

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

Council President Clay called the Regular Meeting to order at 7:30 PM.

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on December 19, 2023."

ROLL CALL (Regular Meeting)

PRESENT: Ms. Buckley, Dr. Dobrin, Mr. Nesci, Mr. Manginelli, Mrs. Clay

ABSENT: None

ALSO PRESENT: Michelle Hutchinson, Borough Clerk
Kevin Starkey, Director of Law
Charles Terefenko, Business Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the December 19, 2024, Regular Session Meeting Minutes and Annual Board of Health Session Meeting Minutes seconded by Dr. Dobrin.

ROLL CALL

AYES: Ms. Buckley, Dr. Dobrin, Mr. Manginelli, Mrs. Clay

ABSTAIN: Mr. Nesci

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Monmouth County Reclamation Center – Odor Complaints

Update by Thomas Arnone, County Commissioner regarding the odor complaints at the Monmouth County Reclamation Center "MCRC". Mr. Arnone provided a brief history regarding the County management of odor issues with the landfill. He spoke about privatizing the landfill and the search for professionals to manage the job going forward which is now Waste Management "WM". Waste Management had successfully assisted the County in the past remedying odor complaint issues and proved odor mitigation is possible. Mr. Arnone is confident Waste Management can solve the odor issue but will need to provide a plan for the residents. Mr. Arnone introduced Scott Perin, Area Director of Disposal Operations Greater Mid-Atlantic Area for Waste Management, who introduced other WM staff. He apologized for the current odor situation at the MCRC landfill and stated they have a solid plan to prevent this situation in the future. He provided a presentation to residents and Council and explained that the tremendous rainfall events have contributed to the release of landfill gases. They are working on the problem, but work has been slow due to weather delays. The rainfall amounts are not typical for this time of year in this area. The presentation explained their process and long-range plan for the landfill.

Mr. Arnone stated the County has a gas capture project with NJ Natural Gas which will be the first in the State.

Mrs. Clay mentioned the following were in attendance; Rochelle Wormly, Director of Air Enforcement for NJDEP, Senator Vin Gopal, Assemblywomen Margie Donlon and Luanne Peterpaul.

The following Tinton Falls and surrounding area residents who had issues with the odor from the landfill asked questions of Mr. Perin regarding the landfill odor and operations.

*Ryan MicKendrow, 133 Cheyenne Street, Tinton Falls
Janet Porter, Manager of Tinton Falls Outlets, 1 Premium Blvd., Tinton Falls
Gina Gerard, 106 Frontier Way, Tinton Falls
Richard Klein, 13 Horseshoe Court, Tinton Falls
Andrew Luchmick, Ocean Township
Bill Keasler, 71 Edgebrook Court, Tinton Falls
Michelle Simon, 21 Madison Court, Tinton Falls
Leonard Lomangino, 93 Colonial Drive, Tinton Falls*

Borough Engineer – Tom Neff

Mr. Neff reported any resident with low water pressure issues should direct their inquiry to NJ American Water Company.

Director of Finance - Thomas Fallon

Mr. Fallon reported the 2024 municipal budget will be presented to Council sometime in February with introduction sometime in March.

Administrator – Mr. Terefenko

Mr. Terefenko reported following up on concerns from resident DiMartino.

Director of Law- Kevin Starkey

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council’s Reports

-Ms. Buckley thanked everyone from the NJDEP and Monmouth County for their presentation and for the residents who attended. The Environmental Commission meeting is Thursday, January 25th. Ms. Buckley announced there are member vacancies on the Green Team and Shade Tree Commission and where to obtain the volunteer form if interested.

-Dr. Dobrin reported having done a walk thru at the library with the Borough Engineer, Administrator and Library members. He commented that everything is looking good and progressing well. He is looking forward to the library’s opening this year.

-Mr. Manginelli had no report.

-Mr. Nesci had no report. He congratulated the three new members of the Planning Board and the Chairman.

-Mrs. Clay thanked DPW for storm preparation and Kerri Morganthaler, T&R coordinator, for providing updated reports on the program. She thanked Charlie Terefenko, Borough Administrator for organizing the officials for this evening’s presentation and will coordinate the calendar for the 45-day update.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2024-1509 ORDINANCE SETTING SALARIES FOR DEPARTMENT HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, February 6, 2024.

Mr. Manginelli offered a motion to introduce Ordinance No. 2024-1509 seconded by Dr. Dobrin.

ROLL CALL

AYES: Ms. Buckley, Dr. Dobrin, Mr. Nesci, Mr. Manginelli, Mrs. Clay

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE SETTING SALARIES FOR DEPARTMENT HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL

WHEREAS, both the general municipal law (N.J.S.A. 40A:9-165) and the Faulkner Act (N.J.S.A. 40:69A-43a and 180) require that certain salaries be adopted by ordinance; and

WHEREAS, the Borough of Tinton Falls (“the Borough”) does currently have an ordinance establishing these salaries, which is updated and adopted annually; and

WHEREAS, the Borough is restrained in establishing certain salaries pursuant to the terms of pre-existing collective bargaining agreements and New Jersey law impacting statutory employees.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following management salaries be established effective January 1, 2024 as follows:

SECTION ONE – STATUTORY EMPLOYEES

Chief Financial Officer (Director of Audits, Accounts & Controls)	\$197,300
Borough Clerk	\$ 90,610
Tax Assessor	\$132,410
Tax Collector	\$105,150

SECTION TWO – DEPARTMENT HEADS

Director of Administration	\$182,000
Director of Public Works	\$152,450

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

Director of Law	\$170,000
Special Counsel to the Borough	\$ 6,000
Director of Public Safety	\$ 8,000
Chief of Police	\$208,100

SECTION THREE – MAYOR AND COUNCIL

Mayor	\$ 6,800
Council President	\$ 5,800
Councilmembers	\$ 5,300

SECTION FOUR – REPEALER

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall hereby be repealed to the extent of any such inconsistency.

SECTION FIVE – EFFECTIVE DATE

This ordinance shall take effective upon publication pursuant to law and the General Revised Ordinances of the Borough of Tinton Falls.

ORDINANCES FOR FINAL CONSIDERATION

There were no ordinances for adoption this evening.

PUBLIC DISCUSSION

Dr. Dobrin offered a motion to open the Public Discussion, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

Mrs. Clay asked the Clerk if there were any public comments submitted and Ms. Hutchinson stated there was one comment submitted which the Administrator previously stated has been addressed. Susan DiMartino would like no cap on rent increases in Tinton Falls and water pressure issue addressed.

There being no further comments, Mr. Nesci offered a motion to close the Public Discussion, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Terefenko stated the presentation from tonight will be posted on the website.

RESOLUTIONS - None

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

CONSENT AGENDA

Mr. Nesci offered a motion to approve the Consent Agenda, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Buckley, Dr. Dobrin, Mr. Nesci, Mr. Manginelli, Mrs. Clay

ABSTAIN: None

NAYS: None

ABSENT: None

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-012

**RESOLUTION AUTHORIZING AND RATIFYING
COUNTERCLAIMS IN STATE COURT TAX APPEALS**

WHEREAS, several commercial property owners in the Borough have filed appeals, or are anticipated to file appeals, with the New Jersey State Tax Court for calendar year 2024; and

WHEREAS, the Borough Tax Assessor has recommended that the governing body authorize the filing of counterclaims to certain of the appeals and ratify the filing of counterclaims for those appeals in which counterclaims have already been filed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, as follows:

1. The Borough Conflict Tax Attorney is hereby authorized to file counterclaims in tax court cases as recommended by the Borough Tax Assessor and, to the extent any counterclaims have already been filed by current or predecessor counsel for the Borough, such counterclaim authority is hereby ratified.
2. A certified copy of this Resolution shall be provided to both the Borough tax assessor and Borough conflict tax attorney.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-013

**RESOLUTION AUTHORIZING MAYOR, ADMINISTRATOR AND BOROUGH ENGINEER TO EXECUTE
TWA-1 FORMS FOR VARIOUS PROJECTS:**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 Forms on behalf of the Borough of Tinton Falls for various projects located with the municipality:

Mayor	Vito Perillo
Administrator	Charles Terefenko
Borough Engineer	Thomas Neff

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-014

**RESOLUTION AUTHORIZING SALE OF COMPOST AND LEAVES NOT NEEDED
FOR PUBLIC USE BY PRIVATE SALE**

WHEREAS, the Department of Public Works undertakes leaf collection in the Borough that produces approximately 3200 cubic yards of compost each year; and

WHEREAS, the efforts of the DPW to turn and move the leaves, not including the collection of leaves, costs the Borough approximately \$27,000 per year; and

WHEREAS, the vast majority of the compost, approximately 98%, is auctioned off at an average price of \$500.00 for the total; and

WHEREAS, the Borough could recognize substantial savings if DPW did not have to turn and move the leaves each year; and

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

WHEREAS, the leaves and compost are not needed for public use;

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-36(6), authorizes the sale of personal property no longer needed for public use by way of a private sale without advertising when the value of the property is under 15% of the bid threshold (\$6,600.00).

NOW, THEREFORE BE IT HEREBY RESOLVED that the leaves and compost collected annually by the Department of Public Works is authorized to be sold, in accordance with N.J.S.A. 40A:11-36(6), by way of a private sale to Mazza Recycling Services, Inc., 3230 Shafto Road, Tinton Falls, NJ, at the price of Five Hundred Dollars (\$500.00).

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-015

**RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY
BY TWO (2) PUBLIC ONLINE AUCTIONS**

WHEREAS, the Borough of Tinton Falls Police Department and Department of Public Works have enough surplus vehicles and other equipment to hold two (2) public ON-LINE auctions during 2024, dates and times will be advertised in the Asbury Park Press; and

WHEREAS, Stephan J. Miranti, US Gov Bid/Auction Liquidation Services, 300 Commerce Drive, 1st Floor, Tinton Falls, NJ 07724 will conduct the online auction at a commission rate of 6.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization the sale of said property via the adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold, or \$6,600.00; and

WHEREAS, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days, nor later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment, Borough vehicles and any other miscellaneous items received prior to, through the process of two (2) Public ON-LINE auctions dates to be determined.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract of US Gov Bid/Auction Liquidation Services for the Borough of Tinton Falls as specified herein above.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-016

RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #23-3317 was issued to the Borough of Tinton Falls for sewer charges on Block 26.01 Lot 93 (101 Players Circle), assessed to Francine F. Mota, at a tax sale held on December 13, 2023 and

WHEREAS, the PNC Bank has redeemed Certificate #23-3317 by paying the full amount of the certificate's delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #23-3317 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #23-3317 was redeemed on December 21, 2023.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-017

**RESOLUTION AMENDING CLAIMANT CERTIFICATION REQUIREMENT
(NJSA 40:5-16.5)**

WHEREAS, NJAC 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing the claimant certification requirement set forth in NJSA 40A:5-16(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

WHEREAS, the Chief Financial Officer recommends that the claimant signature only be required for Refunds, Advance Payments, Employee Reimbursements, or for services provided exclusively and entirely by an individual (i.e.) sole proprietors); and

WHEREAS, as a continued internal control, NJSA 40A:5-16(b) still requires local units a written or electronic certification of some officer or duly designated employee of a local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit prior to any disbursement of funds; and

WHEREAS, the Chief Financial Officer recommends the adoption of this Claimant Signature policy.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Council of the Borough of Tinton Falls that, effective immediately, claimant’s signatures will only be required for Refunds, Advanced Payments, Employee Reimbursements, or for services provided exclusively and entirely by an individual.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-018

RESOLUTION COMPENSATED ABSENCE FOR RETIREMENT

WHEREAS, Kyle Pierson has been employed by the Borough of Tinton Falls Police Department since December 1, 1998, was promoted to Sergeant on January 1, 2011; was promoted to Lieutenant on January 1, 2015, and was promoted to Captain on March 21, 2022, and;

WHEREAS, on February 1, 2024, Kyle Pierson will retire with over 25 years of dedicated service to the Borough and with the Division of Pensions and Benefits, and;

WHEREAS, Kyle Pierson will be entitled to compensated absence benefits in accordance with the Agreement between the Borough and the Tinton Falls Superior Officers bargaining unit. The benefits are estimated to be a total of \$53,000.00. The breakdown of this payment includes accrued vacation time, sick time, and compensatory time, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, Kyle Pierson receives the compensated absence benefits.

Certification of Funds: Trust Fund – Accumulated Absences

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-019

RESOLUTION-REFUNDING DOG LICENSE FEES

WHEREAS, fees were collected for dog license(s).

WHEREAS, said money was deposited by the Borough of Tinton Falls.

WHEREAS, the resident is due overpayments from the Borough of Tinton Falls. A refund in the amount listed shall be issued to each person.

Payee	Address	Refund Amount
Robin & Edward McCarthy	43 Sire Stakes Drive Tinton Falls, NJ 07724	\$5.00
Jai Miller	91 Augusta Street Tinton Falls, NJ 07724	\$10.00
Donna Cappuccino	9 Cranberry Drive Tinton Falls, NJ 07753	\$10.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the multiple refunds in the amount listed in the “Refund Amount” column be issued.

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-020

RESOLUTION-REFUNDING FIREARMS REPORT FEE OVERPAYMENT

WHEREAS, fees were collected for a firearms report.

WHEREAS, said money was deposited by the Borough of Tinton Falls.

WHEREAS, the resident overpaid for the firearms report.

WHEREAS, The Brough of Tinton Falls needs to refund said overpayment.

Payee	Address	Refund Amount
Frankie Johnson-Ashe	23 Saratoga Court Tinton Falls, NJ 07753	\$68.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the refund in the amount listed in the "Refund Amount" column be issued.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-021

**RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A
100% TOTALLY DISABLED VETERAN EXEMPTION**

WHEREAS, overbillings and overpayments of 2023 Taxes have been made as a result of 100% Totally Disabled Veteran Exemptions for the year of 2023.

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
(HEREBY ATTACEHD AND MADE PART OF THIS RESOLUTION) and,	VARIOUS		N/A	\$1,624.50	\$1,624.50

WHEREAS, said exemptions resulted in overbillings and overpayments of the 2023 taxes in the amount of \$1,624.50 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$.00 be cancelled for the year 2023 and that a refund in the amount of \$1,624.50 is hereby approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$.00 and the amount of overpayment to be \$1,624.50.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-022

RESOLUTION – APPROVAL OF BILLS – January 16, 2024

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 16, 2024; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	4,014,935.19
SEWER UTILITY	19,892.87
GENERAL CAPITAL	141.25
GRANT FUND	19,925.26

**REGULAR MEETING
JANUARY 16, 2024**

BOROUGH COUNCIL

TRUST FUNDS	66,393.44
DOG TRUST FUND	2,562.50
ESCROW	89,195.11
ADDITIONS	<u>1,933,590.49</u>
TOTAL	6,146,636.11

CERTIFICATION OF FUNDS:

EXECUTIVE SESSION

ADJOURNMENT

Mr. Nesci offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:15pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Clay, Council President

APPROVED AT A MEETING HELD ON: February 20, 2024.