

Regular Meeting
Borough of Eatontown Governing Body
Wednesday, January 12, 2022

NOTICE - In light of the health risks associated with the global pandemic the January 12, 2022 Council Meeting will be held via Zoom Video Conferencing ONLY. There will be no in person participation. In order to virtually attend the meeting, members of the public must dial **1-929-205-6099** or **1-253-215-8782** and use **access code/meeting ID 857 4888 9345** or can join via video at **<https://zoom.us/j/85748889345>** or by downloading the **Zoom App**. Please follow prompts. Out of respect for the need to run an orderly meeting, we ask that all participants keep their phone on mute. We appreciate your understanding and patience during this challenging and dynamic time.

Mayor Talerico opened the Regular Meeting at 7:30 pm, noting the Borough's compliance with the Open Public Meetings Act

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Kevin L. Gonzalez,
Councilmembers Mark Regan, Jr., Maria Escalante, Danielle M. Jones, David Gindi, Everett D. Lucas
ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin
The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Regular Meeting - 12/20/2021

B. Regular Meeting - 1/02/2022*

**Borough Clerk Martin amended the title on the agenda to reference the Regular meeting of 1/2/2022.*

Motion to approve the minutes of 12/20/21 by C/Escalante; seconded by C/Jones

Voice Vote: AYE - C/Regan, C/Escalante, C/Jones, Mayor Talerico

ABSTAIN - C/Gonzalez, C/Gindi, C/Lucas

Motion to approve the minutes of 01/02/2022 by C/Gindi; seconded by C/Escalante

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

3. COMMUNICATIONS

A. Monmouth County Commissioners - Resolution Urging EPA to issue waivers

B. Eatontown Borough - Resolution Affirming Downtown Area as Non-Condemnation Area in Need of Redevelopment

C. JCPL - Notice of Petitions

Motion to accept communications A-C by C/Escalante; seconded by C/Gonzalez

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported on the business opening, the Reorg meeting. He attended the FMERA meeting, providing details on the steps moving forward for Howard Commons. C/Escalante and C/Gindi are appointed to the Fort Monmouth ad-hoc Committee.

5. REPORTS OF COMMITTEES

A. POLICE, PUBLIC LIGHTS & PARKING - Council President Gonzalez

Council President Gonzalez provided detailed information of Police Department activity for December 2021. The L.E.A.D. Program will restart in January. C/Gonzalez shared the Samuel "Mingo Jack" Johnson Committee are in the final steps of choosing the wording for the marker; there will be a ceremony on June 18.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reported the Green Team will meet January 20 and the Environmental Commission will meet January 25.

C. PARKS & RECREATION - Councilmember Escalante

Councilmember Escalante reported the Historical Committee is hosting an event in February. She provided information on basketball dates and softball registration. Senior Housing is moving forward with the final steps of repairs to the apartment that caught fire and are moving forward with plans for the third building.

D. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reported the Finance & Ordinance Committee will meet on January 19. A tour of the AYR Wellness Eatontown facility is scheduled for February 4th at 12:00 p.m. A meeting is being coordinated with the Commission's Director of Diversity & Inclusion of the Cannabis Regulatory Commission. The Commission's next public meeting is scheduled for Thursday, January 27 at 1:00 p.m. The next meeting Planning Board meeting is scheduled for Monday, February 7 at 7:00 p.m. via Zoom. Meetings will be held remotely until further notice. The first meeting of the Traffic Advisory Committee is scheduled for Thursday, January 13, 2022 at 7:00 p.m. via Zoom. Meeting information is posted on the Committee's webpage. Friendly reminder to sign up for Swift 911™ for traffic/construction updates and to receive reverse 911 calls from the Borough. The Drug/Alcohol Alliance will hold quarterly meetings going forward. The Alliance runs the Community Service Alliance (CSA), held at Vetter Elementary and Memorial Middle School. December's project was the "Links of Hope" fundraiser, in which over \$2,000 was raised to support Eatontown families during the holidays by purchasing gifts & gift cards. Student Alliance members will be attending the upcoming MLK Day of Service event on Monday, January 17; for their service project they are looking to collect personal hygiene items for the Eatontown Food Co-op. The Alliance is seeking donations and funding for their Summer 2022 L.E.A.D. program. The next meeting is scheduled for Wednesday, February 9 at 11:30 a.m. via Zoom. Questions should be sent to Dawn Ryan, Coordinator, or the Borough Administrator. The Youth Committee's January's service project is to collect non-perishable food items for the Eatontown Food Co-op. Information about donations will be posted on the Borough's website and shared at the upcoming MLK Day of Service event. The next service project will be in January for the MLK Day of Service. Community Center Adult Activities will be holding winter trivia, impossible brainteasers, TV commercial trivia during their January game day. Current openings in the Borough's preschool program will be available to applicants on a first come, first-serve basis. Registration for the 2022 – 2023 school year will open in February. Please complete applications and submit to the Community Center as soon as possible. Forms are available on the website. "Best Buddies" is NOT a drop-off program; all children 18 yrs. and younger must be accompanied by an adult for the duration of the program. C/Jones wished all a Happy New Year! Wishing you a year filled with health, success and joy in 2022. The 2022 – 2023 State Legislature was sworn into office on Tuesday, January 11 at 12:00 p.m. Congratulations to our newly-elected Assembly members, Assemblywoman Kimberly Eulner and Marilyn Piperno and our re-elected State Senator, Senator Vin Gopal. Best wishes for a successful legislative session. The Borough's Youth Committee and Drug/Alcohol Alliance will be hosting a virtual celebration for the 2022 MLK Day of Service on Monday, January 17 at 12:00 p.m. This event is being done in collaboration with the Zeta Epsilon Lambda Chapter of Alpha Phi Alpha™ Fraternity, Inc. All Eatontown residents of all ages are welcome to learn the history of the holiday and legacy of Rev. Dr. Martin L. King, Jr.

E. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi shared information from Public Works. The snowstorm on January 7, 2022 led to a total accumulation was approximately 6 inches. Using 336 man-hours, DPW plowed the roads twice, and used 60 tons of salt between two saltings. Each "push" or plowing could take anywhere from 4-6 hours while each salting could take anywhere from 2-4 hours each. Our Salt stockpile is in good shape for the next snowstorm. C/ Gindi commended the entire DPW team on the great job they did preparing for and clearing the Borough of the snow in a very timely manner. He echoed the social media sentiment that Eatontown has the best DPW team in the state. Brush and leaves are still being collected. Please place out your Christmas trees at your convenience. The plastic film collection has moved to the recycling yard located at 131 Lewis Street. Gently used plastic toys are being collected at the DPW Office located at 250 Pinebrook Road.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas provided information on Tenant's Rights and the Beautification Committee.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia reported staffing has been challenging due to COVID related issues. The budget is being worked on, and is scheduled to be introduced in March.

7. OLD BUSINESS

There was no old business before Council.

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

Mr. Gerrie Diaz, Tinton Avenue, referenced Resolution 25 – the Agreement with the Choraliers asking what they contribute to the town. Mayor Talerico explained. Mr. Diaz referenced Resolution 28 - participation in the Defense Logistic Agency, Interim Administrator Lucia explained the process. Mr. Diaz asked about Resolution 29 – the Developer’s Agreement. Attorney Bayer explained the process.

Ms. Hope Corcoran, Windsor Drive, referenced Resolution 30 – the nationwide settlement asking where the funds would be allocated if received. Attorney Bayer explained funds would funnel through the State to the County. Discussion continued.

Mr. Jeff King, Elizabeth Parkway, referenced Resolution 31 – supporting the location and operation of GSD. Attorney Bayer explained the resolution supports GSD’s application to the Cannabis Regulatory Commission. Mr. King expressed concerns about the operations of GSD. Ms. Julie Winter, of Garden State Dispensary, provided information.

The meeting was closed to public comment on agenda items.

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

Motion to approve the bills, claims and bi-weekly payroll by C/Gonzalez; seconded by C/Jones

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

10. NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS

(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 24-2022 - Auth. Refund of Outside Lien Redemption**
- 2) **Resolution 25-2022 - Auth. Execution of Agreement with Eatontown Choraliers**
- 3) **Resolution 26-2022 - Confirming Temporary Budget for Debt Service**
- 4) **Resolution 27-2022 - Auth. Sale of Municipal Personal Property Through On Line Auction (Police Department)**
- 5) **Resolution 28-2022 - Auth. Participation in Defense Logistics Agency, Law Enforcement Support 1033 Program**
- 6) **Resolution 29-2022 - Auth. Developer’s Agreement with 246 Industrial, LLC (Blk 3502, Lots 7 & 8)**
- 7) **Resolution 30-2022 - Auth. Professional Services Agreement with Peter F. Korpacz, MAI, CRE FRICS for Appraisal Services**
- 8) **Resolution 31-2022 - Supporting the Location & Operation of a Class 5 Retail Cannabis Facility Operated by GSD NJ LLC d/b/a Garden State Dispensary**
- 9) **Resolution 32-2022 - Auth. the Borough of Eatontown to Participate in the Nationwide Settlement Agreements with Johnson & Johnson, McKesson, Cardinal Health, and AmerisourceBergen to Resolve Claims Involving Their Roles in the United States Opioid Crisis**

Item 8, Resolution 31-2022 was held for separate consideration.

Motion to approve Consent Items 1-7 and 9 (Resolutions 24-30, and 32-2022) as a group by C/Gindi; seconded by C/Jones

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

RESOLUTION 24-2022

AUTHORIZING TAX SALE CERTIFICATE REDEMPTION

WHEREAS, The Tax Collector has forwarded to the Borough of Eatontown a list of Tax Sale Certificate Outside Lien 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 be cancelled and endorsed as fully satisfied

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
1502	34		FIG CUST FIGNJ19LLC, SEC PTY	\$992.70	\$1600.00

RESOLUTION 25-2022

AUTHORIZING EXECUTION OF AGREEMENT WITH EATONTOWN CHORALIERS FOR THE PROVISION OF MUSICAL ENTERTAINMENT SERVICES

WHEREAS, the Eatontown Choraliers have been an integral part of the Borough of Eatontown (the “Borough”) for many years providing musical entertainment at various Borough functions; and

WHEREAS, the Borough is desirous of continuing this tradition and formalizing an Agreement with the Eatontown Choraliers to provide their services to the citizens of the Borough; and

WHEREAS, the Borough shall pay the Eatontown Choraliers One Thousand, Seven Hundred and Fifty Dollars (\$1,750.00) for their services pursuant to the Agreement; and

WHEREAS, the Chief Financial Officer of the Borough of Eatontown and Recreation Director have allocated funds not to exceed \$1,750.00 from the line item entitled “Recreation – Other Expenses” for the annual performances for the benefit of the Borough of Eatontown payable \$875.00 July, 2022 and \$875.00 December, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the Agreement for Musical Entertainment Services between the Eatontown Choraliers and the Borough of Eatontown for a period of one year beginning January 1, 2022 and ending December 31, 2022 for which payment will be made in the amount of not to exceed \$1,750.00 for providing musical entertainment as set forth in the Agreement, a true copy of which is on file in the office of the Borough Clerk.

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Eatontown do hereby authorize the Mayor and Borough Clerk to execute said Agreement, as reviewed and approved by the Borough Attorney.

RESOLUTION 26-2022

CONFIRMING TEMPORARY BUDGET 2022 FOR DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2022 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year; and

WHEREAS, the total appropriations in the 2021 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$23,948,966; and

WHEREAS, 26.25% of the total appropriations in the 2021 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance in said budget is the sum of \$6,286,603.58

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Eatontown, in the County of Monmouth, State of New Jersey, that the following temporary appropriations be adopted for the year 2022.

TEMPORARY APPROPRIATIONS NOT SUBJECT TO PROVISIONS OF N.J.S.A. 40A:4-19

DEBT SERVICE	2022
Bond Principal	\$ 1,430,000.00
Bond Interest	\$ 546,000.00
Note Interest	\$ 82,000.00
MCIA Capital Lease Principal	\$ 40,000.00
MCIA Capital Lease Interest	<u>\$ 6,200.00</u>
	\$ 2,104,200.00

RESOLUTION 27-2022

AUTHORIZE THE SALE OF MUNICIPAL PERSONAL PROPERTY THROUGH ON LINE AUCTION

WHEREAS, the Borough of Eatontown has determined that certain personal property as described on the below listed “Schedule A” and “Schedule B” is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder; and

WHEREAS, the Borough of Eatontown Police Department has selected Auction Liquidation Services to conduct an on-line auction.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Eatontown, as follows:

1. The below listed “Schedule A” and “Schedule B” of Borough Property is hereby declared surplus, and is no longer needed for public purposes; and

2. The On-Line Auction will commence on Thursday, January 27, 2022, at 9:00 a.m. EST and will begin to close on Thursday, February 3rd, 2022 at 7:00 p.m. EST. on the website www.usgovbid.com; and
3. Preview will consist of on-line photos only on the website www.usgovbid.com; and
4. The Borough Clerk is hereby authorized to advertise a public sale of said property according to N.J.S.A.40A:11-36(3) SCHEDULE "A"

POLICE IMPOUND VEHICLES

	MODEL	YEAR	COLOR	VIN #
Harley Davidson	FLH	1994	Black	1HD1DPL1XRY512691
Chevrolet	Conversion Van	1994	White	1GBEG25K6SF237938
Infiniti	Q45	1997	Gold	JNKBY31D4VM004734
Mercedes	ML	1999	Black	4JGAB72E1XA074964
Ford	Windstar	2001	Blue	2FMZA51411BA14715
SMA	Radar Trailer	2001	White	1K9BS08131K118024
Dodge	Grand Caravan	2002	Green	2B4GP44362R575330
Chevrolet	Trailblazer	2003	Gold	1GNDS13S532406323
Honda	Accord	2004	Blue	1HGCM56844A138315
Chrysler	300	2007	Silver	2C3KA43R97H861842
Jeep	Commander	2007	Gold	1J8HG48K88C132597
Chrysler	Sebring	2008	Silver	1C3LC66M48N162203
Chevrolet	Trailblazer	2009	Black	1GNDDT33S192101175
Ford	Fusion	2010	Silver	3FAHP0JA1AR321042

SCHEDULE "B"

BORO OWNED VEHICLES

Chevrolet	Impala	2003	White	2G1WF52E739368645
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RESOLUTION 28-2022**AUTHORIZING THE BOROUGH OF EATONTOWN THROUGH THE EATONTOWN POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE EATONTOWN POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that the Eatontown Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the calendar year from January 1, 2022 to December 31, 2022; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Eatontown Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include but are not limited to: office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Eatontown Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Eatontown Police Department is hereby authorized to acquire “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes, with separate resolution specifically listing those controlled property items having DEMIL code B through Q, that the Eatontown Police Department wishes to acquire; and

BE IT FURTHER RESOLVED that the Chief of Police of the Eatontown Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Eatontown Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2022 to December 31, 2022.

RESOLUTION 29-2022

RESOLUTION APPROVING DEVELOPER’S AGREEMENT WITH 246 INDUSTRIAL, LLC

WHEREAS, 246 Industrial, LLC (the “Developer”) is the developer of the premises designated as Block 3502, Lots 7 & 8 on the official tax map of the Borough of Eatontown (the “Borough”) and located at 246 Industrial Way West (the “Premises”); and

WHEREAS, the Developer applied to the Planning Board of the Borough of Eatontown (the “Board”) for Final Site Plan Approval with Use and Bulk Variance Relief to operate a facility for veterinary hospital (the “Project”); and

WHEREAS, the Planning Board granted Site Plan Approval with Use and Bulk Variance Relief by Resolution dated November 8, 2021 (the “Resolution”); and

WHEREAS, the Developer has agreed to construct the Project in accordance with the terms set forth in the approved Resolution, and the Planning Board approval, amongst other requirements, was subject to and conditioned upon the execution of a Developer’s Agreement between the Borough and the Developer (the “Developer’s Agreement”); and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents and taxpayers to enter into the Developer’s Agreement with the Developer to ensure construction of the Project in accordance with the approved plans and the terms and conditions required by the Planning Board.

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 the Developer’s Agreement with 246 Industrial, LLC. and the Mayor is authorized to execute the Developer’s Agreement in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following: 1. 246 Industrial, LLC.; 2. Kathy Muscillo, Zoning Officer

RESOLUTION 30-2022

AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PETER F. KORPACZ, MAI, CRE FRICS FOR APPRAISAL SERVICES

WHEREAS, the owners of the property identified as Block 2201, Lots 1.01, 1.02, 2, 3, 4 and 5, and Block 2202, Lot 1 also known as the Monmouth Mall, have tax appeals pending in the New Jersey Tax Court; and

WHEREAS, the Borough Assessor has recommended to the Borough Administrator that it retain an appraiser with specialized experience in evaluating mall properties nationally and recommended the retention of Peter F. Korpacz, MAI, CRE, FRICS of Korpacz Realty Advisors, Inc. to advise the Borough and perform the services as outlined in Mr. Korpacz’ proposal dated October 18, 2021; and

WHEREAS, the Borough Council believes it is in the best interest to award a professional services agreement to Peter F. Korpacz, MAI, CRE, FRICS of Korpacz Realty advisors, Inc. in connection with the defense of the Monmouth Mall tax appeals; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Eatontown hereby authorizes the appointment of the appraiser Peter F. Korpacz, MAI, CRE, FRICS of Korpacz Realty Advisors, Inc. to perform the appraisal services as outlined in his proposal dated October 18, 2021.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute a contract with Korpacz Realty Advisors, Inc. in a form approved by the Borough Attorney.

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

1. Peter F. Korpacz, MAI, CRE, FRICS; 2. Dena Amodea, CFO; 3. Andrew Bayer, Borough Attorney

RESOLUTION 32-2022**AUTHORIZING THE BOROUGH OF EATONTOWN TO PARTICIPATE IN THE NATIONWIDE SETTLEMENT AGREEMENTS WITH JOHNSON & JOHNSON, MCKESSON, CARDINAL HEALTH, AND AMERISOURCEBERGEN TO RESOLVE CLAIMS INVOLVING THEIR ROLES IN THE UNITED STATES OPIOID CRISIS**

WHEREAS, the ongoing opioid crisis in America has had a devastating effect on individuals and communities, including many residents of the Borough of Eatontown; and

WHEREAS, the State of New Jersey is a party to a class action lawsuit filed by state, local, and tribal governments, hospitals, individuals, and insurers, seeking damages against opioid manufacturers, distributors, and retailers in In re National Prescription Opiate Litigation, Case No. 17-md-02804, MDL No. 2804, in the District Court for the Northern District of Ohio (the "Opioid Litigation"); and

WHEREAS, on August 20, 2021, Acting Attorney General Andrew J. Bruck announced that New Jersey intends to join nationwide settlement agreements with the New Jersey based pharmaceutical company Johnson & Johnson and the United States' three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen, to resolve claims involving their roles in fomenting the country's opioid crisis; and

WHEREAS, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$26 billion, the settlements will provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in the pharmaceutical industry aimed at preventing similar crises in the future; and

