

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 6:00 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."

ROLL CALL (Executive Session)

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

EXECUTIVE SESSION

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

R-21-220 Resolution to Enter Executive Session

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)

None

2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)

Interviews with Borough Clerk candidates
Other personnel matters as needed

3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)

None

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

None

Mrs. Clay offered a motion to approve Resolution R-21-220, seconded by Mr. Manginelli.

ROLL CALL

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

Council President Buckley advised that at this time Council would move into Executive Session.

Council President Buckley advised that Council was back on the record at 7:30 PM for the start of the Regular Meeting.

ROLL CALL (Regular Meeting)

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

Council President Buckley asked the Director of Law, Kevin Starkey to summarize the executive session discussion.

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

Mr. Starkey stated that there were two items on for discussion at Executive Session. The Borough Council conducted interviews with Borough Clerk Candidates. That was completed and Borough Council reserves the right to go back into executive session if necessary at the conclusion of the regular meeting.

All present stood for a salute to the Flag.

APPROVAL OF MINUTES - none

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff gave an update on the construction projects in the Borough, the sidewalk improvement project along Fox Chase Drive. The sidewalks are complete, the final restoration and seeding will be completed and in the spring. Regarding the Park Projects at Riverdale and Liberty Parks the basketball courts have been paved and are awaiting delivery of the hoops. Color coding on the courts will be completed in the spring. Other improvements have been delayed due to equipment shipping issues.

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon had no report.

Mayor’s Report – Mayor Vito Perillo

Mayor Perillo stated that today is Pearl Harbor Day and he asked for a moment of silence in remembrance of the men and women who gave the ultimate sacrifice, their lives. Mayor Perillo introduced Councilman Elect Larry Dobrin, and recognized Councilman Siebert, and thanked him for his time, dedication and good work on the Council.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Melissa Hesler

Ms. Hesler had no report.

Council’s Reports

-Mrs. Clay reported that last week she attended the Board of Education meeting. They reported on the ARP which will be used to address learning loss in students due to COVID and missed school time. The K-8 district is planning for the strategic planning process and are looking for community members to join. She stated that this is a very important process. Mrs. Clay reported on the recipients for the Governor’s Educator of the Year Award, an award that is a huge honor for educators. The recipients are as follows:

Tinton Falls Middle School
Teacher of the Year - Mrs. Mayer
Educational Service Professional - Louanne Hughes
Support Staff of the Year - Carol Brosco

Swimming River School
Teacher of the Year - Mrs. Richmond
Educational Service Professional - Mrs. Henler
Support Staff of the Year - Mrs. Russo

Atchison School
Teacher of the Year - Ms. Brennan
Educational Service Professional - Miss Fay
Support Staff of the Year - Miss McMullen.

Mrs. Clay stated that she cannot stress enough the importance of having good strong educators.

-Mr. Manginelli had no report.

-Mr. Nesci reported there will be a Planning Board meeting this week. He stated there was an email commending our DPW stating they are the best in the State. Mr. Nesci reported that he attended the League of Municipalities Convention and attended several classes, met new people and stated that he hopes to use the information gained to help the Borough.

-Mr. Siebert stated he is happy to report that the Library received a matching grant from the State of New Jersey in the amount of \$217,500. He thanked Library Board Vice President Brian Perry for his hard work in filing the grant filed.

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

-Ms. Buckley reported there is an Environmental Commission meeting this week, it will be a hybrid meeting, all information is on the website. There will be speaker from Sustainable Jersey to talk about the Green Team program certification. Ms. Buckley stated that she attended the Soldier On ribbon cutting ceremony on November 19th. She stated is an amazing facility and fabulous addition to our town and thanked everyone that was instrumental in bringing this facility to Tinton Falls. Ms. Buckley read a report from Kerry Morgenthaler, the liaison for the Trap, Neuter, Release program. Ms. Morgenthaler thanked the Borough for continuation of this program which helps control the feral cat population. Ms. Buckley stated there is a resolution on the agenda this evening to continue this program. Ms. Buckley stated there is one ordinance on the agenda this evening pertaining to allowing certain cannabis licenses in the Borough, and thanked Councilwoman Clay and Councilman Manginelli for serving on the cannabis sub-committee along with various professionals from the Borough. Ms. Buckley stated she also attended the League of Municipalities Convention and attended a session pertaining to the Cannabis where there were three members of the Cannabis Regulatory Commission present as well as the Director. She stated there were many representatives from various municipalities present. Ms. Buckley thanked everyone that helped with the successful Menorah and Tree Lighting Ceremony and the Santa Drive through at the Crawford House which was also successful. Ms. Buckley stated the Shop with a Cop event will take this place this week at the Jersey Shore Outlets and the next FMERA meeting will be held next week via conference call.

ORDINANCES FOR INTRODUCTION

Mrs. Hesler read the title of the Ordinance: **Ordinance 2021-1481 Ordinance Amending Section 2-12.1(G)(3) Of The Borough Code Governing Off-Duty Rates For The Police Department**

Mrs. Hesler stated that public hearing would be scheduled for Tuesday December 21, 2021.

Mr. Siebert offered a motion to introduce Ordinance No. 2021-1481 seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE 2021-1481

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

AN ORDINANCE AMENDING SECTION 2-12.1(g)(3) OF THE BOROUGH CODE GOVERNING OFF-DUTY RATES FOR THE POLICE DEPARTMENT

BE IT ORDAINED, by the Borough Council of the Borough of Tinton Falls that the Borough Code of the Borough of Tinton Falls be and is hereby amended as follows:

SECTION 1.

SECTION 2-12.1(g)(3) of the Borough Code, governing off-duty rates for the police department, is hereby amended and supplemented as follows, with deleted portions indicated by ~~strike through~~, and additions by underline:

g. Special Duty Assignments for Police Officers.

3. Payments.

* * *

(f) The hourly rate/charges shall be set and coordinated in accordance with such current hourly rate and charges payable to participating police officers as set forth in the Collective Bargaining Agreement entered into between the Borough and the appropriate PBA local, as may be amended under that Collective Bargaining Agreement and approved by the Administrator under paragraph 7 of such Collective Bargaining Agreement presently in effect or as may hereinafter be supplemented or amended. The current charges are as follows:

- (i) Traffic Control: Monday-Friday, 8:00 a.m.-5:00 p.m., ~~\$70~~ \$75 per hour, plus ~~\$12~~ \$15 per hour administrative fee for a total of ~~\$82~~ \$90 per hour.
- (ii) Traffic Control: Monday-Friday, 5:00 p.m.-7:00 a.m. and all day weekends and holidays, ~~\$70~~ \$75 per hour, plus ~~\$12~~ \$15 per hour administrative fee for a total of ~~\$82~~ \$90 per hour.
- (iii) Out of Town: All times, ~~\$70~~ \$75 per hour, plus ~~\$12~~ \$15 per hour administrative fee for a total of ~~\$82~~ \$90 per hour.
- (iv) All Security: All hours, ~~\$70~~ \$75 per hour, plus ~~\$12~~ \$15 per hour administrative fee for a total of ~~\$82~~ \$90 per hour.

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

- (v) No special duty assignment shall be less than four hours in length unless authorized by the Chief of Police as a special circumstance.

SECTION 2.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 3.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4.

This Ordinance shall take effect upon its passage and publication according to law.

ORDINANCES FOR FINAL CONSIDERATION

Mrs. Hesler read Ordinance 2021-1480 entitled: **An Ordinance Amending Chapter 40, Section 4 Of The Borough Code Entitled “Definitions” and Creating Two New Sections of the Borough Code, Chapter 40 Section 37(B)(22) Entitled “Cannabis Facilities,” and Chapter 5-9 Entitled “Cannabis Licensing And Taxation,” to Authorize The Issuance Of Certain Cannabis Licenses Within The Borough Of Tinton Falls**

Mrs. Clay offered a motion to open the Public Hearing on Ordinance No. 2021-1480, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING OPEN

Brian Nesci, 14 Riverview Drive, Tinton Falls- Mr. Nesci thanked everyone involved for their hard work in getting this ordinance introduced. He explained his circumstances and personal experience on how he became an advocate for using cannabis to help people such as his wife when she was battling the effects of chemotherapy. He again expressed his thanks for allowing this to happen in the Borough.

Jeff King, 24 Elizabeth Parkway, Eatontown- Mr. King addressed and complimented all of the leaders, Mayor, Council, Administration, the sub-committee for following your word and coming up with something that the community will embrace and benefit from. Input from all the stakeholders were considered and their comments were taken into account to come up with this ordinance. He commended the leaders for their transparency. Mr. King stated that he believes this will help give many people access to medical purposes. Thank you again.

Denise Catalano, 11 Alpine Trail, Tinton Falls- Mrs. Catalano asked if cannabis is legal at a federal level. Mr. Starkey stated the municipality is caught between State and Federal laws. The Federal government has left this to the states since its inception at a state level. I feel confident and do not anticipate legal trouble. Ms. Catalano inquired what the liability to the town would if a person under the influence of marijuana causes bodily harm to someone else. Mr. Starkey discussed the town’s liability and immunity offered under Title 59 under state law to public entities and a suit based on your scenario would be a frivolous lawsuit. Mrs. Catalano inquired about where the licenses are going to be allowed. Borough Engineer Tom Neff explained where the information could be found and gave a general overview of the areas affected. Council President Buckley stated that proximity to residential areas was seriously considered. Discussion followed regarding consumption and impaired driving. Mrs. Catalano expressed her personal concerns about where the licenses are allowed. Councilman Siebert stated that two areas that are HCC were excluded because of their proximity to a residential area.

There being no further comments, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2021-1480, seconded by Mrs. Clay.

ROLL CALL

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

PUBLIC HEARING CLOSED

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

Mrs. Clay offered a motion to adopt Ordinance No. 2021-1480, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC DISCUSSION

Mr. Nesci 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 asked the Clerk if there were any written comments received to be read into the record. Ms. Hesler stated she did not receive any comments.

Mitch Kulberg, 21 Cedar Place- Mr. Kulberg stated that he wanted to formally congratulate Dr. Dobrin on his official election to Council. The results of the recount of the 4 vote difference between myself and Dr. Dobrin has been completed, and he is indeed the winner. Congratulations.

Grace Standorff, 2 Quarry Place- Ms. Standorff stated she lives on the corner of Fox Chase and Rider Lane. Ms. Standorff discussed the recent sidewalk project being installed by the Borough. She explained that on her corner only a handicap ramp was installed with no further sidewalks and that she has been in touch with the Director of DPW and the Borough Engineer regarding this matter. Mr. Neff kindly and quickly returned my email inquiry and explained why the curb and apron installed on her corner were installed and that state regulations required it. Ms. Standorff explained the trenches were dug in her yard and that they still remain with a roughly graded pile of earth. She stated that her yard unfortunately looks like a debris field and asked if there was any recourse and is the contractor going to return and clean up the debris and clean up the soil. Mr. Neff stated the developer has finished the construction, and the contractor can return to fine grade and clean up the debris.

Ellen Goldberg 90 Glenwood Drive- Mrs. Goldberg extended her thanks to Recreation, DPW and the borough for the fantastic Hanukah and Christmas tree lighting and bringing the community together. It was a wonderful evening with a great turnout. Mrs. Goldberg stated she is super excited for the Library Grant and very happy to be a part of the Library Board. She announced the upcoming event for the Library which is the children's fashion show. Mrs. Goldberg also congratulated teacher of the year Angela Mayer, she is a home grown resident of Tinton Falls.

Jeffrey King, 24 Elizabeth Parkway, Eatontown- Mr. King commended Public Works, congratulated the Teachers of Tinton Falls, and the Library on receiving the grant. He commended all of the volunteers of the Borough. Lastly, he thanked the Police Department and the people working on the Pioneer pipe project for the notification of road closures for a better commuting experience.

There being no further comments, 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

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 Mr. Manginelli.

ROLL CALL

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

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

R-21-221 Resolution Authorizing Transfer Between Budget Appropriations Pursuant to N.J.S.A. 40a:4-58

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the transfers between the 2021 budget appropriations be made as follows:

<u>Current Budget Appropriation</u>	<u>From</u>	<u>To</u>
Division of Admin. - Information Technology		\$ 5,000.00
Group Insurance for Employees	\$ 55,100.00	
Division of Sanitation - S&W	30,000.00	
Division of Streets - S&W		5,000.00
Division of Central Maintenance - S&W		10,000.00
Division of Central Maintenance - O/E		20,000.00
Natural Gas		10,000.00
Public Employees' Retirement System		35,100.00
	\$ 85,100.00	\$ 85,100.00

R-21-222 Resolution Authorizing the Borough Administrator to Execute a Memorandum of Understanding With the County of Monmouth for a Ballot Drop Box Security Camera Upgrade

WHEREAS, PL. 2020, c. 72 provides that a ballot drop box must be located at any municipal government building which is the main municipal office of a municipality with a population larger than 5,000 residents; and

WHEREAS, the ballot drop box must be placed at a location equipped with security cameras that allow for video surveillance of the ballot drop box 24 hours per day, 7 days per week; and

WHEREAS, said camera upgrade has been purchased and installed and the Borough is seeking reimbursement through the Elections 2021 Grant distributed by the State of New Jersey through the County of Monmouth; and

WHEREAS, the County of Monmouth requires that the Borough of Tinton Falls enter into a Memorandum of Understanding with regard to the video security surveillance camera upgrade in order to seek the aforementioned reimbursement for same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Acting Borough Administrator, Thomas Fallon, is hereby authorized to execute the Memorandum of Understanding with the County of Monmouth.

R-21-223 Resolution to Enter a Shared Services Agreement with the County of Monmouth to Provide the Itax Map/Collaboration Center System (Tax Map Conversion and Maintenance Services)

WHEREAS, The Uniform Shared Services and Consolidation Act (C.40A:565-1, ets seq.), authorizes local units of this State to enter into a contract with any other local unit(s) for the joint provision within their several jurisdictions of any service, which any part to the agreement is empowered to render within its own jurisdiction of any service, which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, each municipality is to provide for the preparation of yearly revisions to the tax map under New Jersey State law N.J.A.C. 18:23A-1.1, and this legal requirement is not followed by all municipalities based on limited financial, technical and professional resources; and

WHEREAS, each physical description of a parcel of land drives the mass-appraisal calculation of the land portion of its property tax assessment, and land data inaccuracies and errors lead to poor distribution of the annual tax levy, potentially resulting in years of tax bill overpayment and underpayments; and

WHEREAS, a County-to-Municipality shared services program would provide map conversion and maintenance services, ushering in the transition from analog to a Countywide standard of state-certified digital tax maps for all 53 municipalities; and

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

WHEREAS, the intent of the digital tax map shared services program to reduce municipal costs in complying with the law and provide for the most up-to-date GIS parcel layer and tax map for public and government stakeholders; and

WHEREAS, this service provides participating municipalities with numerous benefits, including anticipated cost-savings through economies-of-scale; reduce cost to comply with state regulations and standards; transition from analog to state-certified digital maps; streamlined editing and ongoing maintenance procedures; more consistent and accurate municipal and County-wide information; unprecedented assemblage of data made available to taxpayers, municipalities and the County; and seamless flow of tax information into GIS and additional information systems.

WHEREAS, it is in the best interest of the Borough of Tinton Falls to enter into such an Agreement.

NOW, THEREFORE, IT BE RESOLVED, that the governing body of the Borough of Tinton Falls hereby approves entry into the Agreement with the County of Monmouth consistent with the foregoing.

BE IT FURTHER RESOLVED, that the Mayor, Borough Administrator and Borough Clerk are each hereby authorized and directed to execute the attached Shared Services Agreement, for the provision of the iTax Map/Collaboration Center System, on behalf of the Borough.

R-21-224 Resolution Authorizing A One (1) Year Contract With Monmouth County Spca For Animal Control Services For The Year 2022

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
- 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 2022 budget from: Animal Control

R-21-225 Resolution Authorizing the Execution of a Memorandum of Understanding Between the Borough of Tinton Falls and The Monmouth County S.P.C.A. for a Trap, Neuter and Release Program

WHEREAS, the Borough of Tinton Falls desires to continue to implement a Trap, Neuter and Release (“TNR”) Program in the Borough for the purpose of humanely trapping, neutering, vaccinating and spaying and neutering of feral cats; and

WHEREAS, the Monmouth County S.P.C.A. is a duly licensed animal shelter under the authority of New Jersey State Title 4 and is willing to act as the approved sponsor of said TNR Program; and

WHEREAS, there will be a \$75.00 fee per feral cat under the TNR Program, of which the Borough will be responsible for 50% (\$37.50) of said fee, not to exceed a total annual cost of \$3,750.00 for the 2022 Calendar Year; and

WHEREAS, the necessary funds have been certified by the Director of Finance and are available in the Animal Control Trust Fund; and

WHEREAS, a Memorandum of Understanding (“MOU”) has been prepared by the S.P.C.A. and has been reviewed by the Borough and requires execution by the Mayor in order to implement the TNR Program; and

WHEREAS, the MOU requires the Borough to appoint a designee to represent the Borough on matters related to the TNR Program, and the Borough desires to appoint Kerry Morgenthaler as the Borough designee;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor is hereby authorized to execute the Memorandum of Understanding between the Borough of Tinton Falls and the Monmouth County S.P.C.A for the implementation of the Trap, Neuter and Release Program in the Borough; and

BE IT FURTHER RESOLVED that Kerry Morgenthaler is hereby appointed as the Borough’s designee for matters related to the TNR Program; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Monmouth County S.P.C.A. and to the Director of Finance.

CERTIFICATION OF FUNDS: Animal Control Trust

/S/ Thomas P. Fallon, Chief Financial Officer

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

R-21-226 Resolution Reviewing and Approving the Annual Compensation for The Board Commissioners of Fire District No. 1

WHEREAS, the Tinton Falls Fire District No. 1 authorized and approved annual compensation for 2022 for the Board of Fire Commissioners via the adoption of Resolution No. 16-21; and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of the Board Commissioners of Fire Districts to be reviewed and approved annually by the governing body; and

WHEREAS, the Mayor and Borough Council have reviewed the proposed annual compensation for the members of the Board of Fire Commissioners as follows: four thousand dollars (\$4,000.00) per commissioner;

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

1. The proposed 2022 annual compensation of the Board of Fire Commissioners of Tinton Falls Fire District No. 1 is approved.
2. A certified copy of this Resolution shall be provided to the Board of Fire Commissioners of Tinton Falls Fire District No. 1.

R-21-227 Resolution Reviewing And Approving The Annual Compensation For The Board Commissioners Of Fire District No. 2

WHEREAS, the Tinton Falls Fire District No. 1 authorized and approved annual compensation for 2022 for the Board of Fire Commissioners via the adoption of Resolution No. 19-21; and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of the Board Commissioners of Fire Districts to be reviewed and approved annually by the governing body; and

WHEREAS, the Mayor and Borough Council have reviewed the proposed annual compensation for the members of the Board of Fire Commissioners as follows:

President	\$2,500.00
Treasurer	\$3,500.00
Secretary	\$3,500.00
Vice President	\$2,500.00
Asst. Sec./Treas.	\$2,500.00

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

1. The proposed 2022 annual compensation of the Board of Fire Commissioners of Tinton Falls Fire District No. 2 is approved.
2. A certified copy of this Resolution shall be provided to the Board of Fire Commissioners of Tinton Falls Fire District No. 2.

R-21-228 Resolution – Refunding Inspection Escrow Stavola Flex Space Building Block 113.01, Lots 30 & 32

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

WHEREAS, by letter dated November 11, 2021 (said letter hereby attached and made part of this Resolution) the Borough Engineer, T&M Associates, has certified that all construction has been deemed complete and any remaining escrow funds can be released back to the developer.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the inspection escrow fees are hereby authorized to be released.

R-21-229 Resolution - Denying Release Of Maintenance Guarantees For Delisa Waste Services, Block 145, Lots 19 & 20

WHEREAS, the developer has requested the release of Maintenance Guarantees for DeLisa Waste Services, Block 145, Lots 19 & 20; and

WHEREAS, by letter dated November 4, 2021 (said letter hereby attached and made part of this Resolution) the Engineer, T&M Associates, not all of the bonded improvements have been satisfactorily completed in accordance

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

with the approved plans and there are deficiencies that need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer's letter of November 4, 2021, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

R-21-230 Resolution - Denying Release Of Maintenance Guarantees For J&C Property Holdings, LLC, Block 128.03, Lot 1.09

WHEREAS, the developer has requested the release of Maintenance Guarantees for J&C Property Holdings, LLC, Block 128.03, Lot 1.09; and

WHEREAS, by letter dated November 4, 2021 (said letter hereby attached and made part of this Resolution) the Engineer, T&M Associates, not all of the bonded improvements have been satisfactorily completed in accordance with the approved plans and there are deficiencies that need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer's letter of November 4, 2021, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

R-21-231 Resolution – Releasing Performance Guarantee Upon the Posting of Maintenance Guarantee – Soldier On – Gordon H. Mansfield Veteran's Village Block 128.03, Lot 1.02

WHEREAS, the developer has requested the release of Performance Guarantee posted for Soldier On – Gordon H. Mansfield Veteran's Village, Block 128.03, Lot 1.02; and

WHEREAS, by letter dated November 15, 2021 the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for Soldier On – Gordon H. Mansfield Veteran's Village, Block 128.03, Lot 1.02 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-21-232 Resolution – Refunding Escrow – Toll Brothers

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

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

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

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

TOLL BROTHERS, TOLL LAND IV LP TOL4549CU \$2,950.97

R-21-233 Resolution – Refunding Escrow – Toll Brothers

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

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

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

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

Toll Brothers, Toll Land IV LP TOL5272CU \$340.50

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

R-21-234 Resolution – Refunding Escrow – Toll Brothers

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

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

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

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

Toll Brothers, Toll Land IV, LP TOL4133CU \$200.00

R-21-235 Resolution - Refunding Tax Overpayment

WHEREAS, overpayments of 2021 3rd & 4th quarter Taxes have been made as a result of duplicate payments and payments made in error for the year 2021.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
-------------	--------------	------------	---------------

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2021 3rd & 4th quarter taxes by the property owners in the total amount of \$22,224.03 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 \$22,224.03 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 \$22,224.03.

SEE NEXT PAGE FOR ATTACHMENT

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

BOROUGH OF TINTON FALLS - 2021 TAX OVERPAYMENTS				TOTAL TAXES OVERPAID	Q T R	FIRST PAYMENT MADE BY	R-21-235 SECOND PAYMENT MADE BY
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:				
61.04	39	COLASUONNO, RICHARD M & CHRISTINE L 46 APPLE ORCHARD DRIVE TINTON FALLS, NJ 07724	COLASUONNO, RICHARD M & CHRISTINE L 46 APPLE ORCHARD DRIVE	2,001.11	4	TITLE COMPANY	MORTGAGE COMPANY
62.03	15	ADVISORS MORTGAGE GROUP, LLC PO BOX 2096 OCEAN, NJ 07712	MEYER, STEVEN T & AMY L 18 PEGASUS DRIVE	4,436.15	4	MORTGAGE COMPANY	MORTGAGE COMPANY
64.02	4	SCIULLA, ERIC JR & NICOLE 6 HIALEAH COURT TINTON FALLS, NJ 07724	SCIULLA, ERIC JR & NICOLE 6 HIALEAH COURT	4,078.72	4	TITLE COMPANY	MORTGAGE COMPANY
101.09	22	GALLO, DAVID M 52 KELLY WAY TINTON FALLS, NJ 07724	GALLO, DAVID M & DEBORAH J 52 KELLY WAY	388.46	4	OWNER	MORTGAGE COMPANY
120.05	42	CALIBER HOME LOANS C/O CORELOGIC CENTRALIZED REFUND DEPT 3001 HACKBERRY ROAD IRVING, TX 75063	BAEZ, HEIDY E 48 KYLE DRIVE	1,582.71	4	MORTGAGE COMPANY	MORTGAGE COMPANY
120.05	47	SUBRAMANIAN, ABHISHEK 44 KYLE DRIVE TINTON FALLS, NJ 07712	SUBRAMANIAN, ABHISHEK 44 KYLE DRIVE	1,280.03	4	TITLE COMPANY	MORTGAGE COMPANY
124.50	41	LAW OFFICE OF MALCOLM MCPHERSON, JR. 20 PARK AVENUE, SUITE 1-B LYNDHURST, NJ 07071	GONZALEZ & SPAGNUOLO to SATTY 19 DES MOINES COURT	989.21	4	TITLE COMPANY	MORTGAGE COMPANY
124.50	202	TITLE GUARANTEE, INC. 6 HUNT ST., BOX 459 RUMSON, NJ 07760	MILCHUTSKYY FROM WELCH 8 RICHMOND COURT	1,406.85	4	TITLE COMPANY	MORTGAGE COMPANY
124.50	309	FLEURY, THIMOTHEE & CARLINE 9 TOPEKA COURT TINTON FALLS, NJ 07712	FLEURY, THIMOTHEE & CARLINE 9 TOPEKA COURT	1,458.97	3	OWNER	MORTGAGE COMPANY
124.62	32	MATHUR, NEHA & ROHIT 1011 ANTOINETTE DRIVE MONRIE, NJ 08821	MATHUR, NEHA & ROHIT 84 AUSTIN STREET	1,938.02	4	TITLE COMPANY	MORTGAGE COMPANY
129.10	23	CORELOGIC REFUNDS DEPT PO BOX 9202 COPPELL, TX 75019	STATTNER, REBECCA 23 HACKAMORE COURT	1,068.94	3	OWNER	MORTGAGE COMPANY
129.13	21.01	CORELOGIC REFUNDS DEPT PO BOX 9202 COPPELL, TX 75019	CARPIO, KATHLEEN 1 NUTMEG COURT	1,594.86	3	TITLE COMPANY	MORTGAGE COMPANY
				22,224.03			

