

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

Council President Buckley called the Meeting to order at 6:30 PM.

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."

ROLL CALL

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

ABSENT: Thomas Neff, Borough Engineer

ALSO PRESENT: Melissa A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

EXECUTIVE SESSION

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

R-20-048 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)

None

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

**PROPOSED SUCCESSOR COLLECTIVE NEGOTIATIONS AGREEMENT WITH
TEAMSTERS LOCAL 177 (PUBLIC WORKS)**

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

None

Mr. Siebert offered a motion to approve Resolution R-20-048, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

Council President Buckley advised that Council was back on the record at 7:00 PM for the start of the Workshop Meeting.

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

WORKSHOP MEETING

Council President Buckley asked Borough Clerk Ms. Hesler for a Roll Call.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

UNFINISHED BUSINESS- None

NEW BUSINESS

LOSAP Program.

Council President Buckley asked Mr. Fallon to give a brief history on the Borough's LOSAP Program. Mr. Fallon explained that the Borough created the Length of Service Award Program in 2003 by public referendum for the two EMS squads. Mr. Fallon explained the process of the LOSAP Program and the criteria that must be met in order to be eligible. The EMS squads submit a certified list of eligible members to the Borough each year. The Borough appropriates money into the budget each year for this program. He briefly discussed some of the changes over the past years.

Shared Service with County for Dispatch Services.

Mr. Fallon began by giving a brief history of the Borough's Shared Service Agreement with the County for dispatch services commencing in 2004. The Borough was one of the first municipalities to enter into a shared service with the County Sheriff for dispatch and 911 services. Mr. Fallon gave a breakdown of the cost savings to the Borough through this agreement. This contract that the Borough is looking to enter into will provide the same services for dispatch and 911 services the Borough been receiving from the County. They have been providing these services for the last 4 years with no increase. Mr. Fallon explained that there will be a 2% increase in 2020, 1.5% increase in 2021 and a 1% increase in 2022.

Cell Tower Reassignment of Lease-Borough Property.

Mr. Fallon stated that in 2015 the Borough entered into a lease with T-Mobile, who constructed the cell tower on the public works property; the land is owned by the Borough and the cell tower is owned by T-Mobile. T-Mobile pays the Borough a rent of \$40,000 per year to house the cell tower on the Borough's property. Mr. Fallon explained that under this agreement the Borough can bid out co-locators and in January of 2018 the Borough entered into an agreement with AT&T as a co-locator. AT&T pays the Borough approximately \$56,000 a year, increasing 3% each year. The agreements run for an initial term of 5 years and can be extended for 4 additional 5-year terms. The Resolution on tonight's agenda authorizes T-Mobile to assign their lease to another entity. This Resolution does not change any terms of the Borough's agreement/lease with T-Mobile.

Public Auction of Borough Property.

Mr. Fallon explained that the Borough will auction off public property twice a year which consists of equipment and vehicles that the Borough no longer utilizes, as well as confiscated police property. The confiscated police property funds go into a separate trust fund for law enforcement purposes and the Borough's auction funds go into revenue. The Resolution authorizes the auctioneer to take care of the online auction and take 6.5 percent of the sale, the balance of the proceeds goes to the Borough.

ADJOURNMENT TO REGULAR MEETING

Mr. Siebert offered a motion to adjourn the Workshop Meeting, seconded by Mr. Manginelli,

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:15 PM

Council President Buckley stated that Council will take a fifteen-minute break and reconvene at 7:30 PM for the start of the Regular Meeting

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

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

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."

ROLL CALL

PRESENT: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley
ABSENT: Thomas Neff, Borough Engineer
ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Thomas Fallon, Acting Borough Administrator/Director of Finance

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the Executive Session Minutes of January 21, 2020, seconded by Mr. Siebert.

ROLL CALL

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

Mr. Manginelli offered a motion to approve the Workshop/Regular Meeting Minutes of January 21, 2020, seconded by Mr. Siebert.

ROLL CALL

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

REPORTS OF MAYOR/COUNCIL/ADMINISTRATION

Director of Law- Kevin Starkey

Mr. Starkey gave a brief report of the Executive Session Council held this evening at 6:30 PM. The discussion focused on the proposed successor collective negotiations agreement with Teamsters Local 177 for Public Works. There is a Resolution on tonight's agenda approving this agreement.

Director of Finance/Acting Borough Administrator-Thomas Fallon

Mr. Fallon had no report.

Mayor's Report- Vito Perillo

Mayor Perillo stated that it has been a pleasure working with the new Councilmembers, he thanked them for making his job a lot easier.

Borough Clerk's Report- Melissa Hesler

Ms. Hesler had no report.

Council's Report

Mrs. Clay reported that she recently attended the second Tinton Falls Community Day Meeting and she is looking forward to an excellent event this year. She explained that before the commencement of Community Day, the Borough will host a walk/run to benefit the Valerie Fund, an organization that supports childhood cancer. This event will take place in the morning before Community Day on October 11, 2020.

Mr. Manginelli reported that as liaison of the Historic Preservation Commission, he recently found a book called the Hidden History of Monmouth County which he recommends to anyone interested in our local history.

Mr. Nesci had no report.

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

Mr. Siebert reported that the Resolution for the Library Grant Application will be on the next meetings agenda, he thanked Mr. Fallon and Mr. Starkey for their work in this.

Ms. Buckley had no report.

ORDINANCES FOR INTRODUCTION- None

ORDINANCES FOR FINAL CONSIDERATION- None

PUBLIC DISCUSSION

Mrs. Clay offered a motion to open the Public Discussion, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Anthony Cicalese, 15 Yale Court- Mr. Cicalese explained that he is here this evening to address the Council about a public safety issue, the discharge of firearms. He explained that last week while in his yard he heard the sound of a shotgun blast, frightening himself and his neighbors who called the police right away. Since then, Mr. Cicalese explained that he has been to the Code Enforcement Office as well as the Police Department to get a better understanding of the discharge of firearms throughout the Borough. He was told to come before the Borough Council to request that an updated Ordinance be adopted. He presented Council with copies of the current code as well as the discharge of firearms map from this past year. Mr. Cicalese explained why he believes the current code needs to be updated, stating it is outdated and simply confusing. He discussed the language of the Ordinance which he feels is discriminatory to residents who live north of Tinton Avenue. He does not feel safe when hunting is being conducted around his home and property. He asked this Council to review this Ordinance and bring it up to date.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning discussed the Waltz property which was recently purchased by the Borough of Tinton Falls. When this property was owned by Mr. Waltz it was considered a good hunting location, however the Borough should consider updating the Ordinance to prohibit hunting on this property. He explained that he had advised the Borough to also consider fencing in the lake to prevent drowning and possible liability. Mr. Turning discussed the 2004 Shared Service Agreement with the County for dispatch and 911 services. He gave a brief history of the Borough's dispatch services, stating the Borough has saved approximately \$4 million dollars to date since its inception at the County. Mr. Turning discussed impound fees and public auctions and the cost savings it presents to the Borough, stating the Police Department's interior furnishings were paid for by impound fees. He discussed a section of town near Leland Terrace where hunting is currently allowed, he advised Council to consider changing this Ordinance.

Mike Vanuga, 13 Yale Court- Mr. Vanuga, a retired U.S. Marine explained that he was a range safety officer and a hunting safety officer at three major bases in the Marine Corps. He described himself as an avid shooter and a rapid safety supporter. He discussed his experiences in the Marine Corps and a tragic incident when a licensed hunter missed a deer and killed an innocent young girl in her backyard. Mr. Vanuga explained that he has years of experience with firearms and the discharge of firearms and the gunshot he heard last week was eerily close to his home. He discussed his encounters with the Police and the previous Mayor's and voiced his frustration with the lack of communication to discuss this issue. Mr. Vanuga presented the Council with packets of information that he has put together to further express the severity of this situation. He offered to help with this situation in any way that he can.

There being no further comments from the public, Mr. Nesci 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/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

RESOLUTIONS- None

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-20-049 RESOLUTION MAKING COST OF LIVING ADJUSTMENT FOR THE BOROUGH'S LOSAP PROGRAM

WHEREAS, the Borough of Tinton Falls has had a Length of Service Awards Program (“LOSAP”) in place since July 22, 2003 upon adoption of Ordinance No. 03-1100 to provide a small incentive for emergency service volunteers; and

WHEREAS, LOSAP provides for annual contributions to eligible volunteer members of the Borough’s emergency medical services, which for 2018 was set at a rate of \$1,482.72; and

WHEREAS, the Division of Local Government Services has authorized a maximum contribution increase for those serving in 2019 of 1.9% or \$28.17 for a total 2019 contribution of \$1,510.89; and

WHEREAS, the Borough Council has determined to set the 2019 maximum LOSAP contribution to \$1,510.89 in order to continue to recruit and retain emergency service volunteers.

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 sets the 2019 LOSAP contribution rate at \$1,510.89 for each eligible member of the Borough’s emergency medical service squads.

R-20-050 RESOLUTION APPROVING ASSIGNMENT OF LEASE WITH T-MOBILE NORTHEAST LLC

WHEREAS, the Borough of Tinton Falls (“Borough”) is landlord to a real property lease (the “Lease”) with tenant T-Mobile Northeast LLC (“T-Mobile”), for the premises located at 556 Tinton Avenue; and

WHEREAS, pursuant to a sale that is being completed, T-Mobile has requested the Borough’s consent to an assignment of its interests in the Lease to an entity to be formed and named VBT Sub 1, LLC, which will be a subsidiary of Vertical Bridge Towers III, LLC, along with various tenant estoppel representations; and

WHEREAS, the proposed assignment will not affect any of the terms or conditions of the Borough’s Lease or co-location agreement with AT&T; and

WHEREAS, the Borough Council seeks to authorize the Mayor’s execution of an assignment and tenant estoppel agreement.

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 Mayor to execute an agreement that approves the foregoing assignment and makes various tenant estoppel representations, subject to the review and approval by Special Counsel to the Borough.

R-20-051 RESOLUTION – RELEASING REFORESTATION PERFORMANCE GUARANTEE FOR DENHOLTZ ACQUISITIONS, LLC A/K/A CONCRETE PROPERTIES 151 TORNILLO WAY, BLOCK 120.02, LOT 1.05

WHEREAS, the developer has requested the release of Guarantees for Denholtz Acquisitions, LLC for 151 Tornillo Way, Block 120.02 Lot 1.05; and

WHEREAS, by letter dated February 3, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the Reforestation Guarantee posted for this property can be released and that no maintenance bond is required.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Reforestation Performance Guarantee in the amount of \$31,488.00 associated with this project can be released.

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

R-20-052 RESOLUTION AMENDING RESOLUTION NO.: R-19-107 APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE NEGOTIATIONS AGREEMENT WITH TEAMSTERS LOCAL 177 (PUBLIC WORKS)

WHEREAS, the Borough of Tinton Falls (“Borough”) and the Teamsters Local 177 representing the Public Works negotiations unit (“Union”) engaged in negotiations for a successor Collective Negotiations Agreement (“Agreement”); and

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement (“MOA”); and

WHEREAS, the Union has ratified the terms contained in the MOA;

WHEREAS, the Borough accepted and approved the terms contained in the MOA and approved the form of the draft successor collective negotiations agreement for the term January 1, 2018-December 31, 2021 on June 18, 2019.

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in an Amended Memorandum of Agreement (“Amended MOA”); and

WHEREAS, the Union has ratified the terms contained in the Amended MOA; and

WHEREAS, the Borough wishes to approve the terms contained in the Amended MOA and approve the form of the draft successor collective negotiations agreement for the term January 1, 2018-December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, as follows:

- 1) That the Borough hereby accepts and approves the terms contained in the Amended MOA and the successor collective negotiations agreement with the Union in substantially the same form as attached hereto;
- 2) The Mayor is authorized to execute the successor collective negotiations agreement on behalf of the Borough;
- 3) This Resolution shall take effect immediately.

R-20-053 RESOLUTION AUTHORIZING RENEWAL OF SHARED SERVICE AGREEMENT FOR EMERGENCY DISPATCH SERVICES WITH MONMOUTH COUNTY SHERIFF

WHEREAS, the Uniform Shared Service and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) allows local units of government to enter into shared service agreements between counties and municipalities; and

WHEREAS, the Borough's current Shared Service Agreement with the Monmouth County Sheriff for emergency dispatch services expired December 31, 2019; and

WHEREAS, utilizing this shared service agreement for a number of years the Borough has saved hundreds of thousands of dollars per year of expenses that would be incurred by operating its own dispatch center.

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 the Mayor is hereby authorized and directed to execute the Shared Services Agreement attached hereto and made part hereof for the provision of emergency dispatch services to be provided by the Monmouth County Sheriff's Office for the three year period commencing January 1, 2020 through December 31, 2022 for an annual fee of \$285,278 in 2020 and increasing by 1.5% and 1.0%, respectively, for 2021 and 2022, pursuant to the terms and conditions contained herein attached as Exhibit A.

R-20-054 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>
Michael A. Vespasiano Attorney Trust Acct. 331 Main Street Chatham, NJ 07928	128.03	1.01	\$6,920.99

Re: TDK - Lambda Americas, Inc.
405 Essex Road

and,

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

WHEREAS, said reduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$6,920.99 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 \$6,920.99 is hereby approved for the aforementioned property.

R-20-055 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>
Michael A. Vespasiano Attorney Trust Acct. 331 Main Street Chatham, NJ 07928	128.03	1.01	\$7,724.73

Re: TDK - Lambda Americas, Inc.
405 Essex Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2017 taxes by the property owner in the amount of \$7,724.73 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 \$7,724.73 is hereby approved for the aforementioned property.

R-20-056 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>
Michael A. Vespasiano Attorney Trust Acct. 331 Main Street Chatham, NJ 07928	128.03	1.01	\$7,724.73

Re: TDK - Lambda Americas, Inc.
405 Essex Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2018 taxes by the property owner in the amount of \$7,724.73 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 \$7,724.73 is hereby approved for the aforementioned property.

R-20-057 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>
Michael A. Vespasiano Attorney Trust Acct. 331 Main Street Chatham, NJ 07928	128.03	1.01	\$3,089.59

Re: TDK - Lambda Americas, Inc.
405 Essex Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2019 taxes by the property owner in the amount of \$3,089.59 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 3,089.59 is hereby approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
FEBRUARY 18, 2020
BOROUGH COUNCIL**

R-20-058 RESOLUTION - REFUNDING 2019 INTEREST & PRINCIPAL PAID ON SEWERS

WHEREAS, the 2019 interest and principal paid for Sewer on the following property has been paid in error in the year 2019 by applying payment to the wrong parcel of property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>INTEREST</u>	<u>PRINCIPAL</u>	<u>TOTAL</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	129	2.29	\$1.98	\$92.77	\$94.75

Re: Elina Fils
39 South Pointe Circle

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund for the 2019 interest and principal paid for Sewer totaling \$94.75, is hereby approved for the aforementioned property. Said refund will be applied to the 2020 Sewer bill for 31 South Pointe Circle.

R-20-059 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 18, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 18, 2020; 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.

<u>SUMMARY</u>	
GENERAL	88,068.13
SEWER UTILITY	9,549.34
TRUST FUNDS	1,383.38
DOG TRUST FUND	847.20
ADDITIONS	1,260,408.69
TOTAL	1,360,256.74

ADJOURNMENT

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

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: