

Mayor
ANTHONY TALERICO, JR.



Interim Administrator
WILLIAM P. LUCIA III

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

Borough Clerk
JULIE MARTIN

Borough Attorney
ANDREW BAYER

Borough Engineer
EDWARD HERRMAN

BOROUGH OF EATONTOWN
47 Broad Street
Eatontown, New Jersey 07724

* Amended 4/24/2023

AGENDA
Mayor and Council
Wednesday, April 26, 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.

WORKSHOP 7:00 pm

1. Roll Call, Flag Salute
2. Proclamation - Municipal Clerk Week (April 30 - May 6)
3. Food Heroes Food Drive (4/16 - 5/15) (C/Jones)
4. Eatontown Municipal Government Internship - Flyer & Application (UPDATE) (C/Jones)
5. Budget 2023 Discussion (C/Gindi)
6. **CLOSED SESSION** (vv)
 - A. Resolution 92-2023**
 1. Contract Negotiation – Personnel
 2. Contractual – Monmouth Mall
 3. Litigation – Cannabis

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

1. Roll Call
2. **APPROVAL OF MINUTES** (vv)
 - A Workshop/Regular Meeting/Closed Session - 4/12/2023
3. **COMMUNICATIONS**
 - A. Langan, Application for Flood Hazard Permit, Blk 2201 Lots 1.12, 1.02, 2, 3, 4 & 5 and Blk 2202 Lot 1 (Monmouth Mall)
 - B. US Home (DBA Lennar), Application for Flood Hazard Permit, Blk 601, Lot 1 (Pinebrook and Hope Road)
 - C. Notice of Public Hearing - Borough of Eatontown Zoning Board of Adjustment (McDonald's Corporation)
 - D. Notice of Public Hearing - Two Rivers Water Reclamation Authority
4. **MAYOR'S REPORT** - Mayor Talerico
5. **REPORTS OF COMMITTEES**
 - A. PARKS & RECREATION - Council President East
 - B. EMERGENCY SERVICES - Councilmember Regan, Jr.
 - C. FINANCE & ORDINANCE - Councilmember Jones
 - D. PUBLIC WORKS & INSURANCE - Councilmember Gindi
 - E. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

F. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

7. OLD BUSINESS

A. ORDINANCE ADOPTION (rc)

1) Ordinance 05-2023 - An Ordinance Approving a Redevelopment Plan for the Properties Designated as Block 2201, Lots, 1.01, 1.02, 2, 3, 4 and 5, Block 2202, Lot 1 Known as the Monmouth Mall - **Public Hearing/Adoption (carried from 3/22/23)**

2) Ordinance 11-2023 – An Ordinance of the Borough of Eatontown Amending Chapters 21 and 31 of the Borough Code Waiving Certain Fees for Surviving Spouses of Fire Department Members, Office of Emergency Management Members, Community Emergency Response Team Members, and First Aid Squad Members - **Public Hearing/Adoption**

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL (vv)

10. NEW BUSINESS

A. ORDINANCE INTRODUCTION (vv)

1. Ordinance 13-2023 - Shaare Tefilah, Ben Moshe, Vacation of Conservation Easement - **First Reading/Introduction (Public Hearing 5/24/23)**

2. Ordinance 14-2023 - An Ordinance of the Borough of Eatontown Concerning the Removal of Trees Deleting Chapter 89 Article I Section 3 and Amending Chapter 307 Articles I and II - **First Reading/Introduction (Public Hearing 5/10/23)**

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 93-2023 - Auth. Contract for Professional Services

2) Resolution 94-2023 - Auth. Amendment Agreement for CDGB (2024-2026)

3) Resolution 95-2023 - Auth. Tax Sale Certificate Redemptions

4) Resolution 96-2023 - Committee Appointment, Senior Housing (T. Lewis)

5) Resolution 97-2023 - Auth. Purchase of Three Axle Trailer, DPW (\$20,000)

6) Resolution 98-2023 - Escrow Return, IDON Media

7) Resolution 99-2023 - Changing Swift911 to Rave Alert for Public Safety

B. CONSENT AGENDA MOTIONS (vv)

1) Acceptance of NJ Firemen's Association Application for Membership (D. Alcott)

11. REMARKS OF COUNCIL AND CITIZENS

12. ADJOURNMENT (vv)

***The next meeting of the Governing Body is
Wednesday, May 10, 2023 @ 7:00 p.m.***

RESOLUTION 92-2023

**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) Contract Negotiation – Personnel
- 2) Contractual – Monmouth Mall
- 3) Litigation – Cannabis

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 April 26, 2023.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on April 26, 2023. Kathleen Muscillo, Deputy Borough Clerk
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

ORDINANCE 05-2023

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

**AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR THE PROPERTIES DESIGNATED AS
BLOCK 2201, LOTS, 1.01, 1.02, 2, 3, 4 and 5, BLOCK 2202, LOT 1 KNOWN AS THE MONMOUTH
MALL**

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

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

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

WHEREAS, the Borough and Planning Board Planner, Jennifer C. Beahm, P.P., AICP of Leon S. Avakian, Inc. prepared a report entitled "Monmouth Mall Redevelopment Plan" dated January 2023 setting for the zoning and bulk standards by which the Monmouth Mall Property may be redeveloped; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to adopt a Redevelopment Plan to resuscitate and redevelop the Monmouth Mall Property so as to ensure continuing and sustained tax revenue from the Monmouth Mall Property and to otherwise serve the public.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby approves and adopts the Monmouth Mall Redevelopment Plan dated January 2023 for the properties identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202 Lot 1 on the Borough of Eatontown Tax Map in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.

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

BE IT FURTHER ORDAINED THAT the superseding zoning standards contained within the Monmouth Mall Redevelopment Plan shall supersede the applicable regulations in the Eatontown Borough Land Use Ordinances governing the Monmouth Mall Property and if a particular land use,

development regulations or site standards are not addressed in this Redevelopment Plan, compliance with the Eatontown Borough Land Use Ordinances or other applicable code requirements apply.

BE IT FURTHER ORDAINED, that:

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

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

DATE INTRODUCED: 1/25/2023
PUBLIC HEARING: ~~2/22/2023~~, 3/22/2023, 4/26/2023

APPROVED:

Anthony Talerico, Jr. Mayor
Date:

ATTEST:

Julie Martin, Municipal Clerk
Date:

ORDINANCE 11-2023

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

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTERS 21 AND 31 OF
THE BOROUGH CODE WAIVING CERTAIN FEES FOR SURVIVING SPOUSES OF FIRE
DEPARTMENT MEMBERS, OFFICE OF EMERGENCY MANAGEMENT MEMBERS, COMMUNITY
EMERGENCY RESPONSE TEAM MEMBERS, AND FIRST AID SQUAD MEMBERS**

WHEREAS, the Borough Code currently exempts Fire Department members, Office of Emergency Management members, Community Emergency Response Team Members, and First Aid Squad Members (the "Public Safety Volunteers) from certain Borough fees, including recreational activity fees, Uniform Construction Code fees, licensing fees, and zoning permit application fees as a reward and an incentive for their service to the community; and

WHEREAS, the Borough Council wants to extend these fee exemptions to the surviving spouse of the Public Safety Volunteers in the instance of the unfortunate passing of the Public Safety Volunteers to continue to recognize and thank the important public safety services they have performed on behalf of all Borough residents.

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 Chapter 21 "Emergency Medical Services Department", Section 21-19 "Incentives" and Chapter 31 "Fire Department, Article IV "Incentives", Section 31-37 "Enumeration of Incentives" as follows:

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

Chapter 21, Emergency "Medical Services Department", Section 21-19: "Incentives":

- A. All active First Aid Squad members and their ~~families~~ surviving spouses shall be entitled to the following benefits: (1) Exemption from all recreational activity fees paid to the Borough;(2) Exemptions from the municipal portion of the Uniform Construction Code fees consisting of any construction demolition, plumbing, electrical or certificate of occupancy application fees; (3) Exemption from licensing fees, including but not limited to dog license, marriage license, garage sale permits, and any other licensing instituted by the Borough. (4) Exemption from the zoning permit application fee.
- B. First Aid Squad members and their surviving spouses shall pay all other municipal fees, including, by way of example: (1)-(8) No changes.

Chapter 31 "Fire Department", Article IV Incentives, Section 31-37 (A) "Enumeration of Incentives"

- A. All active Fire Department members, Office of Emergency Management members, and members of the Community Emergency Response Team (CERT), and ~~as well as their families~~ surviving spouses, shall be entitled to the following benefits: (1) Exemption from all recreational activity fees paid to the Borough;(2) Exemptions from the municipal portion of the Uniform Construction Code fees consisting of any construction demolition, plumbing, electrical or certificate of occupancy application fees; (3) Exemption from licensing fees, including but not limited to dog license, marriage license, garage sale permits, and any other licensing instituted by the Borough. (4) Exemption from the zoning permit application fee.
- B. All active Fire Department members, Office of Emergency Management Members, and Members of the Community Emergency Response Team (CERT), ~~as well as their families,~~ and their surviving spouses shall pay all other municipal fees, including, by way of example: (1)-(8) 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: APRIL 12, 2023
PUBLIC HEARING: APRIL 26, 2023

APPROVED:

ATTEST

RESOLUTION 93-2023

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

AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES IN THE BOROUGH OF EATONTOWN

WHEREAS, the Borough of Eatontown is in need of qualified professionals for the year 2023; and

WHEREAS, the below listed appointment was made effective April 12, 2023, after selection through the "Fair and Open" process established by N.J.S.A. 19:44A-20.5 et seq. and Borough Ordinance 35-2006; and

WHEREAS, the contracts for services submitted by the below listed professional was reviewed and approved by Andrew Bayer, Borough Attorney and William P. Lucia, III, Interim Administrator of the Borough of Eatontown.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorized the execution of the contract for the provision of service listed below commencing April 12, 2023 and ending December 31, 2023, 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.

