

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

Council President Buckley 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."

ROLL CALL

PRESENT: Mrs. Clay, Mr. Nesci, Mr. Siebert, Ms. Buckley

ABSENT: Mr. Manginelli,

ALSO PRESENT: Doreen D'Annunzio, Deputy Borough Clerk

Kevin Starkey, Director of Law

Brian Nelson, Special Counsel

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

All present stood for Salute to Flag.

Council President's Introduction

Council President Buckley welcomed everyone and advise that this meeting is being audio and video recorded, there is one camera on the dais and one overhead. This meeting will be available via a link on the Borough's You Tube channel on our website. The link can be found in the same place as the meeting documents.

APPROVAL OF MINUTES-

Mr. Siebert offered a motion to approve the May 4, 2021 and the May 18, 2021 Regular and Workshop Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

AYES: Mrs. Clay, Mr. Nesci, Mr. Siebert, Ms. Buckley

ABSTAIN: None

NAYS: None

ABSENT: Mr. Manginelli

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council President Buckley and Mayor Perillo presented the proclamation

**Proclamation Congratulating the Tinton Falls Little League Junior Division All Stars
for Winning the 2021 District 19, Section 3, and State Championship Titles**

The Tinton Falls Little League President John Reissner, Manager Scott Simpson, Coaches Greg Denton and James Kelly and Players Justin Buck, Collin Denton, Jack Dufficy, Thomas Fitzsimmons, William Forster, Connor Keefer, Evan Kelly, Luke Meyers, Sean Najdzinowicz, Alex Provines, Tanner Simpson, and William Theobald

WHEREAS, the Tinton Falls Little League, Junior Division All Stars, won the 2021 District 19 Championship on July 13, 2021, Section 3 Championship on July 20, 2021, and the State Championship on July 31, 2021; and

WHEREAS, the Tinton Falls Little League, Junior Division All Stars, became the first team from Tinton Falls to win a State Championship Title; and

WHEREAS, the Mayor and Council of the Borough of Tinton Falls is desirous of recording their sentiments of congratulations on the athletic achievements, dedication and commitment of the players, coaches, and organization; and

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and Council of the Borough of Tinton Falls, congratulations are hereby extended to the players, coaches, and organization of the Tinton Falls Little League, Junior Division, and extend our thanks for the fine manner in which you represent our community.

Update by MCRHC Health Officer David Henry regarding COVID-19

Council President Buckley introduced Health Officer David Henry and thanked him for attending to give an update on COVID-19.

Mr. Henry stated that the Health Commission keeps track of the COVID cases using numbers provided by the State on a daily basis. Monmouth County has been able to vaccinate more than half of the Monmouth County population. He explained that they received two grants, one for a vulnerable population outreach coordinator grant and a COVID vaccination grant which will help us to get into all our communities to vaccinate as many people as possible. He stated they work closely with the school system, businesses, and the public health partners to get as many people as possible vaccinated. There will be a vaccination clinic at the Tinton Falls Middle School for teachers, staff and the general public. Mr. Henry stated the Health Department's concerns are reaching out to the vulnerable populations with public outreach, education and safety measure education. He advised that Monmouth County is in one of the higher COVID count zones and explained they are trying different mitigation efforts to help reduce those numbers.

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

Deputy Council President Clay asked if the Health Department has reached out to the area houses of worship and inquired if there are any translators to bridge language barriers. Mr. Henry assured her that there is one hire that is bilingual and they have reached out to local churches and there is a special phone service for other languages beside Spanish.

Council President Buckley inquired if there is any guidance Council can use to decide if the meetings should be moved from in-person back to virtual. Mr. Henry stated the numbers are being watched very closely, and if the numbers of positive cases become very high the recommendations would be changed. If there are any changes and additional mitigation steps need to be put in place, the Health Department would reach out to the Administrator with new recommendations.

