

**REGULAR & WORKSHOP MEETING  
SEPTEMBER 20, 2022  
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 7:30 PM.

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on January 4, 2022."

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**ROLL CALL (Regular Meeting)**

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

ABSENT:

ALSO PRESENT: Michelle Hutchinson, Borough Clerk  
Kevin Starkey, Director of Law  
Vito Perillo, Mayor  
Charles Terefenko, Business Administrator  
Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

**APPROVAL OF MINUTES**

There were no minutes for approval this evening.

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**ADMINISTRATION OF THE OATH OF OFFICE**

Chief DeLucia introduced the new officer, Joey Fields, and provided his biography while also welcoming him to the police force. Michelle Hutchinson, Clerk administered the oath of office to the Borough's new police officer.

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Borough Engineer – Thomas Neff**

Mr. Neff reported on the road program and the paving of Wardell Road will be completed by tomorrow. This completes the road construction project by Fernandez Construction.

**Business Administrator – Charles Terefenko**

Mr. Terefenko reported the deadline to sign up as a for-profit and non-profit sponsor for Community Day is the end of this week and there is still space available.

**Director of Law- Kevin Starkey**

Mr. Starkey had no report.

**Borough Clerk – Michelle Hutchinson**

Ms. Hutchinson had no report.

**Council's Reports**

-Mrs. Clay congratulated police officer, Joey Fields. She reported on several Community Day meetings stating they had several sponsors, and the event is looking great. Mrs. Clay thanked Brendan Tobin and the Tinton Falls Fire Company #1 for a wonderful 911 ceremony. Reminded everyone the Board of Education meeting was also tonight and that the food drive needs non-perishable food items, and the donation box is in front of the building.

-Dr. Dobrin reported the library negotiations are continuing between the Borough and Library Association. He mentioned the mayor's 98<sup>th</sup> birthday is September 22<sup>nd</sup> and wished him a happy birthday. He stated many residents in the southern section of town contacted him regarding the impact of the construction of an oversized warehouse in their residential area. The residents are very concerned for their quality of life and safety. This project is before the Planning Board on September 28<sup>th</sup>.

-Mr. Manginelli had no report.

-Mr. Nesci thanked everyone involved in the 911 ceremony at the Tinton Falls Fire Company #1 and in particular P.J. Reyes, MRHS student who played taps. Congratulated Office Fields for joining Tinton Falls Police Department. Next Planning Board meeting is scheduled for September 28<sup>th</sup> hearing an application for 49 & 71 Shark River Road for construction of a warehouse. Mr. Nesci read a letter from Recreation Director, Sherri Eisele which outlined the current and future sports programs offered by the Recreation Department. Also reminded everyone of their Truck or Treat event for Halloween on October 28<sup>th</sup>.

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-Ms. Buckley thanked the Tinton Falls Fire Company #1 for an excellent 911 ceremony and congratulated Officer Fields. She mentioned the next FMERA meeting is tomorrow night at 5:00pm and the next Environmental Commission meeting is October 22<sup>nd</sup> at 7:30pm at the Crawford House. They will be discussing the received ANJAC grant and the Osprey Fest event on October 1<sup>st</sup> between 3:00pm and 5:00pm at Riverdale West Park.

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**ORDINANCES FOR INTRODUCTION**

Ms. Hutchinson read the title of the Ordinance: **2022-1494 An Ordinance Authorizing The Acquisition Of Land From The New Jersey Turnpike Authority Located At The Corner Of Essex Road And Asbury Avenue, Designated As Parcel 4569d, For Nominal Consideration**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday October 11, 2022.

*Mr. Manginelli offered a motion to introduce Ordinance No. 2022-1494 seconded by Mrs. Clay.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE NO. 2022-1494  
BOROUGH OF TINTON FALLS**

**COUNTY OF MONMOUTH**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF LAND  
FROM THE NEW JERSEY TURNPIKE AUTHORITY LOCATED AT THE  
CORNER OF ESSEX ROAD AND ASBURY AVENUE, DESIGNATED AS PARCEL X4569D, FOR  
NOMINAL CONSIDERATION**

**WHEREAS**, pursuant to the New Jersey Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., the Borough has the power to acquire real property; and

**WHEREAS**, the acquisition of real property by the Borough requires the adoption of an ordinance, pursuant to N.J.S.A. 40A:12-5(a); and

**WHEREAS**, the New Jersey Turnpike Authority has offered to transfer vacant property known as Parcel X4569D, consisting of approximately 1.5 acres, at the corner of Essex Road and Asbury Avenue, and designated as Parcel X4569D, to the Borough for nominal consideration; and

**WHEREAS**, the Mayor and Borough Council desire to authorize the Borough's acquisition of said property for nominal consideration;

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Tinton Falls that:

1. The voluntary acquisition of the vacant property known as Parcel X4569D, consisting of approximately 1.5 acres, at the corner of Essex Road and Asbury Avenue, and designated as Parcel X4569D, to the Borough for nominal consideration, be and is hereby authorized.
2. The Business Administrator and Director of Law are hereby authorized to take all actions necessary to complete the acquisition of the property by the Borough.
3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.
4. This Ordinance shall take effect upon its passage and publication according to law.

Ms. Hutchinson read the title of the Ordinance: **2022-1495 Ordinance Amending Chapter 3, Article II Of The Borough Code, Entitled "Police Force," To Amend The Composition Of The Police Force**

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Ms. Hutchinson stated that public hearing would be scheduled for Tuesday October 11, 2022.

*Mrs. Clay offered a motion to introduce Ordinance No. 2022-1495 seconded by Dr. Dobrin.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE NO. 2022-1495**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER 3, ARTICLE II  
OF THE BOROUGH CODE, ENTITLED "POLICE FORCE," TO AMEND THE COMPOSITION OF THE  
POLICE FORCE**

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

**SECTION 1.** Chapter III of the Borough Code of Tinton Falls shall be amended in Section 3-12.2 to amend the composition of the Police Force as indicated below (deletions indicated by ~~strike throughs~~, additions by underlined):

**3-12.2 COMPOSITION OF FORCE**

The Police Force shall consist of the following police officers appointed by the Mayor in the following descending rank and order of authority, provided such positions have been filled by appointment pursuant to the terms of this chapter:

- a. Chief of Police (no more than one).
- b. Captain (no more than two).
- c. Lieutenant (no more than five).
- d. Sergeants, as may be appointed from time to time (no more than seven).
- e. Patrol officers, as may be appointed from time to time (no more than ~~28~~ 32).

**SECTION 2.** 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 3.** 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.

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**ORDINANCES FOR FINAL CONSIDERATION**

Mrs. Hutchinson read Ordinance 2022-1493 entitled: **AN ORDINANCE AMENDING CHAPTER 40 SECTION 37(B)(22) OF THE BOROUGH CODE ENTITLED "CANNABIS FACILITIES"**

*Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2022-1493, seconded by Mrs. Clay.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**PUBLIC HEARING OPEN**

*There being no comments, Dr. Dobrin offered a motion to close the Public Hearing on Ordinance No. 2022-1493, seconded by Mr. Manginelli.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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**PUBLIC HEARING CLOSED**

*Mr. Manginelli offered a motion to adopt Ordinance No. 2022-1493, seconded by Mrs. Clay.*

**ROLL CALL**

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

NAYS: None

ABSENT: Mr. Nesci

ABSTAIN: None

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Buckley asked the Clerk to read any submitted comments. Ms. Hutchinson stated there were none.

*Dorothy Anderson, 4 Almar Avenue* – Ms. Anderson shared her concerns regarding the Shark River Road project proposed. She received certified letters from the project’s attorney that were very alarming. She is concerned for her family’s safety. The proposed warehouse plans have the exit/entrance for their 18-wheel tractor trailers to be where the bus stop is for her two children. Also, there is a traffic safety issue. Ms. Anderson is not opposed to business being built just would like something sensible.

*Mitch Kulberg, 21 Cedar Place* – Mr. Kulberg commented he would like to know if presentations were being done for the introduction of ordinances.

Mr. Starkey explained both Ordinances 2022-1494 and 2022-1495 on the agenda.

*There being no further comments, Mr. Manginelli 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** - None

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**RESOLUTIONS**

*Mr. Nesci offered a motion to approve Resolution R-22-194, seconded by Mr. Manginelli.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-22-194 - RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION**

**BE IT RESOLVED**, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Steven Surman	Regular Member - Term to expire 12/31/2024 (fills unexpired term)
Barbara Kulberg	Alt. Member #1 - Term to expire 12/31/2022 (fills unexpired term)

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**CONSENT AGENDA**

*Dr. Dobrin offered a motion to approve the Consent Agenda, seconded by Mrs. Clay.*

**ROLL CALL**

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

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-195**

**RESOLUTION APPROVING CONTRACT BETWEEN THE POLICE  
CHIEF AND THE BOROUGH**

**WHEREAS**, the Mayor has appointed Michael Delucia as Police Chief of the Borough of Tinton Falls, with an effective date of February 1, 2022; and

**WHEREAS**, the Mayor has negotiated a contract with Chief Delucia that sets forth the terms and conditions of his service as Police Chief for the Borough, which the Mayor has presented to the Borough Council for approval; and

**WHEREAS**, the Borough Council has reviewed the contract with Chief Delucia in the form attached hereto and desires to authorize the Mayor to execute the contract on behalf of the Borough.

**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 approves the contract in the form attached hereto between the Borough and Chief Delucia and authorizes the Mayor to sign said contract on behalf of the Borough.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-196**

**RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A  
100% TOTALLY DISABLED VETERAN EXEMPTION**

**WHEREAS**, an overbilling and an overpayment of 2022 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2022 (from April 27, 2022 through December 31, 2022).

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
Barnathan, Colin Paul 19 Saddle Court Tinton Falls, NJ 07753	129.11	68	\$1,435.11	\$2,448.46	\$3,883.57

and,

**WHEREAS**, said exemption resulted in an overbilling and an overpayment of the 2022 taxes in the amount of \$3,883.57 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$1,435.11, be cancelled for the year 2022 and that a refund in the amount of \$2,448.46 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$1,435.11 and the amount of overpayment to be \$2,448.46.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-197**

**RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, overpayments of 2022 3<sup>rd</sup> quarter Taxes have been made as a result of duplicate payments made in error for the year 2022.

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

and,

**WHEREAS**, said duplicate payments have resulted in overpayments of the 2022 3rd quarter taxes by Corelogic Servicing Company and Mortgage Companies in the total amount of \$25,632.08 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 \$25,632.08 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 \$25,632.08.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-198**

**RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, overpayments of 2022 3<sup>rd</sup> quarter Taxes have been made as a result of duplicate payments made in error for the year 2022.

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

and,

**WHEREAS**, said duplicate payments have resulted in overpayments of the 3<sup>rd</sup> quarter taxes by the property Owners and Mortgage Companies in the total amount of \$9,678.94 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 \$9,678.94 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 \$9,678.94.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-199**

**RESOLUTION – APPROVAL OF BILLS – September 20, 2022**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 20, 2022; and

**WHEREAS**, the Borough Council has reviewed said claims.

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

**SUMMARY**

<b>GENERAL</b>	<b>665,5</b>
<b>SEWER UTILITY</b>	<b>174,8</b>
<b>GRANT FUND</b>	<b>3</b>
<b>TRUST FUNDS</b>	<b>108,3</b>
<b>DOG TRUST FUND</b>	<b>:</b>
<b>ESCROW</b>	<b>13,8</b>
<b>ADDITIONS</b>	<b>1,309,5</b>
<b>TOTAL</b>	<b>2,272,6</b>

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**EXECUTIVE SESSION** - None

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**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:59 pm

Respectfully Submitted,

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Michelle Hutchinson, Borough Clerk

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Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: November 22, 2022.