

**REGULAR MEETING  
APRIL 19, 2022  
BOROUGH COUNCIL**

Council President Buckley 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 January 4, 2022."

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**ROLL CALL**

PRESENT: Mrs. Clay, Dr. Dobrin, Mr. Manginelli, Mr. Nesci, Ms. Buckley  
ABSENT: None  
ALSO PRESENT: Michelle Hutchinson, Borough Clerk  
Kevin Starkey, Director of Law  
Charles Terefenko, Business Administrator  
Thomas Fallon, CFO  
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

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**APPROVAL OF MINUTES-**

Dr. Dobrin offered a motion to approve the March 1, 2022, Regular Session Meeting Minutes seconded by Mr. Manginelli.

**ROLL CALL**

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

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

Council President Buckley asked that Councilman Dr. Dobrin read the following Child Abuse Prevention and Awareness Month proclamation from the Governor.



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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Borough Engineer - Thomas Neff**

Mr. Neff stated the bid opening for the 2022 road improvement program had twelve contractors bidding and the low bid was Fernandez Construction. The recommendation for award will be presented at the next council meeting. A reminder that road construction is still ongoing on Shrewsbury Avenue with lane closures. Contractors are wrapping up the park projects including the sod at Hockhockson Park which will be completed today.

**Director of Finance- Thomas Fallon**

Mr. Fallon had no report.

**Business Administrator - Charles Terefenko**

Mr. Terefenko had no report.

**Director of Law- Kevin Starkey**

Mr. Starkey commented on Ordinance 2022-1487 for introduction that it acknowledges the affordability controls in place for this property.

**Borough Clerk – Michelle Hutchinson**

Ms. Hutchinson had no report.

**Council's Report**

-Mrs. Clay reported attending the Easter Egg Hunt on April 9<sup>th</sup> and a good time was had by all. Mr. Manginelli and Mrs. Clay attended the Historic Commission meeting on April 10<sup>th</sup> to contribute to the planning of the Juneteenth celebration.

-Dr. Dobrin had no report.

-Mr. Manginelli reported on the Historic Commission meeting with Mrs. Clay and commented they are planning a fun filled event and residents may want to attend.

-Mr. Nesci reported on a Planning Board application from LaRosa's Chicken located on Asbury Avenue for variances, one of which was for a drive thru which was approved. Next Planning Board meeting will be April 27<sup>th</sup> at 7:00pm. The Chicken Advisory Board "CAB" has one last meeting before accepting applications for raising backyard chickens tomorrow, April 20<sup>th</sup> at 7:00pm. The Little League will have their parade on April 30<sup>th</sup> which is the first one since 2019. He thanked Public Works, Police and Recreation for a successful and fun egg hunt event.

-Ms. Buckley echoed Mr. Nesci's sentiments stated she also attended the egg hunt and thanked DPW, Police and Recreation employees for a wonderful event and recognized all the residents that attended. There will be a Litter Cleanup lead by DPW and NJ Clean Communities on May 14<sup>th</sup> at 9:00am and all volunteers are welcome. The TNR coordinator, Ms. Morgenthaler, could not attend this meeting, Ms. Buckley read the submitted report and thanked Ms. Morgenthaler.

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**ORDINANCES FOR INTRODUCTION**

Ms. Hutchinson read the title of the Ordinance: **2022-1487 An Ordinance Releasing The Affordability Controls Attached To The Affordable Housing Units For The Tinton Pines Development**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, May 3, 2022.

*Mrs. Clay offered a motion to introduce Ordinance No. 2022-1487 seconded by Mr. Nesci.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE NO. 2022-1487  
BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**AN ORDINANCE RELEASING THE AFFORDABILITY CONTROLS ATTACHED TO  
THE AFFORDABLE HOUSING UNITS FOR THE TINTON PINES DEVELOPMENT**

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**WHEREAS**, the Borough of Tinton Falls has met its constitutional obligation to provide for its fair share of affordable housing from the time periods established by the Council on Affordable Housing (“COAH”) as its First, Second and Third Round obligations dating from 1987 through 2025 through the entry of Judgments of Repose and Compliance by the Superior Court (Rounds 1 and 3 and the granting of Substantive Certification by COAH (Round 2); and

**WHEREAS**, Borough has included a project known as Tinton Pines in its affordable housing strategy since the Planning Board granted Final and Amended Site Plan Approval dating back to 1988 for the Tinton Pines Development which included one hundred twenty-two condominium units (garden apartments and townhouses) of which 17 units were designated as *Mt. Laurel* deed restricted affordable housing units (nine units were designated for moderate income households and eight units were designated for low-income households); and

**WHEREAS**, West End Plaza Corp recorded the Tinton Pines Master Deed on or about August 11, 1988, recorded at Deed Book 4874-0065 through Deed Book 4874-0214 and which confirmed that 17 of the 122 condominium units were designated as affordable housing rental units for low and moderate-income households for a period of at least twenty (20) years; and

**WHEREAS**, Tinton Pines maintained the affordable housing controls on its affordable housing rental units for a period of at least thirty years and it seeks the Borough’s concurrence to release the affordability controls on the units designated as such which now includes the properties designated on the Borough Tax Map as Block 124.49, Lots 93, 96-103, and 120-127 (the “Tinton Pines Affordable Housing Units”); and

**WHEREAS** COAH’s regulations at N.J.A.C. 5:80-26.11 (e) provides that each restricted rental unit shall remain subject to affordability controls until the Borough elects to release the units from such controls through the execution of a Quitclaim Deed Releasing Unit from Affordability Controls; and

**WHEREAS**, since the Borough has received 34 affordable housing credits, including rental bonus credits, from the Tinton Pines Development and the Tinton Pines owner continued those affordability controls for a period of at least ten years beyond what was required of them, the Borough Council believes it is fair, just and in the best interest of the Borough to formally release the affordability controls on the Tinton Pines Affordable Housing Units.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Tinton Falls, County of Monmouth, and State of New Jersey that it hereby approves the release of the affordable housing deed restrictions on the Tinton Pines Affordable Housing Units and the Borough Administrative Agent is hereby authorized to execute a Quitclaim Deed Releasing Unit from Affordability Controls.

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**ORDINANCES FOR FINAL CONSIDERATION**

Mrs. Hutchinson read Ordinance 2022-1485 entitled: **An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a:4-45.14)**

*Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2022-1485, seconded by Dr. Dobrin.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2022-1485, seconded by Mr. Nesci..*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

*Mr. Manginelli offered a motion to adopt Ordinance No. 2022-1485, seconded by Dr. Dobrin.*

**ROLL CALL**

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

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Ms. Hutchinson read the title of the Ordinance: **2022-1486 An Ordinance Establishing Procedures And Standards Regarding Deployment Of Small Wireless Facilities In Public Rights-Of-Way In The Borough Of Tinton Falls.**

*Mr. Nescii offered a motion to open the Public Hearing on Ordinance No. 2022-1486, seconded by Mr. Manginelli..*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2022-1486, seconded by Mr. Manginelli.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

*Mr. Nesci offered a motion to adopt Ordinance No. 2022-1486, seconded by Dr. Dobrin.*

**ROLL CALL**

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

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

Council President Buckley asked if there were any written comments submitted to be read into the record this evening. Mrs. Hutchinson stated there were none.

Nancy Ann Fama, 36 Gallant Fox Road – Ms. Fama requested an update from the last council meeting regarding police headcount. Mr. Terefenko reported the assessment study is in process.

Ellen Goldberg, 90 Glenwood Drive – Ms. Goldberg stated Friday is Earth Day and this is Earth Month. She expressed her disappointment that the Borough is not doing anything to celebrate as they did in the past. She suggested doing something next year. Also, the plastic bag ban is in effect on May 4<sup>th</sup>. Ms. Buckley stated DPW staff and Environmental members were at the Little League and Egg Hunt events handing out free reusable bags.

*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

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**RESOLUTIONS** – None

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**CONSENT AGENDA**

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

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-100**

**RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, On April 7, 2016, Bethel Christian Center of NJ, 371 Essex Road, Tinton Falls, NJ 07753, posted a \$250.00 street opening cash repair deposit for a sewer repair at 371 Essex Road, Tinton Falls, NJ 07753.

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

**WHEREAS**, Bethel Christian Center of NJ, 371 Essex Road, Tinton Falls, NJ 07753 has completed the work described in Street Opening Permit 2016-04-004; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Bethel Christian Center of NJ, be released.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-101**

**RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY  
BY TWO (2) PUBLIC ONLINE AUCTIONS**

**WHEREAS**, the Borough of Tinton Falls Police Department and Department of Public Works have enough surplus vehicles and other equipment to hold two (2) public ON-LINE auctions during 2022, dates and times will be advertised in the Asbury Park Press; and

**WHEREAS**, Stephan J. Miranti, US Gov Bid/Auction Liquidation Services, 300 Commerce Drive, 1<sup>st</sup> Floor, Tinton Falls, NJ 07724 will conduct the on-line auction at a commission rate of 6.5% of the gross selling price; and

**WHEREAS**, Local Public Contracts Law NJSA 40A:11-36 requires authorization of sale of said property via the adoption of a Resolution; and

**WHEREAS**, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold, or \$6,600.00; and

**WHEREAS**, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days, nor later than 7 days prior to said auction;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment, Borough vehicles and any other miscellaneous items received prior to, through the process of two (2) Public ON-LINE auctions dates to be determined.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute the contract of US Gov Bid/Auction Liquidation Services for the Borough of Tinton Falls as specified herein above.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-102**

**REGULAR MEETING  
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**RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, fees were collected for our recreational program(s).

WHEREAS, said money was deposited by the Borough of Tinton Falls.

WHEREAS, the Recreation Superintendent was informed the following registered player(s) were unable to participate in our recreational program(s). A refund in the amount listed shall be issued to each participant.

Program	Deposit Date	Payee	Amount Paid	Processing Fee Applied	Refund Amount
T-ball	2/28/2022	Misty Rico	\$90.00	\$10.00	\$80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the multiple refunds in the amount listed in the "Refund Amount" column be issued.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-22-103**

**RESOLUTION – APPROVAL OF BILLS – April 19, 2022**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 19, 2022; and

WHEREAS, the Borough Council has reviewed said claims.

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

**SUMMARY**

<b>GENERAL</b>	<b>453,0</b>
<b>SEWER UTILITY</b>	<b>25,9</b>
<b>GENERAL CAPITAL</b>	<b>415,0</b>
<b>GRANT FUND</b>	<b>1,5</b>
<b>TRUST FUNDS</b>	<b>9,2</b>
<b>DOG TRUST FUND</b>	<b>2,5</b>
<b>ESCROW</b>	<b>22,5</b>
<b>ADDITIONS</b>	<b>1,366,6</b>
<b>TOTAL</b>	<b>2,296,7</b>

CERTIFICATION OF FUNDS:

**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:55 PM

Respectfully Submitted,

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Michelle Hutchinson, Borough Clerk

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Tracy Buckley, Council President

**APPROVED AT A MEETING HELD ON: July 12, 2022**