

**REGULAR MEETING  
APRIL 6, 2021  
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.

Open Public Meeting Statement: Call To Order – 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, posting on the Borough Website and Facebook Page and by Notification to The Asbury Park Press, The Newark Star Ledger, and The Coaster at Least 48 Hours Prior to the Meeting.

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

**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, and IT Director Dan Romanov.

I would like to give special thanks to IT Director, Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing the Webex platform.

This is a 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. 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 the public comment 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. To mute or unmute your phone press \*6. You will be asked to state your name and address for the record and observe a time limit of three minutes.

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 ongoing 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. Siebert offered a motion to approve the February 2, 2021, Regular and Workshop Meeting Minutes seconded by Mr. Nesci.*

**ROLL CALL**

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

ABSTAIN: None

NAYS: None

ABSENT: None

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**Ms. Buckley was asked by the Mayor Perillo to read the Arbor Day Proclamation 2021.**

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**Proclamation Celebrating Arbor Day**

*WHEREAS*, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

*WHEREAS*, this holiday called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

*WHEREAS*, Arbor Day is now observed throughout the nation and world; and

*WHEREAS*, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

*WHEREAS*, trees are a renewable resource giving us paper, wood for our homes, fuel for our files, and countless other products; and

*WHEREAS*, Tinton Falls has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

*NOW, THEREFORE, I, VITO PERILLO*, Mayor of the Borough of Tinton Falls do hereby proclaim April 30<sup>th</sup> as “**ARBOR DAY**”

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Mayor’s Report – Mayor Vito Perillo**

Mayor Perillo reported having had both COVID vaccine shots and encouraged everyone else to do the same. He has been back at Borough Hall a few hours each day and looking forward to meeting in person everyone soon.

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

Mr. Fallon reported on Ordinance 2021-1471 Budget Cap Ordinance which is adopted every year. It allows the Borough to increase the CAP percentage and allows the unused CAP to be banked for the next two years if needed. The Borough has been fiscally prudent regarding the unused budget CAP. Mr. Fallon listed the amount for the previous CAP bank year and expiration date. He recommends this ordinance which would provide financial flexibility if the Borough required it.

**Borough Engineer – Thomas Neff**

Mr. Neff commented on Resolution R-21-064 in support of motor vehicle restrictions, truck traffic, on Hope Road between Sycamore Avenue and Hope Road. This resolution is part of the report requirement by NJDOT. This affects Eatontown Borough who have been part of the plan and will also submit a resolution of support. Mr. Neff provided an update on the Hance/Sycamore traffic signal. Road closures and detours are expected most of the week until milling and paving are finished. The County has been working full time on the project with an estimated completion date by the end of the month. Mr. Neff also reported that utility work by New Jersey Natural Gas is starting at Hope Road and Tinton Avenue for the next two weeks with anticipated detours and lane closures. New Jersey American Water Company will be starting a large water main replacement project from Corregidor Road to Tinton Avenue.

**Director of Law- Kevin Starkey**

Mr. Starkey had no report.

**Borough Clerk – Melissa Hesler**

Ms. Hesler had no report.

**Council’s Report**

-Mrs. Clay had no report.

-Mr. Manginelli had no report.

-Mr. Nesci reported that the next Planning Board meeting will be held April 14th.

-Mr. Siebert reported he attended a virtual library meeting where they discussed the State grant application for the library and future fundraisers. In August there will be a music festival. Mr. Siebert state he was happy to see the Hance/Sycamore traffic light going up, and thanked Monmouth County for listening to Tinton Falls and its residents.

-Ms. Buckley reported the Environmental Commission meeting will be held April 22<sup>nd</sup>.

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**ORDINANCES FOR INTRODUCTION - None**

**ORDINANCES FOR FINAL CONSIDERATION**

Ms. Hesler read Ordinance No. 2021-1471 entitled:

**2021-1471 – Calendar Year 2021 - Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a:4-45.14)**

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. Siebert offered a motion to open the Public Hearing on Ordinance 2021-1471, seconded by Mr. Nesci.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

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*There being no comments, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2021-1471, seconded by Mr. Nesci.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

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*Mr. Siebert offered a motion to adopt Ordinance 2021-1471, seconded by Mr. Nesci.*

**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**

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

**ROLL CALL**

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

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

**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. Manginelli thanked the Public Works Department for installing the TV at the Historic Preservation Society.

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**RESOLUTIONS** – None

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**CONSENT AGENDA**

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

**ROLL CALL**

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

**R-21-064 RESOLUTION IN SUPPORT OF COMMERCIAL MOTOR VEHICLE RESTRICTION ALONG A PORTION OF HOPE ROAD**

**WHEREAS**, the Mayor and Council have been made aware of an excessive amount of trucks and Commercial Motor Vehicles (CMVs) along the portion of Hope Road between Tinton Avenue (CR 537) and Sycamore Avenue (CR 13A); and

**WHEREAS**, there are numerous single-family residential properties, townhouse communities, and a pre-K to 12<sup>th</sup> grade school along this portion of Hope Road. A safety and quality of life issue has therefore been identified for the Borough residents in this area; and

**WHEREAS**, the Borough desires to implement a Commercial Motor Vehicle restriction to prevent vehicles weighing greater than 4 tons from using this portion of Hope Road. The Borough Engineer has prepared a Certification Report in accordance with N.J.A.C. 16:27-4.3 which analyzes traffic counts, crash reports, circulation, traffic movements, roadway data, and alternate routes for the nearby area; and

**WHEREAS**, the Borough Engineer recommends that the proposed CMV restriction be implemented upon approval by NJDOT. The restriction would result in an alternate route for CMVs that would take traffic just west along Tinton Avenue (CR 537) and Sycamore Avenue (CR 13A). The alternate route is entirely along County roads and is therefore a better route for CMVs;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Tinton Falls that the Governing Body concurs with the Borough Engineer’s recommendations for a Commercial Motor Vehicle Restriction along the portion of Hope Road between Tinton Avenue (CR 537) and Sycamore Avenue (CR 13A) and acknowledges the impact of the alternate route on the County of Monmouth (Routes 537 and 13A).

**R-21-065 RESOLUTION – REFUNDING PERMIT FEES FOR 5 CHESTNUT COURT**

**WHEREAS**, permit fees in the amount of \$189.00 were paid on February 16, 2021, for the installation of a standby generator at 5 Chestnut Court; and

**WHEREAS**, when paying for the permit fees, the contractor was not aware that the homeowner was a volunteer firefighter in the Borough, completed a Volunteer Exemption Form, and was awaiting approval for the exemption of permit fees.

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

**WHEREAS**, a refund in the amount of **\$165.00** (\$189.00 minus the non-refundable State surcharge fee of \$24.00) 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 \$165.00 be issued to Mr. Brendan Tobin, 5 Chestnut Court, Tinton Falls, NJ 07724.

**R-21-066 RESOLUTION – REFUNDING ESCROW – CHRISTINE SIMPSON**

**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, Trish Sena, 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:

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**CHRISTINE SIMPSON SIM3905CU \$342.25**

**R-21-067 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2015 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2015 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Garippa, Lotz & Giannuario 66 Park Street Montclair, NJ 07042	115	3.03	\$3,634.92

Re: Summit Hotels, LLC  
3 Centre Plaza

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2015 taxes by the property owner in the amount of \$3,634.92 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 \$3,634.92 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 \$3,634.92.

**R-21-068 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2016 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2016 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Garippa, Lotz & Giannuario 66 Park Street Montclair, NJ 07042	115	3.03	\$4,177.33

Re: Summit Hotels, LLC  
3 Centre Plaza

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$4,177.33 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 \$4,177.33 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 \$4,177.33.

**R-21-069 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>
Garippa, Lotz & Giannuario 66 Park Street Montclair, NJ 07042	115	3.03	\$20,418.29

Re: Summit Hotels, LLC  
3 Centre Plaza

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2017 taxes by the property owner in the amount of \$20,418.29 certified by the Borough Tax Collector.

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**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$20,418.29 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 \$20,418.29.

**R-21-070 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>
Garippa, Lotz & Giannuario 66 Park Street Montclair, NJ 07042	115	3.03	\$22,980.99

Re: Summit Hotels, LLC  
3 Centre Plaza

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2018 taxes by the property owner in the amount of \$22,980.99 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 \$22,980.99 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 \$22,980.99.

**R-21-071 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>
Lester I. & Amy Altman Mallet 14 Rebecca Ann Court Tinton Falls, NJ 07724	16	1.37	\$789.59

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2018 taxes by the property owner in the amount of \$789.59 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 \$789.59 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 \$789.59.

**R-21-072 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>
Lester I. & Amy Altman Mallet 14 Rebecca Ann Court Tinton Falls, NJ 07724	16	1.37	\$852.00

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2019 taxes by the property owner in the amount of \$852.00 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 \$852.00 is hereby approved for the aforementioned property.

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I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$852.00.

**R-21-073 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2020 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2020 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lester I. & Amy Altman Mallet 14 Rebecca Ann Court Tinton Falls, NJ 07724	16	1.37	\$850.11

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2020 taxes by the property owner in the amount of \$850.11 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 \$850.11 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 \$850.11.

**R-21-074 RESOLUTION – APPROVAL OF BILLS – APRIL 6, 2021**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 6, 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**

<b>GENERAL</b>	<b>3,306,357.70</b>
<b>SEWER UTILITY</b>	<b>333,853.63</b>
<b>GENERAL CAPITAL</b>	<b>650.00</b>
<b>GRANT FUND</b>	<b>1,031.82</b>
<b>TRUST FUNDS</b>	<b>10,680.35</b>
<b>ESCROW</b>	<b>17,539.85</b>
<b>ADDITIONS</b>	<b>17,205.48</b>
<b>TOTAL</b>	<b>3,687,318.83</b>

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**EXECUTIVE SESSION** - None

Council President Buckley advised that there is no executive session or workshop this evening and at this time Council would move to adjourn.

**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:50 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON:**