

**REGULAR MEETING
DECEMBER 6, 2022
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 and filing with the Borough Clerk all on January 4, 2022."

ROLL CALL (Regular Meeting)

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

Dr. Dobrin offered a motion to approve the November 22, 2022, Regular and Executive Session Meeting Minutes, seconded by Mr. Manginelli.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff commented on Resolution 22-228 to clarify the Borough will have the right to perform maintenance on this property if the owner fails to do so but the owner is responsible for ongoing maintenance of the sewer lines and basins.

Director of Finance - Thomas Fallon

Mr. Fallon had no report.

Business Administrator – Charles Terefenko

Mr. Terefenko announced Nixle started today which is how residents can connect to community emergency alerts and announcements with DPW posting instructions on magnetic signs on garbage trucks and banners around town. The Police Department on December 12th from 5:00pm to 7:00pm at the Jersey Shore Outlets will have a community relations event called Shop with A Cop. Also, they are hosting an event on December 21st at 4:00pm Santa is Coming to Town. The Borough has the Menorah Lighting on December 18th at 4:15pm at Liberty Park. He complimented Sherri Eisele, Recreation Director, and the Recreation staff for a well-attended and successful Holiday Tree Lighting event on December 4th.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Reports

-Mrs. Clay echoed Mr. Terefenko's comments regarding the Holiday Tree Lighting event and added our DPW did a great job. Also mentioned that our police and fire departments had a wonderful presence along with students from K-8 and MRHS who provided music. The Green Team met yesterday, and it is moving along. The PBA is hosting a Steak Bake Friday night. She commended Kerri Morgenthaler for her hard work with the TNR program in serving our community.

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

-Dr. Dobrin commented on Resolution 22-229 stating the Tinton Falls Board of Trustee for the Library are confident this architectural firm will provide an excellent service for the renovation of the library. They also met with the Monmouth County Library Association Liaison, Kim Amici, who provided information on available services. He echoed the compliments of Mr. Terefenko and Mrs. Clay regarding the Holiday Tree Lighting event.

-Mr. Manginelli had no report.

-Ms. Buckley stated the next Planning Board meeting is December 14th with one application of Shark River Road which is a continuation meeting from September. The next Environmental Commission hybrid meeting is this Thursday at 7:30pm at the Crawford House. Ms. Buckley commended Ms. Morgenthaler, TNR Borough Designee, for her hard work. She attended the photos with Santa event on December 4th hosted by the Friends of the Crawford House. The event was very well attended with toys for tots' donations for military families a great success. Ms. Buckley also echoed the compliments by others of the successful Holiday Tree Lighting event.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2022-1497 ORDINANCE AMENDING CHAPTER 16 OF THE BOROUGH CODE, ENTITLED "SEWERS," TO AMEND THE ANNUAL SEWER CHARGE PAYMENT DATES AND TO REVISE CERTAIN USER AND CONNECTION FEES**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday December 20, 2022.

Mr. Manginelli offered a motion to introduce Ordinance No. 2022-1497 seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Nesci

ABSTAIN: None

ORDINANCE NO. 2022-1497

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER 16 OF THE BOROUGH CODE,
ENTITLED "SEWERS," TO AMEND THE ANNUAL
SEWER CHARGE PAYMENT DATES AND TO REVISE
CERTAIN USER AND CONNECTION FEES**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

SECTION 1. Chapter 16 of the Borough Code of Tinton Falls, entitled "Sewers," shall be amended in Section 16-3.5(d) as indicated below (deletions indicated by ~~strikethroughs~~, additions by underlined):

d. The annual sewer charge shall be due semi-annually, with payment due in the middle of each semi-annual period, on the first day of April and October of each year. ~~quarterly in advance on the first day of January, April, July and October of each year,~~ the ~~The~~ first payment ~~to~~ shall be made on the payment date next following the designated connection date or the date of actual connection, whichever is the earliest, and to include the semi-annual quarterly advance payment plus the prorated portion of the unpaid preceding payment period. ~~quarter.~~

SECTION 2. Chapter 16 of the Borough Code of Tinton Falls, entitled "Sewers," shall be amended in Section 16-3.8(a) as indicated below (deletions indicated by ~~strikethroughs~~, additions by underlined):

§ 16-3.8. Sanitary Sewer System Fees.

The sanitary sewer system fees below shall be effective as of January 1, 2023. ~~effective September 1, 2014,~~ ~~for applicants who have been issued building permits after this date, are hereby set as follows:~~

- a. User Fee: ~~\$379~~ \$400 per residential unit, and ~~\$8.17~~ \$8.62 per 1,000 gallons for nonresidential users.
- b. Connection Fee: ~~\$3,900~~ \$4,400 per residential unit shall be paid in full prior to the issuance of a certificate of occupancy.

SECTION 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 4. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

this Ordinance.

SECTION 5. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ORDINANCES FOR FINAL CONSIDERATION

There were no ordinances on for adoption this evening.

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Nesci

ABSTAIN: None

Kerri Morgenthaler, 25 Thistledown Street – Ms. Morgenthaler provided an update on the TNR program with 18 cats recently serviced for a total number of cats provided TNR services since its start in 2019 of 358 cats in the Borough. Of the 358 cats 220 were kept for adoption. She thanked the council for supporting the program.

Ellen Goldberg, 90 Glenwood Drive – Ms. Goldberg thanked everyone for a successful holiday tree lighting ceremony and looking forward to the Menorah Lighting on December 18th. She thanked everyone for their continued support of the library and announced the annual children’s fashion show is tentatively scheduled for March 25th at Atchison School. Wished a happy holiday to everyone.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Nesci

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

CONSENT AGENDA

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-225

**RESOLUTION APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVES
TO THE COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE**

WHEREAS, the Borough of Tinton Falls is a participant in the Monmouth County Community Development Program; and

WHEREAS, annual appointments must be made designating representatives of the Borough to attend and participate in meetings and vote on the matters before the County Community Development program; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Charles Terefenko is hereby appointed to serve as the Borough’s Representative to the Monmouth County Community Development Program, and Doreen Hoffmann shall serve as the

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

Borough's Alternate Representative for a term of January 1, 2023 and expiring December 31, 2023.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the offices of the Monmouth County Office of Community Development, Hall of Records Annex, One East Main Street, Freehold, NJ 07728.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-226

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF TINTON FALLS AND THE MONMOUTH COUNTY S.P.C.A. FOR A TRAP, NEUTER AND RELEASE PROGRAM

WHEREAS, the Borough of Tinton Falls desires to continue to implement a Trap, Neuter and Release ("TNR") Program in the Borough for the purpose of humanely trapping, neutering, vaccinating and spaying and neutering of feral cats; and

WHEREAS, the Monmouth County S.P.C.A. is a duly licensed animal shelter under the authority of New Jersey State Title 4 and is willing to act as the approved sponsor of said TNR Program; and

WHEREAS, there will be a \$75.00 fee per feral cat under the TNR Program, of which the Borough will be responsible for 50% (\$37.50) of said fee, not to exceed a total annual cost of \$3,750.00 for the 2023 Calendar Year; and

WHEREAS, the necessary funds have been certified by the Director of Finance and are available in the Animal Control Trust Fund; and

WHEREAS, a Memorandum of Understanding ("MOU") has been prepared by the S.P.C.A. and has been reviewed by the Borough and requires execution by the Mayor in order to implement the TNR Program; and

WHEREAS, the MOU requires the Borough to appoint a designee to represent the Borough on matters related to the TNR Program, and the Borough desires to appoint Kerry Morgenthaler as the Borough designee;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor is hereby authorized to execute the Memorandum of Understanding between the Borough of Tinton Falls and the Monmouth County S.P.C.A. for the implementation of the Trap, Neuter and Release Program in the Borough; and

BE IT FURTHER RESOLVED that Kerry Morgenthaler is hereby appointed as the Borough's designee for matters related to the TNR Program; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Monmouth County S.P.C.A. and to the Director of Finance.

CERTIFICATION OF FUNDS: Animal Control Trust

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-227

RESOLUTION AUTHORIZING A ONE (1) YEAR CONTRACT WITH MONMOUTH COUNTY SPCA FOR ANIMAL CONTROL SERVICES FOR THE YEAR 2023

WHEREAS, the Borough of Tinton Falls requires services for animal control on a daily basis as well as a facility to keep stray animals that are picked up, injured etc.; and

WHEREAS, the Monmouth County SPCA, 260 Wall Street, Eatontown, NJ 07724, provides the services required as detailed in the contract attached hereto and made part hereof; and

WHEREAS, this is a one (1) year contract at the rate of \$2,500 per month for a total of \$30,000 for one year as well as other miscellaneous fees included in the attached contract; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey as follows:

- 1) That the Mayor and Borough Clerk are hereby authorized and directed to enter into a one (1) year contract with Monmouth County SPCA, 260 Wall Street, Eatontown, NJ 07724 for the provision of animal control services for the fees set forth therein; and
- 2) That a copy of this Resolution be forwarded to the Township of Freehold along with a copy of the executed contract.

I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2023 budget from: Animal Control

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-228

**RESOLUTION AUTHORIZING MAINTENANCE AGREEMENT
WITH JSM AT 1470 SHAFTO ROAD, LLC FOR THE MAINTENANCE OF
STORMWATER BASINS**

WHEREAS, JSM at 1470 Shafto Road, LLC (“Owner”) is the owner of Block 115, Lot 11.01, located on Shafto Road; and

WHEREAS, the Owner obtained site plan approval from the Planning Board for a warehouse on the property; and

WHEREAS, as a condition of approval, the Owner is required to maintain the stormwater lines, basins and all appurtenances (the “Basins”) on the property; and

WHEREAS, the Director of Law and Borough Engineer have reviewed a proposed Maintenance Agreement that sets forth the requirements of the Owner to maintain the Basins and recommend the adoption of said Maintenance Agreement to the Mayor and Council.

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

1. The Borough hereby authorizes the Mayor to execute the Maintenance Agreement with JSM at 1470 Shafto Road, LLC, in the form attached hereto, to require the maintenance of basins in accordance with the Planning Board’s resolution of approval.
2. A certified copy of this Resolution shall be provided to JSM at 1470 Shafto Road, LLC.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-229

**RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR
PROFESSIONAL ARCHITECTURAL SERVICES
CONTRACT PS #2-22**

WHEREAS, the Borough of Tinton Falls has a need for professional Architectural services as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and Settembrino Architects, 37 East Washington Avenue, Atlantic Highlands, NJ 07716 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$45,000 for professional Architectural services related to the Tinton Falls Public Library renovation; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Settembrino Architects, 37 East Washington Avenue, Atlantic Highlands, NJ 07716 is hereby retained to provide professional Architectural services related to the Tinton Falls Public Library renovation for an amount not to exceed \$45,000;

I hereby certify funds are available from Capital Ordinance: 22-1496

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-230

**RESOLUTION AMENDING RESOLUTION #R-22-029
FAIR AND OPEN CONTRACT FOR
PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATION SERVICES
RFP #17-22**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-22-029 on January 4, 2022, wherein CME Associates, 1460 Route 9 South, Howell, NJ 07731 was awarded a 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 \$12,000 for a total contract for CME Associates, Professional Affordable Housing Administration Services in the amount of \$46,000; and

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

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 \$46,000 for a term expiring December 31, 2022.

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-231

**RESOLUTION AMENDING RESOLUTION #R-22-018 FAIR AND OPEN CONTRACT
FOR LABOR COUNSEL SERVICES RFP #2-22**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-22-018 on January 4, 2022, wherein Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830 was awarded a fair and open contract for Labor Counsel Services for an amount not to exceed \$40,000; and

WHEREAS, this contract is to be increased for an additional amount not to exceed \$36,000 for a total contract for Rainone Coughlin Minchello, Labor Counsel Services in the amount of \$76,000 and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830 is hereby retained to provide professional Labor Counsel Services for an amount not to exceed \$76,000 for a term expiring December 31, 2022.

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: Municipal Budget: Legal

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-232

**RESOLUTION AUTHORIZING CHANGE ORDER #2
DECREASING CONTRACT #21-1 IN THE AMOUNT OF \$19,372.83
SYCAMORE PARK IMPROVEMENT PROJECT**

WHEREAS, Contract #22-1 for the Sycamore Park Improvement Project was awarded to Precise Construction, Inc., by Resolution R-21-099 in the amount of \$1,149,376.50 at a Council Meeting held on May 7, 2021; and

WHEREAS, Change Order #1 dated March 4, 2022 was increased in the amount of \$22,885.00 for reasons described therein, for a total contract in the amount of \$1,172,261.50; this was approved by Resolution #R-22-084 on March 15, 2022 and;

WHEREAS, Change Order #2 dated November 14, 2022 from T & M Associates, (annexed hereto and part hereof) reflects a decrease to the contract in the amount of \$19,372.83 and;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #2 decreasing Contract #21-1 in the amount of \$19,372.83 for a total contract in the amount of \$1,152,888.67 is hereby authorized for the above contract awarded to Precise Construction, Inc.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-233

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2022 3rd & 4th quarter Taxes have been made as a result of duplicate payments made in error for the year 2022.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
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(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2022 3rd & 4th quarters taxes by the property owners, Mortgage Companies and Title Companies in the total amount of \$10,537.06 as certified by the Borough Tax Collector.

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$10,537.06 are approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$10,537.06.

BOROUGH OF TINTON FALLS

R-22-234

COUNTY OF MONMOUTH

**RESOLUTION REVIEWING AND APPROVING THE ANNUAL COMPENSATION FOR THE BOARD
COMMISSIONERS OF FIRE DISTRICT NO. 2**

WHEREAS, the Tinton Falls Fire District No. 1 authorized and approved annual compensation for 2023 for the Board of Fire Commissioners via the adoption of Resolution No. 22-26; and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of the Board Commissioners of Fire Districts to be reviewed and approved annually by the governing body; and

WHEREAS, the Mayor and Borough Council have reviewed the proposed annual compensation for the members of the Board of Fire Commissioners as follows:

President	\$2,500.00
Treasurer	\$3,500.00
Secretary	\$3,500.00
Vice President	\$2,500.00
Asst. Sec./Treas.	\$2,500.00

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

1. The proposed 2023 annual compensation of the Board of Fire Commissioners of Tinton Falls Fire District No. 2 is approved.
2. A certified copy of this Resolution shall be provided to the Board of Fire Commissioners of Tinton Falls Fire District No. 2.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-235

RESOLUTION – APPROVAL OF BILLS – December 6, 2022

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 6, 2022; 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	4,595,171.89
SEWER UTILITY	289,703.32
GENERAL CAPITAL	51,050.36
GRANT FUND	2,581.91
TRUST FUNDS	40,622.62
ESCROW	3,785.00
ADDITIONS	1,297,719.67
TOTAL	6,280,634.77

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

**REGULAR MEETING
DECEMBER 6, 2022
BOROUGH COUNCIL**

ROLL CALL

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

EXECUTIVE SESSION

ADJOURNMENT

Mrs. Clay offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

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

TIME: 7:45pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: