

Mayor  
ANTHONY TALERICO, JR.

Council  
VIRGINIA M. EAST, President  
MARK REGAN, JR.  
DANIELLE M. JONES  
DAVID GINDI  
EVERETT D. LUCAS  
MEIR ARAMAN



BOROUGH OF EATONTOWN  
47 Broad Street  
Eatontown, New Jersey 07724

Interim Administrator  
WILLIAM P. LUCIA III

Borough Clerk  
JULIE MARTIN

Borough Attorney  
ANDREW BAYER

Borough Engineer  
EDWARD HERRMAN

## AGENDA

### Mayor and Council

### Wednesday, January 25, 2023

*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. Also, Notice of the Regular Meeting Time Change was transmitted to 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.*

#### **WORKSHOP 7:00 pm**

1. Roll Call, Flag Salute
2. Monmouth Mall Redevelopment Plan - Discussion and Possible Ordinance Introduction (*Mayor Talerico*)
3. **CLOSED SESSION**
  - A. **Resolution 33-2023**
    - 1) Contractual - Monmouth Mall
    - 2) Personnel - Committee Appointments and Professional Appointments

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

1. Roll Call
2. **APPROVAL OF MINUTES** (vv)
  - A. Workshop/Regular Meeting/Closed Session -1/11/2023
3. **COMMUNICATIONS**
  - A. NJAW Notice of Public Hearing, Proposed Cost Recovery of Lead Service Replacement Plan
  - B. Notice of Hearing Borough of West Long Branch, 10 Whalepond Road
  - C. Notice of Hearing Borough of Tinton Falls, 235 Hope Road
4. **MAYOR'S REPORT** - Mayor Talerico
5. **REPORTS OF COMMITTEES**
  - A. PARK & RECREATION - Council President East
  - B. EMERGENCY SERVICES - Councilmember Regan, Jr.
  - C. FINANCE & ORDINANCE - Councilmember Jones
  - D. PUBLIC WORKS & INSURANCE - Councilmember Gindi
  - E. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas
  - F. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman
6. **ADMINISTRATOR'S REPORT** - Interim Administrator Lucia

7. **PRESENTATION - CANNABIS APPLICATION - Cana-Bosem, LLC**
  
8. **OLD BUSINESS**
  - A. **ORDINANCE ADOPTION (rc)**
    - 1) **Ordinance 01-2023** - Ordinance of the Borough of Eatontown Amending Chapter 161 Fire Prevention, Section 9 Permit Fees - **Public Hearing/Adoption**
  
    - 2) **Ordinance 02-2023** - Ordinance of the Borough of Eatontown Amending Chapter 57 Professional Services, Article I Professional Contracts and Article II, Pay to Play Restrictions - **Public Hearing/Adoption**
  
    - 3) **Ordinance 03-2023** - Ordinance Repealing Ordinance 20-2022 Requiring Owners of Businesses in the Borough to Register with the Borough Clerk and Provide Proof of Liability Insurance - **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 04-2023** - Ordinance of the Borough of Eatontown Amending Chapter 118 "Checks", Article I "Insufficient Funds" Section 118-1(A) "Service Charge; Other Remedies" to Reduce the Returned Check Fee - **First Reading/Introduction (Public Hearing 2/8/23)**
  
    - 2) **Ordinance 05-2023** - Redevelopment Plan (*await correct title*) - **First Reading/Introduction (Public Hearing 2/22/23)**
  
    - 3) **Ordinance 06-2023** - Ordinance of the Borough of Eatontown Amending Chapter 281-26 of the Borough Code Entitled "Violation and Penalties" to Increase the Fine for Failure to Comply with Chapter 281 Solid Waste, Article IV Bulk Trash – **First Reading/Introduction (Public Hearing 2/8/23)**
  
    - 4) **Ordinance 07-2023** - Ordinance of the Borough of Eatontown Amending Chapter 312 "Vehicles and Traffic", Article XXI "Parking on Lawns," Chapter 312-82 of the Code of the Borough of Eatontown Entitled "Prohibited Conduct" to Include Commercial Properties - **First Reading/Introduction (Public Hearing 2/8/23)**
  
- 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 34-2023** - Auth. Bid Opportunity be Advertised for Bulky Waste Disposal
  - 2) **Resolution 35-2023** - Auth. Appointment of Alternate Prosecutors for Municipal Court
  - 3) **Resolution 36-2023** - Auth. Cancellation of Tax Sale Certificate (Blk 3313, Lot 3)
  - 4) **Resolution 37-2023** - Auth. Tax Sale Cost Not to Exceed Twenty-Five Dollars (\$25.00)
  - 5) **Resolution 38-2023** - Auth. Electronic Tax Sales
  - 6) **Resolution 39-2023** - Auth. Reimbursement, Technical Assistant Course Attendance, C. Thomas (\$473.00)
  - 7) **Resolution 40-2023** - Confirming Appointments of Borough Professionals
  - 8) **Resolution 41-2023** - Auth. Execution of Contracts for 2023 Professional Services
  - 9) **Resolution 42-2023** - Auth Developer's Agreement, PQ B-Tech, LLC, c/o Hobbie et Als, PC, 125 Wyckoff
  - 9) **Resolution 43-2023** - Auth Developer's Agreement. Mon. Plaza Enterprises, LLC, 133 Hwy 35

**C. CONSENT AGENDA MOTIONS (vv)**

- 1) Acceptance of NJ Firemen's Membership Application (Deaver)
- 2) 2022 Annual Report of Collections (Tax Collector)

**12. REMARKS OF COUNCIL AND CITIZENS**

**13. ADJOURNMENT (vv)**

***The next meeting of the Governing Body is  
Wednesday, February 8, 2023 @ 7:00 p.m.***

**RESOLUTION 33-2023**

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

**AUTHORIZING EXECUTIVE SESSION UNDER THE OPEN PUBLIC MEETINGS ACT  
FOR THE MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN**

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

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Eatontown to discuss in session not open to the public certain matters that are required by law to be confidential, more specifically:

- 1) Contractual – Monmouth Mall
- 2) Personnel – Committee Appointments

**WHEREAS**, it is anticipated that the minutes from the deliberations conducted in closed session may be disclosed to the public upon the determination that the public interest will no longer be served by such confidentiality.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Eatontown do hereby authorize the above-referenced executive session to be held closed to the public, on January 25, 2023.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<b>CERTIFICATION</b> 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 25, 2023.  <div style="text-align: right;"> <hr/>                         Julie Martin, Borough Clerk                     </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

**ORDINANCE 01-2023**

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING  
CHAPTER 161 FIRE PREVENTION, SECTION 9 PERMIT FEES**

**WHEREAS**, the Borough Fire Official has proposed to the Borough Council and the Borough Administrator to modernize and update the administrative fees charged in connection inspections of non-life-hazard-use businesses located within the Borough; and

**WHEREAS**, the Borough Council believes it to be in the best interest of its residents to abide by the recommendation of the Borough Fire Official to simplify the calculation of inspection fees and ensure that the fees charged in connection inspections of non-life-hazard-use businesses located within the Borough are commensurate with the associated administrative burden of same.

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

The contents of Chapter 161-9(b) shall be deleted in its entirety and replaced with the following:

b. Mercantile, Factories, Warehouses, Repair shops, Business offices and all other non-life hazard businesses shall be inspected annually by the Bureau of Fire Prevention with a fee schedule of:

- (a) \$55 for the first 1000 square feet.
- (b) \$10 for each additional 1000 square feet.

**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: 1/11/2023

DATE ADOPTED: 1/25/2023

APPROVED:

ATTEST:

\_\_\_\_\_  
Anthony Talerico, Jr. Mayor

Date:

\_\_\_\_\_  
Julie Martin, Municipal Clerk

Date:

**ORDINANCE 02-2023**

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 57 PROFESSIONAL SERVICES, ARTICLE I PROFESSIONAL CONTRACTS AND ARTICLE II, PAY TO PLAY RESTRICTIONS**

**WHEREAS**, the New Jersey Legislature enacted a statute and the New Jersey Department of Community Affairs issued guidance to municipalities governing the amount of political contributions which can be made to local entities throughout the State of New Jersey; and

**WHEREAS**, there exists an endless variety of "pay-to-play" ordinances regulating the amount of political contributions which can be made by those seeking to contract with the local entity in many counties and municipalities, and there exists much confusion by those seeking to contract with local entities because of the lack of uniformity in local ordinances and because of the overriding state statute governing the same subject matter; and

**WHEREAS**, the Borough adopted such a local pay-to-play ordinance, Ordinance 2-2009, which is but an example of the confusion which limits political donations to not only Eatontown Borough candidates, but also to any County political party or Political Action Committee or Legislative Leadership Committee throughout the entire State of New Jersey; and

**WHEREAS**, the confusion has resulted in multiple inquiries to determine what unique peculiarities may be present in the Borough's pay-to-play" ordinance and there has been a call for uniform Statewide pay-to-play reform to create an understandable, level playing field; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to avoid the confusion amongst its potential professionals and seeks to enact the a more understandable and less confusing standard consistent with state law.

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

(additions are underlined and deletions are ~~stricken~~)

**Article I Professional Contracts**

(§57-1 to §57-4-No changes)

**§57-5 Standard for Fair and Open Process**

~~The standard used by the Borough of Eatontown for a "fair and open" process shall be a competitive contracting criteria setting forth factors most advantageous for awarding the contract to the Borough of Eatontown.~~

**Article II Pay to Play Restrictions**

**§57-6 Prohibition on Awarding Public Contracts to Certain Contributors:**

- A. The Borough of Eatontown and any of its purchasing agents or departments or instrumentalities of the Borough thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from

any "business entity" as defined herein, including those awarded pursuant to any process, including a fair and open process, regardless of the amount of the contact, if such business entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions (as such term is defined within N.J.A.C. 19:25-1.7), in excess of the thresholds specified in Subsection D within one calendar year immediately preceding the Borough's public announcement of or private solicitation of a request for proposals to: (1) Any Borough candidate or holder of a public office having ultimate responsibility for the award of the contract; or (2) Any campaign committee of such a candidate or holder of public office; or (3) Any Borough of Eatontown municipal party. ~~or (4) Any county party committee within the State of New Jersey; or (5) Any candidate committee, state or Borough political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under § 572 of the Internal Revenue Code that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.~~

- B. No business entity that submits a proposal for or agrees to any contract or agreement (including nonemergency contracts awarded by N.J.S.A. 40A:11 et seq., or the "Fair and Open Process" pursuant to N.J.S.A. 19:44A-20 et seq.) with the Borough or any departments thereof, as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in-kind contributions (as such term is defined within N.J.A.C. 19:25-1.7) in excess of the thresholds specified in Subsection D, between the time of the first public announcement or private solicitation of a request for proposals, as the case may be, and the later of the awarding of the contract to another proposer, or written withdrawal of the proposal, or, as to the successful applicant, the completion of the contract or agreement, except as permitted in Subsection D, to: (1) Any Borough candidate or holder of public office having ultimate responsibility for the award of the contract; or (2) Any campaign committee of such a candidate or holder of public office; or (3) Any Borough of Eatontown municipal party; or (4) ~~Any county party committee within the State of New Jersey; or (5) Any candidate committee, state or Borough political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under § 527 of the Internal Revenue Code that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.~~
- C. [No change]
- D. Any individual meeting the definition of "business entity" under this section may ~~annually~~ contribute a maximum of \$300 each per election for any purpose to any candidate for Borough of Eatontown office or municipal party committees within the Borough of Eatontown, ~~county party committee, and \$300 to any state political party committee, candidate committee or political action committee (PAC) organized under § 527 of the Internal Revenue Code that is organized for the purpose of supporting Borough candidates or Borough officeholders,~~ without violating Subsection A or B of this section. However, any group of individuals meeting the definition of "business entity" under this section, including principals, partners, and officers of the entity in the aggregate, may not contribute for any purpose in excess of \$300 to all Borough of Eatontown candidates and officeholders with ultimate responsibility for the award of the contract, and all municipal or Borough political parties, ~~candidate committees, county political parties, and state political parties, legislative leadership committees, continuing political committee, and/or PACs that are organized for the purpose of supporting Borough candidates or Borough officeholders,~~ without violating Subsection A or B of this section. However, should a "business entity" contribute \$300 to any candidate for Borough of Eatontown office or municipal party committees within the Borough of

Eatontown (the "Eatontown Donation"), it may only contribute the difference between the Eatontown Donation and the current New Jersey Election Law Enforcement Commission ("ELEC) standards for donations to county political parties, state political parties, legislative leadership committees, continuing political committee, and/or PACs that are organized for the purpose of supporting Borough candidates or Borough officeholders without violating Subsection A or B of this Section. By way of example, should a "business entity" donate \$300 to a Borough of Eatontown candidate, it may only contribute \$6900 to a county political party (the difference between the Eatontown Donation and the current ELEC limitation for contributions to county political party committees).

E. [No change]

§57-7-§57-14

[No Changes].

**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: 1/11/2023  
DATE ADOPTED: 1/25/2023

APPROVED:

ATTEST:

\_\_\_\_\_  
Anthony Talerico, Jr. Mayor  
Date:

\_\_\_\_\_  
Julie Martin, Municipal Clerk  
Date:



ORDINANCE 03-2023

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE REPEALING ORDINANCE 20-2022 REQUIRING THE OWNERS OF BUSINESSES IN THE BOROUGH TO REGISTER WITH THE BOROUGH CLERK AND PROVIDE PROOF OF LIABILITY INSURANCE

**WHEREAS** on August 5, 2022, the New Jersey Legislature approved Bill S1368 (the "Legislation") requiring the owner of a business, rental unit(s), and/or multi-family homes of four or fewer units (collectively "Business and Rental Property Owner(s)") to maintain certain amounts of liability insurance; and

**WHEREAS**, the Legislation also requires that the impacted Business and Rental Property Owners to demonstrate that they have maintained the required insurance by annually registering their certificates of insurance with the municipality in which the business, rental property, or multi-family home is located; and

**WHEREAS**, in the absence of guidance from the State of New Jersey as to how municipalities should implement the Legislation and in an effort to comply with the provisions of the Legislation, the Borough Council adopted Ordinance 20-2022 on September 29, 2022 implementing the Legislation requiring businesses to register and provide proof of liability insurance with the Borough Clerk; and

**WHEREAS**, the implementation of the Legislation amounts to an unfunded mandate resulting in an immense administrative burden on the Borough and there have been numerous inquiries and nuances as to how the Legislation applies to certain businesses; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to repeal Ordinance #20-2022 until the State of New Jersey provides detailed guidance as to how municipalities should enforce the Legislation and to in the meantime alleviate the administrative burden on the Borough.

**NOW THEREFORE, BET IT ORDAINED** by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby repeals Ordinance 20-2022 in its entirety amending Chapter 198 of the Borough Code, "Licensed Occupations", and Chapter 257 of the Borough Code, "Rental Properties", as follows:

[Underline is added and strike-out is deleted]

Chapter 198 Licensed Occupations.

~~§ 198-8 Registration of Certificates of Insurance.~~

~~A. The owner of a business located in the Borough shall annually register with the Office of the Borough Clerk the certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1. At the time of registration, the owner of the business shall pay an annual administrative fee in the amount of \$200.~~

~~B. Enforcement, violations and penalties.~~

~~(1) The Zoning Officer, or any other Borough officer designated by the Borough Administrator is hereby authorized and directed to enforce Section 198-8.~~

~~(2) The penalty for each violation of Section 198-8(A) shall be a minimum fine of \$500 and a maximum fine up to \$5,000, which the Borough may collect through a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et. seq.~~

Chapter 257 Rental Properties.

~~§ 257-6. Registration of Certificates of Insurance.~~

~~A. The owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register with the Office of the Borough Clerk the certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1. At the time of registration, the owner of the business shall pay an annual administrative fee in the amount of \$200.~~

~~B. Enforcement, violations and penalties.~~

~~(1) The Zoning Officer, or any other Borough officer designated by the Borough Administrator may be and is hereby authorized and directed to enforce Section 198-8.~~

~~(2) The penalty for each violation of Section 257-6(A) shall be a minimum fine of \$500 and a maximum fine up to \$5,000, which the Borough may collect through a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et. seq.~~

**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: 01/11/2023

PUBLIC HEARING: 01/25/2023

APPROVED:

ATTEST:

\_\_\_\_\_  
Anthony Talerico, Jr. Mayor

\_\_\_\_\_  
Julie Martin, Municipal Clerk

Date:

Date:

**ORDINANCE 04-2023**

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 118 "CHECKS",  
ARTICLE I "INSUFFICIENT FUNDS" SECTION 118-1(a) "SERVICE CHARGE; OTHER REMEDIES" TO  
REDUCE THE RETURNED CHECK FEE**

**WHEREAS**, Section 118-1(a) of the Code of the Borough of Eatontown (the "Borough") currently mandates a service charge of \$35.00 for any check made payable to the Borough that is returned due to insufficient funds; and

**WHEREAS**, the current fee of \$35.00 is above the statutory limit for returned check fees and thus, the Borough Council has determined it is appropriate to lower the fee from \$35.00 to \$20.00.

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

The contents of Chapter 118, Section 118-1(a) shall be amended as follows:

[deletions are shown as stricken and additions are shown as underlined]

Whenever payment on any account owing to the Borough of Eatontown is made by check or other written instrument, which is subsequently returned for insufficient funds, the Chief Financial Officer or his/her designee may impose a service charge of ~~\$35~~ \$20.00 for each returned check or written instrument.

**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:

DATE ADOPTED:

**ORDINANCE 06-2023**

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 281-26 OF THE  
CODE OF THE BOROUGH OF EATONTOWN ENTITLED "VIOLATION AND PENALTIES" TO  
INCREASE THE FINE FOR FAILURE TO COMPLY WITH CHAPTER 281 SOLID WASTE, ARTICLE IV  
BULK TRASH**

**WHEREAS**, the Borough of Eatontown (the "Borough") is authorized, to enact ordinances necessary for public, health safety and welfare; and

**WHEREAS**, the placement of bulk trash, garbage and recyclables for collection often creates a nuisance and/or unsafe conditions for the residents of the Borough; and

**WHEREAS**, the Borough Council believes it is in the best interests of the Borough's residents to increase fines for failing to comply with the bulk penalty ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 281-26 of the Code of the Borough of Eatontown, entitled, "Violation and Penalties" shall be amended as follows:

[deletions are stricken and additions are underlined]

**§281-26 Violation and Penalties.**

Any person who violates or neglects to comply with any provisions of this article shall, upon conviction thereof, be punishable by a fine/penalty not to exceed the following amounts:

- A. For a first offense: ~~\$25~~ \$500 to ~~\$100~~ \$1,000
- B. For a second offense: ~~\$50~~ \$1,000 to ~~\$250~~ \$1,500
- C. For a third and subsequent offense: ~~\$100~~ \$1,500 to ~~\$1500~~ \$2,000 and/or the performance of community service in the recycling program, for a period not to exceed 90 days.

**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: 1/25/2023

PUBLIC HEARING:

**ORDINANCE 07-2023**

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 312 "VEHICLES AND TRAFFIC", ARTICLE XXI "PARKING ON LAWNS," CHAPTER 312-82 OF THE CODE OF THE BOROUGH OF EATONTOWN ENTITLED "PROHIBITED CONDUCT" TO INCLUDE COMMERCIAL PROPERTIES**

**WHEREAS**, the Borough of Eatontown (the "Borough") is authorized, to enact ordinances necessary for public, health safety and welfare; and

**WHEREAS**, the Borough has enacted rules and regulations prohibiting parking in the front yard area of any residential dwelling beyond limits of hard surface parking; and

**WHEREAS**, the Borough seeks to amend Chapter 312-82 to enforce rules and regulations prohibiting parking in the front yard against commercial properties as well as residential properties; and

**WHEREAS**, the Borough Council believes it is in the best interests of the Borough's residents to prohibit off-street parking in the front yard area of any commercial property beyond the hard surface parking area;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 312-82 of the Code of the Borough of Eatontown, entitled, "Prohibited Conduct" shall be amended as follows:

[deletions are noted through strike-out and additions are underlined]

**§312-82 Prohibited Conduct**

No off-street parking shall occur in the front yard area of any residential dwelling or frontage of a commercial property beyond the limits of the hard surface parking area required in Chapter 89.

**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: 1/25/2023

PUBLIC HEARING:

**RESOLUTION 34-2023**

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

**AUTHORIZING BID OPPORTUNITY BE ADVERTISED FOR BULKY WASTE DISPOSAL**

**WHEREAS**, it is the desire of the Borough of Eatontown to advertise a bid opportunity for the disposal of bulky waste; and

**WHEREAS**, bid specifications are being prepared by Director of Public Works, Keith Ferrugia and will thereafter be available in the Borough Clerk's Office.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Eatontown, Monmouth County, New Jersey, hereby authorizes a notice to bidders be published and advertised in order to seek a contract for the specifications and proposal package for the disposal of bulky waste.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<b>CERTIFICATION</b> 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 25, 2023.  <div style="text-align: right;"> <hr/>                         Julie Martin, RMC, Borough Clerk                     </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							



**RESOLUTION 35-2023**

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

**APPOINTING ALTERNATE PROSECUTORS FOR MUNICIPAL COURT**

**WHEREAS**, the Borough of Eatontown via Resolution 05-2023 appointed the firm of Cleary Giacobbe Alfieri as the Municipal Prosecutor for 2023, term expiring December 31, 2023; and

**WHEREAS**, there is a need to appoint Alternate Municipal Prosecutors in the event that the Attorneys of Cleary Giacobbe Alfieri are unavailable or has a conflict of interest; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey, hereby appoints the below named individuals as Alternate Municipal Prosecutors for Eatontown Borough Court for the 2023 Calendar year to be paid as the same rate as the firm of Cleary Giacobbe Alfieri:

James Carton, Esq.  
Mike Lynch Esq.  
John T. Lane, Jr., Esq.  
Susan DeSimone, Esq.  
Ron Sage, Esq.  
Robert Wittek, Esq.  
Pat Menna, Esq.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<b>CERTIFICATION</b> 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 25, 2023.  <div style="text-align: right;">_____ Julie Martin, Borough Clerk</div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

**RESOLUTION 36-2023**

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

**CANCELLATION OF BOROUGH TAX SALE CERTIFICATE # 22000034  
222 CORTLAND RD, BLOCK 3313 LOT 3**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Eatontown, New Jersey, that:

**WHEREAS**, the Tax Collector has been paid the amount in full required to redeem Tax Sale Certificate #22000034, held by the Borough of Eatontown, pertaining to Block 3313, Lot 3 on the Tax Map of Eatontown.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Eatontown, County of Monmouth, that the appropriate municipal officials be and are hereby authorized to cancel and discharge Tax Sale Certificate #22000034, on Block 3313 lot 3 known as 222 Cortland Rd, Eatontown, NJ.

**AND BE IT FURTHER RESOLVED**, that said cancelled Tax Sale Certificate be returned to the Tax Collector with two (2) certified copies of this resolution.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<b>CERTIFICATION</b> 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 25, 2023.  <div style="text-align: right;"> <hr/>                         Julie Martin, RMC, Borough Clerk                     </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

**RESOLUTION 37-2023**

**BOROUGH OF EATONTOWN**

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

**AUTHORIZING MUNICIPAL TAX COLLECTOR TO SUBSTITUTE UP TO TWO (2) MAILINGS  
IN LIEU OF ADVERTISEMENT FOR TAX SALE AT A COST NOT TO EXCEED \$25.00 (TWENTY-FIVE DOLLARS)  
FOR EACH MAILING WHICH MAY BE ADDED TO THE COST OF THE SALE**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Eatontown wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**BE IT RESOLVED** by the Council of the Borough of Eatontown that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2023 electronic tax sale.

	MOTION	Seconded	AYE	NAY	ABSTAIN	ABSENT	
Council President East							<b>CERTIFICATION</b> 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 25, 2023.
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							_____ Julie Martin, RMC, Borough Clerk

**RESOLUTION 38-2023**

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

**AUTHORIZING TO APPROVE ELECTRONIC TAX SALES THROUGH REALAUCTION.COM  
PURSUANT TO THE RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR OF THE DIVISION OF LOCAL  
GOVERNMENT SERVICES**

**WHEREAS, NJSA 54:5-19.1** authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

**WHEREAS,** the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

**WHEREAS,** an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

**WHEREAS,** the municipality of Borough of Eatontown wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED,** by the governing body of the municipality of Borough of Eatontown, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

	MOTION	SECONDED	AYE	NAY	ABSTAIN	ABSENT	
Council President East							<b>CERTIFICATION</b> 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 25, 2023.
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							
							Julie Martin, RMC, Borough Clerk

**RESOLUTION 39-2023**

**BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH**

**AUTHORIZING REIMBURSEMENT OF TECHNICAL ASSISTANT COURSE ATTENDANCE**

**Whereas,** the Borough of Eatontown Building Department has a need for Cheri Thomas to undertake the course work for Technical Assistant; and

**Whereas,** Django Wieggers, Construction Official is requesting Cheri Thomas register for the Technical Assistant course work.

**Now, Therefore, Be It Resolved** that the Governing Body of the Borough of Eatontown authorizes reimbursement in an amount not to exceed \$473.00 to Cheri Thomas for Technical Assistant course attendance.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<b>CERTIFICATION</b> 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 January 25, 2023.  <div style="text-align: right;"> <hr/>                         Julie Martin, RMC, Borough Clerk                     </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							