Appointed Position
Financial Advisory Svcs.

Firm
NW Financial Group, LLC

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on April 26, 2023. <div style="text-align: right;"> <hr/> Kathleen Muscillo, Deputy Borough Clerk </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 94-2023

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

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2024-FY2026 REVISED AMENDMENT AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, a Revised Amendment Cooperation Agreement has been adopted under which the Borough of Eatontown and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Eatontown to enter into such a revised amendment cooperation agreement.

NOW, THEREFORE, BE IT RESOLVED by the Eatontown Council of the Borough of Eatontown, that the Revised Amendment Agreement between the County of Monmouth and Certain Municipalities located herein for the establishment of a Cooperative Means of Conducting certain Community Development Activities, a copy of which is attached, thereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said agreement in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on April 26, 2023. <div style="text-align: right;"> <hr/> Kathleen Muscillo, Deputy Borough Clerk </div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
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Councilmember Araman							
Mayor Talerico							

RESOLUTION 95-2023

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

AUTHORIZING TAX SALE CERTIFICATE REDEMPTIONS

WHEREAS, The Tax Collector has forwarded to the Borough of Eatontown a list of Tax Sale Certificate Outside Lien(s) for Redemption and has recommended that the same be refunded.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Eatontown that the below listed Tax Sale Certificate(s) be cancelled and endorsed as fully satisfied.

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
304	22		PRO CAP 8 FBO FIRSTRUST BANK	\$ 1,866.26	\$ 1,900

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Council President East							
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Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 96-2023

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

AUTHORIZE APPOINTMENT TO CERTAIN BOARDS AND COMMITTEES

BE IT RESOLVED that the following Borough Committee appointments for the Borough of Eatontown, as made by the Mayor, are hereby confirmed:

SENIOR HOUSING

MEMBER

Ted Lewis

UNEXPIRED TERM:

4/24/23 – 12/31/25

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on April 26, 2023. <div style="text-align: right;"> <u>Kathleen Muscillo, Deputy Borough Clerk</u> </div>
Council President East							
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Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 97-2023

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

AUTHORIZING PURCHASE OF A THREE AXLE TRAILER

WHEREAS, the Borough of Eatontown Public Works Supervisor has determined there is a need to purchase a Three Axle Trailer; and

WHEREAS, quotes were obtained:

Stephan L. Green Trailers, Farmingdale, NJ **\$20,000.00 total**

Locked and Loaded Trailers, Aberdeen, NJ **\$26,667.50 total**

WHEREAS, it has been determined that the most advantageous quote is from Stephan L. Green Trailers, Farmingdale, NJ; and


WHEREAS, Stephan L. Green Trailers have filed the required Pay to Play documentation; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown hereby authorizes the purchase of a Three Axle Trailer in an amount not to exceed \$20,000.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Chief Financial Officer, the Borough Interim Administrator and Stephan L. Green Trailers.

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 Amodia, CFO of the Borough of Eatontown have ascertained that there are sufficient uncommitted funds not to exceed \$20,000 (Purchase Order No. 23-01043).


Dena Amodia, CFO

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Kathleen Muscillo, Deputy Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on April 26, 2023. <div align="right">_____ Kathleen Muscillo, Deputy Borough Clerk</div>
Council President East							
Councilmember Regan, Jr.							
Councilmember Jones							
Councilmember Gindi							
Councilmember Lucas							
Councilmember Araman							
Mayor Talerico							

RESOLUTION 98-2023

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

AUTHORIZING RELEASE OF ESCROW FUNDS

WHEREAS, the applicant has requested the release of the escrow funds for Highway 35 and Clinton Avenue in an email received April 11, 2023; and

WHEREAS, the Borough Engineer in an e-mail dated April 19, 2023 has approved the release of the below noted Escrow Funds; and

\$500.59 (plus any applicable interest) Escrow File No. 1321

IDON Media NJ LLC
788 Shrewsbury Avenue
Suite 2203
Tinton Falls, New Jersey 07724
For Block 1304, Lot 1

NOW, THEREFORE, BUT IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the above noted Escrow funds.

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

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Council President East							
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