

**REGULAR MEETING
OCTOBER 15, 2024
BOROUGH COUNCIL**

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

The Borough Clerk read the following statement: “Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on December 19, 2023.”

ROLL CALL (Regular Meeting)

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

ABSENT: None

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

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Dr. Dobrin offered a motion to approve the September 17, 2024, Regular Meeting Minutes seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Engineer – Mr. Neff

Mr. Neff has no report.

Director of Finance – Mr. Fallon

Mr. Fallon reported the 2025 budget process for the departments have begun with hearings on November 25th and 26th. The mayor’s budget will be given to the Council approximately late February early March with introduction of the budget scheduled for late March early April 2025. The Best Practices Inventory checklist is due October 25th and results will be reported at the next meeting.

Administrator – Mr. Terefenko

Mr. Terefenko reported on October 25th the Recreation Department’s annual Truck or Treat event is at Sycamore Park. He encouraged everyone to participate and sign up with Recreation for a trunk. The Police Department is having Operation Take Back on October 26th from 10:00am to 2:00pm with details on their website and Facebook page. On October 30th from 5:30pm to 7:00pm, Senator Gopal is having a Trunk or Treat event at the Commvault property. As a courtesy announcement Mr. Terefenko stated that MCRC is having a public hearing on October 31st at 11:00am providing details to the state agencies of the proposed landfill gas site license agreement between NJNG and the County.

Director of Law – Mr. Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council’s Reports

Ms. Buckley reported the next hybrid Environmental Commission meeting will be held October 24th at 7:30pm in the Crawford House. She and Dr. Dobrin attended the Atria Senior Living grand opening, which was a lovely event, and the staff were glad they participated.

-Dr. Dobrin echoed Ms. Buckley sentiments regarding the senior living grand opening event. The library reopening date is scheduled for November 23rd from 10:00 to 1:00pm with a press release to be posted on all media platforms.

**REGULAR MEETING
OCTOBER 15, 2024
BOROUGH COUNCIL**

-Mr. Manginelli had no report.

-Mr. Nesci had no report regarding the Chicken Advisory or Planning Board. He commented on attending Community Day with his family and it was fantastic. Everyone involved did a great job. Also, Mr. Nesci attended the RWJ beam signing which had a wonderful turnout. He attended Senator Gopal's civic association community family day which was very nice.

-Mrs. Clay echoed everyone's sentiments regarding community day which was the best one yet. She thanked everyone involved for all their efforts. Also attended the beam signing which was lots of fun and exciting to see a project come to fruition.

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hutchinson read the title of the Ordinance: **2024-1517 Ordinance Amending Various Sections Of The Land Use Ordinance Of The Borough Of Tinton Falls, Located In Chapter XL Of The Borough Code, To Implement The Recommendations Of The Planning Board In The Master Plan Reexamination Report Dated March 2024**

Mr. Nesci offered a motion to open the Public Hearing on Ordinance No. 2024-1517, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING OPEN

Mr. Starkey noted a change in Section 7 amending Chapter 40-29 of the code, which is a minor not a material change.

Shelia Hatami, 2 Palermo Drive – Ms. Hatami stated Mr. Neff addressed her concerns and she thanked him for his assistance. She requested the Council not enact this ordinance due to the IOP Zone changes.

Dipti Shaff, 26 Steeple Chase Court – Ms. Shaff questioned why are the buffers requirements are being removed from the code and what will be put in its place? Mr. Neff explained it caused a lot of confusion on the Planning Board with buffers versus setbacks. Setbacks are still in place and buffers rely on NJDEP.

Mrs. Clay added that we do have four applicants for the Shade Tree Commission which was confirmed by Mr. Terefenko.

There being no further comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2024-1517, seconded by Ms. Buckley.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mrs. Clay asked if there were any council members who would like to comment on this ordinance.

Mr. Nesci commented that the Planning Board listens to the professionals and changes needed to be made as Tinton Falls changes and grows. He thanked the public for their comments and the overall changes are good for the Borough.

Ms. Buckley thanked the residents that spoke as well as professionals for their work.

**REGULAR MEETING
OCTOBER 15, 2024
BOROUGH COUNCIL**

Mr. Nesci offered a motion to adopt Ordinance No. 2024-1517, seconded by Mr. Manginelli.

ROLL CALL

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

Mr. Starkey advised that the ordinance fails not adopted by majority vote.

PUBLIC DISCUSSION

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

ROLL CALL

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

Mrs. Clay asked the Clerk if there were any public comments submitted and Ms. Hutchinson stated there were none.

Sheila Hatami, 2 Palermo Drive – Ms. Hatami thanked council for voting no on the ordinance. She attended Community Day and commented it was the best fun experience.

Darell Harris, 25 Wheeling Court – Captain Harris represents the Pine Brook Fire Company and announced they are having a Halloween Truck or Treat event on October 26th from 4:00pm to 8:00pm and invited everyone and councilmembers to attend.

Jerry Spumberg, 11 Alpine Trail – Mr. Spumberg received a community solar program notice and offered his knowledge on solar energy. Mrs. Clay clarified that the letter was not initiated by Council and referred him to the mayor’s office. Mr. Terefenko stated he can talk to Mr. Spumberg after the meeting about the letter. Ms. Buckley clarified that this was not done by the Council or Environmental Commission, which Mr. Terefenko disagreed.

Jason Shram, Steeplechase Court – Mr. Shram had a table at Community Day which was a great event and encouraged Council to always have more plant-based options available for residents at events.

There being no further comments, Dr. Dobrin offered a motion to close the Public Discussion, seconded by Mr. Nesci.

ROLL CALL

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

CONSENT AGENDA

Ms. Buckley offered a motion to approve the Consent Agenda, seconded by Mr. Nesci.

Mrs. Clay recused and abstained from voting on item #24-02592 on page 84 of the approval of bills, resolution R-24-211.

ROLL CALL

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

**REGULAR MEETING
OCTOBER 15, 2024
BOROUGH COUNCIL**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-208

**RESOLUTION AUTHORIZING LIQUOR LICENSE PLACE -TO -PLACE TRANSFER
WORLDWIDE WINES LLC, 1336-44-004-0015**

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Distribution License #1336-44-004-015, heretofore issued to Carl Coppola for an inactive license with a mailing address of 20 Hidden Meadows Drive, Unit 302, Ocean, NJ 07712; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, no written objection has been received by the Municipal Clerk to said application.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls does hereby approve, effective October 15, 2024, the place-to-place transfer of the aforesaid Plenary Retail Distribution License that has been inactive with an address of c/o Carl Coppola, 20 Hidden Meadows Drive, Unit 302, Ocean, NJ 07712 to premises located at 1000 Shrewsbury Avenue, Tinton Falls, NJ 07724, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 1000 Shrewsbury Avenue, Tinton Falls, NJ 07724, effective October 15, 2024."

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to endorse the transfer on the face of the license certificate showing the State-assigned license number to be #1336-44-004-016.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-209

**RESOLUTION ANNOUNCING THE INTENT TO ISSUE A NEW HOTEL/MOTEL "36" PLENARY RETAIL
CONSUMPTION LICENSE PURSUANT TO N.J.S.A. 33:1-12.20**

WHEREAS, pursuant to the hotel/motel exception set forth at N.J.S.A. 33:1-12.20, a municipality may issue a new plenary retail consumption liquor license to a person or business entity who operates a hotel or motel containing at least 100 guest sleeping rooms ("hotel/motel license") notwithstanding Title 33's population cap limits; and

WHEREAS, Serena Enterprises, LLC has applied to the Municipal Clerk for a hotel/motel license to operate a restaurant and bar at the premises located at 3 Centre Plaza, Tinton Falls, NJ; and

WHEREAS, pursuant to N.J.S.A. 33:1-19.1 and 19.2, in order to issue a new hotel/motel license, the municipal governing body must first adopt a resolution indicating its intent to do so and setting forth which of two methods will be used, either the "Historical Method" or the "Public Sale Option"; and

WHEREAS, under the Historical Method, the municipality must publish a notice of the proposed issuance of a new license and that applications will be accepted by the Municipal Clerk, which notice must specify a date and time after which no additional applications will be considered; the notice must be published not less than twice through two insertions one week apart in a newspaper circulating generally in the municipality, the second or last of which shall be done not less than 30 days prior to the date and time specified in the notice as the date and time after which no additional applications will be accepted; and the notice must indicate that all interested applicants must submit complete applications and pay all required fees; and

WHEREAS, the governing body then evaluates the application(s) at a public hearing and awards the license to the applicant whose proposal would be in the best public interest, provided that the governing body is not required to issue a license if there are no applicants or if it determines that issuance to those who applied would not be in the public interest, and provided further that the license will not be issued until all necessary investigations are complete and satisfactory to the governing body.

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

1. The preamble to this resolution is incorporated herein as if fully restated.
2. The public and prospective applicants are hereby advised that the Borough of Tinton Falls intends to issue a new hotel/motel plenary retail consumption liquor license pursuant to N.J.S.A. 33:1-12.20 utilizing the Historical Method described in the "Alcoholic Beverage Control Handbook for Municipal Issuing Authorities" prepared by the Office of the Attorney General Division of Alcoholic Beverage Control ("the Handbook"). The license shall be issued only to the owner or operator of a hotel containing at least 100 or more sleeping rooms, and shall contain a Special Condition stating that the license is issued as a hotel exception license for a facility containing 100 or more sleeping rooms and may only be used in connection with such a facility.

**REGULAR MEETING
OCTOBER 15, 2024
BOROUGH COUNCIL**

3. Applicants must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1, et seq., and the regulations thereunder, N.J.A.C. 13:2-1.1 et seq.

4. The Borough Clerk is directed to provide public notice that the Borough will be accepting applications for a new plenary retail consumption liquor license pursuant to the hotel/motel exception for a facility containing 100 or more sleeping rooms and which may only be used in connection with a hotel or motel. The Clerk shall cause said notice to be published in a newspaper generally circulating in the Borough by two insertions one week apart, the last of which shall be published not less than 30 days prior to the date by which applications must be submitted.

5. This resolution shall take effect immediately.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-210

RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, the 2024 full year Sewer bill on the following property has been paid in error by the Homeowner making a duplicate payment.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Kovach, Richard C. & Maureen M. P.O. Box 2095 Red Bank, NJ 07701	101.17	21	\$400.00

Re: 77 Bataan Avenue

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$400.00 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 \$400.00.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-211

RESOLUTION – APPROVAL OF BILLS – October 15, 2024

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 15, 2024; 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	6,887,096.49
SEWER UTILITY	24,499.08
GRANT FUND	11,476.54
TRUST FUNDS	29,164.39
ESCROW	32,562.76
ADDITIONS	<u>1,398,428.46</u>
TOTAL	8,383,227.72

CERTIFICATION OF FUNDS:

EXECUTIVE SESSION

**REGULAR MEETING
OCTOBER 15, 2024
BOROUGH COUNCIL**

ADJOURNMENT

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

ROLL CALL

AYES: All In Favor

NAYS: None

ABSTAIN: None

ABSENT: None

TIME: 8:03pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Clay, Council President

APPROVED AT A MEETING HELD ON: