

**REGULAR & WORKSHOP MEETING
JUNE 14, 2022
BOROUGH COUNCIL**

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

ROLL CALL (Executive Session)

PRESENT: Mrs. Clay, Dr. Dobrin, Mr. Manginelli, Mr. Nesci, Ms. Buckley
ABSENT: None

EXECUTIVE SESSION

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

R-22-127 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)

Discussion of General Contracts

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

None

Mrs. Clay offered a motion to approve Resolution R-22-127, seconded by Mr. Manginelli.

ROLL CALL

AYES: Mrs. Clay, Dr. Dobrin, Mr. Manginelli, Mr. Nesci, Ms. Buckley
ABSTAIN: None
NAYS: None
ABSENT: 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 7:34 PM for the start of the Regular Meeting.

ROLL CALL (Regular Meeting)

PRESENT: Mrs. Clay, Dr. Dobrin, Mr. Manginelli, Mr. Nesci, Ms. Buckley
ABSENT: Mr. Nesci
ALSO PRESENT: Michelle Hutchinson, Borough Clerk
 Kevin Starkey, Director of Law
 Vito Perillo, Mayor
 Charles Terefenko, Business Administrator
 Thomas Fallon, Director of Finance
 Thomas Neff, Borough Engineer

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Council President Buckley 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 discussed the contract negotiations pertaining to shared services with Freehold Township and contract negotiations with RWJ.

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

There were no minutes for approval this evening.

ADMINISTRATION OF THE OATH OF OFFICE

At this time the Business Administrator Terefenko and Chief DeLucia recognized and congratulated the Officers to be promoted.

Andrew Puleo, Anthony Costanza, Michael Ballas, Joseph Mendez, and Lynelle Scanlon were sworn in as Police Officers by Michelle Hutchinson, Borough Clerk.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor Perillo read the following Proclamation.

*Borough of Tinton Falls County of Monmouth
June 14, 2022*

***Proclamation Honoring Kevin Albert Terhune, Jr.
for the Achievement of Eagle Scout***

WHEREAS, Kevin Terhune, Jr., who has resided in Tinton Falls for over 15 years, has earned his Eagle rank, by being a leader in his pack, troop, school and community. As a member of Boy Scout Troop #49, Eatontown, he obtained the highest rank in scouting, an honor which is only bestowed upon 4% of all boys who join the ranks of Scouting; and

WHEREAS, The principles of citizenship, physical fitness, and service provide the cornerstone of scouting, those few young men who become Eagle Scouts have already demonstrated a long-term dedication to those principles while cultivating their leadership potential. These young adults are surely the kind of leaders we will need in the future; and

WHEREAS, Kevin chose to serve Tinton Falls through his Eagle Scout project, which was to refurbish the Tinton Falls Overlook to allow more citizens to enjoy the views of the falls. He improved the overlook and parking area by installing a stone wall, removing debris, leveling the entrance, clearing overgrowth, spreading wood chips and updating the community bulletin board; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Kevin Albert Terhune, Jr. be congratulated for receiving the rank of Eagle Scout; and

BE IT FURTHER RESOLVED, that a copy of this Proclamation be forwarded to the Boy Scouts of America, Troop 49.

Mayor Perillo asked that the Council President read the following Proclamation.

*Borough of Tinton Falls County of Monmouth
June 14, 2022*

Proclamation June 2022 LGBTQ+Pride Month in the Borough of Tinton Falls

WHEREAS, the Borough of Tinton Falls is home to people of all backgrounds including those who identify as LGBTQ+; and

WHEREAS, LGBTQ+ people transcend across all races, nationalities, cultures and ethnicities; and

WHEREAS; each year in June marks the anniversary of the Stonewall Rebellion that gave birth to the modern movement to advance the rights of LGBTQ+ persons and those committed to justice and equality celebrate during the month of June the notable achievements and outstanding service that LGBTQ+ Americans make to our City, State and Nation; and

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WHEREAS, June has been recognized since 1970 by our country, one year after the Stonewall Rebellion, took place on June 28th 1969, to commemorate the impact the movement has had on society and 2022 marks the 53rd anniversary of Stonewall, an important milestone in the history of our country; and

WHEREAS, during the month of June, throughout the nation, numerous organizations, governments and others recognize the rights of LGBTQ+ persons during PRIDE celebrations throughout the world.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Tinton Falls do hereby proclaim June 2022 LGBTQ+PRIDE Month and encourage all people of the Borough of Tinton Falls to join us in celebrating.

Borough Engineer – Thomas Neff

Mr. Neff gave a couple of park updates. He stated that the basketball court and playground equipment have been completed at Riverdale Park. The basketball court has been completed at Liberty Park, the playground is under construction and should be complete by the end of next week. Unfortunately, there have been some delays with receiving the equipment for the dog park at Liberty Park. This project should be complete by the Fourth of July weekend.

Director of Finance - Thomas Fallon

Mr. Fallon had no report.

Business Administrator – Charles Terefenko

Mr. Terefenko had no report but acknowledged that today was Flag Day.

Mayor’s Report – Mayor Vito Perillo

Mayor Perillo had no report.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Ms. Buckley thanked the Borough Clerk’s office for all their hard work during the recent Primary Election.

Council’s Reports

-Mrs. Clay reported attending the Board of Education meeting where the teachers of the year, ed specialists and support staff of the year were all honored along with the retirees and Board member retirees. She thanked the Neis family and DPW for their work on the Memorial Day service. She attended the Green Team meeting on June 6th reporting individual and group work is going well. Also, Community Day will be October 8th with a rain date of October 9th. Congratulations to Cary Costa for 40 years of volunteer service to EMS South. Remembering Flag Day and the meaning of this day. Congratulations to our Eagle Scout Kevin Terhune.

-Dr. Dobrin reported the Library Association is having a fundraising music festival on August 20th from 5-9pm with many musicians with complete details on their website. He acknowledged the newly sworn in police officers.

-Mr. Manginelli reported attending the Historic Preservation Commission meeting where they are planning a Juneteenth celebration this Saturday, June 18th from 3-5pm.

-Mr. Nesci had no report on the Planning Board and next meeting is June 22nd. The Chicken Advisory Board is reviewing applications and continuing site inspections for approvals. He mentioned June is Pride Month and wanted to recognize the Tinton Falls LGBQ neighbors who have made an impact in our community. Mr. Nesci also mentioned it is the 247th anniversary of the U.S. Army and recognized all those who have served our country.

-Ms. Buckley echoed the congratulations mentioned by all council members. The next Environmental Commission meeting is June 23rd at the Crawford House where they will review environmental site plans. Also, the grant received for building of an osprey nest and education materials will now include the Monmouth Regional High School Environmental Club. This will be a group effort.

ORDINANCES FOR INTRODUCTION

At this time the Council President asked that the Director of Law, Mr. Starkey provide a summary of this ordinance.

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Ms. Hutchinson read the title of the Ordinance: **2022-1490 An Ordinance Amending Chapter 17 Of The Borough Code Entitled “Trees” To Amend The Requirements For Tree Removal And Replacement.**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday July 12, 2022.

Dr. Dobrin offered a motion to introduce Ordinance No. 2022-1490 seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**BOROUGH OF TINTON FALLS
MONMOUTH COUNTY
NEW JERSEY**

ORDINANCE NO. 2022-1490

**AN ORDINANCE AMENDING CHAPTER 17 OF THE BOROUGH CODE ENTITLED “TREES” TO
AMEND THE REQUIREMENTS FOR TREE REMOVAL AND REPLACEMENT**

BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

SECTION 1. REPEAL. The current Chapter 17 of the Borough Code, entitled “Trees,” and including Sections 17-1 through 17-12, is hereby repealed in its entirety and replaced with the following provisions.

SECTION 2. NEW ORDINANCE PROVISIONS. The following provisions shall constitute the new Chapter 17 of the Borough Code:

CHAPTER 17: TREE REMOVAL AND REPLACEMENT

§17-1. Intent and Purpose.

- A. The indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within Tinton Falls will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the foregoing could adversely impact the character of Tinton Falls, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of the Borough's residents. Thus, the Borough governing body desires to regulate and control indiscriminate and excessive cutting of trees within the Borough and to require appropriate tree replacement.
- B. It is recognized that there is a strong interrelationship between the integrity of the Borough's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Fewer trees throughout the Borough also correlates with increased air pollution. Therefore, the governing body finds that the appropriate management of these resources is an important health, safety and general welfare concern. The appropriate management guidelines for tree preservation to be utilized are:
 - (1) The American National Standard, ANSI A300 (Part 5) — Management;
 - (2) Trees and Development: A Technical Guide to Preservation of Trees During Land Development, Nelda Matheny and James R. Clark; and
 - (3) Protection and Care of the Urban Forest, NJDEP Division of Parks and Forestry.
- C. Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in economic returns. A forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for the continued use of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this chapter.
- D. The enforcement of this chapter shall be the duty of the Zoning Officer and the Shade Tree Commission of Tinton Falls and its agents, such as the Tree Specialist, through the regulation, planting, care and control of shade, ornamental and evergreen trees and shrubs in the streets, highways, public places of the Borough and tree removal on all lands within the Borough.

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§17-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CALIPER: ANSI Z60 FOR NURSERY STOCK

“Caliper” is a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field-grown stock and from the soil line for container-grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic slot or pincer type caliper tools should be the average of the smallest and largest measurements.

COMMUNITY FORESTRY MANAGEMENT PLAN

A plan developed by a municipality that outlines the goals and objectives for managing trees on municipal property with the intent of minimizing liability to the municipality and maximizing the useful life of the tree resource. The plan is to be approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service. A Shade Tree Commission shall be formed to oversee the implementation of the community forestry management plan.

DIAMETER BREAST HEIGHT (DBH)

The diameter of a tree measured 4 1/2 feet above the uphill/highest side.

EROSION

The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

EXEMPT AREA

The lot area as provided in this chapter for which tree replacement shall not be required.

FOREST MANAGEMENT PLAN

A plan for the management of timbered or forested lands approved by the New Jersey Department of Environmental Protection, New Jersey Forest Service, or similar state or federal agency.

HISTORIC TREE

A tree that has been found by the Shade Tree Commission to be of notable historic interest to Tinton Falls because of its age, type, size or historic association and which has been so designated and that designation has been officially made and promulgated as part of the official records of the Borough.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

SHADE TREE COMMISSION

Shade tree commissions can be formed by municipal ordinance, N.J.S.A. 40:64-1 et seq.

SPECIMEN TREE

Any tree or ornamental tree with a diameter at breast height (DBH) exceeding 60% of that of the largest similar tree listed in either of these references: Monmouth County's Largest Trees, prepared and updated annually by the Monmouth County Shade Tree Commission or New Jersey's Big Trees, prepared and updated biannually by the Division of Parks and Forestry of the New Jersey Department of Environmental Protection.

TREE

Any deciduous or coniferous species which has a DBH of six inches or greater.

TREE ESCROW FUND

A fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices which may be consistent with the Community Stewardship Incentive Program as outlined within the New Jersey Shade Tree and Community Forestry Assistance Act, P.L. 1996, c. 135.

TREE PLANTING PLAN

A specific plan adopted by Tinton Falls for the location and placement of trees on public property.

TREE PRESERVATION AND REMOVAL PLAN (TREE SAVE PLAN)

A specific plan that contains tree locations and other information in accordance with §17-5 herein.

TREE REMOVAL PERMIT

The permit issued by the Zoning Officer or its designee to remove or destroy a tree or trees.

TREE REPLACEMENT PLAN

A specific plan for replacement of removed trees in accordance with the provision of this chapter.

TREE SPECIALIST

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- A. The Mayor, with approval of the Council, shall appoint a Tree Specialist. This individual shall be responsible for assisting the Zoning Officer and Shade Tree Commission with the administration of this chapter for applications on properties greater than one acre in size.
- B. The Tree Specialist shall be one of the following:
 - (1) A forester who shall have a bachelor's degree in forestry or arboriculture from a college or university, shall be certified as a certified tree expert by the State of New Jersey and shall have a minimum of three years' experience in planting, care and maintenance of trees. The forester shall have the responsibility of reviewing an approved forest management plan and inspecting the forested site for plan compliance if requested by the Tax Assessor.
 - (2) A professional who shall be certified as either a certified tree expert (CTE) or a licensed landscape architect (LLA) by the State of New Jersey and shall have a minimum of three years' experience in planting, care and maintenance of trees.
- C. The Tree Specialist shall be paid from the Tree Escrow Fund, which is established herein, and shall be paid in accordance with a fee schedule established by contract with the municipality.

§ 17-3. Applicability.

The terms and provisions of this chapter shall apply as follows:

- A. Unless specifically excepted in Subsection C below, it shall be unlawful for any person to remove or cause to remove trees with a DBH of six inches or more, on any property within the Borough, without first having obtained a tree removal permit as provided herein.
- B. Specimen and historic trees.
 - (1) Trees that have been designated as specimen or historic under the provisions of this chapter shall be maintained in a living condition, and it shall be unlawful for any person to remove such tree without an approved tree removal permit. No specimen or historic tree shall be removed unless the applicant has obtained approval from the governing body with consideration of the Shade Tree Commission's recommendations.
 - (2) The condition of trees proposed to be saved shall be evaluated by use of guides such as follows:
 - a. Evaluation of Hazard Trees in Urban Areas, ISA Books, Nelda Matheny and James R. Clark.
 - b. Urban Tree Risk Management, USDA Forest Service, Northeastern Area.
 - c. The Guide for Plant Appraisal, the Council of Tree and Landscape Appraisers.
- C. Exceptions. The provisions of this chapter shall not apply to the following:
 - (1) Any property upon which no trees are located, as confirmed by a statement of no tree verification.
 - (2) Any tree of less than six inches DBH.
 - (3) Any tree or trees removed or cut in accordance with a forest management plan, provided that such plan is filed with the Tree Specialist, Shade Tree Commission and Tax Assessor.
 - (4) Any tree or trees removed or cut in accordance with an approved conservation plan prepared by the Soil Conservation District, provided that such plan has been filed with the Shade Tree Commission and Tax Assessor.
 - (5) Any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantation or tree orchard.
 - (6) Any tree growing in a utility right-of-way or fire trail subject to the approval of the Shade Tree Commission.

§ 17-4. Tree removal permits.

- A. Any person wishing to obtain a tree removal permit shall make application to the Zoning Department by filing a written application and paying such fees as are set forth in § 17-8. For any non-single family property greater than one acre, no permit shall be issued until a tree preservation and removal plan for the lot or parcel has been reviewed and approved as compliant with § 17-5 by the Tree Specialist.
- B. Where an application for any non-single family property greater than one acre, as required by this chapter, has been submitted, no permit shall be issued until a tree save plan for the lot or parcel, if necessary, has been reviewed and approved as compliant with § 17-5 by the Tree Specialist, and until the filing of a written report of an on-site inspection by the Tree Specialist has been submitted. Where an application is made in connection

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with the construction of a building or other improvement, no building permit shall be issued until the tree removal permit has been issued.

- C. All required escrow and bond fees for any application, including required tree replacements or fees, shall be verified as paid prior to the issuance of the tree removal permit.
- D. Tree removal permit applications shall be filed at the Zoning Office and shall be completed in full. The application must be deemed complete and all required fees, as set forth in § 17-5, be paid prior to review.
- E. Inspections. After the application is complete and reviewed, the Shade Tree Commission and/or the Tree Specialist (for non-single family properties greater than one acre) shall inspect the trees and property which are the subject of the permit application within 30 days.
- F. Permit approval or denial. The Zoning Officer shall approve or deny the tree removal permit within 10 business days after completion of the inspection. The Zoning Officer shall notify the applicant in writing of the factual basis and criteria for any denial. The final decision of the Zoning Officer may be appealed to the governing body by filing written notice within 10 days of the final decision. The governing body shall hold a public hearing and issue its decision within 60 days after notice of appeal is filed, unless the applicant requests and the governing body consents to an extension of time. The governing body may delegate its appeal responsibilities to the Shade Tree Commission.

§17-5. Tree preservation and removal plan.

A tree preservation and removal plan shall be submitted to the Zoning Officer and Tree Specialist for any non-single family property greater than one acre in size . Applications that require Planning Board or Zoning Board approval shall have tree preservation and removal plans as part of the submittal to the Planning Board or Zoning Board and said plans provided to the Tree Specialist for review and approval in accordance with this chapter. Tree preservation and removal plans shall contain the following:

- A. The name and address of the applicant.
- B. The name and address of the owner of the property from which the trees are to be removed.
- C. The lot and block of the property.
- D. The shape and dimensions of the lot or parcel, including the location of all existing and proposed easements. The plan shall include a survey prepared by a licensed land surveyor that contains tree locations. The survey shall contain, at a scale of no less than one inch equals 50 feet, the following information:
 - (1) The existing and proposed tree preservation limits.
 - (2) The proposed limit of the clearing and all individual trees to be retained outside the tree clearing identified by some approved method as determined by the Tree Specialist, such as flagging, prior to the field inspection. For any clearing greater than or equal to three acres, a representative 5% of the wooded areas proposed to be cleared shall be inventoried. The representative 5% shall be determined by agreement between the Tree Specialist and the applicant. Where less than three acres is proposed to be cleared, all trees to be removed shall be inventoried.
 - (3) The installation and limits of a temporary existing tree protection fence along the limits of the proposed tree removal shall be in compliance with § 17-10.
 - (4) Locations of all forest types shall be identified by common and botanical names of dominant tree species.
 - (5) All specimen and historic trees to be removed shall be indicated on the plan. All reasonable efforts shall be made to preserve such trees, including, but not limited to, if feasible, relocation of infrastructure, roadways and buildings. Removal of such trees shall require specific written approval of the governing body, with consideration of the Shade Tree Commission's recommendations.
 - (6) A proposed tree replacement plan in accordance with this chapter. A tree replacement plan shall be considered the proposed landscaping plan required for all subdivision and site plan approvals.
 - (7) A North arrow.
 - (8) The location of existing and proposed structures and improvements, if any.

§ 17-6. Term of permit.

Any and all permits approved by the Borough shall be declared null and void if the tree removal is not completed within a reasonable time, not to exceed 12 months after permit issuance. In no case will the permit be valid for more than 12 months. Permits not used within this period will require a new application and the payment of new fees. For purposes of this section, a permit shall no longer be valid when the work authorized by the permit is completed.

§ 17-7. Criteria for issuance of permits.

- A. Upon completion of the field inspection report, if necessary, and review of any requested recommendations, the Zoning Officer shall approve a permit if:
 - (1) The tree preservation and removal plan is compliant with § 17-5;
 - (2) The tree replacement plan is approved by the Tree Specialist;
 - (3) None of the conditions set forth below in Subsection B exists;

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- (4) At least one of the criteria as follows has been satisfied:
- a. The tree is located in an area where a structure or improvements will be placed in accordance with the approval of Planning/Zoning Boards or the Zoning Officer and the tree cannot be relocated on the site because of age, type or size of the tree.
 - b. The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision or clearance or conflicts with other ordinances or regulations.
 - c. The tree is to be removed for harvesting as a commercial product or for the purpose of making land available for farming or other agricultural activity, or is to be removed in furtherance of a forest management plan or soil conservation plan, or to serve some other purpose which is consistent with the purposes of this chapter.
- B. The Zoning Officer may deny a permit if the removal will contribute to extra runoff of surface water onto adjacent properties, erosion or silting, and such conditions are not otherwise satisfactorily abated, or if the tree removal causes:
- (1) Impairment to the growth or development of remaining trees on the applicant's property or upon adjacent properties;
 - (2) Soil instability;
 - (3) Dust;
 - (4) Drainage problems;
 - (5) Dangerous or hazardous conditions; or
 - (6) Depression of the value of adjacent properties.

§17-8. Fees.

- A. Application.
- (1) The applicant, at time of filing the application with the Zoning Officer, shall pay the application fee of \$5 per tree for single-family residential lots, with a maximum fee of \$100 per lot. For all other applications, the fee shall be \$150 for the removal of five or fewer trees or \$150, plus \$25 for each tree removed over five trees. No application shall be considered without the payment of the required fees.
 - (2) The replacement fee will be in accordance with § 17-9.
- B. Tree Escrow Fund.
- (1) A Tree Escrow Fund shall be established and maintained by the Chief Financial Officer of Tinton Falls to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the governing body with consideration of the Shade Tree Commission and Green Team recommendations.
 - (2) The primary purpose of said fund is to provide for the planting and maintenance of trees and shrubs on public property. The fund will also cover administrative costs to implement the provisions of this chapter, including but not limited to site inspections, processing of permits and supervision of tree replacements. Administrative costs imposed in accordance with this chapter shall not exceed 30% of the fund, as determined on an annual basis.

§17-9. Replacement trees.

- A. Tree replacement schedule.
- (1) For any non-single family property greater than one acre in size, any tree removed pursuant to this chapter, unless exempt under § 17-3C, shall be replaced based on the following:

Number of Trees to be Removed	Size/Diameter (inches)	Number of Replacement Trees	Size of Replacement Trees	Or Dollar Amount
1	Greater than 6 up to 10	1	2" to 2 ½"	\$240
2	Greater than 6 up to 10	1	3"	\$420
1	Greater than 10 up to 16	2	2" to 2 ½"	\$480
1	Greater than 16 up to 23	2	3"	\$840
1	Greater than 23 up to 30	4	3"	\$1,680
1	Greater than 30	5	3"	\$2,100

- B. The applicant will receive a one-for-one replacement tree credit should stands of 10 or more trees greater than four inches in diameter be preserved within the limit of the disturbance line.
- C. All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off site:
- (1) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of nonreplaced trees to the Tree Escrow Fund; or

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- (2) The Tree Specialist and applicant agree in writing that the applicant shall make payment to the Tree Escrow Fund based upon the chart provided; or
- (3) The Tree Specialist and applicant agree in writing that the applicant shall plant replacement trees off site on municipally owned property pursuant to recommendations from the Shade Tree Commission and Green Team.

§ 17-10. Protection of existing trees during construction.

- A. Protective barriers.
 - (1) Prior to construction and any tree removals, suitable tree protective barriers shall be erected, and this protection, where required, shall remain until such time as the protection is authorized to be removed by the Tree Specialist or after issuance of a final certificate of occupancy. In addition, during construction, no attachments or wires shall be attached to any of said trees so protected. Where some grading must take place within the dripline of trees in the protection zone, appropriate measures shall be taken to minimize impact to the trees. Any trees seriously damaged during construction must be professionally treated by a New Jersey certified tree expert or replaced if the damage is beyond treatment.
 - (2) A detail of the existing tree self-supported protective barrier shall be provided on all applications. The protective barrier shall be a minimum of four feet high.
 - (3) The self-supported protective barrier shall be placed, as determined by the Tree Specialist, at the dripline of any tree along the limit of clearing and around the entire dripline for trees to remain undisturbed within the limit of clearing.
 - (4) It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery or temporary soil deposits within the dripline.
- B. Street right-of-way and utility easements may be delineated by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.
- C. Large property areas separate from construction and land clearing areas into which no equipment will venture may also be delineated as set forth above in § 17-10B, as determined by the Tree Specialist following a field evaluation.

§17-11. Tree replacement.

Any required tree replacement per § 17-9 shall be completed in accordance with the standards set forth in ANSI Z60.1, American Standard for Nursery Stock. Tree replacement shall be in accordance with either Subsection A, B, C or D below or a combination of Subsections A, B, C and D.

- A. One-to-one tree replacement. For each tree six inches in DBH or greater that is removed, the applicant shall prepare a replanting plan for other areas of the property. The replacement plan or landscape plan shall reflect a one-to-one tree replacement for each tree six inches or greater to be removed. All proposed replacement trees shall be in accordance with § 17-9 and selections from Trees For New Jersey Streets, published by the New Jersey Shade Tree Federation, or Street Tree Factsheets, a publication of the Municipal Tree Restoration Program, and submitted for review and approval prior to the issuance of a tree removal permit.
- B. Tree area replacement/reforestation. For each square foot of tree area to be removed, the applicant shall prepare a reforestation scheme on other treeless open space areas of the property to compensate for the tree removals. The reforestation plan shall be based on a twenty-foot-by-twenty-foot grid. Of this number of trees, 10% shall be balled and burlaped, two-inch to two-and-one-half-inch caliper; 20% shall be balled and burlaped, one-and-three-fourths-inch to two-inch caliper; 30% shall be bare root one-and-one-fourth-inch to one-and-one-half-inch caliper; and 40% shall be bare root six-foot- to eight-foot-tall whips. A mixture of trees, indigenous to the area and site, shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet to 20 feet on center. The ground shall be seeded with a grass mixture approved by the Shade Tree Commission. The reforestation formula shall follow the guidelines as set forth in the New Jersey No Net Loss Reforestation Act, P.L. 1993, c. 106 (N.J.S.A. 13:1L-14.2).
- C. Credits. The permit applicant will receive a one-to-one replacement tree credit:
 - (1) For stands of 10 or more trees with a DBH of six inches or greater preserved within the limit of the disturbance line; or
 - (2) Forested areas of one acre or greater, which are left natural and conveyed to the Borough with a deed restriction that they will remain forested and undeveloped. This conveyance excludes all previous dedicated easements.
- D. All replacement trees shall be planted on site, unless all of the replacement trees cannot be physically accommodated. In such instance, the applicant shall pay the tree replacement fee in accordance with the schedule in § 17-9.
- E. Exempt areas.
 - (1) Agricultural operations are exempt from replacement requirements because such operations are governed by the Right to Farm Act, N.J.S.A. 4:1C-1 to 4:1C-10, which preempts local regulation. Property owners

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claiming exemption under this subsection must continue to farm the property in question as described on the tree removal permit for a minimum of five consecutive years after the date of clearing or date of commencement of the prescribed farming activity that is deemed compliant by the Tree Specialist. An approved permit must be submitted prior to clearing. If the property is not farmed as prescribed on the tree removal permit within three years of the tree removal or is developed for any other use before the five years expires, the reforestation replacement obligation in accordance with § 17-11B will be enforced according to the new use of the property.

- (2) Utility line clearance operations, provided that such plan is filed with the Tree Specialist and work performed in accordance with ANSI A300 Part 7: BMP Utility Pruning of Trees, and Board of Tree Experts Pruning Standards for Shade Trees, Section 5.5.

§17-12. Emergencies.

In case of emergencies, such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, or in the case of dead or diseased trees which are a hazard to persons or property, the requirements of the regulations set forth in this chapter may be waived by the Tree Specialist upon a finding that such waiver is necessary so that the public or private work to restore order on the property in the Borough will not be impeded.

§17-13. Stop work orders.

- A. The Borough is hereby authorized to issue stop-work orders to the holder of the tree removal permit, and the Tree Specialist is authorized to recommend the issuance of stop-work orders in the event that there is:
 - (1) A failure to comply with the approved plan, such as a site plan, forest management plan or soil conservation plan;
 - (2) Noncompliance with the tree removal permit granted pursuant to this chapter; or
 - (3) Noncompliance with the provisions of this chapter.
- B. The stop-work order shall remain in effect until the Borough, upon recommendation of the Shade Tree Commission and/or Tree Specialist, has determined that the resumption of work will not violate the plans, permit or the provisions of this chapter.

§17-14. Enforcement.

The Zoning Officer and Shade Tree Commission, in conjunction with the Tree Specialist, shall oversee all tree removals pursuant to an issued tree removal permit. Upon the ascertainment of a violation of this chapter, the Zoning Officer, Tree Specialist or Shade Tree Commission shall refer enforcement actions to the Code Enforcement Officer.

§17-15. Applicability to tree removal construction companies; permit required.

All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter unless a valid permit therefor is in effect and is displayed in accordance with the provisions set forth in § 17-16; such removal or work shall constitute a violation of this section and shall subject the person or company violating this section to all penalties provided herein.

§17-16. Display of permit; carrying of plan or authorization; right of entry.

- A. The applicant shall prominently display on the site the tree removal permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for 10 days thereafter. In addition, the person or persons cutting or removing trees, if other than the applicant, shall carry with him/her authorization from the owner or applicant authorizing such person to cut or remove trees. In the event that the trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of the plan shall be in the possession of the person cutting or removing such trees.
- B. As a condition for the issuance of the permit, the applicant shall agree in writing to the entry onto his/her premises by the Tree Specialist and all law enforcement officers as necessary to effectuate the provisions of this chapter, and such entries shall be deemed lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter and shall constitute failure to display the permit as required herein. It shall be unlawful and considered a violation of this chapter for any person to engage in the business of plant cutting, trimming, removal, spraying or otherwise treating trees, shrubs or vines within the Borough and without the applicable certification or license for the designated work. All contractors offering tree care services for hire within Tinton Falls shall register annually with the Tree Specialist, provide a current certificate of insurance showing evidence of employer liability and workers' compensation coverage for the work to be performed, and shall comply with applicable OSHA regulations, ANSI Z133.1 Safety Standards, New Jersey Board of Tree Experts Pruning Standards for Shade Trees and ANSI A300 Practice Standards.

§17-17. Violations and penalties.

- A. Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine of up to \$2,000 for each offense, in the discretion of the Judge before whom conviction may be had. Each illegally removed tree shall be considered a separate violation. Each violation of any of the provisions of this chapter and each day the same is violated shall be defined and taken to be a separate and distinct offense. In addition, the court may order restitution (fine and/or appraised value, whichever is greater) and/or replacement of the tree illegally removed.

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- B. In addition to other remedies, the Shade Tree Commission, Tree Specialist, or other authorized official may institute any appropriate legal action to prevent a continuing violation of the terms of this chapter

SECTION 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

SECTION 4. This Ordinance shall take effective immediately upon final passage and publication as provided by law.

ORDINANCES FOR FINAL CONSIDERATION

Mrs. Hutchinson read Ordinance 2022-1489 entitled: **An Ordinance Amending The Borough Code To Repeal Chapter 19 Flood Damage Prevention In Its Entirety; To Adopt A New Chapter 19 Flood Damage Prevention Ordinance; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And To Provide For Severability And An Effective Date.**

Mrs. Clay offered a motion to open the Public Hearing on Ordinance No. 2022-1489, seconded by Mr. Nesci.

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. 2022-1489, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Nesci offered a motion to adopt Ordinance No. 2022-1489, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC DISCUSSION

Mrs. Clay 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 if there were any submitted comments and there were none.

Paul Roman, Borough of Shrewsbury, Monmouth County Regional Health Commission VP – Mr. Roman provided an historical review of the MCRHC and its formation of shared services in New Jersey. Tinton Falls joined the MCRHC in 1971 and he stated how proud they have been to service our Borough. On the agenda is resolution R-22-133 which terminates our shared service agreement with MCRHC by year end. He requested a meeting to further discuss any problems or issues. Ms. Buckley explained they had a deadline to provide six months' notice to MCRHC per the agreement. Mr. Fallon explained the reason to move forward was due to financial considerations.

David Henry, Monmouth County Regional Health Commission, Health Officer – Mr. Henry announced they are providing free COVID-19 test kits and the office hours. They are limited to 3 per person. Also, they will have COVID clinics opened from 9:30am to 12:00pm on June 17th, July 1st, and July 15th. MCRHC was awarded the National Accreditation from the Public Health Accreditation Board which is good for five years. They are the first health department in Monmouth County and the State to receive this accreditation.

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Joseph Mirarchi, 18 Abbey Road – Mr. Mirarchi explained how his family member who needed 911 services on a weekend did get timely assistance but from Wall Township EMS. He suggested the Council think about making the EMS services in the Borough a 24/7 service. He provided examples of other towns who are also growing like Tinton Falls who have moved to this service coverage. He acknowledged that EMS services are not mandated by the State as is Fire and Police but is in the best interest of the Borough residents.

Joan Adams, 1184 Ocean Avenue, Sea Bright – Ms. Adams inquired about the Cannabis Ordinance that was adopted in December 2021 and the application process for the different license classes and what department or person is responsible for accepting the application. Mr. Starkey explained what standards need to be in place in order to proceed. Mrs. Clay explained the process that was taken by the Council to pass the ordinance and in her view the application delay is unacceptable. Mr. Manginelli stated he was responsible for the delay since there was no clear direction from the Cannabis Regulator Commission “CRC” and there is currently litigation pending in a township due to an application being denied. He believes it will get done safely with minimal risk to the municipality.

Mitch Kulberg, 21 Cedar Place – Mr. Kulberg expressed his disappointment that the Cannabis application was not already available and reminded everyone of the voting history regarding cannabis in the State and in Tinton Falls. He hopes the will of the people is being heard and this application process moves forward.

Sharon Ventre, 20 Clydesdale Court – Ms. Ventre was very complimentary of the little league organization in Tinton Falls that her children participated in and love especially the parade celebrations. She pointed out what lovely fields the boys play on, and the girls softball fields and accommodations are lacking. With all the park improvements the girls’ sports needs have been forgotten. She implored Council to invest in our girls. Mr. Neff explained they are analyzing what park would be best, possible Sycamore Park, and looking toward next season.

Matt Anderson, 3 Boise Court – Mr. Anderson complimented the work done at Liberty Park. He expressed his concerns about the Cannabis application process being slow and cited other towns in Monmouth County who are up and running. He feels it would be positive revenue for the Borough and reminded Council of the cannabis competitive marketplace.

There being no further comments, 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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

CONSENT AGENDA

Dr. Dobrin offered a motion to approve the Consent Agenda, seconded by Mr. Nesci.

ROLL CALL

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

R-22-128 - RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE YEAR 2022/2023

WHEREAS, the holders of certain retail consumption licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following plenary retail consumption licenses be renewed for the year commencing July 1, 2022 and expiring June 30, 2023:

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Twin Brook at Tinton Falls, Inc.	1336-33-001-007	\$2,500.00	Inactive
McLoone's Tinton Falls LLC	1336-33-002-013	\$2,500.00	CJ McLoone's
Woody's TF Grille LLC	1336-33-003-006	\$2,500.00	Woody's Ocean Grille
Adova, LLC	1336-33-008-006	\$2,500.00	Gargiulos Tinton Falls
Mimoza, LLC	1336-33-009-007	\$2,500.00	Tally Ho Inn
Menditto, Inc.	1336-33-010-004	\$2,500.00	Nettie's
GSPH Restaurants	1336-33-012-002	\$2,500.00	The Pour House
Apple Food Service of Tinton Falls, Inc.	1336-33-013-008	\$2,500.00	Applebee's Neighborhood Grill & Bar
Village Falls, LLC	1336-33-014-011	\$2,500.00	MJ's
Tinton Falls Lodging Realty, LLC	1336-36-007-014	\$2,500.00	Aqua Restaurant & Lounge
HPT CY TRS Inc.	1336-36-015-004	\$2,500.00	Sonesta Select Tinton Falls

R-22-129 - RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE YEAR 2022/2023

WHEREAS, the holder of certain plenary retail distribution licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following plenary retail distribution licenses be renewed for the year commencing July 1, 2022 and expiring June 30, 2023.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Worldwide Wines, LLC	1336-44-004-015	\$2,500.00	Inactive
3-Queens, Inc.	1336-44-005-004	\$2,500.00	Tinton Falls Buy Rite
Reva Enterprises LLC	1336-44-006-006	\$2,500.00	Pinebrook Liquor & Deli

R-22-130 - RESOLUTION - RENEWAL OF CERTAIN CLUB LIQUOR LICENSES FOR THE YEAR 2022/2023

WHEREAS, the holder of certain club licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following club licenses be renewed for the year commencing July 1, 2022 and expiring June 30, 2023.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Seabrook Village Resident's Association Inc.	1336-31-018-002	\$180.00	Seabrook Village

R-22-131 - RESOLUTION IN SUPPORT OF URGING THE SWIFT PASSAGE OF S-330 WHICH RESTORES ENERGY TAX RECEIPTS

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

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WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Tinton Falls in the county of Monmouth urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Assembly representatives Kimberly Eulner, Marilyn Piperno, Senator Vin Gopal, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

R-22-132 - RESOLUTION ADOPTING AND RECERTIFYING THE EMERGENCY OPERATIONS PLAN FOR THE BOROUGH OF TINTON FALLS AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR CONTINUED PARTICIPATION IN THE MONMOUTH COUNTY INTRA-COUNTY MUTUAL AID ASSISTANCE PROGRAM

WHEREAS, Chapter 222, Public Law 1989 mandates the development and approval of Emergency Operations Plans for all municipalities, counties, and the State; and

WHEREAS, an Emergency Operations Plan will allow the Municipality in correlation with the Municipal Office of Emergency Management to better prepare and manage jurisdiction-wide emergencies; and

WHEREAS, the Borough of Tinton Falls must submit an Emergency Operations Plan through the County Office of Emergency management to the State Office of Emergency Management for initial review and approval, and will require recertification every four (4) years, and

WHEREAS, the Borough Council of the Borough of Tinton Falls are in receipt of an Emergency Operations Plan and a request from the Borough of Tinton Falls Office of Emergency Management for formal Adoption, and

WHEREAS, On August 7, 2018, the Borough Council adopted R-18-203, authorizing the execution of the Monmouth County, Intra-County Mutual Aid and Assistance Agreement between the County, Borough of Tinton Falls and Participating Units.

NOW, THEREFORE, BE IT RESOLVED by, the Borough Council of the Borough of Tinton Falls that the Borough of Tinton Falls Emergency Operations Plan be and is hereby adopted.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Tinton Falls hereby authorizing the continual participation in the Monmouth County Intra-County Mutual Aid and Assistance Agreement as referenced for the term consistent with the Municipal Emergency Operations Plan.

BE IT FURTHER RESOLVED that the Municipal Clerk forwards a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator.

R-22-133 - RESOLUTION AUTHORIZING TERMINATION OF AGREEMENT BETWEEN THE BOROUGH AND THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1 FOR PUBLIC HEALTH SERVICES

WHEREAS, the Borough entered into a Shared Services Agreement in January 2012 with the Monmouth County Regional Health Commission No. 1 (the "Commission") for the provision of local public health services in the Borough (the "Agreement"); and

WHEREAS, the terms of the Agreement, in Section (H), authorize either party to terminate the Agreement by providing six (6) months advance notice to the Commission and to the New Jersey State Commissioner of Health by adopting a Resolution that declares its intention to withdraw; and

WHEREAS, the applicable statute, N.J.S.A. 26:3A2-12, authorizes a municipality to withdraw from participation in a local health agency or contracting health agency by adopting a resolution to declare its intention to establish its own local health agency or join with one or more municipalities in establishing a local health agency meeting "Standards of Performance"; and

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WHEREAS, the Borough now desires to terminate the Agreement with the Commission, with an effective termination date of December 31, 2022;

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

1. The Borough hereby terminates the Shared Services Agreement dated January 2012 between the Borough and the Monmouth County Regional Health Commission No. 1, for the provision of local public health services.
2. The effective date of termination of the Agreement is December 31, 2022.
3. The Borough hereby declares its intention to establish its own local health agency or join with one or more municipalities in establishing a local health agency meeting "Standards of Performance."
4. A certified copy of this Resolution shall be provided via first class United States Postal Service certified mail with return receipt to the following parties:

Monmouth County Regional Health Commission No. 1
1540 West Park Avenue
Ocean Township, NJ 07712

Office of Public Health Infrastructure
New Jersey Department of Health and Senior Services
PO Box 360
Trenton, NJ 08625-0360

R-22-134 - RESOLUTION AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF FREEHOLD FOR THE PROVISION OF PUBLIC HEALTH SERVICES TO THE BOROUGH

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, authorizes municipalities to enter into shared services agreements with other public entities to provide or receive services that the local unit participating in the agreement is empowered to provide or receive; and

WHEREAS, N.J.S.A. 40A:65-5 requires such agreements to be authorized by the adoption of a Resolution; and

WHEREAS, the Borough has a need for the provision of public health services, pursuant to N.J.S.A. 26:3A2-1, *et seq.* and N.J.S.A. 40:8A-1, *et seq.*; and

WHEREAS, the Township of Freehold has agreed to provide such public health services to the Borough, in accordance with the terms and conditions of the Shared Services Agreement attached hereto as Exhibit A; and

WHEREAS, the term of the Shared Services Agreement will be one year, from January 1, 2023 to December 31, 2023, at a cost of \$163,775.00 per year;

WHEREAS, the Governing Body desires to authorize the execution of the attached Shared Services Agreement with the Township of Freehold;

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

1. The Borough hereby authorizes the execution of the Shared Services Agreement, in the form attached hereto as Exhibit A, with the Township of Freehold for the provision of public health services to the Borough, to be effective January 1, 2023 through December 31, 2023, at a cost of \$163,775.00 per year.
2. A certified copy of this Resolution shall be provided via first class United States Postal Service certified mail with return receipt to the following parties:

Township of Freehold
Office of the Business Administrator
One Municipal Plaza
Freehold, NJ 07728

Office of Public Health Infrastructure
New Jersey Department of Health and Senior Services
PO Box 360
Trenton, NJ 08625-0360

R-22-135 – RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – NJS 40A:4-87

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WHEREAS, NJS 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 2022 in the sum of \$44,996.48, which is now available from State of New Jersey Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$44,996.48 is hereby appropriated under the caption of Clean Communities Program; and

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

R-22-136 – RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – NJS 40A:4-87

WHEREAS, NJS 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 2022 in the sum of \$1,500.00, which is now available from the Association of NJ Environmental Commissions – 2022 Open Space Stewardship Project.

BE IT FURTHER RESOLVED, that the like sum of \$1,500.00 is hereby appropriated under the caption of Association of NJ Environmental Commissions – 2022 Open Space Stewardship Project; and

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

R-22-137 - RESOLUTION AUTHORIZING PURCHASE UNDER SOURCEWELL COOPERATIVE PURCHASING AGREEMENT ONE (1) 10 TON FALCON RME ASPHALT HOT PATCHER MOUNTED ON HOOK LIFT FRAME

WHEREAS, the Tinton Falls Department of Public Works is in need of one (1) 10 Ton Falcon RME Asphalt Hot Patcher mounted on Hook Lift Frame; and

WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative as approved by Resolution #R-16-123; and

WHEREAS, McGrath Municipal Equipment, LLC, P.O. Box 422, Springfield, NJ 07081-0422 is a valid vendor on the Sourcewell Cooperative, for the purchase of a 10 Ton Falcon RME Asphalt Hot Patcher mounted on Hook Lift Frame for a total purchase price in the amount of \$114,273; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-11, 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 Sourcewell Cooperative:

10 Ton Falcon RME Asphalt Hot Patcher mounted on Hook Lift Frame

I hereby certify funds are available from: Current Budget: Acquisition of Asphalt Hot Patcher

R-22-138 - RESOLUTION AUTHORIZING PURCHASE UNDER SOURCEWELL COOPERATIVE FOR CLASS 4-8 CHASSIS WITH RELATED EQUIPMENT ONE (1) 2022 HV507 SFA HOOK LIFT TRUCK WITH PLOW / LEAF VACUUM AND OPTIONAL DUMP BODY

WHEREAS, the Tinton Falls Department of Public Works is in need of One (1) 2024 HV507 SFA Hook Lift Truck with Plow / Leaf Vacuum and Optional Dump Body; and

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WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative as approved by Resolution #R-16-123; and

WHEREAS, Allegiance Trucks, 525 W. Linden Avenue, Linden, NJ 07036-6507 is a valid vendor on the Sourcewell Cooperative, for the purchase of One (1) 2022 HV507 SFA Hook Lift Truck with Plow / Leaf Vacuum and Optional Dump Body for a total purchase price in the amount of \$345,841.33; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-11, 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 Sourcewell Cooperative:

One (1) 2022 HV507 SFA Hook Lift Truck with Plow / Leaf Vacuum and Optional Dump Body

I hereby certify funds are available from: Budget: Current Budget: Acquisition of Hook Lift Truck

R-22-139 - RESOLUTION AUTHORIZING PURCHASE UNDER SOURCEWELL COOPERATIVE PURCHASING AGREEMENT ONE (1) 2023, 926M WHEEL LOADER

WHEREAS, the Tinton Falls Department of Public Works is in need of one (1) 2023, 926M Wheel Loader; and

WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative as approved by Resolution #R-16-123; and

WHEREAS, Foley, 833 Centennial Avenue, Piscataway, NJ 08854-3912 is a valid vendor on the Sourcewell Cooperative, for the purchase of one (1) 2023, 926M Wheel Loader for a total purchase price in the amount of \$237,226; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-11, 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 Sourcewell Cooperative:

One (1) 2023, 926M Wheel Loader

I hereby certify funds are available from: Current Budget: Acquisition of Wheel Loader

R-22-140 - RESOLUTION REFUNDING STREET OPENING BOND

WHEREAS, On 6/11/21, 18 Orchard Street, LLC, 28 Riverside Ave, Suite 2A, Red Bank, NJ 07701, posted a \$400.00 street opening cash repair deposit for a sewer connection at 128 Peach Street, Tinton Falls, NJ 07724.

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

WHEREAS, 18 Orchard Street, LLC, 28 Riverside Ave, Suite 2A, Red Bank, NJ 07701, has completed the work described in Street Opening Permit 2021-06-004; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$400.00 posted by, 18 Orchard Street, LLC, 28 Riverside Ave, Suite 2A, Red Bank, NJ 07701, be released.

R-22-141 - RESOLUTION – REFUNDING ESCROW – BERNADETTE DEBRINO 38 MAYBERRY DRIVE

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

WHEREAS, the Planning Board Secretary, Trish Sena, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

**REGULAR & WORKSHOP MEETING
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DEBRINO DEB4191CO \$5,822.98

R-22-142 - RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2022 1st & 2nd quarter Taxes have been made as a result of duplicate payments and 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 1st & 2nd quarter taxes by the property Owners, Title Companies and Mortgage Companies in the total amount of \$10,768.74 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 \$10,768.74 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 \$10,768.74.

R-22-143 - RESOLUTION – 2022 CANCELLING SEWER DELINQUENTS UNDER \$10.00

WHEREAS, through P.L. 2021, c. 317 and P.L. 2022, c. 4, the State of New Jersey has mandated all residential customers of Local Government Sewer Utilities be offered an installment plan for any unpaid sewer charges that accrued between March 9, 2020 and March 15, 2022, and

WHEREAS, it is further mandated that said plan must have a minimum of twelve (12) monthly installments and be offered regardless of the amount of unpaid charges, as there is no minimum to qualify, and

WHEREAS, N.J.S.A. 40A:5-17.1 allows for the cancellation of delinquent municipal charges in the amounts of less than \$10.00, and

WHEREAS, in order to more effectively administer the sewer installment program, the Borough Tax Collector recommends cancellation of balances less than \$10.00 on the 2022 first quarter to properties know as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
			\$55.57

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Tax Collector is authorized to cancel the 2022 delinquent sewers amounting to \$55.57 for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount to be cancelled is \$55.57.

R-22-144 - RESOLUTION – APPROVAL OF BILLS – June 14, 2022

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending June 14, 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

GENERAL	5,961,3
SEWER UTILITY	196,3
GENERAL CAPITAL	495,1
GRANT FUND	8,3
TRUST FUNDS	12,5

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DOG TRUST FUND	2,8
ESCROW	40,7
ADDITIONS	<u>1,265,6</u>
TOTAL	7,983,0

ADJOURNMENT TO WORKSHOP

Council President Buckley stated that that there is no need for the workshop to be held this evening.

EXECUTIVE SESSION (if applicable)

Council President Buckley stated that at this time Council would reconvene the executive session meeting.

Mrs. Clay offered a motion to reconvene the executive session meeting, seconded by Mr. Manginelli.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: 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 9:37pm for the conclusion of the Regular Meeting.

Council President Buckley 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 discussed the contract negotiations pertaining to shared services with Freehold Township and contract negotiations with RWJ.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:38 pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: September 6, 2022