

**REGULAR MEETING
FEBRUARY 16, 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.

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

Mark Shaffery, Director of Public Works

Dave Boehning, Deputy Coordinator, OEM

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, Deputy OEM Coordinator Dave Boehning, Tinton Falls Dept of Public Works Director Mark Shaffery, 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 December 15, 2020 Workshop and Regular Meeting Minutes seconded by Mr. Nesci.

ROLL CALL

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

ABSTAIN: Mrs. Clay

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff reported that he has been working with various departments to discuss capital budget projects for the 2021 budget. Those projects will include roads, sidewalks, parks, and sanitary sewers projects. Mr. Neff also reported that at the request of some Council members, he has been asked to update maps for bow hunting restrictions that have recently been the topic of discussion. The revised maps will be distributed to Council for their review.

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Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon advised that the Monmouth County Reclamation report for January has been received and it will be posted to the website. Mr. Fallon reported on the Borough's recreation basketball program thanking the Director, Sherri Eisele for her work in coordinating this program which is one of the few programs in the County that is up and running. He stated that many have scrapped their programs rather than working a program around the COVID safety guidelines. The Borough recognized the importance of this program for the children and proceeded to implement the program and were able to meet all requirements of the Department of Health guidelines. The Board of Education has approved the protocols and allowed the use of their facilities. Mr. Fallon stated that the goal is to provide a safe environment for everyone involved. He discussed the challenges that have arisen regarding the number of spectators at these events due to the size of the gym and trying to keep within the requirements of the Governor's most recent executive order. Mr. Fallon stated that the Borough is currently looking into the possibility of live streaming these events, but this measure could take some time.

Mayor's Report – Mayor Vito Perillo

Mayor Perillo stated that he echoes the comments of Council President Buckley regarding the outstanding work by the employees.

Director of Law- Kevin Starkey

Mr. Starkey stated that he has one recommendation that he would like to make to Council regarding Ordinance 2021-1467 amending Section 40-68 to implement new stormwater management regulations which is on for final consideration. These regulations are required by the NJ Department of Environmental Protection however there are some technical changes that are necessary and recommended that Council withdraw this ordinance. A new version of this ordinance can be introduced at the next council meeting.

Borough Clerk – Melissa Hesler- No report

Deputy Emergency Management Coordinator – Dave Boehning

Mr. Boehning gave an update on the number of positive COVID19 cases reported in the Borough. He stated that the public health update will be posted to the OEM Facebook page and the Borough website and will provide pertinent updates for obtaining testing and vaccination information which will include information regarding preregistration and locations.

Council's Report

-Mrs. Clay stated she had no report this evening.

-Mr. Manginelli commended Mayor Perillo and Borough Administrator Tom Fallon for the excellent job, leadership and professionalism that they display and their efforts to keep the Borough Hall running throughout this pandemic.

-Mr. Nesci reported that the next Planning Board meeting will be held February 24th and that the start time has changed to 7 PM for all future meetings.

-Mr. Siebert stated he had no report.

-Ms. Buckley reported that the next FMERA meeting will be held tomorrow February 17th at 5 PM and there is nothing on that agenda pertaining to Tinton Falls. Ms. Buckley advised that the next Environmental Commission meeting is next week February 25th and the meeting notice will be posted to the website.

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION

Council President Buckley stated that there was one ordinance on for final consideration and as recommended by our Director of Law that this ordinance be withdrawn so that the necessary revisions can be made and then introduced at the next meeting.

Ms. Hesler read Ordinance No. 2020-1467 entitled:

2021-1467 An Ordinance Amending Section 40-68 of the Land Use Ordinance - Stormwater Management and Control (Withdrawn)

Mr. Siebert offered a motion to withdraw the ordinance, 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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Ms. Hesler read Ordinance No. 2021-1468 entitled:

2021-1468 - An Ordinance Amending Section 7-3 of the Borough Code Entitled "Parking" No Parking on a Portion of Churchill Downs Drive

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 2021-1468, seconded by Mr. Nesci.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2021-1468, 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 2021-1468, seconded by Mr. Nesci.

ROLL CALL

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

Ms. Hesler read Ordinance No. 2021-1469 entitled:

2021-1469 - An Ordinance Amending Section 5-8 of the Borough Code, Entitled "Towers and Wreckers"

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 2021-1469, seconded by Mr. Nesci.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2021-1469, 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 2021-1469, seconded by Mr. Nesci.

ROLL CALL

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

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

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.

Scott Paterson, 252 Riveredge Road, Tinton Falls- Mr. Paterson inquired when the next discussion will be held regarding the firearm ordinance. Council President Buckley stated that as the engineer stated earlier that the maps are currently being prepared and any future workshop discussions will be posted to the website via the agenda packet.

Liz Perez, 2 Harvest Lane- Expressed her concerns and disappointment about the recreation sport program limiting parents from attending the event in person and can't believe the Board of Education is on board with that decision. Ms. Perez stated that the Council and Administration does not plan ahead for the possibility that things could change in an instant and that they are reactive instead of proactive. That includes not holding hybrid meetings because there are no proactive plans. She continued to stress that the parents want to be at their children's games. Tom Fallon, Borough Administrator stated that the Recreation Director spoke with the Board of Education Superintendent, Lisa Goldey, and was informed that the BOE would not have spectators at school games. Any changes that are implemented to the protocol for programs at the schools must always go before the BOE for approval. Council President Buckley stated that safety is our number one concern, and after checking with other municipalities in Monmouth County, it was found that the vast majority of the meetings be held are virtual, and she believes the Borough is doing the right thing by holding the virtual meetings. She thanked Ms. Perez for her comments and contributions. Ms. Perez again stated that the Planning Board is hybrid and if they can hold their meetings that way, so can Council. She stated that Council is not moving forward and not planning ahead and is only reacting to circumstances as they happen.

There being no further 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

Council President Buckley asked if the Clerk received any written public comments. Mrs. Hesler stated she did not receive any written comments.

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Siebert stated he wanted to thank Lt. Lopresti for his work on the two ordinances adopted this evening.

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

Mr. Siebert recused his vote on R-21-054 Payment of Bills.

R-21-051 AUTHORIZING MEMBERSHIP IN THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM- JOINING THIS FREE STATE OF NEW JERSEY COOPERATIVE PURCHASING PLATFORM OFFERS LOCAL GOVERNMENTS ACCESS TO A WIDE VARIETY OF PRODUCTS AT A GROUP PRICE AND OFFERS TIME AND COST SAVINGS.

WHEREAS, the Borough of Tinton Falls desires to become a member of the Hunterdon County Educational Services Commission, Cooperative Pricing System effective this date, and, that such membership does not have an expiration date unless the Borough of Tinton Falls elects to formally withdraw from the system;

NOW, THEREFORE, BE IT RESOLVED, that Vito Perillo, Mayor and Borough Council authorizes this membership to the Hunterdon County Educational Services Commission, Cooperative Pricing System;

R-21-052 RESOLUTION AUTHORIZING DONATION OF SURPLUS POLICE VEHICLE TO MIDDLETOWN TOWNSHIP POLICE DEPARTMENT- THE TINTON FALLS POLICE CHIEF RECOMMENDS DONATION OF THE 2011 K-9 VEHICLE TO THE MIDDLETOWN TOWNSHIP POLICE DEPARTMENT WHO HAVE EXPRESSED AN INTEREST IN THE SURPLUS VEHICLE FOR THEIR K-9 UNIT. MIDDLETOWN TOWNSHIP HAS, ON MORE THAN ONE OCCASION, PROVIDED ASSISTANCE TO THE BOROUGH OF TINTON FALLS.

WHEREAS, the Borough of Tinton Falls owns a surplus police vehicle no longer needed for any public purpose, namely a 2011 Chevy Tahoe K-9 vehicle (VIN No. 1GNLC2E00BR136773); and

WHEREAS, the Middletown Township Police Department a local government agency, has expressed an interest in obtaining this vehicle for use by their K-9 unit; and

WHEREAS, Middletown Township has proven to be a good neighboring municipality wherein on more than one occasion has provided assistance to the Borough of Tinton Falls; and

WHEREAS, it is the recommendation of the Chief of Police of the Borough of Tinton Falls to donate this vehicle to Middletown Township for a nominal fee;

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 authorizes the conveyance of the Borough's surplus police vehicle, a 2011 Chevy Tahoe (VIN No1GNLC2E00BR136773), to the Middletown Police Dept. for the sum of \$1.00.

R-21-053 RESOLUTION REFUNDING TAX OVERPAYMENT - BLOCK 129.04 LOT 5 - \$1,799.84- THE TAX COLLECTOR HAS CERTIFIED THAT A REFUND IS DUE FOR OVERPAYMENT OF 2021 FIRST QUARTER TAXES PAID IN ERROR BY THE MORTGAGE COMPANY AND TITLE COMPANY IN THE AMOUNT OF \$1,799.84.

WHEREAS, an overpayment of 2021 1st quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Joel & Kim M. Geller 14 Mount Run Tinton Falls, NJ 07753	129.04	5	\$1,799.84

and,

WHEREAS, said reduction has resulted in an overpayment of the 2021 1st quarter taxes in the amount of \$1,799.84, 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 \$1,799.84 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 \$1,799.84.

/S/Carol Hussey, Tax Collector

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R-21-054 RESOLUTION AUTHORIZING APPROVAL OF BILLS \$2,060,502.95

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 16, 2021; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	111,850.36
SEWER UTILITY	650,702.71
TRUST FUNDS	7,628.50
DOG TRUST FUND	6.00
ESCROW	5,502.32
ADDITIONS	<u>1,284,813.06</u>
TOTAL	2,060,502.95

CERTIFICATION OF FUNDS:

/S/Thomas P. Fallon, Chief Financial Officer

EXECUTIVE SESSION

Council President Buckley asked Mr. Starkey to read the following Executive Session Resolution:

R-21-055 RESOLUTION TO ENTER INTO EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)

None

- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)

None

- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)

Discussion of ongoing lease negotiations with the Board of Education.

- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)

None.

Mr. Starkey recommended that Council adopt this resolution and stated that for the benefit of the public, there will be no further action to be taken publicly by the Council, so that after adoption of this resolution the meeting will effectively end for the public and we will go into a confidential session.

Mr. Siebert offered a motion to approve Resolution R-21-055, 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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Council President Buckley advised that there is no workshop this evening and at this time Council would move into Executive Session.

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: 8:00 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: APRIL 20, 2021