

ayor
ANTHONY TALERICO, JR.

Council
VIRGINA M. EAST, President
DANIELLE M. JONES
MEIR ARAMAN
CARL LAWSON
CANDACE M. FAUST
MARIA GRAZIA ESCALANTE



BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

AGENDA

Mayor and Council
Wednesday, January 22, 2025

Interim Admini.
WILLIAM P. LUCIA III

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

*** Amended 1/21/25**

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 7:00 pm (or as soon thereafter)

- 1. Roll Call, Flag Salute**
- 2. APPROVAL OF MINUTES (vv)**
 - A. Workshop/Regular Meeting/Closed Session Minutes - 1/8/2025**
- 3. COMMUNICATIONS**
 - A. Notice of Public Hearing, Tinton Falls Planning Board - RWJ Barnabas Health, Inc.**
- 4. MAYOR'S REPORT - Mayor Talerico**
- 5. REPORTS OF COMMITTEES**
 - A. EMERGENCY SERVICES - Council President East**
 - B. FINANCE & ORDINANCE - Councilmember Jones**
 - C. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman**
 - D. PARKS & RECREATION - Councilmember Lawson**
 - E. PUBLIC WORKS & INSURANCE - Councilmember Faust**
 - F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Escalante**
- 6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia**
- 7. OLD BUSINESS**
 - A. ORDINANCE ADOPTION**
 - 1. Ordinance 01-2025 - Ordinance Adding Chapter 195 to the Code of the Borough of Eatontown Implementing the State Law Concerning Lead-Based Paint Inspections - *Public Hearing/Adoption***
 - 2. Resolution 29-2025 - Auth. Purchase of Container/Trailer, DPW (\$19,290.00) - *Carried from 1/8/25***
- 8. PUBLIC COMMENT ON AGENDA ITEMS ONLY**
- 9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL (vv)**

10. NEW BUSINESS

A. ORDINANCE INTRODUCTION (rc)

1. **Ordinance 02-2025** - Bond Ordinance Reappropriating \$2,441,383.00 in Excess Bond Proceeds Not needed for Their Original Purposes in Order to Finance the Cost of Various Capital Improvements, Authorized in and by the Borough of Eatontown, in the County of Monmouth, New Jersey - ***First Reading/Introduction (Public Hearing 2/12/25)***

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 36-2025** - Auth. Release of Escrow Funds, 17 Meadowbrook Ave
- 2) **Resolution 37-2025** - Confirming Appointments of Borough Professionals
- 3) **Resolution 38-2025** - Auth. Contracts for 2025 Professional Services
- 4) **Resolution 39-2025** - Auth. Appointments to Certain Boards and Committees
- 5) **Resolution 40-2025** - Auth. Contract Award to Targeted Technologies for IT Network Monitoring
- 6) **Resolution 41-2025** - Auth. Person to Person/Place to Place Transfer, Retail Distribution License #1311-44-002-003
- 7) **Resolution 42-2025** - Amending/Confirming Appointments of Prosecutor and Alternate Prosecutors for 2025
- 8) **Resolution 43-2025** - Auth. Grant Application, NJ DCA for Upgrades/Repairs or Replacement of Wampum Gazebo
- 9) **Resolution 44-2025** - Auth. Shared Services Agreement with Shrewsbury Township for Municipal Clerk Services
- 10) **Resolution 45-2025** - Accepting the Borough's Present Need Obligation and Its Adjusted Prospective Need Calculation
For Its Fourth Round Affordable Housing Obligation in Compliance with the Amended Fair Housing Act
- 11) **Resolution 46-2025** - Auth ARH to Perform Engineering Svcs. Connected with the Development of Gurbisz Park *

11. REMARKS OF COUNCIL AND CITIZENS

12. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday, February 12, 2025 @ 7:00 p.m.***

ORDINANCE 01-2025

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

**ORDINANCE ADDING CHAPTER 195 TO THE CODE OF THE BOROUGH OF EATONTOWN IMPLEMENTING THE STATE LAW
CONCERNING LEAD-BASED PAINT INSPECTIONS**

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required, with certain exceptions, to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of the residents to amend the Borough Code to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law; and

WHEREAS the Borough Council of the Borough of Eatontown believes it is in th wishes through this Ordinance to establish Chapter 195 entitled "Lead-Based Paint Inspections" of the Borough Code in order to serve the best interests of the Borough and its residents.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Eatontown, in the County of Monmouth and State of New Jersey that:

Section I

Chapter 195 to be known as "Lead-Based Paint Inspections." is hereby added to the Code of the Borough of Eatontown and shall read as follows:

Chapter 195 Lead-Based Paint Inspections.

195-1-1 Definitions.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

195-2 Inspections.

