

**REGULAR MEETING
DECEMBER 1, 2020
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.

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

Dave Boehning, Deputy Emergency Management Coordinator

Mark Shaffery, Director of Public Works

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 any of the public comment portions 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. 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

Mr. Nesci offered a motion to approve the July 14, 2020 and the August 11, 2020 Regular Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff reported on upcoming milling and paving work being performed on Hance Avenue by NJ Natural Gas Company to repair trenches that were the result of utility work. He cautioned that there will be some traffic detours. Mr. Neff stated that the Hance-Sycamore traffic pole installation is again delayed due to COVID. The County advised that there has been some difficulty obtaining the specialty order and the equipment will hopefully be delivered in a few weeks and weather permitting installation will begin shortly after that. Mr. Neff discussed the resolution on the consent agenda R-20-216 authorizing a Deed of Open Space Easement relating to the Walz property at the south end

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of town. The property was acquired by the town by means of a \$250,000 Open Space Grant awarded by Monmouth County. As part of the grant requirements the County requires that the easement be approved to ensure the parcel remains as recreation and open space.

CFO Report/Acting Business Administrator – Thomas Fallon

Mr. Fallon reported on the Community Holiday Celebrations that the Recreation Director, Sheri Eisle and staff have worked hard to come up with that are COVID19 compliant events. The first event was the Christmas Tree Lighting which has been moved to December 6th and will be held outdoors at Liberty Park 2. Mr. Fallon gave the details of the event which included an ice sculptor, arrival of Santa and the Northside Fire Department elf. The Menorah lighting will be held at the same location on December 10th there will be a prayer service and lighting of the first candle. Both events will require that masks be worn at all times. All details can be found on the borough website under Recreation and also on the Facebook feed. Mr. Fallon thanked Ms. Eisle and her staff for planning these important community events. Mr. Fallon announced that there have been many nice improvements to Hockhockson Park and it will be open to the public beginning tomorrow. Mr. Fallon thanked Tom Neff, Sheri Eisle, and Mark Shaffery for their work on this project. He added that additional improvements will be completed through the 2021 Park Improvement program.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Mayor's Report - Mayor Vito Perillo

Mayor Perillo expressed his concerns about the COVID pandemic, encouraged people to use their mask, keep your distance and try to keep safe. He urged that people stay home unless they absolutely need to go out.

Borough Clerk- Mrs. Hesler

Ms. Hesler had no report.

Deputy OEM Coordinator – Dave Boehning

Mr. Boehning gave an update on the Continuing COVID19 Pandemic. He stated that the Tinton Falls Office of Emergency Management in partnership with the Monmouth Regional Health Commission continue to manage the Coronavirus outbreak with regular reports received from the Monmouth County Office of Emergency Management. Mr. Boehning stated that there will be a meeting in the next week or so to discuss vaccine distribution and implementation of the vaccine program. Mr. Boehning recapped some of the information from the latest meetings which include many of the same guidelines recommended previously which include handwashing, masks, and social distancing, and updated guidelines pertaining to testing for anyone who suspects they have been exposed. Mr. Boehning stated that he is awaiting further information from the Governor's Office pertaining to social gatherings. He further discussed the issues pertaining to testing and reporting and the lack of cooperation from people regarding contact tracing. Mr. Boehning stated his office is awaiting information from the Center for Disease Control regarding the vaccine, emergency approval, and the process of rolling out the implementation of the vaccine. Mr. Boehning gave an overview of the number of cases in the Borough. He stated that there are 5 long term care facilities and one rehab facility in the Borough and that his office and the Monmouth County Department of Health keep in contact with the Administrators and continue to monitor the facilities. Currently among the 6 facilities there has only been one recent case reported. Mr. Boehning stated that the schools are running their agencies sufficiently and have a hard task ahead of them as well. In conclusion, Dave Henry the Borough's Health Officer from the Monmouth County Department of Health will make himself available at the next regular meeting to report on the recent outbreak.

Council's Report

-Mrs. Clay thanked Mr. Boehning for the update from the Office of Emergency Management. She stated the updates are critical and very much appreciated. Mrs. Clay extended her appreciation to the EMS, Fire, and Police for everything they give to our community every day. She also reported that she attended a virtual Board of Education meeting last week, and like many districts, Tinton Falls is struggling with trying to deal with COVID cases. Mrs. Clay commended Dr. Goldey, Superintendent of the Tinton Falls School District, for what she is doing for our schools, and what she continues to do, on a daily basis. She stated that she wanted to publicly commend Dr. Goldey, for her work and thank her and her teaching staff.

-Mr. Manginelli stated he had no report.

-Mr. Nesci reported that there is a Planning Board meeting next Wednesday December 9th to consider the Senior Housing Development located at 1530 West Park Avenue. He stated this will be a hybrid meeting with the Board Members attending in person at Borough Hall. Members of the public may attend in person, or through Webex. All meeting details will be on the Borough website, Facebook Page and noticed in the Asbury Park Press. Mr. Nesci stated that on November 21st he had the honor of presenting an Eagle Scout Proclamation to Luke Oakley and congratulated him on his accomplishment. Mr. Nesci commended the Department of Public Works for doing a fantastic job in all areas of the town. Mr. Nesci stated that he hears many accolades from residents who commend them for the great services they provide to the town.

-Mr. Siebert stated he had no report.

-Ms. Buckley reported that the next Environmental Commission Meeting will be held Thursday December 3rd at 7:30 pm, remotely, and the meeting notice is posted on the Borough website and Facebook Page. Ms. Buckley also echoed the comments regarding the Holiday Events and thanked the Director of Recreation and her staff for her hard work on providing these community events. Ms. Buckley commented on the Resolution R-20-215 providing remote meeting procedures during a State of Emergency. This resolution is required for all municipalities to adopt and basically codifies the procedures we have been doing in case we are in a situation such as this again. Ms. Buckley explained

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that one additional component is being added which would allow the public to submit written comments via email and those comments will be read into the record.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

Mr. Nesci 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.

PUBLIC DISCUSSION OPEN

Michele Simon, 71 Madison Court – Ms. Simon thanked Mr. Boehning for his detailed report and inquired if he knew how many individuals have passed away from COVID in the Borough. Mr. Boehning explained that he did not have those numbers and he would follow up with our Health Officer Dave Henry to see if he could provide those numbers. Council President Buckley stated that she will see if those numbers can be obtained before the next meeting. Ms. Simon stated that she believes it is vital information for people to have, especially with the uptick in the cases so that they will understand the seriousness of the situation. Ms. Simon inquired about a fire at the Monmouth County Reclamation Center and asked if someone could provide the details of how the fire started. Dave Boehning stated that it is a County facility and that information can be obtained from through them. Ms. Simon thanked Council President Buckley for making your inquiry into the Mercer County Board of Freeholders regarding the host agreement. She asked if there has been any activity at all in negotiating the agreement? Borough Administrator, Tom Fallon stated there has been no response since the last meeting.

Carrie Cisar, 10 Hart Terrace- Ms. Cisar stated that her property borders the Walz Property and she inquired how the town would make it safe to walk within the park since hunting is currently allowed on the property. She stated something doesn't feel right about that situation. Mr. Starkey, Director of Law assured Ms. Simon that the borough Police are always available for any type of safety issue on any property in the township whether public or private, and if there are concerns, the police should be notified. Mr. Starkey stated that he has been working with Councilman Nesci to review and revise the current ordinance for firearm usage in the borough. Council President Buckley explained that there would be a workshop to discuss these revisions in detail in the near future.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg expressed her thanks to the Department of Public Works for quickly cleaning up the roads after storms. She also stated that she has concerns about the over population of deer, creating a hazard on the roads and ruining landscaping. She asked if there could be something done to alleviate the deer population.

Craig Gately, 10 Polo Club Drive – Mr. Gately stated he attended a recent Board of Education meeting where they are providing a hybrid meeting so that people have the option to attend in person or via electronic means. He asked that the Borough Council consider doing the same. Mr. Gately stated that he lives in Society Hill and asked about the 2021 Road Program to have his roads repaved. Mr. Neff stated that the Borough plans a multi-million dollar road program every 2 years and that the next one will be planned out in 2021 to be implemented in early 2022. Mr. Gately stated that he was interested in the recreational basketball program for his son but was told that because of COVID the gym space was limited. He stated when he attended the Board of Education meeting he was told there was plenty of gym space if the school did not have a school program. Sherrie Eisle, Recreation Director, explained that she is still waiting to hear from the Board of Education, and if there would be a recreational program it would be a shortened season. She stated that all of the State Guideline restrictions would need to be followed with limited numbers in attendance and no spectators. Everything is on hold until January with indoor sports. Mr. Gately asked about enforcement of gatherings of more than 10 people in a home over the holidays. Council President Buckley said that she cannot speak on behalf of the Police Department but would be happy to follow up with them after the meeting.

There being no further comments from the public, Mr. Nesci 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 - None

RESOLUTIONS - None

CONSENT AGENDA

Mr. Nesci 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-20-211 - RESOLUTION ADOPTING THE MONMOUTH COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Borough of Tinton Falls, NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks; and

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law;

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

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Tinton Falls departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Tinton Falls and this resolution shall not be interpreted so as to mandate any such appropriation.
4. The Borough of Tinton Falls Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator, Tinton Falls Office of Emergency Management, and any appropriate municipal departments.

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R-20-212 - RESOLUTION AUTHORIZING CHANGE ORDER #2 INCREASING THE ROADWAY IMPROVEMENT PROGRAM ADD ALTERNATE #1 – 1 OKROS ROAD IN THE AMOUNT OF \$67.82

WHEREAS, The Roadway Improvement Program – Hope Road was awarded to Earle Asphalt, Co., P.O. Drawer 556, Farmingdale, NJ 07727 , by Resolution R-19-076 in the amount of \$528,500.00, at a Council Meeting held on May 7, 2019 in which \$138,500.00 was for the Add Alternate #1, Okros Road; and

WHEREAS, Change Order #1 dated September 16, 2019 was increased in the amount of \$2,700.00 for the Add Alternate #1 portion of the contract, for reasons described therein, for a total contract for the Add Alternate #1 in the amount of \$141,200.00;

WHEREAS, Change Order #2 dated October 14, 2020 from Leon S. Avakian, Inc. (annexed hereto and part hereof) request an increase in the amount of \$67.82 for the Add Alternate #1 portion of the contract, for reasons described therein, for a total contract for the Add Alternate #1 in the amount of \$141,267.82;

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Tinton Falls authorizes change order #2 increasing The Roadway Improvement Program – Hope Road, Add Alternate #1, Okros Road in the amount of \$67.82 for a total contract in the amount of \$141,267.82 is hereby authorized for the above contract awarded to Earle Asphalt, Inc.

I hereby certify funds are available from: Ordinance #18-1430
/S/Thomas P. Fallon, Chief Financial Officer

R-20-213 - RESOLUTION AUTHORIZING CHANGE ORDER #2 DECREASING THE ROADWAY IMPROVEMENT PROGRAM PROJECT #2 & 3 – HOPE ROAD

WHEREAS, The Roadway Improvement Program – Hope Road was awarded to Earle Asphalt, Co., P.O. Drawer 556, Farmingdale, NJ 07727 , by Resolution R-19-076 in the amount of \$528,500.00, at a Council Meeting held on May 7, 2019 in which \$390,000.00 was for Projects 2 & 3 and \$138,500.00 was for the Add Alternate #1, Okros Road; and

WHEREAS, Change Order #1 dated October 7, 2019 requested a decrease in item #97 in the amount of \$8,495.50 as well as an increase in items # 50, 68, 69, 71, 74 and 82 in the amount of \$8,495.50 for Projects 2 & 3, Hope Road portion of the contract, for reasons described therein, resulting in a zero (0) net change to the total contract amount;

WHEREAS, Change Order #2 dated October 16, 2020 from Leon S. Avakian, Inc. (annexed hereto and part hereof) request an decrease in the amount of \$84,206.23 for Projects 2 & 3, Hope Road portion of the contract, for reasons described therein, for a total contract for Projects 2 & 3, Hope Road in the amount of \$305,793.77;

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Tinton Falls authorizes Change Order #2 decreasing the Roadway Improvement Program – Projects 2 & 3, Hope Road for a total contact in the amount of \$305,793.77, is hereby authorized for the above contract awarded to Earle Asphalt, Inc.;

R-20-214 - RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES 2021 PARK IMPROVEMENT PROGRAM

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the 2021 Park Improvement Program; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-20-013 adopted on January 7, 2020; and

WHEREAS, these services will be associated with the survey, design and bidding of the 2021 Park Improvement Program project as described in the proposal attached dated November 23, 2020; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$148,000.00; and

WHEREAS, this contract will be for one year from date of award;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated November 23, 2020 for an amount not to exceed \$148,000.00; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

I hereby certify funds are available from: Capital Ordinance #20-1462
/S/Thomas P. Fallon, Chief Financial Officer

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R-20-215 - RESOLUTION TO ESTABLISH REMOTE MEETING PROCEDURES DURING A DECLARED STATE OF EMERGENCY

WHEREAS, on March 9, 2020 in response to COVID-19, Governor Phil Murphy issued Executive Order 103, which declared a state of emergency that has been extended by the Governor and remains in full force to this day; and

WHEREAS, by way of additional Executive Orders, the Governor has established extensive social distancing protocols to protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, in accordance with the Executive Orders relating to COVID-19 and the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (“OPMA”), local government units, including the Borough of Tinton Falls, have continued to hold public meetings via remote platforms to ensure the continued operation of local government with participation by the public, in a way that limits public health risk; and

WHEREAS, in March 2020, the New Jersey Department of Community Affairs, Division of Local Government Services (“DLGS”) issued “Local Operational Guidance – COVID-19: Guidance for Remote Public Meetings in New Jersey,” which provided specific guidance regarding holding remote public meetings under the OPMA; and

WHEREAS, on September 24, 2020, the DLGS issued Local Finance Notice 2020-21 (“LFN 2020-21”), which provided a synopsis of newly promulgated emergency regulations N.J.A.C. 5:39-1.1 through 1.7, which establish standard protocols for remote public meetings governed by the OPMA and held during a Governor-declared state of emergency; and

WHEREAS, LFN 2020-21 additionally stated that the emergency regulations presently in effect are proposed for permanent adoption in the October 19, 2020 New Jersey Register, with comments submitted no later than November 18, 2020; and

WHEREAS, under emergency regulation N.J.A.C. 5:39-1.4(h), a local government unit is required to adopt by resolution standard procedures and requirements for public comment made during remote public meetings, as well as for public comments submitted in writing ahead of the remote public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey, that the following procedures regarding public comments during remote public meetings are hereby adopted:

1. Public comments for a remote public meeting may be made during the designated public comment section of the meeting or submitted in writing to the Borough Clerk. Written public comments may be emailed to the Clerk at: boroughclerksoffice@tintonfalls.com or sent via regular mail to the attention of the Borough Clerk at: 556 Tinton Avenue, Tinton Falls, New Jersey 07724. Written public comments may not be submitted via any other form of electronic communication.

2. Written public comments submitted via email or mail must include the individual’s name, full address and contact information (telephone number and/or email address). If the information is incomplete and the Township is unable to verify the individual’s identity, the written comment will not be read into the record.

3. Written public comments submitted in accordance with this Resolution shall be read into the remote meeting record at the end of the last public comment section. Written public comments containing profanity or vulgarity will not be read into the record. The chair and/or presiding officer of the remote meeting reserves the right to read similar or duplicative comments into the record in a summary fashion and will do so uniformly for all similar/duplicative comments.

4. Members of the public who submit written public comments regarding a proposed ordinance for which a public hearing is scheduled to be held during the remote meeting should review the agenda and ordinance, available on the Borough’s website prior to the meeting, and designate the ordinance number and title to which their written public comments apply.

5. Written public comments must be received by the Borough Clerk by 9:00 a.m. on the day of the remote meeting in order to be included in the meeting. Any written comments received after 9:00 a.m. on the day of the meeting will not be read into the record or become part of the meeting record.

6. The procedures and requirements for making public comments during a remote meeting, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.

7. With respect to public participation at a remote public meeting, the following procedures shall be incorporated:

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- a. A member of the public who has submitted written comments prior to the meeting in accordance with this resolution, attends the remote public meeting, and participates during the public comment portion, shall be considered as having been recognized for the purposes of public comment without the need to read the written comments of that person.
- b. If a member of the public disrupts a remote public meeting, the chair and/or presiding officer of the remote public meeting shall facilitate a dialogue with that member of the public to the extent reasonably permitted by the electronic communications technology.
- c. The chair and/or presiding officer of the meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, any disruptive member of the public and warn them that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption and use of profanity.
- d. A member of the public who continues to act in a disruptive manner after receiving an initial warning shall be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.
- e. The chair and/or presiding officer of the remote meeting shall reserve the right to take necessary action to protect the rights of the public to participate in the remote public meeting

R-20-216 - RESOLUTION TO AUTHORIZE THE EXECUTION OF A DEED OF OPEN SPACE EASEMENT TO THE COUNTY OF MONMOUTH FOR PROPERTY KNOWN AS BLOCK 145, LOT 28.01

WHEREAS, the Borough is the owner of a tract of land known as Block 145, Lot 28.01, encompassing 59.739 acres on the tax map of the Borough (the "Property"); and

WHEREAS, the Property possesses park, recreation and open space values of great importance to the residents of the Borough and to the residents of the County of Monmouth; and

WHEREAS, the Borough desires that the park, recreation and open space values of the Property be preserved in perpetuity; and

WHEREAS, the Borough therefore agrees, as owner of the Property, to convey to the County an open space easement to preserve and protect the park, recreation and open space values of the Property in perpetuity; and

WHEREAS, the Borough desires to authorize the Mayor to execute and the Municipal Clerk to attest to the Deed of Open Space Easement in the form attached hereto, which guarantees that the Property will be retained forever for public park, recreation and open space uses and to prevent any use of the Property that will significantly impair or interfere with the park, open space and recreation uses of the Property.

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 Mayor is authorized to execute, and the Municipal Clerk to attest, to the attached Deed of Open Space Easement for the Borough property known as Block 145, Lot 28.01.
2. A certified copy of this Resolution shall be provided to the County Clerk for Monmouth County.

R-20-217 - RESOLUTION AUTHORIZING A ONE (1) YEAR CONTRACT WITH MONMOUTH COUNTY SPCA FOR ANIMAL CONTROL SERVICES FOR THE YEAR 2021

WHEREAS, the Borough of Tinton Falls requires services for animal control on a daily basis as well as a facility to keep stray animals that are picked up, injured etc.; and

WHEREAS, the Monmouth County SPCA, 260 Wall Street, Eatontown, NJ 07724, provides the services required as detailed in the contract attached hereto and made part hereof; and

WHEREAS, this is a one (1) year contract at the rate of \$2,500 per month for a total of \$30,000 for one year as well as other miscellaneous fees included in the attached contract; and

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) That the Mayor and Borough Clerk are hereby authorized and directed to enter into a one (1) year contract with Monmouth County SPCA, 260 Wall Street, Eatontown, NJ 07724 for the provision of animal control services for the fees set forth therein; and

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- 2) That a copy of this Resolution be forwarded to the Monmouth County Regional Health Commission #1 along with a copy of the executed contract.

I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2021 budget from: Animal Control

/S/ Thomas P. Fallon, Chief Financial Officer

R-20-218 - RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEE FOR MARTELLI AT TINTON FALLS – BLOCK 14.04 LOT 55.01

WHEREAS, the maintenance guarantee is set to expire and for purposes of releasing the maintenance guarantee an inspection was conducted for Martelli at Tinton Falls, Block 14.04 Lot 55.01; and,

WHEREAS, by letter dated November 9, 2020 (said copy hereby attached and made part of this resolution), the Borough Engineer, T&M Associates, has supplied the developer with a letter outlining items which need to be addressed prior to the release of Maintenance Guarantee.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in T&M Associates' letter of November 9, 2020, that any request for a release of the Maintenance Guarantee be and hereby is denied.

R-20-219 - RESOLUTION – REFUNDING FIRE PREVENTION FEES – 10 STIRRUP COURT– \$60.00

WHEREAS, Fire Prevention fees in the amount of \$60.00 were **paid by Easter Seals, for a property located at 10 Stirrup Court, Tinton Falls, NJ 07753.**

Fire Prevention Annual Registration Fee \$60.00

WHEREAS, said monies were credited to the Borough of Tinton Falls during the month of October 2020.

WHEREAS, Easter Seals inadvertently paid an invoice for a property that they no longer occupy, 10 Stirrup Court, Block 129.07 Lot 14, and requested a refund; and

WHEREAS, the applicant informed the Fire Marshal and a full refund in the amount of \$60.00 shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$60.00 be issued to:

Easter seals NJ, 25 Kennedy Blvd. Suite 600. East Brunswick, NJ 08816.

R-20-220 - RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2020 4th quarter Taxes have been made as a result of duplicate payments for the year 2020 to properties known as:

<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 2020 taxes by property owners, title companies and mortgage companies in the total amount of \$35,163.50 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 \$35,163.50 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 \$35,163.50.

(PROPERTY LIST ON THE NEXT PAGE)

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R-20-220 BOROUGH OF TINTON FALLS - 2020 TAX OVERPAYMENTS				TOTAL TAXES OVERPAID	FIRST PAYMENT MADE BY	SECOND PAYMENT MADE BY
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:			
13.01	8	SCOTT W MEDLER 132 CHERRY STREET TINTON FALLS, NJ 07724	SCOTT W MEDLER 132 CHERRY STREET	1,433.59	TITLE COMPANY	MORTGAGE COMPANY
32.01	93	WILLIAM & JESSICA JOHNSTON 222 RIVEREDGE ROAD TINTON FALLS, NJ 07724	WILLIAM & JESSICA JOHNSTON 222 RIVEREDGE ROAD	2,820.16	TITLE COMPANY	MORTGAGE COMPANY
34.01	20	CECILLE & GREG AUGUSTA 30 CHESTNUT STREET RED BANK, NJ 07701	CECILLE & GREG AUGUSTA 36 SUGAR MAPLE LANE	2,376.63	HOMEOWNER	MORTGAGE COMPANY
77.01	1.07	MARK & MALLORY CIMINO 11 MARISSA LANE TINTON FALLS, NJ 07724	MARK & MALLORY CIMINO 11 MARISSA LANE	553.04	HOMEOWNER	MORTGAGE COMPANY
101.06	4	JOSEPH & CHRISTINA DASILVA 13 KRONENBERG STREET TINTON FALLS, NJ 07724	JOSEPH & CHRISTINA DASILVA 13 KRONENBERG STREET	436.11	HOMEOWNER	MORTGAGE COMPANY
101.07	7	SALWA ABID & MAGDY IBRAHIM 13 HARMON DRIVE TINTON FALLS, NJ 07724	SALWA ABID & MAGDY IBRAHIM 13 HARMON DRIVE	436.11	TITLE COMPANY	MORTGAGE COMPANY
101.07	14	MICHAEL YU & JAMIE MANOOKIAN 14 KRONENBERG STREET TINTON FALLS, NJ 07724	MICHAEL YU & JAMIE MANOOKIAN 14 KRONENBERG STREET	436.11	HOMEOWNER	MORTGAGE COMPANY
105	42.02	LEONARD G & STEFANIE HOFFMAN 14 DANIEL CT TINTON FALLS, NJ 07724	LEONARD G & STEFANIE HOFFMAN 14 DANIEL CT	3,668.08	TITLE COMPANY	MORTGAGE COMPANY
115	12.01	JANUS TRADE GROUP PO BOX 290109 BROOKLYN, NY 11229	1424 SHAFTO, LLC 1424 SHAFTO ROAD	2,130.66	OWNER	MORTGAGE COMPANY
105.03	23.01	CLOSING USA 7665 OMNITECH PLACE VICTOR, NY 14564	JASON J EVLSIZOR 14 PHIPPS PLACE	4,802.73	TITLE COMPANY	MORTGAGE COMPANY
120.06	9	MARIAMA HUBBARD 6 RAMAPO COURT COLTS NECK, NJ 07722	MARIAMA HUBBARD 7 SIRE STAKES DRIVE	1,955.43	HOMEOWNER	MORTGAGE COMPANY
123.02	11	ALLIED TITLE, LLC 360 ROUTE 24 CHESTER, NJ 07930	KENNETH DEIN TO CRAIG MARTIN 55 PERIWINKLE CIRCLE	3,013.91	TITLE COMPANY	MORTGAGE COMPANY
124.51	227	JAIME GILMORE 8 MAHORAS DRIVE OCEAN, NJ 07712	JAIME GILMORE 3 MONTPELIER STREET	1,375.60	TITLE COMPANY	MORTGAGE COMPANY
124.46	1	MARK R & JENNIFER L ROBERTSON 25 JONATHAN DRIVE TINTON FALLS, NJ 07753	MARK R & JENNIFER L ROBERTSON 25 JONATHAN DRIVE	1,772.71	TITLE COMPANY	MORTGAGE COMPANY
124.57	2	JOHN C BARTELL 8 SACRAMENTO WAY TINTON FALLS, NJ 07712	JOHN C BARTELL 8 SACRAMENTO WAY	2,074.94	HOMEOWNER	MORTGAGE COMPANY
124.57	3	VINCENT SCOTTO 12 SACRAMENTO WAY TINTON FALLS, NJ 07712	VINCENT SCOTTO 12 SACRAMENTO WAY	2,070.77	TITLE COMPANY	MORTGAGE COMPANY
129.03	15	WANDA D EDMOND 15 DRESSAGE COURT TINTON FALLS, NJ 07753	WANDA D EDMOND 15 DRESSAGE COURT	1,252.83	MORT. COMPANY	MORTGAGE COMPANY
129.05	2	MEGAN FEENEY 4 TERRIER COURT TINTON FALLS, NJ 07753	MEGAN FEENEY 4 TERRIER COURT	1,125.90	TITLE COMPANY	MORTGAGE COMPANY
129.11	51	LAND QUEST TITLE LLC C/O FOUNDATION TITLE LLC 234 INDUSTRIAL WAY WEST EATONTOWN, NJ 07724	JESSICA BURRELL TO PHILIP & C/A 21 WOODCHUCK COURT	1,428.19	TITLE COMPANY	MORTGAGE COMPANY
				35,163.50		

R-20-221- 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>
Leavitt, James S. & Sheila 142 Sunset Drive Tinton Falls, NJ 07724	76.02	107	\$250.00

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.

**REGULAR MEETING
DECEMBER 1, 2020
BOROUGH COUNCIL**

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-20-222 - RESOLUTION - CANCELLING TAXES FOR A VETERAN'S DEDUCTION

WHEREAS, an overbilling of 2020 taxes 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>
Whitehead, Jesse Jr. 15 Canterbury Lane Tinton Falls, NJ 07724 and,	61.01	33	\$250.00

WHEREAS, said deduction has resulted in a cancellation of the 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 an adjustment in the amount of \$250.00 is hereby approved as a result of the cancellation of the taxes for the aforementioned property for the year 2020.

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

R-20-223 - RESOLUTION – APPROVAL OF BILLS – DECEMBER 1, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 1, 2020; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL	3,763,452.07
SEWER UTILITY	32,280.09
GENERAL CAPITAL	79,660.21
GRANT FUNDS	224.00
TRUST FUNDS	25,700.74
DOG TRUST FUND	3,134.10
ESCROW	27,978.00
ADDITIONS	58,214.26
TOTAL	3,990,643.47

CERTIFICATION OF FUNDS:

/S/Thomas P. Fallon, Chief Financial Officer

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:20 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: January 19, 2021