

**REGULAR AND WORKSHOP MEETING  
FEBRUARY 2, 2021  
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 7:30 PM. The meeting was held via remote means using the Webex Meeting Platform under rules established under NJSA 10:4-8(b) which allows meetings to be held digitally during a State of Emergency.

Open Public Meeting Statement: Call To Order – Pursuant to Section 5 of the Open Public Meetings Act, Adequate Notice of this Meeting has Been Provided by Posting on the Bulletin Board at Borough Hall, posting on the Borough Website and Facebook Page and by Notification to The Asbury Park Press, The Newark Star Ledger, and The Coaster at Least 48 Hours Prior to the Meeting.

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk  
Kevin Starkey, Director of Law  
Vito Perillo, Mayor  
Thomas Fallon, Acting Borough Administrator/Director of Finance  
Thomas Neff, Borough Engineer  
Mark Shaffery, Director of Public Works  
Dave Boehning, Deputy Coordinator, OEM

**SALUTE TO THE FLAG:** Council President Buckley invited everyone attending the remote meeting to join in saying the Pledge of Allegiance.

**Council President's Introduction**

Good Evening everyone, I am Council President Tracy Buckley. We are holding this meeting remotely utilizing the Webex platform. Joining me remotely are my fellow Councilmembers Risa Clay, John Manginelli, Mike Nesci and Brock Siebert, as well as Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey, Borough Engineer Tom Neff, TF Deputy OEM Coordinator Dave Boehning, Tinton Falls Dept of Public Works Director Mark Shaffery, and IT Director Dan Romanov.

I would like to give special thanks to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing the Webex platform.

This is a live digital Council Meeting that we are holding under the rules established under NJSA 10:4-8(b), which allows this meeting to be held digitally during a State of Emergency. For those not familiar with the Webex platform, it allows members of the public to dial in from their computer, utilizing the Webex app, or from a regular phone utilizing a dial in number and meeting passcode. If you wish to be heard at the public comment portion of the meeting, please use the "Raise Your Hand" function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. To mute or unmute your phone press \*6. You will be asked to state your name and address for the record and observe a time limit of three minutes.

We would like to commend our Borough municipal employees from every department for all of their hard work in keeping the Borough functioning during this difficult time.

Moreover, we would like to commend our Tinton Falls Office of Emergency Management, Tinton Falls Police Department, Tinton Falls Emergency Medical Services, Tinton Falls Fire Companies and Tinton Falls Dept of Public Works for your work on the front lines of this ongoing pandemic and for keeping us safe.

In these challenging times, the best we can do is to be kind to one another and remember courtesy is also contagious.

**APPROVAL OF MINUTES-** None

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Borough Engineer – Thomas Neff**

Mr. Neff gave an update on the Hance and Sycamore intersection improvements, he stated that the pole and signal heads are installed but not operational yet. Roadwork will be completed before the signals are activated and the roadwork is weather dependent. Mr. Neff stated that on the agenda is Ordinance 2021-1468 which is a no parking ordinance that was requested by the Police Department. Mr. Neff stated that the ordinance is the result of resident concerns who live in the area of Churchill Downs Drive. He explained that the area in question is heavily wooded and the road bends creating a blind curve and a very dangerous situation. This ordinance addresses only a small section of the roadway and is a safety concern.

**Director of Finance/ Acting Borough Administrator- Thomas Fallon**

Mr. Fallon discussed resolution R-21-042 which pertains to a cost of living adjustment for contributions under the Length of Service Awards Program for emergency service volunteers. The allowable increase this year is .8 percent

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which equates to \$12.09 to provide for an annual contribution for 2020 of \$1,522.98. There were 24 emergency service volunteers that met the criteria in 2019. This program was instituted by the Borough in 2003 and provides a small thank you to EMS volunteers who are such an important part of this community.

**Mayor's Report – Mayor Vito Perillo**

Mayor Perillo extended his thanks to Captain Gerald Turning for his many years of outstanding service and to congratulate him on his retirement. Mayor Perillo wished Captain Turning and his family the best of health and happiness. Mayor Perillo commended the Department of Public Works on the great job keeping the streets navigable through the most recent snow storm. He stated that they went above and beyond the call of duty in clearing the roads.

**Director of Law- Kevin Starkey**

Mr. Starkey stated that there is one ordinance on for final consideration, 2021-1467 to establish standards for storm water management and control. The Department of Environmental Protection requires that this ordinance be adopted by March. There are a couple of technical issues that need to be resolved and will take a few more days to address. Mr. Starkey recommended to Council that this ordinance be carried to the February 16<sup>th</sup> meeting for both public hearing and vote.

**Borough Clerk – Melissa Hesler- No report**

**Deputy Emergency Management Coordinator – Dave Boehning**

Mr. Boehning gave an update on the number of positive COVID19 cases reported in the Borough and stated that the Monmouth County Regional Health Commission conducts intensive monitoring and ongoing public health investigation of every positive case. The most recent initiative, which is through a grant, is to identify the vulnerable populations within their jurisdiction. Mr. Boehning stated that testing continues and is readily available and vaccination sites can be located for pre-registration on the State of New Jersey website. He stated that similarly Monmouth County has their own preregistration site which also has a waitlist. Mr. Boehning discussed the recent snow event and stated that OEM provides updated reports to Emergency Service Personnel and the Public Works Department and notifications are sent out to the public regarding garbage, recycling pickup changes and employee notifications regarding closings and delayed openings.

**Council's Report**

-Mrs. Clay echoed the comments of Mayor Perillo and thanked the Department of Public Works for their outstanding work during the snow storm. She also thanked the first responders who bear the brunt when there is a storm. Mrs. Clay stated that she attended the Board of Education meeting on January 25<sup>th</sup> and stated that they were recognized by their auditors on having an excellent report. She stated that she wanted to share that good news. Mrs. Clay stated that she wanted to commend Dr. Goldey, Superintendent of the Tinton Falls School District, on her leadership throughout the pandemic.

-Mr. Manginelli also commended the Department of Public Works on their hard work and diligence in keeping the roads clear throughout the storm.

-Mr. Nesci thanked the Department of Public Works and Emergency Services. He stated that they already have a challenging job and a snowstorm makes it that much more challenging. Mr. Nesci stated that the Planning Board will continue the hearing on the Amazon warehouse application on February 10<sup>th</sup>. He stated that the meeting details will be posted on the borough website and any questions can be directed to the Planning Board secretary.

-Mr. Siebert stated that he had no Library matters to report and their next meeting is later this week. Mr. Siebert also gave kudos to Public Works and Emergency Services for their work during the storm. Mr. Siebert stated the virtual meeting with the State Fish and Game office and Borough Attorney regarding the firearms ordinance changes was very informative.

-Ms. Buckley also extended her thanks to all first responders who worked tirelessly through the recent blizzard. She stated that she attended the last Environmental Commission meeting and a guest speaker was the New Jersey Composting Council who offer municipalities guidance and assistance on ways to educate residents on composting.

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**ORDINANCES FOR INTRODUCTION –**

**Mrs. Hesler read the title of Ordinance 2021-1468: Ordinance Amending Section 7-3 of the Borough Code, Entitled “Parking” (a portion of Churchill Downs Drive)**

She stated that public hearing is scheduled for February 16, 2021.

*Mr. Manginelli offered a motion to introduce Ordinance No. 2021-1468 seconded by Mrs. Clay.*

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**ROLL CALL**

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

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING SECTION 7-3 OF THE BOROUGH CODE,  
ENTITLED "PARKING"**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Section 7-3 of the Borough Code, entitled "Parking," shall be amended as follows:

**SECTION 1.** Section 7-3 of the Borough Code, entitled "Parking," shall be amended in Subsection 7-3.4 entitled "Parking Prohibited At All Times on Certain Streets," to add the portion of the street indicated below to the Subsection:

**§ 7-3.4 Parking Prohibited at All Times on Certain Streets.**

No person shall park a vehicle at any time upon any of the streets or parts thereof described below:

| Name of Street        | Side | Location  |
|-----------------------|------|---|
| Churchill Downs Drive | Both | From the eastern property line of #16 Churchill Downs Drive to the eastern property line of #22 Churchill Downs Drive |

**SECTION 2.** Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3.** Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 4.** Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

**Mrs. Hesler read the title of Ordinance 2021-1469: Ordinance Amending Section 5-8 Of The Borough Code, Entitled "Towers And Wreckers"**

She stated that public hearing is scheduled on February 16, 2021.

*Mr. Manginelli offered a motion to introduce Ordinance No. 2020-1469 seconded by Mrs. Clay.*

**ROLL CALL**

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

**ORDINANCE 2021-1469**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING SECTION 5-8 OF THE BOROUGH CODE,  
ENTITLED "TOWERS AND WRECKERS"**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Section 5-8 of the Borough Code, entitled "Towers and Wreckers," shall be amended as follows:

**SECTION 1.** Section 5-8 of the Borough Code, entitled "Towers and Wreckers," shall be amended in the "Definitions" section, Subsection 5-8.2, as indicated below (deletions indicated by ~~strike throughs~~, additions by underline):

**HEAVY DUTY WRECKER**

Shall mean a wrecker with a minimum lifting capacity of 25 tons on a tandem truck chassis. Shall mean a commercial manufactured truck with a wrecker body. Minimum GVWR 26,001 lbs. used to tow and recover commercial-type vehicles over 26,000 GVW as well as passenger vehicles unable to be recovered by other means.

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**SECTION 2.** Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3.** Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 4.** Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

**ORDINANCES FOR FINAL CONSIDERATION**

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

Council President Buckley stated that there was one ordinance on for final consideration and as recommended by our Director of Law that this be carried to the next meeting. Ms. Buckley asked for a motion to carry this ordinance to the February 16, 2021 Council Meeting.

*Mr. Manginelli offered a motion to carry the final consideration to the next meeting, seconded by Mrs. Clay.*

**ROLL CALL**

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

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

Council President Buckley explained that they would systematically recognize anyone that has dialed into this remote meeting via phone or via Webex platform to comment on any matter of their choice.

*Bryan Nesci, 14 Riverview Drive, Tinton Falls-* Mr. Nesci inquired about snow removal on Riverview Drive which is one of the few streets in the Borough constructed of stone, which comes with its challenges. Typically Riverview Drive is only plowed when there is a significant snowfall. Mr. Nesci inquired what is the protocol for plowing the stone streets in the DPW Department. Director of Public Works, Mark Shaffery confirmed that there is a list that DPW maintains of the roads with stone driveways with instructions that the plows only operate if there is in excess of three inches of snow so as not to distribute the stone and scatter onto residents property. Our department monitors the snowfall and plows are dispatched to those streets as needed. Bryan Nesci inquired about who is responsible for a tree near the street but is not on the homeowner's property line if the tree falls into the street. Tom Neff, Borough Engineer stated that typically street trees are the responsibility of the adjacent resident regardless of whether in the right of way or property line. The residents are responsible for the street trees.

*Elizabeth Perez, 2 Harvest Lane-* Ms. Perez asked if there is a plan for when the Council will start meeting in person. The Planning Board is doing hybrid meetings. Ms. Buckley stated that when we come back, it would be her preference to have hybrid meetings indefinitely. For now, Council has made the decision to only have virtual meetings until things calm down with the pandemic. Ms. Perez stated that she doesn't understand why the Planning Board is holding hybrid meetings and Council is not. Council President Buckley explained that the Planning Board meetings are conducted as hearings and there are specific regulations regarding the conduct of those hearings. The Planning Board Attorney has determined that the hybrid meeting best allows for the implementation of the guidelines. Ms. Perez congratulated Captain Turning on his retirement from the Tinton Falls Police Department after 25 years of service. He has had many accomplishments during his service to the Borough and wanted to publicly extend my best wishes to him and his family.

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*Ellen Goldberg, 90 Glenwood Drive* – Ms. Goldberg thanked the Department of Public Works for the excellent job during the snow storm. Ms. Goldberg asked about the liquid that is placed on the streets prior to a snow storm and if she should be concerned when walking her dog. Mark Shaffery, Director of DPW stated that it is a brine solution, calcium chloride and water, which is basically a 23% salt solution.

*Anthony Cicalese, 15 Yale Court*- Mr. Cicalese stated that he dropped of a petition with 60 plus signatures pertaining to the Discharge of Firearm Ordinance. Council President Buckley stated that the Clerk forwarded that to the Council. Mr. Cicalese inquired as to a meeting between Mrs. Clay and Mr. Siebert with the State Fish and Game Office. He asked if the Fish and Game Office stated anything about the position of the State about firing into a safety zone. Council President Buckley stated that we can address that when we move into our workshop meeting this evening. Mr. Cicalese stated that would be fine.

*Sue Rothermel, 16 Nicholas Boulevard, Jackson, NJ*- Ms. Rothermel Central Region Representative for the NJ State Federation of Sportsman’s Clubs representing the Monmouth County Area. She discussed the State Regulations from the Division setting forth the distance from residential property and the Council’s proposed changes to the ordinances, stating that she understands that it will be further discussed later in the meeting.

*Scott Paterson, 252 Riveredge Road, Tinton Falls*- Mr. Paterson thanked DPW, Police, EMS and Fire for all they’ve done during the storm for the residents. He also thanked Council for their public service and long hours that are given to the Borough, as sometimes those contributions go unrecognized. Mr. Paterson stated that he sent in his concerns and changes to the proposed ordinance through an email. He stated that the laws are already in place and suggested that Council let the Division of Fish and Game guide these changes. Mr. Paterson stated that he has a lot of concerns which will basically prohibit most hunting in the Borough.

Council President Buckley asked if the Clerk received any written public comments. Mrs. Hesler stated none that met the criteria of the remote meeting procedures adopted by the Borough.

*Mr. Manginelli offered a motion to close the Public Discussion, seconded by Mrs. Clay.*

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

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**RESOLUTIONS** – None

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**CONSENT AGENDA**

*Mr. Manginelli offered a motion to approve the Consent Agenda, seconded by Mrs. Clay.*

**ROLL CALL**

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

**R-21-042 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 2019 was set at a rate of \$1,510.89; and

**WHEREAS**, the Division of Local Government Services has authorized a maximum contribution increase for those serving in 2020 of 0.8% or \$12.09 for a total 2020 contribution of \$1,522.98; and

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**WHEREAS**, the Borough Council has determined to set the 2020 maximum LOSAP contribution to \$1,522.98 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 2020 LOSAP contribution rate at \$1,522.98 for each eligible member of the Borough's emergency medical service squads.

**R-21-043 RESOLUTION AUTHORIZING CHANGE ORDER #4 REDUCING CONTRACT #18-4 IN THE AMOUNT OF \$125,492.13 - 2018 ROAD IMPROVEMENT PROGRAM**

**WHEREAS**, Contract #18-4 for the 2018 Road Improvement Program was awarded to Earle Asphalt Co., P.O. Box 556, Farmingdale, NJ 07727, by Resolution R-18-252 in the amount of \$2,126,913.13 at a Council Meeting held on September 18, 2018; and

**WHEREAS**, Change Order #1 dated April 22, 2019 required a quantity change resulting in a zero (0) net change to the total contract amount; was approved by Resolution #R-19-078 on May 7, 2019;

**WHEREAS**, Change Order #2 dated June 27, 2019 from T & M Associates (annexed hereto and part hereof) request a decrease in the amount of \$50,103.78 for reasons described therein, for a total contract in the amount of \$2,076,809.35;

**WHEREAS**, Change Order #3 dated December 9, 2019 from T & M Associates (annexed hereto and part hereof) request a increase in the amount of \$115,931.39 for reasons described therein, for a total contract in the amount of \$2,192,740.74;

**WHEREAS**, Change Order #4 dated January 19, 2021 from T & M Associates (annexed hereto and part hereof) request a decrease in the amount of \$125,492.13 for reasons described therein, for a total contract in the amount of \$2,067,248.60;

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Tinton Falls authorizes change order #4 decreasing Contract #18-4 in the amount of \$125,492.13 for a total contract in the amount of \$2,067,248.60 is hereby authorized for the above contract awarded to Earle Asphalt Co.;

**R-21-044 RESOLUTION AUTHORIZING ACCEPTANCE OF A STORMWATER DRAINAGE EASEMENT FROM 369 ESSEX RD, LLC ON BLOCK 128.03, LOT 1.11, A/K/A 369 ESSEX ROAD**

**WHEREAS**, the Borough Planning Board granted preliminary and final site plan approval for property designated as Block 128.03, Lot 1.11, more commonly known as 369 Essex Road, by Resolution dated March 11, 2020; and

**WHEREAS**, the Planning Board Resolution requires the owner of the property to grant a stormwater drainage easement to the Borough on the property; and

**WHEREAS**, the owner of the property has proposed a form of Stormwater Drainage Easement to the Borough for review and approval; and

**WHEREAS**, the Director of Law and the Borough Engineer have reviewed and approved the form of Stormwater Drainage Easement and have recommended its approval to the Borough Council for execution by the Mayor and Clerk; and

**WHEREAS**, the Borough Council desires to authorize the Mayor to execute the Stormwater Drainage Easement.

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

1. The Borough Council hereby authorizes the Mayor to execute and the Borough Clerk to attest to the attached Stormwater Drainage Easement between 369 Essex Rd, LLC and the Borough, pertaining to the property known as Block 128.93, Lot 1.11 and more commonly known as 369 Essex Road.
2. The Borough Clerk is authorized to provide a certified true copy of this Resolution to 369 Essex Rd, LLC.

**R-21-045 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2020 4<sup>th</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Homeowner.

| <u>Name</u>                                  | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| Khalid M. & Faiza K. Ahmad<br>12 Manzo Court | 97           | 1.07       | \$4,102.26    |

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Tinton Falls, NJ 07724

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2020 4<sup>th</sup> quarter taxes in the amount of \$4,102.26, 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 \$4,102.26 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$4,102.26.

**R-21-046 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2020 taxes on the following property has been made as a result of a Veteran's deduction for the year 2020 to property known as:

| <u>Name</u>   | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|---|--------------|------------|---------------|
| TF Campus, LLC<br>3000 Essex Road<br>Tinton Falls, NJ 07753 | 128.03       | 19.05      | \$250.00      |

Re: Ellen Nichols  
519 Beacon Landing

and,

**WHEREAS**, said deduction has resulted in an overpayment of 2020 taxes in the amount of \$250.00, 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 \$250.00 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$250.00.

**R-21-047 RESOLUTION - REFUNDING TAX OVERPAYMENT TO BE APPLIED TO 2021 TAXES**

**WHEREAS**, an overpayment of 2020 4<sup>th</sup> quarter taxes on the following property has been paid in error by the Homeowner and the Mortgage Company.

| <u>Name</u>  | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| Borough of Tinton Falls<br>556 Tinton Avenue<br>Tinton Falls, NJ 07724 | 67.02        | 34         | \$2,017.32    |

Re: Smith, Russell J.  
121 Woodland Manor

and,

**WHEREAS**, said payments has resulted in an overpayment of the 2020 taxes totaling \$2,017.32 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 \$2,017.32 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2021 taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$2,017.32.

**R-21-048 RESOLUTION - REFUNDING SEWER PAYMENT TO BE APPLIED TO 2021 TAXES**

**WHEREAS**, an error in payment of the 2021 sewer bill has been made in the year 2020 to the following property.

| <u>Name</u>  | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| Borough of Tinton Falls<br>556 Tinton Avenue<br>Tinton Falls, NJ 07724 | 124.51       | 269        | \$283.48      |

Re: Gorden, Warren & Janet

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1 Santa Fe Court

and,

**WHEREAS**, said payment has resulted in an overpayment of the 2021 sewer totaling \$283.48 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 \$283.48 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2021 taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$283.48.

**R-21-049 RESOLUTION - REFUNDING SEWER OVERPAYMENT**

**WHEREAS**, the 2021 1<sup>st</sup> quarter Sewer bill on the following property has been paid in error by the Homeowner submitting a duplicate payment.

| <u>Name</u>   | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|---|--------------|------------|---------------|
| Jeffrey D. & Lorraine J. Roffman<br>22 Mineral Springs Lane<br>Tinton Falls, NJ 07724 | 16           | 1.53       | \$187.50      |

and,

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$187.50 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of error in payment to be \$187.50.

**R-21-050 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 2, 2021**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 2, 2021; and

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

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

**SUMMARY**

|                        |                            |
|------------------------|----------------------------|
| <b>GENERAL</b>         | <b>5,766,793.59</b>        |
| <b>SEWER UTILITY</b>   | <b>17,225.04</b>           |
| <b>GENERAL CAPITAL</b> | <b>27,568.00</b>           |
| <b>GRANT FUNDS</b>     | <b>5,840.80</b>            |
| <b>TRUST FUNDS</b>     | <b>57,339.83</b>           |
| <b>DOG TRUST FUND</b>  | <b>2,559.00</b>            |
| <b>ESCROW</b>          | <b>9,593.33</b>            |
| <b>ADDITIONS</b>       | <b>386,923.14</b>          |
| <b>TOTAL</b>           | <b><u>6,273,842.73</u></b> |

CERTIFICATION OF FUNDS:  
/S/Thomas P. Fallon, Chief Financial Officer

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**ADJOURNMENT TO WORKSHOP**

*Mr. Manginelli offered a motion to adjourn to workshop, seconded by Mrs. Clay.*

**ROLL CALL**

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



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Council President Buckley called the Workshop Meeting to order at 8:10 PM. The meeting was held via remote means using the Webex Meeting Platform under rules established under NJSA 10:4-8(b) which allows meetings to be held digitally during a State of Emergency.

Open Public Meeting Statement: Call To Order – Pursuant to Section 5 of the Open Public Meetings Act, Adequate Notice of this Meeting has Been Provided by Posting on the Bulletin Board at Borough Hall, posting on the Borough Website and Facebook Page and by Notification to The Asbury Park Press, The Newark Star Ledger, and The Coaster at Least 48 Hours Prior to the Meeting.

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

**WORKSHOP MEETING**

Good Evening everyone, I am Council President Tracy Buckley. We are holding this meeting remotely utilizing the Webex platform. Joining me remotely are my fellow Councilmembers Risa Clay, John Manginelli, Mike Nesci and Brock Siebert, as well as Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey and Borough Engineer Tom Neff, IT Director Dan Romanov.

This is a live digital Council Workshop Meeting that we are holding under the rules established under NJSA 10:4-8(b), which allows this meeting to be held digitally during a State of Emergency. For those not familiar with the Webex platform, it allows members of the public to dial in from their computer, utilizing the Webex app, or from a regular phone utilizing a dial in number and meeting passcode.

This workshop is being held to continue the discussion on the proposed changes to the current Firearms Ordinance. No formal action will be taken. We will aim to keep this to an hour, and as a general note, if we need to continue discussion, we can always carry to a future workshop meeting.

If time allows, we will have public comment at the end. If you wish to be heard during the public comment portion of the meeting, please use the “Raise Your Hand” function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. To mute or unmute your phone press \*6. You will be asked to state your name and address for the record and observe a time limit of three minutes.

**UNFINISHED BUSINESS**

***-Discussion Firearms Ordinance***

Council President Buckley asked Councilman Nesci and Director of Law, Kevin Starkey to continue the discussion on the Firearms Ordinance which was carried over from a previous meeting in January.

Councilman Nesci stated that he wanted to reiterate that we began this process to update the firearm discharge ordinance last February when many concerned residents approached the Council to voice their concerns that there were people hunting too close to residential properties. Mr. Nesci stated that the Council is considering what is best for the residents of our community and the latest draft reflects that.

Director of Law, Kevin Starkey stated that he would like to give a brief recap of what has transpired since the last discussion on this matter, and the changes to the draft ordinance that have come about since that meeting. Mr Neff will then follow up with two maps to show in graphic form what changes will be made and Cindy Kuenstner of the State Fish and Wildlife Commission is also on the call this evening. The history of this ordinance dates back to 1960 with several amendments over time. The ordinance as it currently exists in our Code will be amended. Mr. Starkey discussed some of the restrictions currently in effect which prohibit discharging a firearms and bows on Borough property or in the area north of Tinton Avenue. He discussed other aspects of the existing ordinance and proposed changes to the ordinance including expanding the prohibited distance for firearms and adding new restrictions specifically for discharge of bows, cross bow, long bow, or any sort of bow and arrow. Mr. Starkey stated that Council has asked that he prepare an ordinance that would balance the safety concerns of residents which are considerable, with the rights of those people with firearms and bows, they are usually hunters, and to find a balance where the discharge of firearms and bows can be done in a safe manner for both the hunters, and the residents of Tinton Falls. Mr. Starkey pointed out that the Borough has been developed significantly in the last couple of decades, which is why this matter has been brought to the forefront. He stated that since the last workshop a very productive meeting was held with NJ Fish and Game Commission, Councilwoman Clay, Councilman Siebert, Tinton Falls Police Officer Patrolman Mauer, and myself. The meeting was very productive and informative and the some of those talking points have been incorporated into the latest draft. Mr. Starkey clarified that the municipality cannot regulate property owned by a Federal, State or County government within the Borough, those properties are regulated by Fish and Wildlife.

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Mr. Starkey also pointed out that by adopting an ordinance such as this, it limits further hunting areas in the Borough which potentially can have an effect on the deer population which was one of the concerns of the Fish and Wildlife Commission. He stated that Fish and Wildlife suggested that the Borough consider using a controlled hunt to keep the deer population under control. Mr. Starkey explained that Council would authorize, by resolution, a hunt which would be only on Borough property and would be regulated and overseen by Fish and Wildlife. Mr. Starkey stated the Council asked our Borough Engineer to prepare both a firearm and bow map with overlay to show the changes and create a visual. Mr. Starkey turned the meeting over to Borough Engineer, Tom Neff.

Borough Engineer, Tom Neff shared his screen and gave an overview of the two maps. He explained that almost all of the area north of Tinton Avenue, on both maps, is shaded indicating there is very little huntable area available due to density. Mr. Neff stated the unshaded areas belong to State, County or Federal governments and the Borough cannot regulate them. He explained how the areas south of Tinton Avenue would be affected and pointed out that most of the residential areas are shaded, so discharge of firearms would be prohibited in those areas. Mr. Neff also discussed the unshaded areas and some of the area that is earmarked for future development, which would eventually cause those areas to be shaded as well. He stated that along the far southern border there are additional County properties which we cannot regulate. He also pointed out some of the larger unshaded areas which belong to Navy Weapon Station Earle and the Monmouth County Reclamation landfill.

Director of Law Kevin Starkey stated that he wanted to point out, in response to a public comment made at the first workshop meeting regarding regulating waterfowl hunting along waterways. He stated that the municipality has no jurisdiction to regulate discharge of firearms or bows along waterway up to the mean high water line, that is regulated by the Fish and Wildlife.

Councilman Nesci stated that looking at the map it looks very aggressive but felt strongly that the controlled hunt option would, in turn, increase the discharge area for the sake of hunting. He inquired if anyone knew how many borough owned properties there are in Tinton Falls that would be eligible for a controlled hunt. Mr. Neff stated that he did not have specific numbers but pointed out several in both the north and south part of town.

Council President Buckley commented on the protocol around the controlled hunt including noticing and posting signs. Director of Law Kevin Starkey confirmed that a resolution would have to be adopted including the location, date and time and publication of a notice and the park would be closed to the public on those days. This would be done for the safety of the public and also allow culling of the deer population.

Councilman Manginelli stated that he was happy that thought was given to the possibility of an increase in deer population and how to control that situation if it arises. He suggested that the controlled hunt areas be determined in advance and shown on a map as well.

Councilman Siebert expressed his concerns regarding some of the recent complaints filed regarding discharge of a firearm in the vicinity of Yale Court. The property identified in the complaint is not Borough property, the parcel is large and hunting is currently allowed. This ordinance would deprive the resident his right to use his own property. Mr. Siebert stated that this year 105 deer have been killed by hunters with only 17 killed with firearms. He stated that he does not want to see the impact of the deer population increasing causing safety concerns and property damage. Mr. Siebert stated that the engineer in his presentation stated that almost the entire borough is in the shaded areas and this ordinance would ultimately be a firearms ban.

Council President Buckley stated she agrees with the concern of deer over population and believes the controlled hunt idea is a good one. Discussion followed regarding deer limits, number of days or number of hunts per season as well as the multiplication levels of the deer.

Mr. Manginelli gave statistics that he obtained from the Police Department regarding the number of deer related accidents over the past several years. Deer population should be a serious consideration when putting this ordinance together. There was continued discussion regarding how to identify where the controlled hunts could potentially be held.

Cindy Kuenstner, NJ Division of Fish and Wildlife, stated that she has worked with municipalities when they might have a hunting or shooting sport related issue. Ms. Kuenstner thanked the Mayor and Council for the opportunity to speak this evening. She stated that Fish and Wildlife has concerns with the changes proposed in the draft ordinance and thanked Council for making some of the suggested revisions already after our initial meeting. Ms. Kuenstner stated that she wanted to make a few key points for the full Council and visitors attending this evening. Fish and Wildlife understands that residents have concerns about audible discharge of firearms and that can prompt police calls. She stated that hunting is a safe sport and gave statistics that last year, there were no more than two hunting accidents in the entire state during all hunting seasons. All incidents were in a wildlife management area in south Jersey, small game hunters, only affecting other hunters, with only minor injuries. Ms. Kuenstner offered to partner with the Borough to help educate anyone that might have questions or concerns. She stated the concerns of Fish and Wildlife regarding the draft ordinance, specifically to increasing the distance of discharge and using a property line as a marker, not a structure. Ms. Kuenstner explained that this change would make it very difficult to enforce and would require the Police Department to have specialized equipment and in addition would make it hard for the hunter to comply as property lines are invisible. She explained that it is always recommended that State law be followed because confusion can result when each municipality has its own law and hunters are very familiar with State law. Ms. Kuenstner stated that when a municipality adopts an ordinance that is stricter than the State law, enforcement becomes the responsibility of the local police. She also discussed the statistics of deer vehicle collisions, the increased deer population and other issues that will be created if this ordinance is adopted. Adopting this ordinance would be eliminating a state licensed privilege which has not been documented as causing problems in your community or other communities.

Councilman Nesci stated that he wanted to point out that the Council is considering these changes because the residents of the Borough have voiced their concerns about firearm discharge near their homes and their concerns for their safety.

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Ms. Keunstner pointed out that the cases were investigated and it was found there were no violations of State law or safety situations. She explained that sportsmen groups keep an eye open for changes in local laws statewide, by municipalities which might be perceived to be overreaching into a State regulated and Federally authorized privilege of regulated hunting. Ms. Keunstner discussed a recent survey nationwide and in several communities in New Jersey that revealed that close to 74% of residents support controlled hunting. She stated that Fish and Wildlife welcomes dialog to education and further conversations, awareness can change perspective. Ms. Keunstner stated that the Commission would like to work with the Borough to create a deer management plan and discuss in depth the controlled hunt process. She explained in brief how a controlled hunt would be handled including choosing specific properties, regulations and tailored to your community.

Councilman Siebert expressed his concern about enforceability of this ordinance. He stated that to enforce the ordinance the Borough would have to acquire the proper tools and additional resources.

Director of Law Kevin Starkey thanked Cindy for her input into this meeting and the previous meeting. He stated that he and the Council recognize that Fish and Wildlife will not enforce this ordinance, and even the current ordinance on the books, because it goes beyond State regulations. Enforcement is already on the municipality for the current ordinance and any amended ordinance. One of the benefits is the creation of the firearm and bow discharge maps which provide a graphic description of what the ordinance would do. They address a lot of concerns the Police have currently and give a visual, eliminating the need for special measuring equipment. Mr. Starkey explained that a list of block and of properties can be provided to the Police Department to assist them in enforcement. He stated that there are towns that have outright bans on firearms, and it is the intent of the Council is to strike a balance with the safety of the residents and also tools to control the deer population. Mr. Siebert countered that this ordinance is almost an outright ban with the exception of a few parcels and that he would like to see bow hunting throughout the Borough.

Ms. Keunstner stated that there are many inconsistencies in this ordinance and further discussed the controlled hunt idea, the impact the ordinance would have on the deer population and the impact it would have on the Borough.

Council President Buckley stated that there has been a lot of good information shared this evening and that further discussions will need to take place before a decision is made. She suggested opening the meeting to the public for comments. Council concurred with her suggestion.

**PUBLIC DISCUSSION – WORKSHOP MEETING:**

Council President explained the procedure for making a comment using the “Raise Your Hand” function on the Webex platform and for those dialing in via phone. You will be asked to state your name and address for the record. To mute or unmute your phone press \*6.

*Tom Prosser, West Long Branch-* Mr. Prosser discussed the controlled hunt which would be ideal for a large parcel of land, however the deer population in areas where the parcels are smaller you could have overpopulation in those areas as well and a controlled hunt would not be allowed. Mr. Prosser asked if a property owner would be allowed to give written permission to hunt under the proposed ordinance changes. Director of Law Kevin Starkey stated written permission would have to be obtained, unless it is explicitly prohibited for the property under the ordinance.

*Scott Paterson, 252 Riveredge Road, Tinton Falls-* Mr. Paterson stated that there doesn't seem to be statistics to backup the change in the ordinance and enforcement would be an issue for the Police Department and would be almost impossible. He stated that it seems that emotion and passion against hunting seem to be what is dictating these changes and this is not just in Tinton Falls. Mr. Paterson stated that he believes there is a bit of overreach born out of concern for a small number of residents. He pointed out that hunters are the caregivers of the outdoors, and there is no one more careful than the hunting community. Mr. Paterson stated that he has great concerns over this ordinance and hopes that there will be a pause for reflection over this to prevent infringement on the rights of the hunters.

Council President Buckley explained that these concerns were initially raised by two people who are hunters. Their concerns were raised as a matter of safety, not hunting. They suggested that we reach out to Fish and Game for guidance. Ms. Buckley stated that this is a legitimate concern and supported by more than 160 people. This Council is spending the time to get it right for all interested parties.

Mr. Paterson urged the Council to reconsider the ordinance as written, Title 23 has laws on the books regarding this matter and they are quite successful in their regulations.

*Wade Stein, 1806 Madison Street, Cinnaminson NJ-* Mr. Stein stated that he is the President of the NJ State Federation of Sportsmen Club thanked Council for their open mindedness in discussing this problem with Fish and Game. He commented on the idea to ban use of firearms other than hunting season, an avenue you might want to pursue. Mr. Stein stated that he has reviewed the digest that Fish and Game prepares and gave statistics about the overall hunting days in this area, and he discussed State laws around hunting on property with written permission. He offered to have further discussion if the Council would be interested.

*Anthony Cicalese, 15 Yale Court-* Mr. Cicalese stated that he brought this matter to the attention of the Council a year ago. He explained the circumstances that prompted his concern. Mr. Cicalese stated that he was in his backyard when he heard a fire about 150 to 200 feet behind his home on municipal property. Having been in the military he explained that his ears are trained to know the distance and direction of a firearm discharge. Mr. Cicalese stated that these are hunters coming in and disregarding the ordinances in the Borough, this is a safety ordinance and it has been for years. He commended the idea of the controlled hunt for controlling the overpopulation of deer. He discussed the setbacks and property line issues and the written permission for hunting on private property.

*Susan Rothermel, 16 Nicholas Boulevard, Jackson-* Ms. Rothermel stated that she is the Central Region Board of Director for NJ State Federation of Sportsmen's Clubs, stated that she has worked with Cindy Keunstner on many occasions and she is full of accurate information. Ms. Rothermel stated that it seems the basic guidelines of the State

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are working well throughout the State, with very little incidents. She discussed the managed hunts and their success in other municipalities and urged Council to continue to discuss this matter. Ms. Rothermel explained that the maps as proposed pretty much eliminates all firearm usage in the borough.

*Cindy Keunstner, NJ Fish and Wildlife Representative-* Ms. Keunstner stated that she wanted to make one last point in response to Mr. Cicalese comment about hunters violating the Borough ordinances. His point was a valid one, when relaying his situation he stated there was a violator or maybe multiple violators who were hunters, which proves a point that making the ordinances more restrictive will not necessarily be the effect you are looking for. The existing ordinance was in violation and all responsible hunters want those violators removed from the hunting population because it gives responsible hunters a bad name.

*Mr. Manginelli offered a motion to close the Public Discussion, seconded by Mrs. Clay.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

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Councilman Siebert, commented that on the recent conference call to discuss this ordinance, the Police Department representative advised that the Police Department responded to the calls from residents on Yale Court at it was their belief that the incident was from private property off Wayside Road and not from Borough property. Mr. Siebert also commented on that call the Fish and Wildlife conservation officer assigned to the Tinton Falls area since 2008 stated that there have been no non-target impacts, injuries or property damage in Tinton Falls.

Councilwoman Clay stated that having been on that call, it was her understanding that the Officer might have been surmising what he thought could potentially have been.

**NEW BUSINESS-** None

**ADJOURNMENT**

*Mr. Manginelli offered a motion to adjourn, seconded by Mrs. Clay.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:52 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON:**