- (1) A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, or multiple rental dwelling located in the Borough of Eatontown for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.
- (2) In lieu of having the dwelling inspected by the Borough's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.
- (3) In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
 - a. Has been certified to be free of lead-based paint;
 - b. Was constructed during or after 1978;
 - c. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);
 - d. Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - e. Has a valid lead-safe certification.
- (4) The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.
- (5) If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists. If no lead-based paint hazards are identified, then the Borough's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.
- (6) Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:
 - a. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
 - b. Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §63-2(C) of this Chapter.
 - c. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.
- (7) Fees.
 - a. The Borough shall charge the dwelling owner or landlord, and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee sufficient to cover the cost to the Borough of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this section, which shall include the following:

- a. \$250.00 per dwelling unit for a visual assessment performed by the lead inspector.
 - b. \$25.00 per dwelling unit filing fee.
 - c. If necessary, a fee of \$295.00 per dwelling unit for reinspection of a unit.
- b. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- c. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

63-2 Violations.

If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section II

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III

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

Section IV

This ordinance shall take effect upon its passage and publication in the manner required by law.

DATE OF INTRODUCTION: 01/08/2025

DATE OF PUBLIC HEARING: 01/22/2025

APPROVED:

ATTEST:

Anthony Talerico, Jr. Mayor
Date:

Julie Martin, Municipal Clerk
Date:

January 21, 2025
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BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

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

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8X8IN005	8X8 INC								
		25-00204	01/21/25	BORO MONTHLY PHONE SERVICES	Open	2,988.64	0.00		
AI5001	SITEONE LANDSCAPE SUPPLY								
		24-01006	04/24/24		Open	302.04	0.00		B
AMAZ001	AMAZON.COM SERVICES, INC								
		24-02389	10/23/24	3 TON AIR JACK	Open	155.12	0.00		
		24-02663	11/20/24	FIRE DEPT GROUND TOOLS PURCH	Open	2,118.73	0.00		
						2,273.85			
AMAZ005	AMAZON.COM #A3898AWA7QWVMO								
		24-02884	01/02/25	Firearms Supplies	Open	1,030.36	0.00		
AM0001	ANTONIO AMODIO								
		25-00065	01/06/25	ORTHODONTIC REIMBURSEMENT	Open	1,500.00	0.00		
ANTH0030	ANTHONY CHERRY/CHERRY LAW FIRM								
		24-02869	12/30/24	BORO COURT PUBLIC DEFENDER	Open	2,500.00	0.00		
AOC001	ALLIED OIL LLC								
		24-02765	12/10/24	WINTER DYED ULSD	Open	8,543.85	0.00		
ARH001	ADAMS, REHMANN, HEGGAN ASSOC INC								
		22-02756	11/22/22	WOLCOTT PARK DRAINAGE REPAIRS	Open	9,783.81	0.00		B
		24-01890	08/26/24	DOWNTOWN GREENWAY PROJECT	Open	17,416.27	0.00		B
		24-02098	09/23/24	WAMPUM GREENWAY PHASE 3	Open	10,920.80	0.00		B
						38,120.88			
ATTM002	AT&T MOBILITY - 287306454448								
		25-00200	01/21/25	BORO MONTHLY CELL PHONE USAGE	Open	419.81	0.00		
ATTM003	AT&T MOBILE 287306454309								
		25-00199	01/21/25	BORO MONTHLY CELL PHONE USAGE	Open	3,241.59	0.00		
AUS001	AMERICAN UNIFORM & SUPPLY								
		24-02519	11/06/24	FIRE PREVENTION UNIFORMS	Open	2,221.65	0.00		
BAND001	BANDAG, INC								
		24-02147	09/27/24	OPEN FOR 2024	Open	156.15	0.00		B
		24-02185	10/02/24	DPW STOCK	Open	3,227.34	0.00		
						3,383.49			
BELOP005	BELO PIZZERIA								
		24-02659	11/20/24	FIRE DEPT TRAIN/MEETINGS	Open	123.40	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOE001	EATONTOWN BOARD OF EDUCATION	25-00174	01/16/25	TAX LEVY FEBRUARY 2025	Open	1,599,989.00	0.00		
BROTH001	BROTHER'S TOWING	24-02757	12/09/24	AUCTION TOWING AUGUST 2024	Open	605.00	0.00		
BROWN007	BROWN'S HEATING, COOLING & PLUMB	25-00081	01/08/25		Open	1,850.00	0.00		
BSA001	BOY SCOUTS OF AMERICA	24-00010	01/05/24	OPEN FOR 2024	Open	125.00	0.00		B
BTF001	BOROUGH OF TINTON FALLS	25-00113	01/13/25	2025 SHARED SERV AGRMT COURT	Open	80,080.25	0.00		
CENTR015	CENTRAL JERSEY/CARBON URGENT	24-01893	08/27/24	Pre-employment Physical	Open	100.00	0.00		
CMAUT005	C&M AUTO PARTS LLC	24-02046	09/17/24	OPEN FOR 2024	Open	475.17	0.00		B
COM006	COMCAST BUSINESS	25-00194	01/17/25	BORO INTERNET SERVICES	Open	784.95	0.00		
COMC004	COMCAST	25-00193	01/17/25	BORO SPC VIDEO ACCOUNT	Open	162.63	0.00		
		25-00195	01/17/25	COMM CTR INTERNET SERVICES	Open	142.58	0.00		
		25-00196	01/17/25	PRESCHOOL INTERNET SERVICES	Open	172.58	0.00		
						477.79			
CRAIG007	CRAIG D SWEENEY	24-02833	12/20/24	EYEGLASS REIMBURSEMENT	Open	520.00	0.00		
DELAG01	DE LAGE LANDEN FINANCIAL INC	25-00133	01/14/25	COMM CTR COPIER LEASE 2025	Open	146.85	0.00		
		25-00135	01/14/25	BORO MAILROOM COPIER LEASE	Open	146.85	0.00		
						293.70			
DILW001	DILWORTH PAXSON	24-02548	11/07/24	PREPARATION OF 2024 BONDING	Open	8,115.00	0.00		
		24-02822	12/18/24	Professional Services Rendered	Open	60.00	0.00		
		24-02830	12/19/24	PREPARD BOND ORD 27-2024	Open	400.00	0.00		
						8,575.00			
DRAE001	DRAEGER SAFETY DIAGNOSTICS INC	24-02384	10/23/24	Dry Gas	Open	400.00	0.00		
DWD002	D&W DIESEL	24-02739	12/05/24	DPF OR DOC FAILED INITIAL	Open	1,603.02	0.00		
EPG001	EAGLE POINT GUN	24-02541	11/07/24	2024 Ammo Purchase - Blanket	Open	11,837.20	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
EST001	ESI EQUIPMENT INC	25-00048	01/06/25	FIRE DEPT SERVICE CONTRACT	Open	963.00	0.00		
FME001	FME	25-00203	01/21/25	STREET LIGHTING 537 EXT. USE	Open	382.20	0.00		
FOUR010	FOUR SEASONS CONTRACTING	24-02379	10/23/24	80ACRES BASEBALL FLD RESTORE	Open	14,875.14	0.00		
GEN001	GENERAL CODE PUBLISHERS CORP.	24-02772	12/11/24	CLERKS PUBLICATION # 4 EDITION	Open	120.00	0.00		
GEN005	GENSERVE, LLC	24-00601	03/05/24		Open	1,135.00	0.00		B
		24-02568	11/12/24		Open	1,540.98	0.00		
						2,675.98			
GM001	G&M TROPHY CO, INC	24-02738	12/04/24	Perpetual Plates	Open	14.00	0.00		
GPANJ001	GPANJ INC	24-02895	01/03/25	2025 GPANJ Membership Renewal	Open	100.00	0.00		
GUT001	ANTHONY GUIDO	24-02820	12/17/24	EYEGLASS REIMBURSMENT	Open	129.70	0.00		
GWL001	GEORGE WALL LINCOLN MERCURY, IN	24-02003	09/12/24	OPEN FOR 2024	Open	507.55	0.00		B
HARRA001	HARRAH'S RESORT AC	25-00136	01/14/25	9LYU7IUS SPENNATO CONFERENCE	Open	97.00	0.00		
		25-00151	01/15/25	Reservation # AY86I8J8 -Grasso	Open	292.62	0.00		
						389.62			
HEALY001	THERESA HEALY	24-02865	12/30/24	ORTHODONTIC REIMBURSMENT	Open	700.00	0.00		
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA	24-02784	12/11/24	#1649 FARRAH	Open	206.25	0.00		
		24-02834	12/20/24	Fontana Escrow #1599	Open	330.00	0.00		
						536.25			
IMP001	IMPRINT SHOP LLC	24-02346	10/18/24	Recreation Staff Apparel	Open	185.00	0.00		
		24-02352	10/21/24	REC-L500LS-TT11WL-LOG861-EB251	Open	174.00	0.00		
						359.00			
JAMM001	JAMM PRINTING	24-02684	11/21/24	2025 MUNICIPAL CALENDARS	Open	10,619.00	0.00		
JERS001	JCP&L	25-00197	01/17/25	BORO MONTHLY ELECTRIC SERVICE	Open	589.98	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DEK001	JCP&L			Continued					
		25-00198	01/17/25	BORO ELECTRIC SERVICES	Open	363.78	0.00		
						953.76			
DEK002	HUNTER JERSEY PETERBILT LP								
		24-00740	03/18/24	OPEN FOR 2024	Open	443.88	0.00		B
DEK001	JOHNNY ON THE SPOT, LLC								
		24-01877	08/22/24	OPEN FOR 2024	Open	94.50	0.00		B
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		24-02781	12/11/24	willow wellness Escrow #1649	Open	300.00	0.00		
MAZ003	MAZZA RECYCLING SERVICES INC								
		24-02899	01/06/25	BULKY WASTE DEC 24	Open	2,973.88	0.00		
		25-00066	01/06/25	RESI RECYCLING	Open	306.60	0.00		
						3,280.48			
MCG004	MARK MCGOWAN								
		24-02870	12/30/24	MEDICARE INS REIMBURSEMENT	Open	349.40	0.00		
MIDAT001	MID ATLANTIC TRUCK CENTRE, INC								
		23-02617	10/27/23	DUMP TRUCK WITH PLOW AND SPREA	Open	239,872.25	0.00		
MIL002	JOSEPH MILLER								
		24-02680	11/20/24	MEDICARE INS REIMBURSEMENT	Open	174.70	0.00		
MON002	MONMOUTH BUILDING CENTER								
		24-00056	01/08/24	OPEN FOR 2024	Open	29.16	0.00		B
		24-02306	10/16/24		Open	38.97	0.00		B
						68.13			
MOTO001	MOTOROLA SOLUTIONS, INC								
		24-00398	02/07/24	Portable Radios w/ docks	Open	67,209.00	0.00		
MRDR001	MR. DRIVESHAFT								
		24-02807	12/16/24	PD#21 DRIVESHAFT	Open	860.00	0.00		
		24-02828	12/19/24	PD 20 PARTS	Open	860.00	0.00		
						1,720.00			
MRH001	MONMOUTH REGIONAL H.S. BD. OF								
		25-00175	01/16/25	TAX LEVY FEBRUARY 2025	Open	966,543.67	0.00		
MU002	MONMOUTH UNIVERSITY								
		24-02815	12/17/24	FEDERAL WORK STUDY PROGRAM	Open	422.23	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER								
		25-00206	01/21/25	BORO FIRE HYDRANT SERVICE	Open	18,414.99	0.00		
		25-00207	01/21/25	BORO MONTHLY WATER SERVICES	Open	508.05	0.00		
						18,923.04			
NJB001	VERIZON								
		25-00202	01/21/25	MUSEUM PHONE SERVICES 2025	Open	88.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
OLIVI005	OLIVIA'S II	24-02678	11/20/24	BORO REORGANIZATION EVENT	Open	300.00	0.00		B
OUT003	OUTSTANDING SERVICE CO., INC.	24-02786	12/12/24	TANK CHECKS WATER&CONTAMINATIO	Open	121.90	0.00		
PDMS001	POWERDMS	24-01994	09/11/24	Policy Subscription	Open	5,981.07	0.00		
PLC002	PORTER LEE CORPORATION	24-02762	12/10/24	Barcode labels	Open	145.58	0.00		
REPT001	REPUBLIC SERVICES	24-02901	01/06/25	TONNAGE DECEMBER '24	Open	32,136.85	0.00		
RH001	R&H SPRING & TRUCK REPAIR, INC	24-02640	11/14/24	OPEN FOR 2024	Open	249.95	0.00		B
ROADR005	ROAD REMEDY LLC	24-02787	12/12/24	INSTARMAC PERMANENT POTHOLE RE	Open	2,958.00	0.00		
SCH001	T&M ASSOCIATES	24-02839	12/23/24	US HOMES Escrow #1601	Open	7,187.25	0.00		
		24-02841	12/23/24	Mon Square Escrow #1615	Open	3,237.17	0.00		
		24-02842	12/23/24	36 Mon Plz Insp Escrow #1663	Open	31,946.02	0.00		
						42,370.44			
SEA002	SEABOARD WELDING SUPPLY, INC.	24-02649	11/15/24	OPEN FOR 2024	Open	222.50	0.00		B
SEACST01	SEA COAST CHEVROLET-OLDSMOBILE	24-01240	05/24/24	OPEN FOR 2024	Open	9.80	0.00		B
SEAVI005	SEA VIEW AUTO CORP	24-02766	12/10/24	PD#7 ARM: UPPER CONTROL	Open	1,430.16	0.00		
SHERW005	SHERWIN WILLIAM -AUTOMOTIVE	24-02142	09/27/24	OPEN FOR 2024	Open	182.21	0.00		B
SNEAK005	SNEAKERS PLUS OF WALL	24-02550	11/07/24	Basketball League Jerseys	Open	3,630.00	0.00		
		24-02552	11/07/24	Basketball Clinic Shirts	Open	525.00	0.00		
						4,155.00			
STA001	STAVOLEA CONTRACTING CO. INC.	24-00822	04/02/24	OPEN FOR 2024	Open	464.84	0.00		B
STAP003	STAPLES ADVANTAGE	24-02790	12/12/24	CLERK OFFICE SUPPLIES	Open	276.17	0.00		
		24-02791	12/12/24	HOUSING DEPT OFFICE SUPPLIES	Open	78.05	0.00		
		24-02792	12/12/24	FIRE PREVENTION OFFICE SUPPLY	Open	291.08	0.00		
		24-02858	12/26/24	FINANCE OFFICE SUPPLIES	Open	41.37	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
STAP003	STAPLES ADVANTAGE			Continued					
		24-02892	01/02/25	ZONING DEPT OFFICE SUPPLIES	Open	122.72	0.00		
						809.39			
STORR001	STORR TRACTOR COMPANY								
		24-02005	09/12/24	OPEN FOR 2024	Open	526.16	0.00		B
TARGE005	TARGETED TECHNOLOGIES LLC								
		25-00185	01/17/25	JANUARY MONTHLY IT SERVICES	Open	8,600.20	0.00		
		25-00186	01/17/25	POLICE MONTHLY IT SERVICES	Open	4,755.58	0.00		
						13,355.78			
TAXC001	MONMOUTH COUNTY TREASURER								
		25-00014	01/06/25	COUNTY TAX 2025	Open	1,667,436.22	0.00		
TAXH001	MONMOUTH COUNTY TREASURER								
		25-00016	01/06/25	CNTY HEALTH TAX FEBRUARY 2025	Open	31,330.74	0.00		
TAXL001	MONMOUTH COUNTY TREASURER								
		25-00015	01/06/25	CNTY LIBRARY TAX 2025	Open	113,387.32	0.00		
TAXO001	MONMOUTH COUNTY TREASURER								
		25-00017	01/06/25	CNTY OPEN SPACE TAX 2025	Open	245,408.62	0.00		
TRIUS001	TRIUS, INC								
		24-00526	02/22/24	OPEN FOR 2024	Open	1,541.36	0.00		B
ULINE001	ULINE								
		24-02104	09/23/24	GLOVES & DOLLIES	Open	330.48	0.00		
		24-02474	11/01/24	MINI ROLLING Z-RACK	Open	112.98	0.00		
						443.46			
UNIFI005	UNIFIRST CORPORATION								
		24-02653	11/15/24	OPEN FOR 2024	Open	122.34	0.00		B
		24-02862	12/30/24	WEEKLY RENTALS 12/26/24	Open	122.34	0.00		
						244.68			
VANB001	FLOWERS BY VAN BRUNT								
		24-02878	12/31/24	FIRST AID VETERANS DAY WREATH	Open	175.00	0.00		
VER003	V.E. RALPH & SON, INC.								
		24-02696	11/21/24	FIRST AID MEDICAL SUPPLIES	Open	1,287.00	0.00		
VERIZ005	VERIZON - ALBANY								
		25-00205	01/21/25	BORO FIBEROPTIC MONTHLY SERV	Open	840.15	0.00		
WAR001	WARSHAUER ELECTRIC SUPPLY CO. I								
		24-01810	08/20/24		Open	412.30	0.00		B
WEATH001	WEATHER WORKS								
		25-00072	01/07/25	2025 WEATHER SERVICE RENEWAL	Open	1,695.00	0.00		

January 21, 2025
01:54 PM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 7

Vendor # Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
WIREL005 WIRELESS COMMUN & ELECTRONIC							
24-02587	11/12/24	FIRE DEPT PAGER EQUIPMENT	Open	1,445.85	0.00		
Total Purchase Orders:		115	Total P.O. Line Items:	0	Total List Amount:	5,278,247.45	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	136,929.68	0.00	136,929.68	0.00	0.00	136,929.68
CURRENT FUND:	5-01	4,726,413.81	0.00	4,726,413.81	605.00	0.00	4,727,018.81
GENERAL CAPITAL F	C-04	351,176.00	0.00	351,176.00	0.00	0.00	351,176.00
GRANT FUND	G-02	17,416.27	0.00	17,416.27	0.00	0.00	17,416.27
	T-15	2,500.00	0.00	2,500.00	0.00	0.00	2,500.00
	T-17	43,206.69	0.00	43,206.69	0.00	0.00	43,206.69
Year Total:		45,706.69	0.00	45,706.69	0.00	0.00	45,706.69
Total of All Funds:		5,277,642.45	0.00	5,277,642.45	605.00	0.00	5,278,247.45

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

BOND ORDINANCE NO. 02-2025

BOND ORDINANCE REAPPROPRIATING \$2,441,383 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF VARIOUS CAPITAL IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough") finally adopted Bond Ordinance No. 08-2016 on July 27, 2016; Bond Ordinance No. 09-2017 on December 6, 2017; Bond Ordinance No. 04-2018 on July 11, 2018; Bond Ordinance No. 15-2019 on July 10, 2019; Bond Ordinance No. 02-2020 on May 13, 2020; and Bond Ordinance No. 14-2021 on July 14, 2021 (collectively, the "Ordinances"); and

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

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

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of \$2,441,383 which excess bond proceeds are allocable to such project improvements in the Ordinances (the "Excess Proceeds"), but are no longer necessary to complete such improvements or purposes authorized therein; and

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

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

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

Section 1. It is hereby determined that the aggregate amount of \$2,441,383 of the total appropriation for capital purposes originally made available pursuant to the following Ordinances of the Borough is no longer necessary for the purposes for which the obligations previously were authorized:

Amount to be
Reappropriated

Ordinance & Purpose

\$ 14,035.00	No. 08-2016 adopted July 27, 2016, providing for various capital improvements and acquisition of various capital equipment.
\$ 335,168.45	No. 09-2017 adopted December 6, 2017 providing for various capital improvements and acquisition of various capital equipment.
\$ 605,478.88	No. 4-2018 adopted July 18, 2018, providing for various capital improvements and acquisition of various capital equipment.
\$ 678,001.25	No. 15-2019 adopted July 10, 2019, providing for various capital improvements and acquisition of various capital equipment.
\$ 226,316.22	No. 02-2020 adopted May 13, 2020, providing for various capital improvements and acquisition of various capital equipment.
\$ 582,383.20	No. 14-2021 adopted July 14, 2021, providing for various capital improvements and acquisition of various capital equipment.
<u>\$ 2,441,383</u>	Total to be reappropriated to other capital purposes

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

Section 3. The aggregate amount of \$2,441,383, representing the amount referred to in Section 1 hereof, is hereby appropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost the project is as follows:

Amount to be
Appropriated

Purpose

\$ 100,000	(i) Hard costs associated with Wampum, DPW fencing, and downtown streetscaping;
\$ 80,000	(ii) Soft costs associated with Borough's bike plan and street lighting study;
\$1,200,000	(iii) Soft costs associated with municipal building project improvements, including but not limited to, architect planning, construction management company, and engineering services.

- \$ 896,383 (iv) Acquisition of Police Department and Emergency Services equipment, including, but not limited to vehicles, police radios, fire department hoses, and the upgrade ADA compliance, various road repairs due to winter wear and tear;
- \$ 150,000 (v) costs associated with the installation of basement sprinkler system in the municipal building; and
- \$ 15,000 (vi) costs associated with the efforts to digitize the Borough's human resources.
- \$ 2,441,383

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

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

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is 9.63 years.

(c) An aggregate amount not exceeding \$1,280,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

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

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

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

DATE INTRODUCED: January 22, 2025
PUBLIC HEARING: February 12, 2025

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Councilmember Escalante						
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 January 22, 2025.

Julie Martin, RMC, Borough Clerk

RESOLUTION 37-2025

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

CONFIRMING APPOINTMENTS OF BOROUGH PROFESSIONALS

BE IT RESOLVED that the following appointments to the professional positions for the Borough of Eatontown for the one-year term of 1/1/2025-12/31/2025 (unless otherwise noted) are hereby confirmed:

AFFORDABLE HOUSING ADMINI. AGENT CGP&H

HOUSING REHAB. PROGRAM ADMINISTRATOR CGP&H

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on January 22, 2025. Julie Martin, RMC, Borough Clerk
Council President East							
Councilmember Jones							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Councilmember Escalante							
Mayor Talerico, Jr.							

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorized the execution of contracts for the provision of services as listed below commencing January 1, 2025 and ending December 31, 2025, per the Contracts for Services on file in the Office of the Borough Clerk according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

Borough Attorney	Pashman Stein Walder Hayde, PC (A. Bayer, Esq.)
Borough Engineer	TandM Associates (E. Herrman)
Auditor	Oliwa & Company
Appraiser for Tax Appeals	Gagliano & Co.
Health Ins. Broker	Brown & Brown
Alternate Public Defender	Buchan Palo & Cardamone, LLC (K. Buchan, Esq.)
Special Projects Engineer	Chapman Environmental Services
Special Projects Engineer	ARH Associates
Special Projects Engineer	Morgan Municipal
Attorney, Special Counsel	Rainone Coughlin Minchello
Public Defender	Cherry Lawn Firm (A. L. Cherry, Esq.)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Councilmember Escalante						
Mayor Talerico						

CERTIFICATION

I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 22, 2025.

Julie Martin, Borough Clerk

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

WHEREAS, via email and letter dated December 30, 2024, Jeanna Migliaccio resigned from the Eatontown Sewerage Authority but whose name was inadvertently listed in Resolution 09-2025, the Governing Body accepts Ms. Migliaccio's resignation as of December 30, 2024, and appoints John Sciarappa to the Eatontown Sewerage Authority for the 5 year term beginning February 1, 2025.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, Borough Clerk of the Borough of Eatontown, do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 22, 2025.
Council President East							
Councilmember Jones							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Councilmember Escalante							
Mayor Talerico							

Julie Martin, Borough Clerk

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Councilmember Escalante						
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 January 22, 2025.

Julie Martin, RMC, Borough Clerk

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

WHEREAS, application has been made by Pawansut 1, LLC for a Person to Person, Place to Place transfer of Plenary Retail Distribution License #1311-44-002-003 currently held by TSURAJ Inc (Prices Wines & Liquors); and

WHEREAS, a background investigation check by The Eatontown Police Department revealed no reason to deny this application, as per 11/7/23 correspondence from Lt. Edward Nelson.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Director of the Division of Alcoholic Beverage Control by the Borough Clerk; and

BE IT FURTHER RESOLVED that the Borough Clerk of the Borough of Eatontown provide a copy of this resolution to the Eatontown Police Department (Detective Bureau), Pawansut 1, LLC and the ABC file in the Clerk's Office.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Councilmember Escalante						
Mayor Talerico, Jr.						

CERTIFICATION

I, Julie Martin, Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on January 22, 2025.

Julie Martin, RMC, Borough Clerk

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Eatontown by Resolution 05-2025 appointed the firm of Cleary Giacobbe Alfieri as the Municipal Prosecutor for 2025, term expiring December 31, 2025; and

WHEREAS, the Borough of Eatontown by Resolution 27-2025 appointed Alternate Municipal Prosecutors in the event that the Prosecutor is unavailable or has a conflict of interest for 2025, term expiring December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED the following appointments are confirmed for 2025:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey, that the Alternate Municipal Prosecutor appointments for Eatontown Borough Court for the 2025 Calendar year are to be paid as the same rate as Sean Kean, Esq. of the firm of Cleary Giacobbe Alfieri:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Councilmember Escalante						
Mayor Talerico						

CERTIFICATION

I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 22, 2025.

Julie Martin, Borough Clerk

RESOLUTION 43-2025

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

**AUTHORIZING GRANT APPLICATION TO NJ DCA
UPGRADES/REPAIRS OR REPLACEMENT OF WAMPUM PARK GAZEBO**

WHEREAS, the Borough of Eatontown desires to apply and obtain a grant from the New Jersey Department of Community Affairs in the amount of \$121,444.00 to carry out a project to upgrade and repair Wampum Park Gazebo; and

WHEREAS, the project would include upgrades and repairs to restore Wampum Park Gazebo -repairs to roof, replace roof shingles, power wash and re-stain all wood surfaces, demo and replace concrete floor, upgrade and repair electric, install new lights and fixtures, replace wooden railings, supply and install benches attached to new railings.

BE IT THEREFORE RESOLVED, the Borough of Eatontown:

- 1) Does hereby authorize the application for such a grant; and
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement, and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Eatontown and the New Jersey Department of Community Affairs.

BE IF FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Anthony Talerico, Jr.
Mayor

William P. Lucia III, Interim Administrator
Interim Borough Administrator

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 22, 2025. _____ Julie Martin, Borough Clerk
Council President East							
Councilmember Jones							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Councilmember Escalante							
Mayor Talerico							

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that the Mayor is hereby authorized to execute the Shared Service Agreement between the Borough of Eatontown and the Township of Shrewsbury for Municipal Clerk services in a form substantially similar to the agreement attached hereto.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President East						
Councilmember Jones						
Councilmember Araman						
Councilmember Lawson						
Councilmember Faust						
Councilmember Escalante						
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 January 22, 2025.

Julie Martin, RMC, Borough Clerk

RESOLUTION 45-2025

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

**RESOLUTION ACCEPTING THE BOROUGH'S PRESENT NEED OBLIGATION AND ITS ADJUSTED PROSPECTIVE
NEED CALCULATION FOR ITS FOURTH ROUND AFFORDABLE HOUSING OBLIGATION IN COMPLIANCE WITH
THE AMENDED FAIR HOUSING ACT**

WHEREAS, the Borough of Eatontown, County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Eatontown") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose on from the Court in the matter captioned In the Matter of the Application of the Borough of Eatontown, County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-2522-15 thereby immunizing the Borough from builder's remedy litigation until July 1, 2025 (the "Third Round Litigation"); and

WHEREAS, all Third Round Litigation projects were conceived, planned, and designed through a comprehensive negotiated planning process and are currently under various stages of development from pre-construction to completion and occupancy; and

WHEREAS, the Borough continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan and will continue to do so moving forward; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or the "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the Present Need, also referred to as the rehabilitation obligation, and the Round 4 Prospective Need of all municipalities by October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Present Need and the Round 4 Prospective Need obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Eatontown's Round 4 (2025-2035) Present Need (Rehabilitation) Obligation as 20 units and its Round 4 Prospective Need Obligation as 193 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

WHEREAS, the Amended FHA provides that, irrespective of the DCA's calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA's "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

WHEREAS, the Borough accepts the DCA's Fourth Round Present Need (Rehabilitation) calculation of 20 units but does not accept the DCA's calculation of the Borough's Land Capacity Allocation Factor, which is a factor that is part of the DCA's calculation of the Borough's Fourth Round Prospective Need (New Construction) calculation of 193 units; and

WHEREAS, as to the Land Capacity Allocation Factor, the Borough notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024, instead of by October 20, 2024; and

WHEREAS, the Borough further notes that the link to the DCA GIS data includes the following language: "The land areas identified in this dataset are based on ... the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program" (emphasis added); and

WHEREAS, the Borough maintains that the areas the DCA identified as developable are overinclusive and, consequently, the Borough's Planner, has prepared an expert report, attached hereto as Exhibit A demonstrating the overinclusive land data relied upon by DCA in calculating the Borough's Prospective Need obligation; and

WHEREAS, correcting the Land Capacity Allocation Factor from .39 % to .14% results in the reduction of Eatontown Fourth Round Prospective Need (New Construction) Obligation from 193 units to 180 units; and

WHEREAS, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of the Amended FHA; and

WHEREAS, therefore, the Borough's determination of its Fourth Round Prospective Need (New Construction) Obligation of 180 units is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than calculated herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to adjust its Fourth Round Prospective Need (New Construction) obligation if the updated State Plan is adopted and the Borough goes through the State Plan Cross-Acceptance Process; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations.

WHEREAS, in light of the above, the Borough of Eatontown finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Mayor and Borough Council of the Borough of Eatontown believes it is in the best interest of its residents to maintain immunity from builder's remedy litigation, and it therefore seeks a certification of compliance with the Act and directs the Borough Attorney to file a declaratory relief action within 48 hours of the adoption of this Resolution.

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

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth at length herein.

2. For the reasons set forth in this Resolution, the Borough Council hereby accepts the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 units and it rejects the DCA's calculated obligation of 193 units and instead accepts the adjusted Fourth Round Prospective Need (New Construction) Obligation of 180 units as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

- a) The right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
- b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended Fair Housing Act; and
- c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough's fair share obligations.

3. Pursuant to the requirements of the Amended Fair Housing Act and the Administrator of the Court's Directive #14-24, the Borough hereby directs the Borough Attorney to file a Declaratory Judgment Complaint with this Resolution and supporting expert report so the Borough may maintain its immunity from builder's remedy litigation.

4. This Resolution shall take effect immediately, according to law.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, RMC, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 22, 2025. Julie Martin, Borough Clerk
Council President East							
Councilmember Jones							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Councilmember Escalante							
Mayor Talerico							

RESOLUTION 46-2025

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING ARH ASSOCIATES TO PERFORM ENGINEERING SERVICES CONNECTED WITH THE
DEVELOPMENT OF GURBISZ PARK**

WHEREAS, FMERA and the Borough entered into a certain Purchase and Sale Agreement and Redevelopment Agreement dated as of November 30, 2020, as amended by the First Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated July 28, 2021, the Second Amendment to the Purchase and Sale and Redevelopment Agreement, dated November 14, 2023, (collectively the "Agreement") whereby FMERA agreed to sell and the Borough agreed to purchase and redevelop the Nicodemus Park Parcel for recreation use, improved by Buildings 787, 788, 789, and 770, including Environmental Carve-Out Parcel ECP-98 and the Van Guard Parcel (defined below), located on Fort Monmouth, Eatontown, New Jersey (collectively "Property"); and

WHEREAS, the Borough closed on the Property on March 7, 2022 and it is in the process of developing the Property as Gurbisz Park; and

WHEREAS, on May 7, 2024, FMERA and the Borough entered into a Memorandum of Understanding to contract to study, map, and recommend repair and/or replacement of portions of Nicodemus and Wilson (South) Avenues and associated improvements including roadways, sidewalks, curbing, street lighting, and stormwater infrastructure, including pipes, manholes, catch basins, and outfall structures to support FMERA's redevelopment of the Main Post Property and to transfer portions of Nicodemus and Wilson (South) Avenues to the Borough, as well as prepare bidding documents to make all necessary repairs and replacements;

WHEREAS, the Borough approved Resolution 34-2025 on January 8, 2025 authorizing the Borough to enter into a Memorandum of Understanding with FMERA (the "MOU") to allow for the Borough's Special Projects Engineer, ARH Associates, to oversee the bid and construction process to complete necessary improvements to portions of Nicodemus and Wilson (South) Avenues and the associated stormwater infrastructure more fully set forth in the MOU (the "Roadway Improvement Project") at FMERA's cost and expense; and

WHEREAS, ARH Associates submitted a proposal to the Borough Administrator dated January 17, 2025 to perform the necessary engineering work (Survey & Field Collection, Engineering Design, and Construction Administration and Inspection) connected with resurfacing portions of the Eatontown Park Parcel now known as Gurbisz Park the Borough acquired from FMERA including the existing parking lot at the intersection of Nicodemus Avenue and Wilson Avenue and Vanguard Road and Tiros Avenue for pedestrian circulation purposes (the "Engineering Services") in an amount not to exceed \$50,000; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to authorize ARH Associates to perform the continuing Engineering Services required for the development of Gurbisz Park; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby authorizes ARH Associates to perform the Engineering Services set forth in its proposal to the Borough dated January 17, 2025, and the Business Administrator is authorized to execute the proposal on behalf of the Borough.

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

1. ARH Associates
2. William P. Lucia, III, Borough Administrator

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.1 et seq., and any other applicable requirement, I Dena Amoda, CFO of the Borough of Eatontown have ascertained that there are sufficient uncommitted funds not to exceed \$50,000.00 (Purchase Order No. 25-00220).


Dena Amoda, CFO

	MOTION	SECONDED	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on January 22, 2025. Julie Martin, RMC, Borough Clerk
Council President East							
Councilmember Jones							
Councilmember Araman							
Councilmember Lawson							
Councilmember Faust							
Councilmember Escalante							
Mayor Talerico							