

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

Council President Manginelli called the Regular Meeting to order at 6:33 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 (Executive Session)

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

ABSENT: None

EXECUTIVE SESSION

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-083

RESOLUTION TO ENTER 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)

Discussion – Internal Personnel

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

Discussion – Contract with EMS South

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

None

Mrs. Clay offered a motion to approve Resolution R-23-083, seconded by Dr. Dobrin.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

Council President Manginelli advised that at this time Council would move into Executive Session.

Council President Manginelli advised that Council was back on the record at 7:33 PM for the start of the Regular Meeting.

ROLL CALL (Regular Meeting)

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

ABSENT: None

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

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

Council President Manginelli asked the Director of Law, Kevin Starkey to summarize the executive session discussion.

Mr. Starkey stated that there were two items discussed in Executive Session, the Council discussion pertaining to internal personnel and EMS South contract.

APPROVAL OF MINUTES

Dr. Dobrin offered a motion to approve the April 4, 2023, Regular Session Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

ADMINISTRATION OF THE OATH OF OFFICE

Chief DeLucia introduced new patrol officer, Michael Volker, 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 that the library improvement project is moving along. The Exit 105 Parkway southbound entrance will be opened on May 12th. He mentioned his recommendation for passing the ordinance on the agenda, 2023-1501 regarding parking on Tornillo Way and Tormee Drive.

Director of Finance - Thomas Fallon

Mr. Fallon had no report.

Mayor – Vito Perillo

Mayor Perillo had no report.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Administrator – Mr. Terefenko

Mr. Terefenko had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson reported when the petition packets for the upcoming municipal election to be held in November will be available and what positions are on the ballot.

Council's Reports

-Ms. Buckley congratulated the Environmental Commission and the Green Team for a successful Earth Day event. She also thanked DPW and the Little League for their assistance and participation.

-Mrs. Clay reported on attending the opening of a new business, Uncle Giuseppe's, and opening day of Little League. Both events were very well attended. She attended the joint meeting of the Environmental Commission and Green Team to review the submission to Sustainable Jersey and thanked Ms. Buckley for her hard work on the submission. She congratulated Officer Volker and commented on being happy for the addition to the police force.

-Dr. Dobrin echoed the sentiments of Ms. Buckley and Mrs. Clay and special thanks to all the volunteers and staff who made the Borough events terrific.

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

-Mr. Nesci had no report for the Planning Board or the Chicken Advisory Board. He wanted to recognize and thank the Borough professionals, including Tom Neff, for the \$2.3 million dollars in savings due to pursuing grants from either the State or County over the past five years. He attended the Daughters Dance with 200 other attendees and thanked the Recreation Department for a great event.

-Mr. Manginelli had no report.

ORDINANCES FOR INTRODUCTION

There were no ordinances for introduction this evening.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hutchinson read the title of the Ordinance: **2023-1501 AN ORDINANCE AMENDING SECTION 7-3.4 OF THE BOROUGH CODE TO DESIGNATE TORNILLO WAY AND TORMEE DRIVE AS NO PARKING STREETS**

Mr. Nesci offered a motion to open the Public Hearing on Ordinance No. 2023-1501, seconded by Dr. Dobrin.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2023-1501, seconded by Dr. Dobrin.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mrs. Clay offered a motion to adopt Ordinance No. 2023-1501, seconded by Dr. Dobrin.

ROLL CALL

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

PUBLIC DISCUSSION

Mr. Nesci offered a motion to open the Public Discussion, seconded by Ms. Buckley.

ROLL CALL

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

Mr. Manginelli asked the Clerk if there were any public comments submitted and the response was none.

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

Lora Smith-Staines, 204 Riveredge Road – Ms. Smith-Staines had previously submitted a letter to council providing background on the issue she now is asking for support on a matter before NJDEP. She explained the property in question is in Middletown but effects Tinton Falls. She provided an environmental description and value of the wetlands near her neighborhood and the existing habitats in the area. The property could be developed either commercially or residential with a potential of 400 units. She stated her concerns of overdevelopment and increased traffic. Her daughter read a letter she wrote to NJDEP stating why she did not want the existing wildlife to be disturbed due to overdevelopment. A petition has been created in opposition. She thanked the council and hoped to gain their support on the issue.

Frank Valentino, 108 Riveredge Road – Mr. Valentino expressed his concerns regarding the same project Ms. Smith-Staines stated and he spoke in more detail regarding the negative environmental effects on the Swimming River and estuaries. He is also in opposition to the project and would like council to contact neighboring towns along the river to be made aware of what destruction this can make to everyone. He asked to leave a letter for Administration and Council.

Kirsten Ekelund, 196 Riveredge Road – Ms. Ekelund stated she moved to Tinton Falls in August 2022 from an overcrowded overdeveloped neighborhood to a beautifully green area with open spaces, recreational opportunities, and friendly neighbors. Her family enjoys exploring by kayak in the Swimming River from Red Bank to south Tinton Falls. Ms. Ekelund opposed the project and expressed her concerns about the implications of this project to the environment. She asked for council’s support to help preserve the nature and beauty of the area.

Ellen Goldberg, 90 Glenwood Drive – Ms. Goldberg spoke about why she moved to Tinton Falls in 1989 and described the area then mostly farmland with a population of approximately 5,000. Today with a population of approximately 20,000, she stated development is out of control. Ms. Goldberg feels that the Planning Board is not doing their job and could stand up against this development project. There is an explosion of deer in the area looking for food due to displacement by development. Development projects in neighboring towns do affect our town and we can do something about it by standing up in opposition. She thanked council for progress on the library project. She mentioned upcoming library fundraisers are the music festival in August and the purchase of personalized bricks. Also, traffic concerns at the Tinton Falls Plaza where the new business opened, Uncle Giuseppe’s. Making a left-hand turn has become difficult.

Stacy Slowinski, 755 Tinton Avenue – Ms. Slowinski invited everyone to the Crawford House for Monmouth County’s Historic Commission’s Weekend in Old Monmouth this weekend. The house will be opened, and she provided the times. On display from a long-time resident with native American roots, Clare Garland, has loaned some of her family artifacts to have on display. Ms. Slowinski also thanked the council for the progress on the library project.

Garrett Benner, 129 Glenwood Drive – Mr. Garrett commented on too many deer in his neighborhood and traffic issues by the new store Uncle Giuseppe’s.

There being no further comments, Mrs. Nesci offered a motion to close the Public Discussion, seconded by Ms. Buckley.

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

CONSENT AGENDA

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

ROLL CALL

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

BOROUGH OF TINTON FALLS

R-23-072

COUNTY OF MONMOUTH

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

AND APPROPRIATION – NJSA 40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$25,000, which is now available from the NJ DEP Stormwater Grant.

BE IT FURTHER RESOLVED, that the like sum of \$25,000 is hereby appropriated under the caption of NJ DEP Stormwater Grant; and

BE IT FURTHER RESOLVED, that the electronic special item of revenue resolution submittal form be filed with the Division of Local Government Services.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-073

**RESOLUTION APPROVING THE 2022 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; and

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 2022 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.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-074

RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Department of Public Works is in need of one (1) 2023 Ford F450 Chassis Cab Crew Cab 4 x 4; and

WHEREAS, Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 has a valid NJ State Contract #A88726, T210 for one (1) 2023 Ford F450 Chassis Cab Crew Cab 4 x 4 for a total purchase price in the amount of \$93,048; and

WHEREAS, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Mark Shaffery, Director of Public Works recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid 2023 NJ State Contract:

- (1) One 2023 Ford F450 Chassis Cab Crew Cab 4 x 4

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

I hereby certify funds are available from: Capital Imp. Bldg. Maint. Truck

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-075

**COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH
COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL YEAR 2021
COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2021 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2021 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Wardell Road Sidewalk, Curb and Drainage Improvements with a grant allocation of \$161,000.00.

WHEREAS, the Borough of Tinton Falls hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Tinton Falls has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Borough of Tinton Falls.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-076

**COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND
A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2021; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Tinton Falls execute a Project Agreement with Monmouth County to undertake a project known as Wardell Road Sidewalk, Curb and Drainage Improvements and **WHEREAS**, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Tinton Falls sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Tinton Falls has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT ORDAINED, that the Borough of Tinton Falls has met the conditions of receiving a Fiscal Year 2021 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Tinton Falls is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2021 Project Agreement.

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-077

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE
FY2023-2026 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN
THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT**

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Borough of Tinton Falls and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Tinton Falls to enter into such agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Tinton Falls, that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-078

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2023 1st quarter Taxes have been made as a result of duplicate payments made in error for the year 2023.

<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 2023 1st quarter taxes by a Title Company, Mortgage Companies, Attorney and Homeowner in the total amount of \$4,046.73 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 \$4,046.73 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 \$4,046.73.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-079

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2022 3rd & 4th quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Steven R. Clayton 12 Groom Court Tinton Falls, NJ 07753	129.07	48	\$2,583.37

and,

WHEREAS, said error has resulted in an overpayment of the 2022 3rd & 4th quarter taxes in the amount of \$2,583.37 as certified by the Borough Tax Collector.

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,583.37 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 \$2,583.37.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-080

RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, the 2023 1st Installment Sewer bill on the following property has been paid in error by the Homeowner and through ACH Debit.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
David & Kathleen Wheaton 2100 S. Ocean Lane, Unit 1112 Fort Lauderdale, FL 33316	76.02	78	\$200.00

Re: 86 Sunset Drive

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$200.00 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 \$200.00.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-081

RESOLUTION REFUNDING WOODCHIP DELIVERY FEE

WHEREAS, on March 8, 2023, Rosemary Tunnicliffe, 304 Water Street, Tinton Falls, NJ 07753, paid for woodchip delivery to 304 Water Street, Tinton Falls, NJ 07724.

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

WHEREAS, woodchips were not available for delivery. Rosemary Tunnicliffe, 304 Water Street, Tinton Falls, NJ 07724 has requested a refund.

WHEREAS, The Director of Public Works recommends the refund of \$25.00 to Rosemary Tunnicliffe, 304 Water Street, Tinton Falls, NJ 07724

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the deposit in the amount of \$25.00 by Rosemary Tunnicliffe, 304 Water Street, Tinton Falls, NJ 07753 be refunded.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-082

RESOLUTION – APPROVAL OF BILLS – MAY 2, 2023

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 2, 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

**REGULAR MEETING
MAY 2, 2023
BOROUGH COUNCIL**

GENERAL	5,883,095.77
SEWER UTILITY	16,135.03
GENERAL CAPITAL	2,148.50
GRANT FUND	2,094.00
TRUST FUNDS	459,840.73
ESCROW	28,635.75
ADDITIONS	4,905.00
TOTAL	6,396,854.78

CERTIFICATION OF FUNDS:

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:13pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

John Manginelli, Council President

APPROVED AT A MEETING HELD ON: