

Mayor
ANTHONY TALERICO, JR.

Council
VIRGINIA M. EAST, President
DANIELLE M. JONES
DAVID GINDI
MEIR ARAMAN
CARL LAWSON
CANDACE M. FAUST



BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

Interim Administrator
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

AGENDA
Mayor and Council
Monday, November 18, 2024 - 4:15 pm

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.

REGULAR MEETING 4:15 pm (or as soon thereafter)

1. Roll Call, Flag Salute

2. APPROVAL OF MINUTES (vv)

A. Regular Meeting - 11/7/2024

3. COMMUNICATIONS

- A. Eatontown Zoning Board Notice of Public Hearing - 29 N. Main St (Blk 304, Lot 1)
- B. Oceanport Planning Board Notice to Property Owners - Netflix, Inc.
- C. Notification of Classification Exception Area/Well Restriction Area Update - Lowe's
- D. Tinton Falls, Ord. 2024-1518 Amend. Land Use
- E. State of NJ, DOT Fiscal Year 2025 Municipal Aid Program Award, Parker Road Improvements (\$380,548.00)

4. OLD BUSINESS (rc)

A. ORDINANCE ADOPTION

- 1) **Ordinance 23-2024** - An Ordinance Amending Chapter 257 of the Borough Code Entitled "Rental Properties" Regulating Short Term Rentals within the Borough of Eatontown - **Public Hearing/Adoption**

5. PUBLIC COMMENT ON AGENDA ITEMS ONLY

6. BILLS & CLAIMS (vv)

7. NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS (rc)

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request an item be removed for separate consideration).

- 1) **Resolution 230-2024** - Auth. Reimbursement for Attendance at 2024 NJ Firemen's Relief Assn. Convention
- 2) **Resolution 231-2024** - Auth. Tax Sale Certificate Redemptions
- 3) **Resolution 232-2024** - Approving Developer's Agreement with US Homes at Howard Commons Urban Renewal, LLC
For Property Identified as Block 601, Lot 1 and Block 701, Lot 1 Along Pinebrook Road

8. REMARKS OF COUNCIL AND CITIZENS

9. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday, December 4, 2024 @ 7:00 pm***

ORDINANCE 23-2024

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

**AN ORDINANCE AMENDING CHAPTER 257 OF THE BOROUGH CODE ENTITLED "RENTAL PROPERTIES" REGULATING
SHORT TERM RENTALS WITHIN THE BOROUGH OF EATONTOWN**

WHEREAS, Borough has experienced a large increase in short term rentals of residential properties given the proximity of Eatontown to the beaches along the New Jersey shoreline and its proximity to Monmouth University; and

WHEREAS, on June 22, 2022, the Borough adopted Ordinance 22-2022 regulating specific short-term rentals activities to minimize any potential deleterious effects on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Borough has also recently experienced a large increase in commercial rental properties; and

WHEREAS, the Borough Council believes it is in the Borough's best interest to regulate and restrict specific short-term rentals and commercial rental property activities to minimize any potential deleterious effects on other properties in the surrounding neighborhoods in which they are located; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that Borough Code is hereby amends Chapter 257 entitled "Rental Properties".

Chapter 257 entitled "Rental Properties" shall read as follows (additions are underlined and deletions are [bracketed]; unless specifically noted herein, all other parts of Chapter 257 shall remain unchanged:

§257-1 Definitions.

- (a) Advertise or Advertising-Any form of solicitation, promotion, and/or communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/ or services in violation of this subsection, as same may be viewed through various media including but not limited to, signs, newspapers, magazines, flyers, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of property, for consideration, which are prohibited by this Section.
- (b) Consideration-Soliciting, charging, demanding, receiving, or accepting any legally recognized form of consideration including a promise or benefit, a quid -pro -quo, rent, fees, other form of payment, or thing of value.
- (c) Dwelling Or Dwelling Unit- A building or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering, and/ or entertaining, as a residential occupancy, by or one or more persons. This definition includes a condominium, building, townhome, single-family home or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration. It specifically excludes commercial rental apartment buildings.
- (d) Hosting Platform-A website or marketplace in whatever form, whether online or not, which facilitates Short - Term Rentals or the rental of the exterior (e. g. pool, pool area, backyard) of a residential unit through advertising, searching, match -making, or any other means, using any medium of facilitation and from which the operator of the Hosting Platform derives revenues, including but not limited to booking fees or advertising revenue, from providing or maintaining the website or marketplace.
- (e) Housekeeping Unit- Constitutes a family-type situation, involving one or more persons living together that exhibit the kind of stability, permanency, and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

- (f) Occupant-Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.
- (g) Owner-Any Person(s) who legally use, possess, own, lease, sub -lease, or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more Dwelling Units, or who have charge, care, control, or who participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.
- (h) Person-An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.
- (i) Residential Occupancy-The use of a dwelling unit by an Occupant(s).
- (j) Short-Term Rental-A Residential Occupancy for a period of ninety (90) days or less.
- (k) Commercial Rental Property – A residential property that at least one property owner does not use at their primary residence for at least 12 continuous weeks during a calendar year.
- (l) Primary Residence – the residential address where a person spends the majority of their non-working time, and which is most clearly the center of their domestic life.

§257-2 Short-term Rentals Prohibited.

- (a) It shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the use of any Dwelling Unit used as a Short-Term Rental, and shall not enter into a Short-Term Rental arrangement, as defined herein, more than [two-times] one time in any twelve-month period.
- (b) It shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the rental of all or a portion of the exterior of any residential property. This shall include the rental of the pool, pool area, and backyard.
- (c) There shall only be one written or oral agreement as between a Person or Owner receiving or obtaining actual or anticipated Consideration for the use of Dwelling Unit as a Short-Term Rental regardless of the number of occupants associated with each rental.
- (d) Nothing in this section prevents formation of an otherwise lawful Residential Occupancy of a Dwelling Unit for a rental period of ninety (90) days or more.
- (e) Nothing in this section shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, N.J. S. A. 55: 13- 1, et seq.
- (f) No Commercial Rental Property may be used for short-term rentals.

§257-5 Violations, penalties and enforcement.

- (a) The provisions of this section shall be enforced by the Zoning Officer, Housing Officer, Code Enforcement Officer or Borough Police as their jurisdiction may arise, including legal counsel for the Borough or other person designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this section and/ or to appear in court or file civil complaints.
- (b) A violation of this section is hereby declared to be a public nuisance per se and is hereby further found and declared to be offensive to the public health, safety, and welfare.
- (c) Any Person found to have violated any provision of this section, without regard to intent or knowledge, shall be liable ~~for the first offense in the amount of [\$500.00], and for each subsequent [second] offense [\$1000.00] of \$2,000.00 [and up to the maximum civil penalty,~~ upon adjudicated violation or admission, of a fine not exceeding \$2,000 per day per violation and up to 90 days imprisonment. ~~for any further violations.~~ Each day of such violation shall be considered a new and separate violation of this section.
- (d) The penalty imposed pursuant to subsection (c) above shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/ other injunction, reasonable attorneys' fees or other fees and costs, in the Borough' s Municipal Court or the Superior Court of New Jersey in the vicinage of Monmouth County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal process. All costs attendant to enforcement of this section shall be assessed as a lien against the subject property, enforceable and collectible in the same manner as liens for delinquent real property taxes and municipal service charges.

- (e) Failure to appear to answer any summons issued for violation of this Chapter or the presence of open building, housing, or code violations, shall result in the non-issuance of Certificate of Occupancy.

BE IT FURTHER ORDAINED, that

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

DATE INTRODUCED: October 22, 2024
DATE ADOPTED: November 18, 2024

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR
Date:

JULIE MARTIN RMC, MUNICIPAL CLERK
Date:

November 14, 2024
10:17 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

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

Open: N
Rcvd: Y
Bid: Y

Paid: N
Held: Y
State: Y

Void: N
Aprv: N
Other: Y
Exempt: Y

Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8X8IN005	8X8 INC								
		24-02613	11/13/24	BORO MONTHLY PHONE USUAGE	Open	2,987.25	0.00		
ADD002	ALAN D. DRAKE, INC.								
		24-02051	09/18/24		Open	3,975.00	0.00		
AMAZ001	AMAZON.COM SERVICES, INC								
		24-02161	09/30/24	BRIGHT CREATIONS GLUE/GLITTER	Open	409.28	0.00		
		24-02337	10/16/24	12 PK PRE DRWAN PAINT KIT	Open	139.93	0.00		
		24-02437	10/29/24	Trunk or Treat Harbor School	Open	37.97	0.00		
						587.18			
AMAZ005	AMAZON.COM #A3898AWA7QWVMO								
		24-02431	10/29/24	office Chair	Open	309.99	0.00		
APP002	GANNETT NJ NEWSPAPERS								
		24-02017	09/12/24	Legal Advertisements	Open	87.12	0.00		B
ASFI001	ATLANTIC SECURITY & FIRE, INC.								
		24-01886	08/26/24		Open	1,214.00	0.00		
ATS001	ATLANTIC TREE EXPERTS CO.								
		24-02114	09/24/24	19 CORLIES & 31 MAIN	Open	2,300.00	0.00		
BAND001	BANDAG, INC								
		24-02187	10/02/24	PD STOCK	Open	669.10	0.00		
BOE001	EATONTOWN BOARD OF EDUCATION								
		24-02513	11/05/24	TAX LEVY DECEMBER 2024	Open	1,599,989.00	0.00		
CAG001	CLEARY GIACOBBE ALFIERI & JACO								
		24-01708	07/31/24	MUNICIPAL PROSECUTOR SERVICES	Open	3,000.00	0.00		B
CGPH001	CGP&H, LLC								
		24-02380	10/23/24	HOUSING REHAB PROGRAM	Open	550.00	0.00		
		24-02381	10/23/24	HOUSING APPLICANT SERVICES	Open	558.50	0.00		
						1,108.50			
COM006	COMCAST BUSINESS								
		24-02611	11/13/24	BORO INTERNET SERVICES	Open	784.95	0.00		
COMC004	COMCAST								
		24-02610	11/13/24	BORO SPC VIDEO SERVICES	Open	135.46	0.00		
DELVZ01	ZACK DELVENTO								
		24-02215	10/04/24	2024 Boot Reimbursement	Open	100.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DEMCO001	DEMCO, INC								
		24-02166	09/30/24	W13820000 APPLICATION CARDS	Open	32.55	0.00		
DTS001	DYNAMIC TESTING SERVICE								
		24-02284	10/14/24	5 PANEL DOT SCREENING	Open	280.00	0.00		
EHR001	ARTHUR EHRMANTRAUT								
		24-02301	10/15/24	ORTHODONTIC REIMBURSEMENT	Open	665.00	0.00		
FIRE001	FIREFIGHTER ONE								
		24-02170	09/30/24	FIRE DEPT SCBA AIR PACK REPAIR	Open	579.63	0.00		
FSS002	FIRE & SAFETY SERVICES, LTD								
		24-02451	10/30/24	FIRE DEPT EMERG REPAIR NOZZLE	Open	1,243.57	0.00		
GLENCO001	GLENCO SUPPLY, INC								
		24-01980	09/09/24	9 X 24 EXT GREEN	Open	855.00	0.00		
GWL001	GEORGE WALL LINCOLN MERCURY, IN								
		24-01403	06/19/24	OPEN FOR 2024	Open	270.89	0.00		B
		24-02242	10/09/24	DPW#73 BRAKES	Open	1,300.63	0.00		
		24-02243	10/09/24	DPW#70 BRAKES/ROTORS	Open	<u>1,048.08</u>	0.00		
						2,619.60			
ICC001	INTERNATIONAL CODE COUNCIL								
		24-02374	10/22/24	'18 IFC NJ EDITION CODE BOOKS	Open	484.50	0.00		
IMP001	IMPRINT SHOP LLC								
		24-02347	10/18/24		Open	324.00	0.00		
JERS001	JCP&L								
		24-02612	11/13/24	BORO ELECTRIC SERVICES	Open	44.01	0.00		
JGC001	John Guire Supply LLC								
		24-02000	09/12/24	OPEN FOR 2024	Open	110.64	0.00		B
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		24-02250	10/10/24	Mon Square Escrow #1615	Open	900.00	0.00		
LOU001	LOUIS R. MICELI								
		24-00305	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	733.80	0.00		B
MOB001	MOBILITY ELEVATOR, INC								
		24-01019	04/29/24		Open	595.00	0.00		B
MRH00L	MONMOUTH REGIONAL H.S. BD. OF								
		24-02512	11/05/24	TAX LEVY DECEMBER 2024	Open	966,543.67	0.00		
NATAS005	NAT'L ASSOC BUNCO INVESTIGATOR								
		24-02267	10/11/24	2024 National Conference	Open	150.00	0.00		
NEO003	QUADIENT/SUPPLIES								
		24-02425	10/28/24	BORO MAIL MACHINE MAINTENANCE	Open	33.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
NJDL003	NJ DEPT OF LABOR & WORKFORCE D								
	24-02577	11/12/24	FEDERAL UI BENEFIT CHARGES	Open	20,888.15	0.00			
NJDMV001	NJDVMC								
	24-02460	10/31/24	2025 ANNUAL MVC ONLINE ACCOUNT	Open	150.00	0.00			
NRPA006	NRPA								
	24-02305	10/15/24	NRPA membr renl #149671 Grasso	Open	180.00	0.00			
	24-02348	10/18/24	CPREcerFee Grasso mem# 149671	Open	111.25	0.00			
	24-02350	10/18/24	CPRE exam App Member #149671	Open	345.00	0.00			
					636.25				
PAY003	LOUISE M. PAYNE								
	24-02398	10/23/24	MEDICARE INS REIMBURSEMENT	Open	384.68	0.00			
RICOH005	RICOH USA, INC								
	24-01710	07/31/24	FINANCE DEPT COPIER LEASE	Open	166.75	0.00			B
RONNI005	RONNIE ZEHAU								
	24-02339	10/17/24	GARBAGE CART REFUND	Open	70.00	0.00			
SSI001	SCHAEFER PLASTICS N.AMERICA								
	24-01504	07/08/24	35 GALLON TRASH CARTS	Open	5,898.00	0.00			
TARGE005	TARGETED TECHNOLOGIES LLC								
	24-02283	10/14/24	HP COLOR LASERJET MFP3301FDW	Open	634.00	0.00			
	24-02321	10/16/24	BORO IT MONTHLY SERVICES	Open	7,858.00	0.00			
	24-02602	11/13/24	POLICE IT MONTHLY SERVICES	Open	4,186.00	0.00			
					12,678.00				
TEAM001	T.E.A.M. LIFE								
	24-02317	10/16/24	Defib Pads	Open	483.00	0.00			
TREET005	TREETOP PRODUCTS, LLC								
	24-01885	08/23/24	3YQ3509-STEEL BOLT DOWN COLLAP	Open	559.75	0.00			
UGIEN005	UGI ENERGY SERVICE,LLC								
	24-02614	11/13/24	BORO NATURAL GAS USUAGE	Open	549.74	0.00			
USPS001	US POSTAL SERVICE								
	24-02596	11/12/24	BORO 429 YEARLY PERMIT	Open	350.00	0.00			
WWG010	W.W. GRAINGER, INC.								
	24-01774	08/15/24		Open	377.93	0.00			B
	24-02186	10/02/24		Open	431.07	0.00			B
					809.00				
Total Purchase Orders: 54					Total P.O. Line Items: 0	Total List Amount: 2,637,064.84	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:	4-01	2,630,367.34	0.00	2,630,367.34	0.00	0.00	2,630,367.34
GENERAL CAPITAL F	C-04	5,189.00	0.00	5,189.00	0.00	0.00	5,189.00
	T-15	1,108.50	0.00	1,108.50	0.00	0.00	1,108.50
	T-17	400.00	0.00	400.00	0.00	0.00	400.00
Year Total:		1,508.50	0.00	1,508.50	0.00	0.00	1,508.50
Total of All Funds:		2,637,064.84	0.00	2,637,064.84	0.00	0.00	2,637,064.84