R-21-236 Resolution - Refunding Tax Overpayment

WHEREAS, overpayments of 2021 4th quarter Taxes have been made as a result of a Veteran's or Widow of a Veteran's deductions for the year 2021 to properties known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
-------------	--------------	------------	---------------

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2021 4th quarter taxes by the property owners in the total amount of \$2,250.00 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$2,250.00 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 \$2,250.00.

SEE NEXT PAGE FOR ATTACHMENT

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

BOROUGH OF TINTON FALLS - 2021 TAX OVERPAYMENTS DUE TO VETERAN'S DEDUCTIONS - SEABROOK				R-21-236
				TOTAL
				TAXES
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:	OVERPAID
2.01	18.01	THOMAS, BERNARD J 70 STEVEN AVENUE TINTON FALLS, NJ 07724	THOMAS, BERNARD J 70 STEVEN AVENUE	250.00
16	1.128	AMATO, JOHN & PRUDENCE 12 MAJESTIC DRIVE TINTON FALLS, NJ 07724	AMATO, JOHN & PRUDENCE 12 MAJESTIC DRIVE	250.00
47.05	1	LOCKETT, JOHN W. & GLORIA T. 12 WILLOW ROAD TINTON FALLS, NJ 07724	LOCKETT, JOHN W. & GLORIA T. 12 WILLOW ROAD	250.00
53.07	25	WALL, RODNEY 84 STRATFORD ROAD TINTON FALLS, NJ 07724	WALL, RODNEY 84 STRATFORD ROAD	250.00
124.04	41	WILHELM, CHONG SUK 92 GARRISON DRIVE TINTON FALLS, NJ 07753	WILHELM, CHONG SUK 92 GARRISON DRIVE	250.00
124.47	5	LYE, EDWARD & CHRISTINA 18 JONATHAN DRIVE TINTON FALLS, NJ 07753	LYE, EDWARD & CHRISTINA 18 JONATHAN DRIVE	250.00
129.13	20.05	NESBIHAL, JOSH & GOLDENBERG, ALYCIA 10 BUFORD COURT TINTON FALLS, NJ 07753	NESBIHAL, JOSH & GOLDENBERG, ALYCIA 10 BUFORD COURT	250.00
129.15	33.03	ROBERTS, PAUL & ERIN 6 SANTA ROSA LANE TINTON FALLS, NJ 07753	ROBERTS, PAUL & ERIN 6 SANTA ROSA LANE	250.00
147	10.51	MIRARCHI, JOSEPH A & CARMEL ANN 18 ABBEY ROAD TINTON FALLS, NJ 07753	MIRARCHI, JOSEPH A & CARMEL ANN 18 ABBEY ROAD	250.00
				2,250.00

R-21-237 Resolution - Refunding Tax Overpayment

WHEREAS, overpayments of 2021 4th quarter Taxes have been made as a result of a Senior Citizen's deductions for the year 2021 to properties known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
-------------	--------------	------------	---------------

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2021 4th quarter taxes by the property owners in the total amount of \$500.00 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 \$500.00 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 \$500.00.

SEE NEXT PAGE FOR ATTACHMENT

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

BOROUGH OF TINTON FALLS - 2021 TAX OVERPAYMENTS DUE TO SENIOR CITIZEN'S DEDUCTIONS				R-21-237
				TOTAL
				TAXES
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:	OVERPAID
124.16	5	SCHWARTZMAN, CINDY 71 FRONTIER WAY TINTON FALLS, NJ 07753	SCHWARTZMAN, CINDY 71 FRONTIER WAY	250.00
124.50	246	POWERS, JOANNE P 8 DES MOINES COURT TINTON FALLS, NJ 07712	POWERS, JOANNE P 8 DES MOINES COURT	250.00
				500.00

R-21-238 Resolution - Refunding Tax Overpayment

WHEREAS, overpayments of 2021 4th quarter Taxes have been made as a result of a Veteran's or Widow of a Veteran's deductions for the year 2021 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
TF Campus LLC 3000 Essex Road Tinton Falls, NJ 07753	128.03	19.05	\$2,250.00

(ADDITIONAL SEABROOK RESIDENTS APPROVED FOR THE YEAR 2021, AFTER THE PRINTING OF THE 2021 TAX BILLS, ARE HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2021 4th quarter taxes by the property owners in the total amount of \$2,250.00 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$2,250.00 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 \$2,250.00.

SEE NEXT PAGE FOR ATTACHMENT

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

BOROUGH OF TINTON FALLS - 2021 TAX OVERPAYMENTS DUE TO VETERAN'S DEDUCTIONS - SEABROOK				R-21-238
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:	TOTAL TAXES OVERPAID
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	KENNETH KLOHN 206 NORTH SHORE	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	ROSALYN KAPLAN 518 SANDY COVE	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	EUGENE BINDA 701 HARBOR LIGHTS	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	AGNES MALGIERI 305 FLAGSHIP TERRACE	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	RAYMOND WAGENHORST 201 ARBOR COURT	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	ALEXANDER MOHEN 407 NORTH SHORE	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	JAMES JOYCE 509 BEACON LANDING	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	STANLEY KOLODJESKI 608 HERON POINT	250.00
128.03	19.05	TF CAMPUS LLC 3000 ESSEX ROAD TINTON FALLS, NJ 07753	KENNETH HOR 123 ARBOR COURT	250.00
				2,250.00

R-21-239 Resolution Refunding Tax Overpayment for a Totally Disabled Veteran

WHEREAS, an overpayment of 2021 taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2021 (from January 1, 2021 through December 31, 2021).

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Joseph & Domenica Poremski 15 Edgebrook Court Tinton Falls, NJ 07724	47.02	59	\$7,651.02

and,

WHEREAS, said exemption has resulted in an overpayment of the 2021 taxes in the amount of \$7,651.02 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 \$7,651.02 is hereby approved for the aforementioned property for the year of 2019.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$7,651.02.

R-21-240 Resolution – Approval of Bills – December 7, 2021

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 7, 2021; and

WHEREAS, the Borough Council has reviewed said claims.

**REGULAR MEETING
DECEMBER 7, 2021
BOROUGH COUNCIL**

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	4,564,216.75
SEWER UTILITY	24,628.33
GENERAL CAPITAL	77,846.00
GRANT FUND	485.00
TRUST FUNDS	173,807.82
DOG TRUST FUND	321.80
ESCROW	37,894.00
TOTAL	<u>4,879,199.70</u>

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

EXECUTIVE SESSION

Council President Buckley advised that at this time Council would adjourn the regular meeting and move back into Executive Session.

Kevin Starkey Director of Law stated that the Executive Session will continue under the same resolution that was originally adopted which will be continuation of discussion of interviews for Borough Clerk Candidates and other personnel matters as needed. We will convene back to this meeting room to close the Regular Meeting but do not anticipate any further action to be taken tonight.

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

ROLL CALL

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

Council President advised it is 8:19 pm and stated that they will now move back into executive session.

RETURN FROM EXECUTIVE

Council President asked the Director of Law to summarize the executive session.

Kevin Starkey, Director of Law stated this executive session was a continuation of the first session held this evening and the discussion was regarding confidential personnel matters and that was the extent of the discussion

ADJOURNMENT (Regular Meeting)

Mr. Nesci offered a motion to adjourn the regular meeting, seconded by Mr. Manginelli.

ROLL CALL

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

TIME: 8:41 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: February 1, 2022