23 DVD SHELVEING	Open	1,272.58	0.00		
STA001	STAVOLA CONTRACTING CO. INC.					
23-00325	02/01/23 OPEN FOR 2023	Open	89.01	0.00		B
23-01104	04/24/23 OPEN FOR 2023	Open	2,029.35	0.00		B
			2,118.36			
STAP003	STAPLES ADVANTAGE					
23-01860	08/02/23 RECREATION SUPPLIES	Open	145.87	0.00		
23-01861	08/02/23 POLICE RECORDS OFFICE SUPPLIES	Open	525.14	0.00		
23-01892	08/04/23 FINANCE SUPPLIES	Open	84.13	0.00		
23-01893	08/04/23 SENIOR CENTER SUPPLIES	Open	291.80	0.00		
23-01964	08/15/23 ADMIN OFFICE SUPPLIES	Open	119.08	0.00		
			1,166.02			
THYG001	SENIORCIZE WITH CORINNE, LLC					
23-00190	01/19/23 SENIOR CTR CARDIO CORE CLASS	Open	350.00	0.00		B

August 22, 2023
10:50 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 7

Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
TURF001	TURF TRADE					
23-01875	08/03/23 TURFACE 50lbs. BAGS	Open	1,340.00	0.00		
VBF001	VERIZON BUSINESS FIOS					
23-01940	08/10/23 FIREHOUSE 156-904-874-0001-31	Open	415.01	0.00		
VER003	V.E. RALPH & SON, INC.					
23-01138	05/01/23 First Aid Supplies	Open	895.08	0.00		
VERI005	VERIZON - ALBANY					
23-01970	08/15/23 AUGUST BILL ACC# U0506845	Open	808.94	0.00		
WAR001	WARSHAUER ELECTRIC SUPPLY CO. I					
23-01898	08/07/23	Open	832.54	0.00		
WHITE006	WHITE DOVE CLEANERS					
23-01810	07/25/23 July Dry Cleaning	Open	2,376.65	0.00		
Total Purchase Orders: 125		Total P.O. Line Items: 0	Total List Amount: 2,555,294.25	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	1,674.00	0.00	1,674.00	0.00	0.00	1,674.00
CURRENT FUND:	3-01	2,518,121.46	0.00	2,518,121.46	95.00	0.00	2,518,216.46
GENERAL CAPITAL F	C-04	10,276.59	0.00	10,276.59	0.00	0.00	10,276.59
GRANT FUND	G-02	727.50	0.00	727.50	0.00	0.00	727.50
	T-15	13,301.45	0.00	13,301.45	0.00	0.00	13,301.45
	T-17	11,098.25	0.00	11,098.25	0.00	0.00	11,098.25
Year Total:		24,399.70	0.00	24,399.70	0.00	0.00	24,399.70
Total of All Funds:		2,555,199.25	0.00	2,555,199.25	95.00	0.00	2,555,294.25

ORDINANCE 25-2023

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

AN ORDINANCE AMENDING CHAPTER 89, LAND USE, ARTICLE 2 DEFINITIONS, SECTION 89-4 DEFINITIONS AND WORD USAGE OF THE CODE OF THE BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY EXCLUDING SURFACE WATER OF SWIMMING POOLS FROM THE DEFINITION OF IMPERVIOUS SURFACE.

WHEREAS, the current definition of "Impervious Coverage" in Section 89-4 of the Borough Code includes the surface area of swimming pools; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to exclude from the definition of Impervious Coverage the surface area of swimming pools so as to not overburden residents and unnecessarily require them to apply to the Borough's Zoning Board of Adjustment for relief to construct a pool or other amenities on their properties.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, and State of New Jersey, that Chapter 89, Article 2, Section 89-4 of the Borough Code is hereby amended as follows:

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

IMPERVIOUS COVERAGE

A surface area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration of water. In addition to buildings or structures, impervious coverage shall also include the surface area containing asphalt, concrete, gravel, broken-ended stone, stone dust, slag, crushed concrete, aggregate, pavers, and brick. ~~The surface area of swimming pools,~~ sheds or other accessory buildings or structures as defined in this chapter shall also be included in the impervious surface coverage of a lot.

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:

DATE ADOPTED:

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR
Date:

JULIE MARTIN, MUNICIPAL CLERK
Date:

ORDINANCE 26-2023

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

AN ORDINANCE AMENDING CHAPTER 272, SKATEBOARDS, SKATES, AND ROLLER BLADES, ARTICLE 1 PURPOSE, ARTICLE 2 DEFINITIONS, ARTICLE 3, PROHIBITED ACTS, AND ARTICLE 4, VIOLATIONS AND PENALTIES, ADDING LANGUAGE REQUIRING ALL RIDERS TO WEAR HELMETS WHEN RIDING AN ELECTRIC BICYCLE IN THE BOROUGH OF EATONTOWN.

WHEREAS, New Jersey Statute 39:4-10.1 requires bicycle operators and passengers under age 17 required to wear helmets; and

WHEREAS, there has been a rise in ridership of low-speed electric bicycles as a method of travel and recreation in the Borough; and

WHEREAS, low-speed electric bicycles are capable of reaching high speeds and are dangerous to ride without helmets; and

WHEREAS, the Borough Code is presently silent as to helmet requirements for low-speed electric bicycle riders; and

WHEREAS, the Borough has an interest in protecting low-speed electric bicycle riders by requiring helmets for all low-speed electric bicycle riders.

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:

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

Chapter 272 Skateboards, Skates, ~~and Roller Blades~~, and Low-Speed Electric Bicycles

272-1 Purpose and Intent

The purpose and intent of this chapter is to establish regulations and guidelines for the operation and use of roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices within the Borough of Eatontown in order to ensure the welfare of all persons using said devices, motorists and pedestrians.

272-2 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

LOW-SPEED ELECTRIC BICYCLE

A two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, that meets the requirements of one of the following classifications: "class 1 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; or "class 2 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that may be used exclusively to

propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour. See N.J.S.A. 39:1-1.

ROLLER SKATE OR ROLLER BLADES

A skate or shoe having four or more or less small wheels instead of a runner.

SKATEBOARD

A platform or other board which is mounted on wheels or a board with roller-skate wheels or other similar wheels affixed to the underside, having no mechanism or other device with which to steer or control the direction or movement thereof while being used or operated or ridden.

...

272-3 Prohibited acts; users to obey traffic devices.

The following rules and regulations shall apply to all roller blades, inline skates, skateboards, low-speed electric bicycles, or other similar devices operated and used by any person within the boundaries of the Borough of Eatontown.

- A. No person shall operate or use roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices in a reckless or careless manner that endangers or is likely to endanger the safety or welfare of other persons or property.
- B. No person shall operate or use roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices at a speed faster than is reasonable or proper, taking into account the presence of traffic and/or pedestrians in the area.
- C. Every person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall obey all traffic signals, signs and devices in the same manner and to the same extent as would be required if said person was operating a motor vehicle.
- D. No person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall attach the same or himself to any vehicle upon a roadway and no operator of any vehicle shall knowingly allow any person operating or using roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices to attach the same or himself to the vehicle.
- E. No person shall use, operate or ride roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other devices of similar nature in Wampum Memorial Park
- F. No person shall ride or sit as a passenger on a low-speed electric bicycle unless such person is wearing a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling.

272-4 Violations and Penalties

Any person violating the provisions of this chapter shall be subject to the following penalties:

- A. The first offense. Any adult shall be subject to a fine not to exceed \$250. Any minor who violates this chapter on a first offense shall be reprimanded, in writing, by the Eatontown Police Department addressed to the parents or guardians of said offender stating the nature of the violation and a warning that a repetition of the violation or any other violation must be prevented or the device would be impounded for a period of time not less than seven days nor more than 60 days, and during that period of time, the offender cannot ride his or her device or anyone else's device on any public streets or sidewalks.
- B. The second offense. Upon a second or subsequent offense the parent or guardian of a minor offender shall be subject to a fine not to exceed \$250 and/or the Police Department shall confiscate the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices pending a hearing in which case the offender's device may be impounded for a period of time not less than seven days nor more than 60 days for a second offense or confiscated and destroyed for a third or subsequent offense.
- C. Parental guidance. If for some reason the law enforcement officer cannot determine the name and address of the parent of any minor who violates the provisions of this chapter, then the roller blades, inline skates, skates, skateboards or other similar devices utilized shall be automatically confiscated and the offender will be summoned to appear at Municipal Hall with his or her parent or guardian whereby a summons shall be issued for the appropriate offense. If not a second or greater offense, the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices shall be returned to the parent or guardian. Should the parent or guardian not appear within 30 days of the confiscation of the roller blades, inline skates, skates, skateboards, low-speed electric bicycles, or other similar devices, then such devices shall be forfeited and destroyed by the Borough of Eatontown.

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:

DATE ADOPTED:

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR
Date:

JULIE MARTIN, MUNICIPAL CLERK
Date:

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

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., ("Act") provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized inter-jurisdictional mutual aid; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize and accept the Intra-County Mutual Aid and Assistance Agreements between the Borough of Eatontown and Participating Units; and

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

CERTIFICATION
I, Kathleen Muscillo, Deputy 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 August 23, 2023

Kathleen Muscillo, Deputy 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 Outside Liens for Redemption and has recommended that the same be refunded.

BLOCK	LOT	QUAL	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM	CERTIFICATE NUMBER
1302	15		PRO CAP 8 FBO FIRSTRUST BANK	\$ 1,042.45	\$ 1,900	22000014

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy 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 August 23, 2023 <u>Kathleen Muscillo, Deputy Borough Clerk</u>
Council President East							
Councilmember Regan							
Councilmember Jones							
Councilmember Gindi							
Councilmember Araman							
Councilmember Severinsen							
Mayor Talerico							

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

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, such an agreement will allow the municipality to purchase certain commodities through Monmouth County, such as gasoline, diesel fuel, snow removal chemicals, public works materials and supplies and other materials as may be approved by the Director of the Division of Local Government Services at a reasonable rate; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Eatontown that the Mayor and Clerk are hereby authorized to execute a renewed Commodity Resale Agreement with the County of Monmouth for the period of October 1, 2023 through September 30, 2028; a true copy of which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a certified copy of this Resolution to Tamara Brown, Clerk of the Board of Chosen Freeholders, Hall of Records, One East Main Street, PO Box 1255, Freehold, New Jersey 07728 and to Elizabeth Perez, Shared Services Coordinator, County of Monmouth, Hall of Records, First Floor, One East Main Street, Freehold, New Jersey 07728.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy 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 August 23, 2023 Kathleen Muscillo, Deputy Borough Clerk
Council President East							
Councilmember Regan							
Councilmember Jones							
Councilmember Gindi							
Councilmember Araman							
Councilmember Severinsen							
Mavor Talerico							

RESOLUTION 181-2023

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

**RESOLUTION OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH,
APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO
N.J.S.A. 40A:20-8**

WHEREAS, the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough") has received an Application for Long Term Tax Exemption (collectively, the "Exemption Application") from each of (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 a long term tax exemption under the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Tax Exemption Law") and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Redevelopment Bond Law") in connection with portions of a redevelopment project to be undertaken by the Entities, and affiliates thereof, on certain real property commonly known as the Monmouth Mall and identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 (the "Project Site"), which Project Site is located within a designated non-condemnation area in need of redevelopment within the Borough; and

WHEREAS, the redevelopment project (the "Project") is expected to be undertaken by the Entities, and affiliates thereof, 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, (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, all as more fully described in the Financial Agreements; and

WHEREAS, the Borough Council has received and viewed the Exemption Application, requesting long term tax exemptions for a portion of the Project Site identified as Block 2201, Lots 1.01, a portion of 1.02, 2 and 5, together with the Mayor's recommendation letter relating thereto (the "Mayor's Recommendation Letter");

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

Section 1. The Exemption Application (a copy of which has been presented to this meeting, and is on file in the office of the Borough Clerk), and the Project described therein, are each hereby approved, in accordance with the Mayor's Recommendation Letter.

Section 2. This Resolution shall take effect immediately.

RECORD OF COUNCIL VOTE				
<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Virginia M. East, President				
Mark Regan, Jr.				
Danielle M. Jones				
David Gindi				
Meir Araman				
Jacqueline Severinsen				

The foregoing is a true copy of a resolution adopted by the Municipal Council of the Borough of Eatontown, in the County of Monmouth, New Jersey on August 23, 2023.

[SEAL]

Kathleen Muscillo, Deputy Borough Clerk

RESOLUTION 182-2023

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

**RESOLUTION OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH,
NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO
N.J.S.A. 40A:12A-29(a) AND 40A:12A-67(g)**

WHEREAS, the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough") expects to enter into Financial Agreements (collectively, the "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 (collectively, the "Entities") under the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Tax Exemption Law"), and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Redevelopment Bond Law"), in support of portions of a redevelopment project to be undertaken by the Entities, and affiliates thereof, on certain real property commonly known as the Monmouth Mall and identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5 (the "Project Site"), which Project Site is located within a designated non-condemnation area in need of redevelopment within the Borough; and

WHEREAS, the redevelopment project (the "Project") is expected to be undertaken by the Entities, and affiliates thereof, 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, (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, all as more fully described in the Financial Agreements; and

WHEREAS, in order to assist in financing a portion of the costs of the Project, the Borough expects to issue its non-recourse redevelopment area bonds from time to time, in multiple tranches, in an aggregate principal amount not to exceed \$3,000,000 (collectively, the "RAB Bonds"), pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") and the Redevelopment Bond Law; and

WHEREAS, funds for the payment of debt service on each tranche of the RAB Bonds will be derived from the pledge and assignment by the Borough to the trustee of the RAB Bonds of the Pledged Annual Service Charge, as such term is defined in the applicable Financial Agreement, relating to the applicable portion of the Project, such portions of the Project Site being collectively identified as Block 2201, Lots 1.01, a portion of 1.02, 2 and 5; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-29(a), bonds (including the RAB Bonds) issued by a "redevelopment entity" (including the Borough) pursuant to the Redevelopment Law may be sold at private sale upon application to and prior approval of the Local Finance Board; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-67(g), a financial instrument (including the RAB Bonds), whether issued by a municipality or an authority, that is secured in whole or in part by payments in lieu of taxes as provided in the Redevelopment Bond Law, shall be subject to the review and approval of the Local Finance Board; and

WHEREAS, in accordance with the foregoing statutes, the Borough desires to make application to the Local Finance Board for approval of the issuance of the proposed RAB Bonds (the "Application"); and

WHEREAS, on the basis of the representations made by the Entities in the respective Financial Agreements and the respective applications therefor, the Borough Council believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

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

Section 1. The Application is hereby approved, and the Mayor, the Borough Administrator, the Chief Financial Officer, and the Borough's Bond Counsel, the Borough Attorney or his designee, the Borough Engineer and the Borough's Municipal Advisor, along with other representatives of the Borough, are hereby authorized to prepare such Application, to file such Application with the Local Finance Board and to represent the Borough in matters pertaining thereto.

Section 2. The Borough Clerk is hereby directed to prepare and file a copy of this Resolution and the Financial Agreement(s) with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record their respective findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

Section 4. This Resolution shall take effect immediately.

RECORD OF COUNCIL VOTE				
<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Virginia M. East, President				
Mark Regan, Jr.				
Danielle M. Jones				
David Gindi				
Meir Araman				
Jacqueline Severinsen				

The foregoing is a true copy of a resolution adopted by the Municipal Council of the Borough of Eatontown, in the County of Monmouth, New Jersey on August 23, 2023.

[SEAL]

Kathleen Muscillo, Deputy Borough Clerk

RESOLUTION 183-2023

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

RESOLUTION OF THE BOROUGH OF EATONTOWN AUTHORIZING THE EXECUTION AND DELIVERY OF A REDEVELOPMENT AGREEMENT WITH MONMOUTH SQUARE NJ LLC IN CONNECTION WITH A REDEVELOPMENT PROJECT TO BE CONSTRUCTED ON 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 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 desires 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, Section 8.03(e) of the proposed Redevelopment Agreement contemplates that the Redevelopment Agreement may, from time to time, be partially assigned by the Redeveloper to certain affiliates thereof, including specifically Monmouth V Urban Renewal, LLC, Monmouth V R1 Urban Renewal, LLC, Monmouth V R2 Urban Renewal, LLC, and/or Monmouth V R3 Urban Renewal, LLC (collectively, the "Affiliate Partial Assignees"), in connection with the construction of the various components of the Project;

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

1. The Redevelopment Agreement, in substantially the form presented to this meeting and on file in the office of the Borough Clerk, is 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 Redevelopment Agreement with the Redeveloper in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Borough Attorney or his designee, such determination to be conclusively evidenced by their execution of such Redevelopment Agreement. The Borough Clerk is hereby authorized and directed to attest to the execution of the Redevelopment Agreement by the Authorized Officers of the Borough as determined hereunder and to affix the corporate seal of the Borough thereto.

2. To the extent provided in the Redevelopment Agreement, 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) (collectively, the "Partial Assignment Documents") as may be necessary or useful in connection with any partial assignment(s) of the Redevelopment Agreement to the Affiliate Partial Assignees, or any of them, as contemplated by Section 8.03(e) of the Redevelopment Agreement.

3. Executed copies of the Redevelopment Agreement and any Partial Assignment Documents shall be certified by the Borough Clerk and filed with the Office of the Borough Clerk.

4. 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 Redevelopment Agreement and any Partial Assignment Documents 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.

5. This resolution shall take effect upon final passage in accordance with the laws of the State of New Jersey.

RECORD OF COUNCIL VOTE				
<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Virginia M. East, President				
Mark Regan, Jr.				
Danielle M. Jones				
David Gindi				
Meir Araman				
Jacqueline Severinsen				

The foregoing is a true copy of a resolution adopted by the Municipal Council of the Borough of Eatontown, in the County of Monmouth, New Jersey on August 23, 2023.

[SEAL]

Kathleen Muscillo, Deputy Borough Clerk

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

WHEREAS, in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, the Borough of Eatontown (the "Borough") issued a request for proposals related to the Borough's banking services (the "Service"); and

BCB Bank
Citizens Bank
Lakeland Bank
Manasquan Bank
Northfield Bank
OceanFirst Bank
TD Bank, N.A.

WHEREAS, the Borough Attorney has reviewed OceanFirst Bank's proposal and finds it to be legally sufficient; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough Council hereby authorizes the placement of Borough Funds with OceanFirst Bank for Banking Services in accordance with the terms of its proposal.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute any documents necessary to effectuate the implementation of this proposal to OceanFirst Bank in a form legally acceptable to the Borough Attorney; and

- OceanFirst Bank
- William Lucia, Interim Borough Administrator
- Andrew Bayer, Borough Attorney
- Dena Amodea, CFO

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

CERTIFICATION

I, Kathleen Muscillo, Deputy 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 August 23, 2023

Kathleen Muscillo, Deputy Borough Clerk

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

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

CERTIFICATION

I, Kathleen Muscillo, Deputy 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 August 23, 2023

Kathleen Muscillo, Deputy Borough Clerk

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

WHEREAS, the Tax Collector has forwarded to the Mayor and Council of the Borough of Eatontown, a recommendation to cancel uncollectible taxes, due to approval by the Tax Assessor of tax-exempt status (veteran); and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown, Monmouth County, New Jersey, do hereby authorize the cancellation of taxes as follows, based upon the recommendation of the Tax Collector:

BLOCK	LOT	NAME	AMOUNT
2002	47	Salvato, Peter & Lorraine	\$3,189.77 (3 rd Q 2023)
			\$3,189.77 (4 th Q 2023)
			\$2,810.65 (1 st Q 2024)
			\$2,810.64 (2 nd Q 2024)

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

CERTIFICATION
 I, Kathleen Muscillo, Deputy 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 August 23, 2023

Kathleen Muscillo, Deputy Borough Clerk