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

WHEREAS, the Borough of Eatontown Fire Department had a need for Department members to attend the 2024 NJ State Firemen's Relief Association Convention in Wildwood, New Jersey; and

WHEREAS, the following member of the Eatontown Fire Department have submitted request for reimbursement for mileage, tolls, parking, dining and lodging in the respective amounts.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Eatontown authorizes the reimbursement in the above noted not to exceed amounts for the cost of mileage, tolls, parking, dining and lodging.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on November 18, 2024. Julie Martin, RMC, Borough Clerk
Council President East							
Councilmember Jones							
Councilmember Gindi							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Mayor Talerico							

**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
1003	10		NRDR PROPERTIES	\$ 307.62	\$ 600	24-00008
2401	39		PRO CAP 8 FBO FIRSTRUST BANK	\$ 818.96	\$ 300	24-00018
3901	32		ALPHA TAX LIEN GROUP	\$ 211.33	\$ 100	24-00034
2401	7		CHRISTIANA T C/F CE1/FIRSTRUST	\$ 1,717.73	\$ 2,200	22000024

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on November 18, 2024. <u>Julie Martin, RMC, Borough Clerk</u>
Council President East							
Councilmember Jones							
Councilmember Gindi							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Mayor Talerico							

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

	MOTION	SECONDED	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Gindi						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Mayor Talerico						

CERTIFICATION

I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on November 18, 2024

Julie Martin, RMC, Borough Clerk