WHEREAS, the proposed settlements require the Defendants in the Opioid Litigation to pay up to \$26 billion over 18 years (the "Settlement Amount"); the Settlement Amount is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis; and the Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids;" and

WHEREAS, a significant number of states, county, and municipal governments nationwide must agree to the proposed terms which includes the payment of approximately \$22.7 billion, for the settlements to take effect; and

WHEREAS, the State of New Jersey has opted in to the settlement and it advises that if enough political subdivisions, i.e. municipalities and counties participate in the settlement, it could be paid as much as \$628 million; and

WHEREAS, the Borough, as a municipality with a population more than 10,000 residents can join in the settlement by registering as directed by the State of New Jersey and the Borough's share in the settlement funds will ultimately depend on the number of counties and municipalities that opt-in, population of each participating county and municipality, and effects of the opioid epidemic on each participating community; and

WHEREAS, the Borough believes it is in the best interests of its residents to participate and join in the settlement agreements in the Opioid Litigation to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown that it hereby opts in to the Opioid Litigation settlement agreements and it hereby authorizes the Business Administrator to register and sign on to both the settlement agreements with Johnson & Johnson and with McKesson, Cardinal Health and AmerisourceBergen.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Office of the New Jersey Attorney General.

ITEMS HELD FOR SEPARATE CONSIDERATION**8) Resolution 31-2022 - Supporting the Location & Operation of a Class 5 Retail Cannabis Facility Operated by GSD NJ LLC d/b/a Garden State Dispensary**

Motion to adopt item 8 (Resolution 31-2022) by C/Jones; seconded by C/Escalante

Roll Call: AYE - C/Gonzalez, C/Escalante, C/Jones, C/Gindi, C/Lucas

NAY - C/Regan

RESOLUTION 31-2022**SUPPORTING THE LOCATION AND OPERATION OF A CLASS 5 RETAIL CANNABIS FACILITY OPERATED BY GSD NJ LLC d/b/a GARDEN STATE DISPENSARY**

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act ("CUMCA") established the New Jersey Medicinal Cannabis Program (the "Medicinal Program"), whereby "Alternative Treatment Centers" ("ATCs") are authorized to cultivate, manufacture and/or dispense cannabis to patients registered in the Medicinal Program consistent with the terms and conditions of a permit issued by the New Jersey Department of Health; and

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”), enacted in February, 2021, established the New Jersey Personal-Use Cannabis Program, which includes a process for the licensure of “Cannabis Business Establishments,” as defined by CREAMMA; and

WHEREAS, CREAMMA deems all ATCs with a dispensary permit endorsement under the Medicinal Program to hold a Class 5 Retail License under the Personal-Use Program; and

WHEREAS, CREAMMA established the New Jersey Cannabis Regulatory Commission (“CRC”), delegated to CRC regulatory authority over the Personal-Use Program, and transferred regulatory authority over the Medicinal Program from DOH to CRC; and

WHEREAS, as part of the implementation of the Personal-Use Program, CRC has requested that New Jersey municipalities in which ATC facilities are located confirm that such facilities have municipal use approval through a resolution of the municipality’s governing body identifying the ATC or ATCs by name; and

WHEREAS, GSD NJ LLC d/b/a GARDEN STATE DISPENSARY (“GSD”) holds an Alternative Treatment Center (“ATC”) permit issued by the New Jersey Cannabis Regulatory Commission (“CRC”) to cultivate, manufacture and dispense marijuana pursuant to the State of New Jersey’s Medicinal Program; and

WHEREAS, on April 19, 2019 Borough of Eatontown (the “Borough”) issued a zoning permit to Compassionate Care Research Institute (“CCRI”), the predecessor in interest to GSD’s ATC permit, to operate a dispensary under the Program at 59 Route 35 North, Eatontown, NJ 07724 (the “Property”), subject to CCRI obtaining all necessary building permits and outside-agency approvals; and

WHEREAS, thereafter, CCRI obtained all necessary permits and approvals as required by the Zoning Permit, including without limitation, an approval issued by DOH on July 10, 2019 for CCRI to operate a satellite dispensary at the Property (the “Dispensary”); and

WHEREAS, the Dispensary opened for business at the Property (the “Dispensary”) on September 17, 2020; and

WHEREAS, in 2020 the DOH approved the transfer of CCRI’s permit to GSD, which took over operations of the Dispensary; and

WHEREAS, GSD has since continued to operate the Dispensary pursuant to state and Borough approval; and

WHEREAS, on August 5, 2021, the Borough adopted Ordinance No. 19-2021 (the “Ordinance”) authorizing and limiting cannabis business establishments in the Borough including three (3) Class 5 Cannabis Retailer Licenses in delineated areas through the Borough; and

WHEREAS, the Ordinance recognized the ATC as an existing use and its right to convert to a Class 5 Retail Facility under the statute and that if it chose to do so, it would count towards one of the three permitted Class 5 Retail Facilities in the Borough subject to the issuance of a license by the CRC; and

WHEREAS, the CRC requires a resolution of support from the Borough Council for conversion applications for ATCs to also become Class 5 Retail Establishments and the Borough Council having reviewed the New Marijuana Business License Application filed by GSD and it believes it is in the best interest of the Borough to provide a resolution of support to GSD.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that it hereby issues this resolution supporting the application of GSD NJ LLC, d/b/a Garden State Dispensary to operate a Class 5 Retail Cannabis facility at the premises located at 59 Route 35 North, Eatontown, where its existing Alternative Treatment Center has been issued a zoning permit to operate and is currently open for business.

BE IT FURTHER RESOLVED as follows:

1. GSD NJ LLC d/b/a Garden State Dispensary is registered to do business in the State of New Jersey.
2. The Borough of Eatontown has authorized up to three Class 5 Retail Cannabis Retail licenses through the adoption of Ordinance 19-2021 and the issuance of a license to GSD NJ LLC does not exceed the limitation for Class 5 Retail Cannabis establishments.
3. A copy of this Resolution shall be forwarded to the following:
 - a. GSD NJ LLC
 - b. Kathy Muscillo, Director of Planning and Zoning

B. CONSENT AGENDA MOTIONS

1) Acceptance of Tax Collector Report, December 2021

2) Acceptance of Annual Eatontown Historian Report 2021

Motion to accept Consent Agenda Motions 1-2 by C/Jones; seconded by C/Regan

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

11. REMARKS OF COUNCIL AND CITIZENS

Councilmember Jones wished everyone a happy and healthy new year.

The meeting was open to the public.

Ms. Hope Corcoran, Windsor Drive, asked for an update on the website. Interim Administrator Lucia provided an update.

Mr. Frank Scatuorchio, Monmouth Road, referenced the DPW pamphlet, which missed some streets. Mr. Scatuorchio asked about marijuana businesses; discussion followed with Attorney Bayer providing details. Mr. Scatuorchio asked about the expansion of Senior Housing, Mayor Talerico provided broad details. Discussion followed on downtown redevelopment.

Mr. Jeff King, Elizabeth Parkway, thanked Ms. Winter for her explanations. Mr. King spoke about issues on Maxwell and Lewis Streets. C/Jones noted Mr. King's concerns were shared with the Traffic Safety Officer.

Mr. Al Baginsky, Irving Place, asked about the status of fitness equipment at Husky Brook. Mayor Talerico noted there is a shipping delay. Further discussion continued on the purchase and payment. Mr. Baginsky asked for details on the Senior Housing Expansion. C/Escalante explained this is phase III of the expansion study; noting nothing has been decided but there will be no effect on the Arboretum. Further discussion continued.

There being no further comments, the meeting was closed to the public.

12. ADJOURNMENT – 8:34 pm

Motion to adjourn by C/Regan; seconded by C/Jones

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

By: Julie Martin, RMC, Borough Clerk