

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

Deputy Council President Clay called the Regular Meeting to order at 7:31 PM.

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on December 20, 2022."

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Michelle Hutchinson, Borough Clerk

Mayor Vito Perillo

Kevin Starkey, Director of Law

Charles Terefenko, Business Administrator

Thomas Fallon, CFO

Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES-

Mr. Manginelli offered a motion to approve the March 7, 2023, Regular Session Meeting Minutes seconded by Dr. Dobrin.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Director of Finance- Thomas Fallon - 2023 Budget Presentation

Mr. Fallon gave an overview of the budget and a slide presentation. He explained the breakdown by percentage of the Municipal portion of the taxes paid which is 23% of total taxes. Mr. Fallon reviewed the essential services and quality of life services provided. He stated that the budget structure results in a positive position in available cash and reserves which adds to the Borough's ability to stabilize the tax rate and weather economic downturns. Mr. Fallon stated the budget is a fiscally sound and responsible plan with no gimmicks or structural issues. He stated that the total debt service has remained stable from 2022. The Borough continues to employ a hybrid strategy for its capital needs. The Borough appropriates all non-road capital improvements directly in the budget and authorizes general debt only for the road improvement programs. This strategy has resulted in a reduction in the Borough's Net Debt and in long-term borrowing costs. Mr. Fallon discussed the summary of revenues, state aid, municipal revenue, delinquent taxes, fund balance and amount to be raised by taxation. The amount to be raised by taxation will increase by 2.8 percent. Due to an increase in new and existing assessments this will result in an 8.57 percent decrease in the municipal tax rate. Mr. Fallon reviewed the figures for anticipated revenue, historical municipal fund balance, and non-utilized fund balances. The more non-utilized fund balance the Borough has on hand, the Borough can better manage emergencies and unexpected economic issues and stabilize municipal taxes. He reviewed a summary of appropriations and appropriations by function. Mr. Fallon discussed the Borough's net statutory debt; a very positive trend has been to reduce net debt by 35 percent from 2014 to present which equates to an average reduction of approximately \$964,000 per year over the past 8 years. Mr. Fallon stated the Borough's credit rating of Aa1 has been affirmed by Moody's. He reviewed the trending reduction of the municipal tax rate from 2018 to present, the Open Space Trust Account, the Sewer Utility Budget summary, Capital Project Overview, including general improvements and sewer improvements. Mr. Fallon asked the Borough Engineer, Tom Neff, to discuss the Capital Road Projects.

Mr. Neff gave an update on the 2024 road improvement program project that was designed in 2023 and will commence throughout the summer. He stated there will be approximately 5.1 miles of improvement to 22 roads. Mr. Neff also gave an update on the capital sidewalk program, which included improvements on Pine Street and Essex Road to the outlet mall, Wardell Road to Fox Chase complex, Maywood Run to the park, Harvard Drive and Hockhockson Road from Squankum Road to Sam Drive. Also, crosswalk improvements on Sycamore Avenue providing rectangular rapid flashing beacons (RRFB) by Atchison School. This will be installed by Tinton Falls but maintained by Monmouth County with project completion before the next school year. Mr. Neff stated there were ongoing discussions with Little League for softball field access and improvements for the girl teams at the Sycamore Recreation Complex. They have agreed to convert two of the existing soccer fields to softball fields. Wardell Park improvement will add a restroom building. Mr. Neff stated that there are also capital improvements to upgrade the various pump stations with technology upgrades and Phase I of sewer main inspection project.

Mr. Fallon stated the public hearing on this budget will be held on April 18, 2023, the budget documents can be found on the website.

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

Council Deputy President Clay thanked Director of Finance, Mr. Fallon and Borough Engineer, Mr. Neff for an excellent presentation. Also, thanked Mayor Perillo for the addition of two police officers, library improvements, Sycamore crosswalk and equalization of softball fields for women. Council President Manginelli thanked Mr. Fallon and Mr. Neff and commented being proud of the Moody's rating. Ms. Buckley echoed Mr. Manginelli's sentiments as did the rest of the council.

Borough Engineer - Thomas Neff

Mr. Neff reported on the road closure of West Park Avenue and mentioned the detours to be posted for Heritage Blvd., Wayside and Shafto Roads and closure on Exit 105 Southbound local and suggested checking their website, gspexit105.com, for updates.

Business Administrator - Charles Terefenko

Mr. Terefenko echoed the sentiments of the council regarding the budget presentation and also thanked the department heads for being fiscally conscious.

Mayor – Vito Perillo

Mayor Perillo echoed the sentiments of the council regarding the budget presentation and added how proud he is of the work Mr. Fallon and Mr. Neff provide.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Report

-Ms. Buckley reported the next Environmental Commission meeting is Thursday, March 23rd at 7:30pm and the Earth Day event is the end of this month.

- Dr. Dobrin reported on attending the Annual Monmouth County Municipal Elected Officials Workshop with other council members and Borough Administrator. The workshop was very useful and enlightening regarding available resource information. He noted the library fundraiser is this Saturday from 2:00pm to 5:00pm at the Atchison School and provided details of ticket purchases and fundraising efforts.

-Mr. Nesci reported there is a planning board meeting tomorrow night on a preliminary and final site plan for Books & Things warehouse located on Apple Street. There is no action on the Chicken Advisory Board, but applications are still being reviewed. He thanked Ed Davis of the Atchison School for hosting the community health fair. He provided upcoming recreational program events.

-Mr. Manginelli had no report.

-Mrs. Clay had no report.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2023-1500 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a:4-45.14).**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, April 18, 2023.

Mr. Manginelli offered a motion to introduce Ordinance No. 2023-1500 seconded by Ms. Buckley.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE NO. 2023-1500
BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

CALENDER YEAR 2023

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Tinton Falls in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$231,258.86. in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Tinton Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$809,406.01 and that the CY 2023 municipal budget for the Borough of Tinton Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

PUBLIC DISCUSSION

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

ROLL CALL

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

Deputy Council President Clay asked if there were any written comments submitted to be read into the record this evening. Mrs. Hutchinson stated there were none.

Kim Eulner and Marilyn Piperno, District 11 Assemblywomen – The Assemblywomen wanted to introduce themselves to everyone as their representatives in Trenton. Ms. Eulner thanked everyone involved for their hard work on the budget and reminded the officials and residents they are here to provide any community-related service requested. Ms. Piperno complimented the officials on a well-run community which is always getting better.

Lauren Nesci, 14 Riverview Drive – Ms. Nesci thanked the council and administration in anticipation of granting a resolution for their business in Tinton Falls.

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

ROLL CALL

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

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

RESOLUTIONS

Mr. Nesci offered a motion to approve Resolution R-23-056, seconded by Ms. Buckley.

ROLL CALL

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

**BOROUGH OF TINTON FALLS
 COUNTY OF MONMOUTH**

R-23-056

R-23-056

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the _____ BOROUGH _____ of _____ TINTON FALLS _____, County of _____ MONMOUTH _____ for the Fiscal Year 2023.

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023:

Be it Further Resolved, that said Budget be published in the _____ COASTER _____

in the issue of _____ MARCH 30 _____, 2023


The Governing Body of the _____ BOROUGH _____ of _____ TINTON FALLS _____ does hereby approve the following as the Budget for the year 2023:

<p>RECORDED VOTE (Insert Last Name)</p>	<p>Ayes</p> <div style="border: 1px solid black; padding: 5px;"> <p>Ms. Buckley Dr. Dobrin Mr. Nesci Mr. Manginelli Mrs. Clay</p> </div>	<p>Nays</p> <div style="border: 1px solid black; padding: 5px;"> <p>None</p> </div>	<p>Abstained</p> <div style="border: 1px solid black; padding: 5px;"> <p>None</p> </div> <p>Absent</p> <div style="border: 1px solid black; padding: 5px;"> <p>None</p> </div>
--	--	---	--

Notice is hereby given that the Budget and Tax Resolution was approved by the _____ COUNCIL MEMBERS _____ of the _____ BOROUGH _____

of _____ TINTON FALLS _____, County of _____ MONMOUTH _____, on _____ MARCH _____ 21 _____, 2023.

A Hearing on the Budget and Tax Resolution will be held at _____ BOROUGH OF TINTON FALLS _____, on _____ APRIL _____ 18 _____, 2023 at _____ 7:30 _____ o'clock _____ P.M. _____ at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.



 Michelle Hutchinson, Borough Clerk

Sheet 2

Mr. Manginelli offered a motion to approve Resolution R-23-057, seconded by Dr. Dobrin.

ROLL CALL

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

**BOROUGH OF TINTON FALLS
 COUNTY OF MONMOUTH**

R-23-057

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

**RESOLUTION OF SUPPORT FOR IRON FALLS GROWERY, LLC FOR
CLASS 1 LICENSE (CULTIVATOR) AND A CLASS 2 LICENSE (MANUFACTURER) CANNABIS
LICENSES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“the Act”) (P.L. 2021, c.16), which legalized the recreational use of marijuana by adults 21 years of age or older, and established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses to cultivate, manufacture, wholesale, distribute, sell and deliver cannabis and cannabis related products; and

WHEREAS, the Borough of Tinton Falls approved an ordinance to authorize the issuance of certain classes of cannabis licenses; and

WHEREAS, the Borough authorized the receipt of applications from November 1, 2022 through November 30, 2022 for applicants to seek a Resolution of Support from the Borough for the issuance of a cannabis license; and

WHEREAS, the Borough received an application from Iron Falls Growery, for a Class 1 license (cultivator) and a Class 2 license (manufacturer); and

WHEREAS, the application from Iron Falls Growery was deemed incomplete for the failure to provide certain required information; and

WHEREAS, the Borough authorized the receipt of additional applications from February 15, 2023 through March 15, 2023, for applicants to seek a Resolution of Support from the Borough for the issuance of a cannabis license; and

WHEREAS, Iron Falls Growery re-submitted its application for a Class 1 license (cultivator) and a Class 2 license (manufacturer), with all required information included; and

WHEREAS, the Borough has reviewed the application and has determined that it has authorized the types of cannabis business license being sought in the application; and

WHEREAS, the Borough has determined that the issuance of licenses to Iron Falls Growery, LLC by the Cannabis Regulatory Commission would not exceed the limit on the number of licenses authorized by the Borough as of the date of this Resolution; and

WHEREAS, the Borough has determined that the proposed location, at the property known as 3250 Shafto Road, and identified as Block 145, Lot 14.01 on the tax maps, and other aspects of the application are appropriate for the proposed activity related to the operations of the proposed cannabis business to be conducted;

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

1. The Letter of Support by the Borough of Tinton Falls for Iron Falls Growery, LLC for a Class 1 license (cultivator) and a Class 2 license (manufacturer), to be issued by the Cannabis Regulatory Commission, be and hereby is approved.
2. A certified copy of this Resolution shall be provided to Iron Falls Growery, LLC.

CONSENT AGENDA

Dr. Dobrin offered a motion to approve the Consent Agenda, seconded by Ms. Buckley.

ROLL CALL

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

NAYS: None

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

ABSENT: None
ABSTAIN: None

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-058

**RESOLUTION CERTIFYING COMPLIANCE WITH UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION'S GUIDANCE ON THE
CONSIDERATION OF ARREST AND CONVICTION RECORDS**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

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 it hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-059

**RESOLUTION OF AWARD
TINTON FALLS LIBRARY MOLD REMEDIATION**

WHEREAS, three (3) contractors solicited informal bids and only one (1) was received on Friday, March 10, 2023, for the Tinton Falls Library Mold Remediation Services; and

WHEREAS, PuroClean Restoration Services, 16 South Avenue West, Suite 279, Cranford, NJ 07016 submitted the lowest responsible bid in the amount of \$42,960 for the above services; and

WHEREAS, Thomas Neff, PE, PP, CME of T & M Associates recommends this purchase; and

NOW, THEREFORE BE IT RESOLVED that PuroClean Restoration Services, 16 South Avenue West, Suite 279, Cranford, NJ 07016 be awarded a contract in the amount of \$42,960 for the Tinton Falls Library Mold Remediation Services;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-060

**RESOLUTION - RELEASING ENGINEERING INSPECTION ESCROW FUNDS
CARTON, PROCTOR & KILEY - CURRENT BLOCK 149 LOT 1.01**

WHEREAS, the developer has requested the release of Engineering Inspection Escrow Funds for Carton, Proctor & Kiley Current Block 149 Lot 1.01; and

WHEREAS, by letter dated March 14, 2023 (said letter hereby attached and made part of this Resolution) the Engineer, T&M Associates, has recommended the unused fees be released.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the remaining engineering inspection escrow funds associated with this project be and hereby is released.

**REGULAR MEETING
MARCH 21, 2023
BOROUGH COUNCIL**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-061

RESOLUTION – APPROVAL OF BILLS – MARCH 21, 2023

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 21, 2023; 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	709,270.16
SEWER UTILITY	182,944.39
GRANT FUND	559.88
TRUST FUNDS	16,390.20
DOG TRUST FUND	196.20
ESCROW	19,579.05
ADDITIONS	<u>1,138.61</u>
TOTAL	930,078.49

CERTIFICATION OF FUNDS:

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:44 PM

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

John Manginelli, Council President

APPROVED AT A MEETING HELD ON: April 18, 2023.