Councilman Siebert asked if the Health Department maintains totals of active infections by town verses total numbers over the course of the pandemic. Mr. Henry stated that his office receives public health intelligence every week and are aware of the numbers throughout different towns. He explained that the Health Department utilizes the NJ contact tracers throughout the County and their information which is in a database. Mr. Henry explained how the list of infections are managed using that information. Mr. Siebert asked if there is data comparing new cases in vaccinated versus unvaccinated individuals. Mr. Henry stated that he believes the majority of cases are in unvaccinated individuals. Mr. Siebert asked if contact tracing is being used on cases in vaccinated individuals. Mr. Henry stated that he believed so but would have to check his records

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon had no report

Mayor's Report – Mayor Vito Perillo

Mayor Perillo had no report

Director of Law- Kevin Starkey

Mr. Starkey had no report

Deputy Borough Clerk – Doreen D'Annunzio

Ms. D'Annunzio had no report

Council's Report

-Mrs. Clay extended her congratulations to the Little League Players, Coaches and Parents. She reported that the Cannabis Committee had a meeting on August 17th and it was very productive, the next meeting will be held September 29th. She stated the Committee is moving along at a good pace, and have excellent input from our professionals. Mrs. Clay stated that she attended the Board of Education meeting virtually on August 23rd and she is happy to report school is open. Mrs. Clay stated the on August 24th the Community Day Committee met and in consultation with the Monmouth County Health Commission, the decision was made to postpone this year's Community Day.

-Mr. Nesci reported that the Planning Board voted on and approved a preliminary and final subdivision for property near Wayside Road, Route 18 and Hamilton Road a 25-acre underdeveloped site which was divided into 6 lots. The site plan will be heard on October 18th. Mr. Nesci extended his thanks to the Planning Board members who volunteer their time. They are faced with hard decisions and must make decisions based on what is best for our town. He wished Susan Hamilton best of luck and thanked her for her time on the Planning Board, Ms. Hamilton is moving out of town. Mr. Nesci stated that the backyard chicken ordinance has been further refined and will be ready for introduction soon.

-Mr. Siebert reported that the Library Board meeting is being held this evening and he is unable to attend due to the conflict with this evenings council meeting. He thanked all of the volunteers, board members and everyone that attended the Library Music Festival. Mr. Siebert reminded everyone of the 20th Anniversary of the attack on the Country on 9/11. There is a ceremony at Tinton Falls Fire Co. #1 at 10 am and reminded everyone of the parking rules in the area.

-Ms. Buckley congratulated the Library Fest Committee on the fabulous Music Festival fund raising event and to the Historic Committee and Friends of the Crawford House on the Taste of Tinton Falls event. She stated everyone had a great time despite the rain and thanked DPW for the putting up the tent. Ms. Buckley reported that the August Environmental Commission meeting was cancelled and the next one will be at the end of this month. Ms. Buckley also reported on the FMERA meetings (Fort Monmouth Economic Revitalization Authority) she stated that in addition to the regular meeting there was a special meeting held to approve various properties as it relates to property located in Tinton Falls with regard to Robert Wood Johnson developing the old Meyer Center property. Ms. Buckley gave a brief overview of the items that were addressed.

ORDINANCES FOR INTRODUCTION- None

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

ORDINANCES FOR FINAL CONSIDERATION

Ms. D'Annunzio read Ordinance 2021-1478 entitled: **Bond Ordinance of the Borough of Tinton Falls, in the County of Monmouth, New Jersey Providing for a Supplemental Appropriation of \$400,000 for Park Development and Improvements and Providing for the Issuance of an Additional \$400,000 of Bonds and Notes to Finance a Portion of the Costs Thereof**

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2021-1478, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Manginelli
ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2021-1478, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Manginelli
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2021-1478, seconded by Mrs. Clay.

ROLL CALL

AYES: Mrs. Clay, Mr. Nesci, Mr. Siebert, Ms. Buckley
NAYS: None
ABSENT: Mr. Manginelli
ABSTAIN: None

PUBLIC DISCUSSION

Mr. Nesci offered a motion to open the Public Discussion, seconded by Mrs. Clay.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Manginelli
ABSTAIN: None

Brian Perry, 29 Columbia Drive- Mr. Perry stated that he is the Vice President of the Tinton Falls Library Association and on August 14th the Association held it's second Save the Library Music Festival at Sycamore Soccer Complex. He thanked the Recreation Department, DPW and the Police Department for providing support for this event. Mr. Perry elaborated on the activities of the day and stated it was a very successful event. He stated that the Library Association to date has raised close to \$20,000 for the improvements to the Library and thanked the community and businesses for their support. Mr. Perry stated that with regard to the grant application, it is under review by the State and we are anxious to hear the outcome and hopefully be a recipient of the grant funds.

Ellen Goldberg, 90 Glenwood Drive- Mrs. Goldberg extended her thanks to the Council for being so supportive of the various events and activities and showing support for the Library Association and other events.

Council President Buckley asked if there were any written comments submitted to be read into the record this evening.

Ms. D'Annunzio stated that there was one comment which was read into the record.:

Kelly Butler, 10 Denise Court- "I am writing against an ordinance allowing chickens on residential properties. I currently deal with the "feeder" program and feral cat's. There are two feeders on my street who seem to do what they want. One is putting out all kinds of food for all the wildlife in multiple areas, AGAIN and the other seems to never have an empty dish where racoons, skunks and turkey vultures eat off of the front porch. Dog feces are also thrown over the fence so I am already dealing with the wind blowing the smell of poop my way. I do not want the smell of any part of chickens blowing my way either while I try to enjoy my backyard, pool and deck. The feeder's don't do what they are told and the MCSPCA don't trap where they've been told that a feline freeway is at. There is a male cat impregnating female cat's where there have been kittens in window wells and we've been woken up to the male cat mating in the driveway! They come for a day, maybe a couple of weeks, catch nothing and you don't see the SPCA anymore. There is a lady on the corner who has three cat's, we don't know if they are fixed or not, who has been a problem in the past and does not have records for them. She thinks that putting a collar on them makes them look

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

cared for but they are outside, climbing the roof, attacking squirrels and one of the feeders is now feeding them. Plus the Senior Citizens putting food all over the place feeding feral cats, plastic containers everywhere and not reporting an over abundance. It's terrible and the town has allowed the cat lovers to do whatever they want. Back to the chickens..... if i'm already having problems with neighbors and unwanted wildlife, why would i want chickens, flies, more poop and the awful smell associated with all of that. What would be next... pigs and goats! Who is going to police the residents to make sure that they are abiding by the law? Are my taxes going to go up for fecal collection? How is this fair to me, a taxpayer, that can't enjoy ANY part of my property because of the smell causing an extreme nuisance to me and my family ESPECIALLY if I already have breathing/health problems! We had that problem with the dump and it still smells! There isn't enough room in yards in my neighborhood for chickens and the courtesy to other neighbors who want to breathe fresh air. If I wanted to live on a farm - I would be living on a farm!"

Council President Buckley stated that in preparing this ordinance, Council is working on best practices on how to approach having backyard chickens, including the impact on neighbors so proactively we can mitigate problems before they arise.

Kerry Morgenthaler, 25 Thistledown Street- Ms. Morgenthaler stated she wanted to give an update on the TNR program and address some of the questions presented regarding the chicken ordinance. Ms. Morgenthaler gave an overview of the animals that have been trapped, evaluated, spayed, neutered, vaccinated, microchipped and either adopted out or returned to their community. She stated that the reality is that feral cats exist throughout the State and TNR is the only humane solution to this problem. Ms. Morgenthaler stated that this problem is decades old and is primarily due to people allowing their cats to roam unaltered so that they breed and then repopulate, which creates feral and homeless cats. She explained the scope of the program and what issues fall within the realm of the SPCA contract. Ms. Morgenthaler stated that if someone has an issue with how a person is treating their animals, they can contact the Monmouth County SPCA hotline and they can report the issue anonymously. Ms. Morgenthaler stated that she has been in touch with the complainant and has been in close communication with her since the incident. Regarding the senior center, there is currently no colony caretaker on that property, and what is being described is not part of the TNR program. Ms. Morgenthaler explained that there was an incident where there were kittens in a window well, and once reported they were picked up the same day and kept at the shelter. Subsequently there were attempts to trap the feral cats in that area however trapping all animals is not always possible. Ms. Morgenthaler commended the SPCA TNR coordinator and animal control officer who is available and accessible 24/7. A resident can also report an incident in off hours to the Tinton Fall Police Department non-emergency number, those calls are forwarded to the SPCA immediately and they are on call 24/7 as well. She stated since the inception of the TNR program in April of 2019 there has been a total of 254 cats that have been trapped, neutered and released. She thanked the Council for their support. Council President Buckley thanked her for the comprehensive update and everything she does for the Borough and stated she is thrilled to hear the number of cats that have been successfully processed through this program. Ms. Buckley also thanked Ms. Morgenthaler for addressing the resident's concerns.

Mitch Kulberg, 21 Cedar Place- Mr. Kulberg inquired about the details of the bond ordinance that was on the agenda this evening. Thomas Fallon, CFO and Acting Business Administrator explained that there were a few things that changed since the capital budget was adopted, one being that the Borough acquired a parcel of land at 97 Shark River Road which is adjacent to the Walz Property acquired in 2018. By acquiring this new parcel, it allows better access to the Walz property. Mr. Fallon stated that the other thing that occurred was the need to replace the lights on the ball field at Hockhockson Park. This ordinance supplements the appropriation to cover the park improvements. Mr. Kulberg thanked Mr. Fallon for the information and stated he is in favor of these improvements however he wanted to use this situation as a comparison in that funds could have just as easily been allocated to improve the library.

Mr. Siebert offered a motion to close the Public Discussion, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Manginelli
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Councilman Siebert thanked Mr. Henry for attending the meeting this evening.

RESOLUTIONS - None

CONSENT AGENDA

Mrs. Clay offered a motion to approve the Consent Agenda, seconded by Mr. Siebert.

ROLL CALL

AYES: Mrs. Clay, Mr. Nesci, Mr. Siebert, Ms. Buckley

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

NAYS: None
ABSENT: Manginelli
ABSTAIN: None

R-21-170 Resolution for Compensated Absence – E. Pardo

WHEREAS, Erick Pardo has been employed by the Borough of Tinton Falls Police Department since January 1, 2013, and;

WHEREAS, on August 26, 2021, Erick Pardo will resign with over 8 years of dedicated service to the Borough and with the Division of Pensions and Benefits, and;

WHEREAS, Erick Pardo will be entitled to compensated absence benefits in accordance with the Agreement between the Borough and the Tinton Falls PBA Local 251 bargaining unit. The benefits are estimated to be a total of \$8,481.92. The breakdown of this payment includes accrued vacation 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, that Erick Pardo receives the compensated absence benefits.

Certification of Funds: Trust Fund – Accumulated Absences
/S/Thomas P. Fallon, Chief Financial Officer

R-21-171 Resolution Authorizing Application to County of Monmouth for Open Space Trust Fund Grant

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Tinton Falls desires to obtain County Open Space Trust Funds in the amount of \$230,000 to fund the Wardell Park Restroom Building project (located at 230 Wardell Road; Block 142.50; Lots 1.01, 1.02, 1.03, & 1.04); and

WHEREAS, the total cost of the project including all matching funds is \$460,000; and

WHEREAS, the Borough of Tinton Falls is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF TINTON FALLS THAT:

1. Thomas Fallon, Borough CFO & Acting Administrator or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Tinton Falls is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Thomas Fallon, Borough CFO & Acting Administrator or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

R-21-172 Resolution Authorizing Acceptance of the New Jersey Department of Law and Public Safety SFY21 Body-Worn Camera Grant

WHEREAS, the Tinton Falls Police Department applied to the New Jersey Department of Law and Public Safety SFY21 Body-Worn Camera Grant Program for a grant for the acquisition of body-worn cameras and related equipment; and

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

WHEREAS, SFY21 Body-Worn Camera Grant #21-BWC-432 for the period January 1, 2021 to December 31, 2025 has been awarded in the amount of \$89,672 with no local match required; and

WHEREAS, the Chief of Police and Interim Borough Administrator have recommended this grant be accepted.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Tinton Falls hereby accepts the grant in the amount of \$89,672.

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

1. The New Jersey Department of Law and Public Safety SFY21 Body-Worn Camera Grant #21-BWC-432 for the period January 1, 2021 to December 31, 2025 in the amount of \$89,672 is hereby accepted for the purchase of body-worn cameras, ancillary equipment and services described in the grant application.
2. The Mayor, Interim Borough Administrator and Chief of Police are hereby authorized to execute all required documents including the attached Award Contract and the SF21 Body-Worn Camera Grant Program General Condition and Special Conditions.

R-21-173 Resolution Requesting Approval of Items of Revenue and Appropriation – NJSA 40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$89,672, which is now available from the State of New Jersey Department of Law and Public Safety, SFY21 Body Worn Camera Grant Program.

BE IT FURTHER RESOLVED, that the like sum of \$89,672 is hereby appropriated under the caption of SFY21 Body-Worn Camera Grant Program; and

BE IT FURTHER RESOLVED, that the electronic special item of revenue resolution submittal form be filed with the Division of Local Government Services.

R-21-174 Resolution Amending Resolution #R-21-026 Non-Fair and Open Contract for Professional Affordable Housing Administration Services Contract PS #2-21

WHEREAS, the Borough of Tinton Falls adopted Resolution R-21-026 on January 19, 2021, wherein CME Associates, 1460 Route 9 South, Howell, NJ 07731 was awarded a non-fair and open contract for Professional Affordable Housing Administration Services for an amount not to exceed \$34,000; and

WHEREAS, this contract is to be increased for an additional amount not to exceed \$20,000 for a total contract for CME Associates, Professional Affordable Housing Administration Services in the amount of \$54,000; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of CME, 1460 Route 9 South, Howell, NJ 07731 is hereby retained to provide professional Affordable Housing Administration services for an amount not to exceed \$54,000 for a term expiring December 31, 2021.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law

I hereby certify funds are available from: Affordable Housing Trust Fund
/S/Thomas P. Fallon, Chief Financial Officer

R-21-175 Resolution Authorizing Change Order #3 & Final Contract #20-1 - 2020 Road Improvement Program

WHEREAS, Contract #20-1 for the 2020 Road Improvement Program was awarded to Fernandes Construction, Inc., 25 Stonegate Drive, Monroe, NJ 08831, by Resolution R-20-119 in the amount of \$2,165,368.90 at a Council Meeting held on June 16, 2020; and

WHEREAS, Change Order #1 dated October 13, 2020 was increased in the amount of \$119,905.00 for reasons described therein, for a total contract in the amount of \$2,285,273.90; this was approved by Resolution #R-20-194 on October 20, 2020;

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

WHEREAS, Change Order #2 dated November 2, 2020 resulted in a zero dollar change to the total contract amount; this was approved by Resolution #R-20-200 on November 10, 2020;

WHEREAS, Change Order #3 & Final dated August 27, 2021 from T&M Associates (annexed hereto and part hereof) reflects a decrease to the contract in the amount of \$106,103.18, for a total contract in the amount of \$2,179,170.72;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #3 & Final decreasing Contract #20-1 in the amount of \$106,103.18 for a total contract amount of \$2,179,170.72 is hereby authorized for the above contract awarded to Fernandes Construction, Inc.

R-21-176 Resolution – Releasing Performance Guarantee Upon The Posting Of Maintenance Guarantee – Bella Legacy Fund 57, Llc, Block 14.03, Lots 35, 37, 39

WHEREAS, the developer has requested the release of Performance Guarantee posted for Bella Legacy Fund 57, LLC, Block 14.03 Lots 35, 37, 39; and

WHEREAS, by letter dated August 13, 2021 the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for Bella Legacy Fund 57, LLC, Block 14.03 Lots 35, 37, 39 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-21-177 Resolution Refunding Street Opening Bond – Bella Legacy Fund – 57 Apple Street

WHEREAS, On 1/18/2021, Bella Legacy Fund 57 LLC, 106 Apple St, Suite 107, Tinton Falls, NJ 07724, posted a \$2,500.00 street opening cash repair deposit for a sewer utility installation at 57 Apple St, Tinton Falls, NJ 07724.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Bella Legacy Fund 57 LLC, 106 Apple St, Suite 107, Tinton Falls, NJ 07724, has completed the work described in Street Opening Permit 2021-01-08; and

WHEREAS, the Borough Engineering Department has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$2,500.00 posted by Bella Legacy Fund 57 LLC, 106 Apple St, Suite 107, Tinton Falls, NJ 07724 be released.

R-21-178 Resolution Refunding Street Opening Bond – Kenneth J. Keyes – 293 Riveredge Road

WHEREAS, on 9/9/2020, Kenneth J Keyes, Jr., 293 Riveredge Road, Tinton Falls, NJ 07724, posted a \$250.00 street opening cash repair deposit for a curb installation at 293 Riveredge Road, Tinton Falls, NJ 07724.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Kenneth J Keyes, Jr., 293 Riveredge Road, Tinton Falls, NJ 07724, has completed the work described in Street Opening Permit 2020-02-003; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Kenneth J Keyes, Jr., 293 Riveredge Road, Tinton Falls, NJ 07724, be released.

R-21-179 Resolution – Refunding Construction Permit Fees To KPI 2 Enterprises Inc.

WHEREAS, KPI 2 Enterprises Inc. applied for permits for replacements of decks in Fox Chase in July of 2021; and

WHEREAS, said monies were deposited in July 2021 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, the contractor has since advised that they are only completing the permits on the upper levels as all the lower units are only on concrete slabs so a deck replacement is not required. The contractor is requesting a refund for the 56 lower level permits.

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

WHEREAS, a refund in the amount of \$40.00 (\$51.00 minus the non-refundable State surcharge fee of \$1.00 and the 20% non-refundable plan review fee of \$10.00) for each permit shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,240.00 be issued to KPI 2 Enterprises Inc., 1250 Wood Lane, Langhorne, PA 19047.

R-21-180 Resolution-Refunding Recreation Fees

WHEREAS, during the months of August 2021 fees were collected for our Fall Soccer Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of August via credit card through Community Pass August 7, 2021

WHEREAS, during the month of August the Recreation Superintendent informed the resident, Jennifer Policastro that due to a computer glitch her daughter, Alyssa has been withdrawn from the Fall Soccer Program due to the team filled to capacity. A refund in the amount of \$41.00 would be issued. The \$10.00 processing fee will not be applied.

Jennifer Policastro	

Total	\$41.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$41.00 be issued.

R-21-181 Resolution-Refunding Recreation Fees

WHEREAS, during the months of May 2021 fees were collected for our summer program, onsite optional activity of the Gametruck. Due to unforeseen circumstances the Gametruck had to reschedule, and the following individual were unable to attend.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2021.

WHEREAS, during the month of August 2021, the Recreation Superintendent informed the residents a full refund would be issued due to the rescheduled date. The processing fee of \$10.00 does not apply.

Parents Name	Campers Name	Amount Paid
Jessica and/or Steven Mesjasz	Chase Mesjasz	\$15.00
Nick and or Adrienne Ciabrone	Nick Ciabrone	\$15.00
Louise Basch	Jacob Basch	\$15.00
Jaclyn Bloom	Kelleen and Nolan	\$30.00
Amanda Meehan	Robert and Joseph Meehan	\$30.00
Mahogany Ligon	Myles Ligon	\$15.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds shall be issued.

R-21-182 RESOLUTION – CANCELLING 2021 TAXES

WHEREAS, overbillings of 2021 taxes have been made as a result of Tax Court Judgements reducing the assessed values for the tax year 2021 to properties known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
-------------	--------------	------------	---------------

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

WHEREAS, said reductions have resulted in cancellations of the 2021 taxes in the amount of \$9,012.86 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$9,012.86 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$9,012.86.

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

CANCELING 2021 PROPERTY TAXES DUE TO TAX COURT OF NEW JERSEY JUDGEMENTS				R-21-182
BLOCK	LOT	NAME	PROPERTY LOCATION	AMOUNT TO BE CANCELED
16	1.46	NOBLE, PETER J & CARROLL J	3 REBECCA ANN CT	767.05
		3 REBECCA ANN CT		
		TINTON FALLS, NJ 07724		
25	16	TINTON FALLS OWNER 2014 LLC % RYAN	990 & 1000 SHREWSBURY AVE	8,245.81
		1735 MARKET ST, STE A-400		
		PHILADELPHIA, PA 19103		
TOTAL:				9,012.86

R-21-183 RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A 100% TOTALLY DISABLED VETERAN EXEMPTION

WHEREAS, overbillings and overpayments of 2021 Taxes have been made as a result of a 100% Totally Disabled Veteran Exemptions for the year of 2021 (from January 1, 2021 through December 31, 2021).

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)	VARIOUS		\$10,962.27	\$9,071.87	\$20,034.14

and,

WHEREAS, said exemptions resulted in overbillings and overpayments of the 2021 taxes in the amount of \$20,034.14 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 \$10,962.27 be cancelled for the year 2021 and that a refund in the amount of \$9,071.87 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$10,962.27 and the amount of overpayment to be \$9,071.87.

R-21-184 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, the 2021 3rd quarter Sewer bill on the following property has been paid in error by the Title Company and Management Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
A Absolute Escrow Settlement, Co. 55 Essex Street Milburn, NJ 07041	15	16.19	\$94.77

Re: Martin Vogt, Jr.
2 Hartford Drive

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$94.77 is hereby approved for the aforementioned property.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the amount of error in payment to be \$94.77.

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

R-21-185 Resolution - Placing Debris Lien on Property Known as 536 Shrewsbury Avenue

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Legacy Capital, LLC 1204 Village Market Place Morrisville, NC 27560	13.04	82	\$193.01

Re: Prop. Loc.: 536 Shrewsbury Avenue

WHEREAS, N.J.S.A. 40:48-2.14 provides where obnoxious growth, garbage, trash and debris are destroyed or removed from any dwelling or lands, the cost shall be certified to the governing body, which shall examine the certificate and if found correct shall cause the cost to be charged against said dwelling or lands; and,

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a clean up on the above mentioned property totaling \$193.01 pursuant to a letter dated August 9, 2021 from Mark Shaffery, Director of Public Works, hereby attached and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that a debris lien in the amount of \$193.01 is charged to the property known as 536 Shrewsbury Avenue and shall become part of the taxes to be assessed and levied.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of lien to be \$193.01.

R-21-186 Resolution - Refunding Tax Overpayment

WHEREAS, an overpayment of 2021 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Builder and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
All Ahead Title Agency, LLC 46 Highway 36 Keyport, NJ 07735	101.15	3.02	\$433.35

Re: Stephanie Attaway
31 Midway Road North

WHEREAS, said payment has resulted in an overpayment of the 2021 3rd quarter taxes in the amount of \$433.35, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$433.35 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$433.35.

R-21-187 Resolution – Approval of Bills – September 9, 2021

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 9, 2021; 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	3,515,444.17
SEWER UTILITY	72,108.47
GENERAL CAPITAL	162,577.15
GRANT FUNDS	15,393.55
TRUST FUNDS	13,401.34
DOG TRUST FUND	2,768.65
ESCROW	35,690.50
ADDITIONS	11,754.46
TOTAL	3,829,138.29

CERTIFICATION OF FUNDS:
/S/Thomas P. Fallon, Chief Financial Officer

**REGULAR MEETING
SEPTEMBER 9, 2021
BOROUGH COUNCIL**

ADJOURNMENT

Mrs. Nesci offered a motion to adjourn, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Manginelli

ABSTAIN: None

TIME: 8:15 PM

Respectfully Submitted,

Doreen D'Annunzio, Deputy Borough Clerk

Approved: October 9, 2021

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: