

**REGULAR MEETING  
APRIL 7, 2020  
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 7:30 PM. The meeting was held via remote means using the Webex Meeting Platform under rules established under NJSA 10:4-8(b) which allows meetings to be held digitally during a State of Emergency.

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."

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk  
Kevin Starkey, Director of Law  
Vito Perillo, Mayor  
Thomas Fallon, Acting Borough Administrator/Director of Finance  
Thomas Neff, Borough Engineer  
John Scrivanic, Police Chief  
David Boehning, Deputy Director of Emergency Management  
Mark Shaffery, Director of Public Works

**SALUTE TO THE FLAG:** Council President Buckley invited everyone attending the remote meeting to join in saying the Pledge of Allegiance.

**Council President's Introduction**

Good Evening everyone, I am Council President Tracy Buckley. We are holding this meeting remotely utilizing the Webex platform. Joining me remotely are my fellow Councilmembers Risa Clay, John Manginelli, Mike Nesci and Brock Siebert, as well as Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey, Borough Engineer Tom Neff, Tinton Falls Deputy Emergency Management Coordinator Dave Boehning, Tinton Falls Police Chief John Scrivanic, Tinton Falls Dept of Public Works Director Mark Shaffrey, and IT Director Dan Romanov.

I would like to give special thanks to the Tinton Falls Deputy OEM Coordinator Dave Boehning and Tinton Falls Police Chief John Scrivanic for their participation this evening, as well as to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing the Webex platform.

This is the first live digital Council Meeting that we are holding under the rules established under NJSA 10:4-8(b), which allows this meeting to be held digitally during a State of Emergency with the proviso that only essential business be conducted. For those not familiar with the Webex platform, it allows members of the public to dial in from their computer, utilizing the Webex App, or from a regular phone utilizing a dial in number and meeting passcode. If you wish to be heard at either public comments portion of the meeting, please use the "Raise Your Hand" function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. You will be asked to state your name and address for the record and observe a time limit of three minutes.

This form of remote meeting will be the way we conduct the Borough's business for the foreseeable future. We have yet to determine if this form of meeting will be acceptable for other Borough business such as Planning and Zoning Boards.

We would like to commend our Borough municipal employees from every department for all of their hard work in keeping the Borough functioning during this difficult time.

Moreover, we would like to commend our Tinton Falls Office of Emergency Management, Tinton Falls Police Department, Tinton Falls Emergency Medical Services, Tinton Falls Fire Companies and Tinton Falls Dept of Public Works for your work on the front lines of this pandemic and for keeping us safe.

In these challenging times, the best we can do is to be kind to one another and remember courtesy is also contagious.

**APPROVAL OF MINUTES**

*Mr. Manginelli offered a motion to approve the Executive Session Minutes of February 18 2020, and the February 18, 2020 Workshop/Regular Minutes seconded by Mr. Siebert..*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Borough Engineer**

Thomas Neff Borough Engineer advised that he was in contact with the County Engineer's Office regard the progress of the Hance-Sycamore traffic signal installation. He stated that the initial phase would begin next week and the poles for the light have been ordered. The anticipated completion date would be late summer. Mr. Neff discussed the two ordinances on the agenda for introduction 2020-1459 and 2020-1460 which relate to the realignment of Pine Street and Essex Road. These ordinances will finalize the last aspects of the realignments. The vacation ordinance for Pine Street is near Garden State Veterinary complex and this will allow them to proceed with their site plan and obtain additional off-street parking. The ordinance for Essex Road will allow the Borough to accept the realigned portion of Essex near Seabrook Retirement Community and the new warehouse from the Turnpike Authority.

**Director of Finance/ Acting Borough Administrator- Thomas Fallon**

Thomas Fallon CFO and Administrator greeted the Mayor, Council members and everyone participating in the virtual meeting. He thanked the first responders and everyone on the front lines and residents for helping stop the spread of COVID-19. Mr. Fallon explained that municipal employees are essential workers and that the Borough is fully functional and all allowable services are being handled on a daily basis. He thanked the department heads for their leadership and all the employees who continue to work through this crisis. He extended his thanks to the Borough Council for staying in constant contact with him. Mr. Fallon explained that the budget was on track to be introduced March 17<sup>th</sup> until the events of the health pandemic began. He explained that an assessment is being done to gauge the impact on the budget and due to the uncertainty of this pandemic, budget deadlines have been extended. It is the intent to plan to introduce the budget on or before May 15<sup>th</sup> as allowed by the Governor's executive order. Mr. Fallon stated that the emergency temporary appropriation resolution will allow the Borough to operate under the temporary budget.

**Mayor's Report- Vito Perillo**

Mayor Perillo, extended his sincere thanks to everyone through this difficult time. He thanked the employees and department head and gave a special shout out to emergency management office on their leadership and advice on how to remain safe and follow all guidelines. Mayor Perillo concluded by saying to all residents and employees, be well and stay safe.

**Director of Law- Kevin Starkey**

Mr. Starkey stated that he wanted to follow up behind the engineer regarding the ordinances. He explained that when an ordinance is on for first reading there is no opportunity for public comments. He stated that all comments will be held at the next regularly scheduled meeting.

**Borough Clerk- Mrs. Hesler**

Mrs. Hesler stated that April 1<sup>st</sup>, was Census Day and encouraged everyone who hasn't completed the census to visit the website, 2020census.gov or call 844-330-2020 to make sure everyone in their household is counted. The Census count determines how New Jersey is represented in Congress and directly impacts federal funding.

**Deputy OEM Director- Dave Boehning**

Mr. Boehning stated that this is a very different council meeting due to the events of the Health Emergency. Mr. Boehning gave a synopsis of his report that was given at the last council meeting. He stated that David Henry, Health Officer with the Monmouth County Regional Health Commission was also at the last meeting to answer questions about the COVID 19 virus. Mr. Boehning stated that there have been many changes in a month's time and explained that the Office of Emergency Management (OEM) is consistently interacting with the Monmouth County OEM, health officials, EMS, the Borough's Police Department, Fire Services, DPW, and our faith based communities. He gave an overview of some of the things that transpired since March 9<sup>th</sup>, Governor Murphy declared a State of Emergency; March 12<sup>th</sup> School Administrators made the decision to close schools, with the State following that all schools close; March 17<sup>th</sup> it was decided to close Borough Hall to the public but to remain open for business; March 19<sup>th</sup> after consulting with the Mayor, Borough Administrator and Council President, the Borough declared a State of emergency; March 20<sup>th</sup> the County of Monmouth also declared a State of Emergency

Mr. Boehning stated that each department took measures to ensure continuity of municipal government services. OEM participated in weekly conference calls with other agencies. Assisted living facilities were contacted to be sure everyone remains safe, faith-based communities were contacted to ascertain if they felt safe. Mr. Boehning stated that continuity is important to our residents and community. He stated that Faith Based communities were asked if they could help with assistance to elderly, immune compromised, and any resident that might need assistance. Mr. Boehning expressed his thanks for their willingness to help. The Monmouth County Regional Health Commission continues to report to us regarding the number of cases that have been reported. Current numbers show that there are 73 cases reported in Tinton Falls but details cannot be release due to privacy concerns. He explained the process for investigations when someone is reported infected and an effort is made to trace others who had been in contact with the infected individual. FEMA testing sites have begun to report, you will see more positive cases to be reported with the increase of testing. Mr. Boehning encouraged everyone to comply with the Executive Orders and requirements of social distancing, sheltering in place, and working from home. Mr. Boehning explained that our local state of emergency requires our playgrounds, athletic fields and game courts be close, and explained that the Borough wanted to keep passive trails open for obvious reasons. Today the Governor declared all state and county trails be closed. Mr. Boehning stated that there will be further conversation as to whether Tinton Falls will need to follow in the same footsteps. Mr. Boehning stated the Police Department is diligent about asking people to disperse if they are congregating in a group. He discussed the distribution of personal protective equipment to Emergency Services and Health Care Facilities. Donation sites for personal protective equipment will be set up. He stressed the need for

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healthy hygiene, wash hands, face, and follow social distancing guidelines. Our Police Department and EMS are at the front line, placing their health and their families health at risk to protect our residents. OEM will lead the recovery. Mr. Boehning thanked the Borough Council for their support, the Mayor for his kind words and leadership in signing the declaration and commended the great leadership in our department heads.

Council President Buckley extended thanks to Mr. Boehning on behalf of the entire Borough Council for the comprehensive report and hard work.

**Police Chief John Scrivanic**

Chief Scrivanic stated that we would piggyback off Dave Boehning's statements regarding the emergency responders. He stated that is what makes Tinton falls special. Chief Scrivanic stated that we have been chasing this for weeks and at this time there seems to be no end. He expressed his appreciation to his many colleagues for their ideas and for the leadership in the Police Department. Chief explained that an online reporting system has been implemented through the website that allows reports for non-emergent situations which allows our Police Department to provide services while staying protected. Chief Scrivanic thanked the County Dispatch for keeping us apprised of the situation by issuing many reports on a daily basis from various law enforcement divisions. He stated that watching the pandemic shows how the global community is dealing with this. Chief Scrivanic assured the public that he has been visiting the parks to be sure residents and visitors are practicing social distancing. The Police Department is diligent in breaking up any group gatherings that are gathering. Chief stated that there will be further discussions with OEM, DPW and the Police Department regarding the steps required in closing the parks. He stated that his staff is continuing to seek out training on the best way to deal with this new and unknown Health crisis. Chief Scrivanic took a moment to commend his officers and members of the PBA who have purchased and distributed dinners to the staff on the front line at Jersey Shore Medical Center.

Council President Buckley thanked Chief Scrivanic for the update and for everything he and his Department is doing for the Borough.

**Council's Report:**

Mrs. Clay gave a big thank you to first responders and front line workers in the Police Department and Emergency Management Office and to all of the borough employees. Thank you very much.

Mr. Manginelli stated that these times test our character, courage, and talents. He thanked Chief Scrivanic for his report stating that it gives him a level of confidence. He extended a heartfelt thanks to everyone in the handling of this matter.

Mr. Nesci thanked all the viewers for logging into tonight's meeting and stated that this is a new process that we will get through, using this platform meeting process to keep things as normal as possible. Thank You to every Tinton Falls employee who make the gears move and for keeping up with day to day activities.

Mr. Siebert, stated that he hopes everyone is doing well as possible. He stated that the construction on the Hope Road train track improvements went relatively quick and he is happy to see that it is complete. Mr. Siebert stated that he wanted to piggyback off the Governor's recent report about a Tinton Falls company, Hatteras Press, that has made 7,000 face shields and plan to make 10,000 a day over the next two weeks. He also gave an update on the library grant application process which has been delayed on the State level and will take a little longer. Mr. Siebert urged everyone to try to follow the guidelines of this pandemic to stay safe, try to stay home and go out when necessary. Stay up to date on information that our OEM, PD, and Governor reports to us.

Ms. Buckley stated that she has no other updates apart from thanking every employee for the amazing job being done right now. She stated that she is the liaison for the Environmental. Commission and they did not meet in March but they do hope to meet in April via Webex. All notifications will be posted on the home page of the borough website and on the Borough Facebook or OEM Facebook pages.

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**ORDINANCES FOR INTRODUCTION-**

Ms. Hesler read Ordinance 2020-1459 entitled: **AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY KNOWN AS PINE STREET IN THE BOROUGH OF TINTON FALLS.**

*Mr. Manginelli offered a motion to introduce Ordinance No. 2020-1459 seconded by Mr. Nesci.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**ORDINANCE 2020-1459**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY  
KNOWN AS PINE STREET IN THE BOROUGH OF TINTON FALLS**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b), the Borough Council may, by adopting an appropriate ordinance, vacate any public street or portion thereof; and

**WHEREAS**, the Borough Council is of the opinion that due to the prior realignment of Pine Street, the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to that portion of a right-of-way known as Pine Street, as shown on Schedule A hereto (metes and bounds description and Plat of Vacation); and

**WHEREAS**, the portion of Pine Street to be vacated is bounded on the southerly side by property owned by the County of Monmouth and on the northerly side by property owned by KTDM, LLC and known as Block 123, Lot 49.02; and

**WHEREAS**, the County has consented that, upon successful adoption of this vacation ordinance, one hundred percent (100%) of the vacated right-of-way land shall belong to KTDM, LLC and shall become a part of Block 123, Lot 49.02; and

**WHEREAS**, the Borough Council has determined that said portion of the right-of-way of Pine Street as described on Schedule A attached hereto lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Borough of Tinton Falls that the rights and interests in and to the same shall as a public right-of-way be vacated, released and extinguished, on the terms set forth herein; and

**WHEREAS**, the Borough Council must, pursuant to N.J.S.A. 40:67-1(b), preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property or right of way to be vacated;

**NOW THEREFORE 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.** All public easements, right and interests to that portion of the right-of-way known as Pine Street as shown on Schedule A attached hereto are hereby vacated, extinguished and released except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13.

**SECTION 2.** The Borough Clerk shall publish this ordinance, after being introduced and having passed at first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

**SECTION 3.** It is the intent of the Borough Council to vacate the aforementioned interests that the public may have in the Property, and to provide that the property shall be conveyed, in its "as is" condition, to the property owner to the northerly side of the vacated roadway, and that the vacated roadway property become a part of Block 123, Lot 49.02.

**SECTION 4.** The Borough Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

**SECTION 5.** The Borough Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

**SECTION 6.** 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 7.** 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 this Ordinance.

**SECTION 8.** This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

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Ms. Hesler read Ordinance 2020-1460 entitled: **AN ORDINANCE AUTHORIZING ACCEPTANCE OF ROADWAY DEDICATION FROM THE NEW JERSEY TURNPIKE AUTHORITY FOR PROPERTY COMMONLY KNOWN AS ESSEX ROAD IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

*Mrs. Clay offered a motion to introduce Ordinance No. 2020-1460 seconded by Mr. Manginelli*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE 2020-1460**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF ROADWAY DEDICATION FROM THE NEW JERSEY TURNPIKE AUTHORITY FOR PROPERTY COMMONLY KNOWN AS ESSEX ROAD IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, the New Jersey Turnpike Authority (“NJTA”) is the owner of real property that includes the roadway improvements and right-of-way rights commonly known as a portion of Essex Road (formerly known as Hamilton Avenue) in the Borough of Tinton Falls (the “Roadway”), as set forth on the attached descriptions; and

**WHEREAS**, the Roadway and related improvements are currently utilized by the public as Essex Road and provide a public benefit; and

**WHEREAS**, the NJTA desires to transfer the Roadway and related improvements to the Borough of Tinton Falls for acceptance as a public road pursuant to N.J.S.A. 40A:12-5; and

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough of Tinton Falls to accept the Roadway and related improvements from the NJTA in order to facilitate the continued public use and maintenance of Essex Road.

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

1. Pursuant to N.J.S.A. 40A: 12-5 the Borough of Tinton Falls accepts the roadway dedication for nominal consideration of the property commonly known as a portion of Essex Road (formerly known as Hamilton Avenue), in accordance with: (a) the metes and bounds description for the relocated portion of Hamilton Avenue, a/k/a Essex Road, attached hereto as Exhibit A; and (b) the map and parcel description for Parcel X4569B, attached hereto as Exhibit B, for the public purpose of owning, maintaining and operating those portions of Essex Road.
2. The Mayor or Borough Administrator is authorized and directed to execute, and the Municipal Clerk, is authorized and directed to attest to any and all documents, and to perform all actions, which may be necessary in order to effectuate the intentions of the within Ordinance.
3. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.
4. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**ORDINANCES FOR FINAL CONSIDERATION-**

Ms. Hesler read Ordinance No. 2020-1458 entitled: **REFUNDING BOND ORDINANCE OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH’S GENERAL OBLIGATION REFUNDING BONDS DATED NOVEMBER 16, 2010, APPROPRIATING AN AMOUNT NOT EXCEEDING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF TINTON FALLS FOR FINANCING THE COST THEREOF**

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Council President Buckley explained that they would systematically recognize anyone that has dialed into this remote meeting via phone or via Webex platform to comment on this ordinance.

*Mr. Manginelli offered a motion to open the Public Hearing on Ordinance 2020-1458, seconded by Mr. Siebert.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

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*There being no comments, Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2020-1458, seconded by Mr. Nesci.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

*Mr. Siebert offered a motion to adopt Ordinance 2020-1458, seconded by Mr. Manginelli.*

**ROLL CALL**

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

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**PUBLIC DISCUSSION**

Council President Buckley explained that they would systematically recognize anyone that has dialed into this remote meeting via phone or via Webex platform to comment on any matter of their choice.

*Mr. Manginelli offered a motion to open the Public Discussion, seconded by Ms. Clay.*

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

***Dana Clark 47 Cranberry Drive***- Mr. Clark addressed the Mayor, Council, Office of Emergency Management, Police Department, Fire Department and thanked them for everything they do for the Borough every day and stated that it does not go unappreciated. Mr. Clark inquired about the Heritage Drive pump station, explaining that the willow trees in the vicinity of the pump station have died over the years and are leaning over his property. He explained that he has called several times but the problem still exists. He asked if someone could please direct him as to how he could have someone evaluate these trees for removal. Director of Public Works, Mark Shaffery stated that he will look into the matter tomorrow. Mr. Clark expressed his appreciation.

***Rita Kondolean, 23 Columbia Drive***- Ms. Kondolean thanked the Police, Office of Emergency Management, Council members, and the Mayor for everything that is being done. She stated that she feels much safer knowing that crime is down and that the Police are checking on businesses. Ms. Kondolean stated that her children asked that she inquire about the status of the library. Councilman Siebert, Liaison to the Library Board, explained the delay is on the state level and is due to the current Health Emergency caused by COVID-19. Mr. Siebert stated that the Library was well prepared to file on time. This delay affects everyone in the state and the Tinton Falls Library Board is aware of the delay and prepared to file at the appropriate time when the State allows the filing process to begin. Tom Neff, Borough Engineer offered some additional information that is available on the Library website stating that the deadline was extended on the State level by 60 days, the applications are now due June 5<sup>th</sup>. Mrs. Kondoleon thanked everyone for the update.

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

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER –**

Mr. Siebert thanked Council President Buckley and everyone who helped in setting up this meeting. He commended everyone for all of the adaptations being made on a daily basis.

Council President Buckley echoed Mr. Siebert's comments.

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**RESOLUTIONS**

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**CONSENT AGENDA**

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

**ROLL CALL**

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley  
NAYS: None  
ABSENT: None  
ABSTAIN: Mr. Siebert abstained on R-20-086 April 7, 2020 Bill List

**R-20-070 RESOLUTION – AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATION RESERVES PURSUANT TO N.J.S.A 40A:4-59**

WHEREAS, various 2019 bills or obligations have been presented for payment this year, which bills or obligations were not covered by order number and/or recorded at the time of transfer between the 2019 budget appropriations in the last two months of 2019; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that transfers in the amount of \$6,000 be made between the 2019 budget appropriation reserves as follows:

<u>Budget Appropriation</u>	<u>From</u>	<u>To</u>
Group Health Insurance	\$ 6,000	
Landfill/Solid Waste Disposal		\$ 5,000
Utilities - Water		1,000
	<u>\$ 6,000</u>	<u>\$ 6,000</u>

**R-20-071 RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS**

WHEREAS, an emergent condition has arisen with respect to the general operations of the Borough of Tinton Falls and no adequate provision could have been made in the 2020 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

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**WHEREAS**, the total emergency temporary resolutions adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$6,823,276 for the general budget and \$1,433,000 for the sewer utility operating budget.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A: 4-20:

1. An emergency temporary appropriation be and the same is hereby made for general operations in the amount of \$6,823,276 and for sewer operations in the amount of \$1,433,000, as per attached schedule
2. That said emergency temporary appropriations will be provided for in the 2020 budget under the same titles
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**R-20-072 RESOLUTION – RELEASING REFORESTATION PERFORMANCE GUARANTEE FOR DENHOLTZ ACQUISITIONS, LLC A/K/A CONCRETE PROPERTIES 150 TORNILLO WAY, BLOCK 120.04, LOT 1.02**

**WHEREAS**, the developer has requested the release of Guarantees for Denholtz Acquisitions, LLC for 150 Tornillo Way, Block 120.04 Lot 1.02; and

**WHEREAS**, by letter dated March 9, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the applicant has completed the clearing operations on site and has obtained final resolution compliance approval and recommends the release of the Reforestation Guarantee posted for this property and that no maintenance bond is required.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the Reforestation Performance Guarantee in the amount of \$33,339.00 associated with this project can be released.

**R-20-073 RESOLUTION – REFUNDING ESCROW – STAVOLA REALTY**

**WHEREAS**, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

**WHEREAS**, the Zoning Board Secretary, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

**WHEREAS**, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

Stavola Realty-STA5116CU- \$162.50  
PB2006-17- Extension of time for approvals

**R-20-074 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR HOLLY ESTATES – THE PRC GROUP – BERMET COURT - BLOCK 55 – LOT 3.03-3.09**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Holly Estates – The PRC Group – Bermet Court, Block 55 Lot 3.03-3.09; and

**WHEREAS**, by letter dated March 12, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition and recommends the release of the guarantees for Holly Estates – The PRC Group, Block 55 Lot 3.03-3.09.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

**R-20-075 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES TRADITIONS PARK IMPROVEMENTS**

**WHEREAS**, the Borough of Tinton Falls has a need for professional engineering services for the Traditions Park Improvements; and

**WHEREAS**, T & M Associates is the Borough Engineer as approved by Resolution R-20-013 adopted on January 7, 2020; and



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**WHEREAS**, these services will be described in proposal attached dated March 27, 2020; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$110,325; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated March 27, 2020 for an amount not to exceed \$110,325; and

**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: Open Space Trust Fund

**R-20-076 RESOLUTION APPROVING THE 2019 LOSAP CERTIFICATION LIST FOR QUALIFICATION OF TINTON FALLS EMS SQUADS NORTH AND SOUTH**

**WHEREAS**, pursuant to N.J.S.A. 40A:14-191 and N.J.A.C. 5:30-14.10(b), emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year; and

**WHEREAS**, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system; and

**WHEREAS**, the required certification has been presented by the Tinton Falls EMS Squads North and South to the sponsoring agency, the Borough of Tinton Falls; and

**WHEREAS**, the Local Plan Administrator has reviewed the annual list, requested supporting documentation from Tinton Falls EMS Squads North and South as necessary to substantiate the information provided, and is satisfied that the list is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the certified lists of volunteer members of the Tinton Falls EMS Squads North and South who have qualified for credit under LOSAP for year 2019 is hereby approved; and

**BE IT FURTHER RESOLVED**, that the approved certification list shall be posted at the office of the Borough Clerk, and at the facility of the Tinton Falls EMS Squads North and South, for a period of 30 days to allow sufficient time for membership review.

**R-20-077 RESOLUTION AMENDING RESOLUTION R-20-056 CORRECTING THE REFUNDING AMOUNT FOR TAX OVERPAYMENT FOR BLOCK 128.03, LOT 1.01**

**WHEREAS**, Resolution R-20-056 was adopted by the Tinton Falls Borough Council on February 18, 2020 authorizing a refund of an overpayment of 2018 Taxes as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2018 to property known as Block 128.03, Lot 1.01; and

**WHEREAS**, an error in the refund amount stated in R-20-056 has been detected; and

**WHEREAS**, the correct amount as certified by the Borough Tax Collector is \$3,548.45;

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$3,548.45 is hereby authorized for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$3,548.45

**R-20-078 RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, on 2/8/19, 18 Orchard Street, LLC 28 Riverside Ave, Suite 2A, Red Bank, NJ 07701, posted a \$1,200.00 street opening cash repair deposit for a sewer installation at 54 & 58 Pear Street, Tinton Falls, NJ 07724.

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

**WHEREAS**, 18 Orchard Street, LLC 28 Riverside Ave, Suite 2A, Red Bank, NJ 07701, has completed the work described in Street Opening Permit 2019-02-001; 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 \$1200.00 posted by 18 Orchard Street, LLC 28 Riverside Ave, Suite 2A, Red Bank, NJ 07701, be released.

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**R-20-079 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, overpayments of 2020 1<sup>st</sup> quarter Taxes have been made as a result of duplicate payments for the year 2020 to properties known as:

<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 2020 taxes by property owners, title companies and mortgage companies in the total amount of \$17,703.51 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$17,703.51 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 \$17,703.51.

R-20-079 BOROUGH OF TINTON FALLS - 2020 TAX OVERPAYMENTS DUE TO DUPLICATE PAYMENTS				TOTAL TAXES OVERPAID	FIRST PAYMENT MADE BY	SECOND PAYMENT MADE BY
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:			
9.02	1	RMS TITLE AND APPRAISALS ATTN: RENEAE YAEGER 29 UNION AVENUE LAKEHURST, NJ 08733	M. & N. MURCIA FROM A. BERG & M. LEPOSA 69 SPRINGDALE AVENUE	1,363.00	TITLE COMPANY	MORTGAGE COMPANY
24.03	11	STEWART TITLE COMPANY, NJ 16 WALL ST., BLDG H, 2ND FLOOR PRINCETON, NJ 08540	J. DAFNENICA FROM R. & A. ORSLEY 45 SOCIETY HILL WAY	2,234.00	TITLE COMPANY	MORTGAGE COMPANY
26	76	GREEN RIVER CAPITAL, LLC 7730 S. UNION PARK AVE, STE 400 MIDVALE, UT 84070	FEDERAL NATL MTG. FROM MORDAUNT & HOWELL 14 SUN BEAU COURT	776.00	TITLE COMPANY	MORTGAGE COMPANY
26.01	128	CORELOGIC REFUNDS DEPT. PO BOX 9202 COPPELL, TX 75019	TOBIN, PATRICK & MARGARET BRUNS 34 SECRETARIAT COURT	1,493.50	OWNER	MORTGAGE COMPANY
105.03	29	BROOKS, JAMES P. & MELISSA 296 HOCKHOCKSON ROAD TINTON FALLS, NJ 07724	BROOKS, JAMES P. & MELISSA 296 HOCKHOCKSON ROAD	2,144.89	TITLE COMPANY	OWNER
120.05	44	ZACHARIY KARPUSYUK 43 DAVIDS LANE HOWELL, NJ 07731	L. & G. CRETILLA FROM Z. KARPUSYUK 46 KYLE DRIVE	1,548.78	TITLE COMPANY	MORTGAGE COMPANY
120.10	89	WELLS FARGO 1 HOME CAMPUS MAC F2302-03H DES MOINES, IA 50266	MEDULLA, ANTHONY 46 MICHAEL DRIVE	1,255.46	MORTGAGE COMPANY	MORTGAGE COMPANY
123.01	97	EDWARD & ANGELINA TOMASZEWSKI 5 JULIA COURT TINTON FALLS, NJ 07712	TOMASZEWSKI, EDWARD & ANGELINA 5 JULIA COURT	2,397.38	TITLE COMPANY	MORTGAGE COMPANY
124.16	36	SOUTHERN SHORES TITLE AGENCY LLC 1200 ROUTE 72 WEST MANAHAWKIN, NJ 08050	M. MINNELLA TO A. BURKS 117 MILL LANE	989.53	TITLE COMPANY	MORTGAGE COMPANY
124.47	1	KERRIANN DIETZ 2 JONATHAN DRIVE TINTON FALLS, NJ 07753	KERRIANN DIETZ 2 JONATHAN DRIVE	761.95	OWNER	MORTGAGE COMPANY
124.50	47	MARY JO MCKINLEY C/O HANLON NIEMANN & WRIGHT 3499 ROUTE 9 NORTH, SUITE 1-F FREEHOLD, NJ 07728	E. FIGUEROA FROM M. MCKINLEY 49 DES MOINES COURT	1,053.28	ATTORNEY	MORTGAGE COMPANY
124.62	33	CERTIFIED TITLE CORPORATION 11459 CRONHILL DRIVE, SUITE M OWNGS MILLS, MD 21117	GEAR, WILLIAM & LINDA 80 AUSTIN STREET	1,685.74	MORTGAGE COMPANY	TITLE COMPANY
				17,703.51		

**R-20-080 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2017 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Stavola Leasing Co. c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	18.02	19	\$1,725.36

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Re: Stavola Leasing Co.  
44 Gilbert Street West

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2017 taxes by the property owner in the amount of \$1,725.36 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 \$1,725.36 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$1,725.36.

**R-20-081 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2018 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2018 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Stavola Leasing Co. c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	18.02	19	\$3,226.44

Re: Stavola Leasing Co.  
44 Gilbert Street West

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2018 taxes by the property owner in the amount of \$3,226.44 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 \$3,226.44 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$3,226.44.

**R-20-082 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2019 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2019 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Stavola Leasing Co. c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	18.02	19	\$1,236.00

Re: Stavola Leasing Co.  
44 Gilbert Street West

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2019 taxes by the property owner in the amount of \$1,236.00 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 \$1,236.00 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$1,236.00.

**R-20-083 RESOLUTION - ALLOWING FOR THE EXTENSION OF THE INTEREST PENALTY DEADLINE FOR SEWER BILLS**

**WHEREAS**, the third quarter Sewer bills will be due on April 1, 2020 with a ten (10) day grace period for interest to April 10, 2020, and

**WHEREAS**, the Tax Collector was unable to mail all the Sewer bills until March 23, 2020 and requests the interest penalty date be extended to April 17, 2020, (25 days from the date of mailing), and

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**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the interest penalty deadline for the 2020 2nd quarter sewer bills be extended to April 17, 2020.

**R-20-084 RESOLUTION - CANCELING & REFUNDING SEWER OVERPAYMENT**

**WHEREAS**, an adjustment to 2020 sewers has been made, due to the demolition of the residential home on February 10, 2020.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCELLED</u>	<u>REFUND</u>	<u>AMOUNT</u>
Stephen P. Aberle, Jr. 9 Bayside Drive Atlantic Highlands, NJ 07716 Property Location: 134 Cannonball Drive and,	124.05	7	\$94.75	\$52.64	\$147.39

**WHEREAS**, said adjustment resulted in an overbilling and an overpayment of the 2020 sewers in the amount of \$147.39 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the sewers amounting to \$94.75, be cancelled for the year 2020 and that a refund of \$52.64 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of the overbilling to be \$94.75 and the total amount of overpayment to be \$52.64.

**R-20-085 RESOLUTION – APPROVAL OF BILLS – March 17, 2020**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 17, 2020; 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**

<b>GENERAL</b>	<b>2,267,1</b>
<b>SEWER UTILITY</b>	<b>290,8</b>
<b>CAPITAL FUND</b>	<b>20,8</b>
<b>GRANT FUND</b>	<b>9.</b>
<b>TRUST FUNDS</b>	<b>23,2</b>
<b>DOG TRUST FUND</b>	<b>2,5.</b>
<b>ESCROW</b>	<b>12,4.</b>
<b>ADDITIONS</b>	<b>1,450,4</b>
<b>TOTAL</b>	<b>4,068,4</b>

**R-20-086 RESOLUTION – APPROVAL OF BILLS – April 7, 2020**

**Councilman Siebert abstained on this resolution as noted in the Consent Roll Call**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 7, 2020; 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**

<b>GENERAL</b>	<b>3,662,3.</b>
<b>SEWER UTILITY</b>	<b>47,9</b>
<b>CAPITAL FUND</b>	<b>50,3.</b>
<b>TRUST FUNDS</b>	<b>14,3</b>
<b>DOG TRUST FUND</b>	<b>3.</b>
<b>ESCROW</b>	<b>56,1.</b>
<b>ADDITIONS</b>	<b>1,265,8</b>
<b>TOTAL</b>	<b>5,097,3.</b>

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**ADJOURNMENT**

*Mr. Siebert offered a motion to adjourn, seconded by Mr. Manginelli.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:30 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON:**