

**REGULAR AND WORKSHOP MEETING
JUNE 15, 2021
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 6:30 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 (Executive Session)

PRESENT: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley
ABSENT: None

EXECUTIVE SESSION

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

R-21-130 - 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)

None

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

Discussion of contract negotiations pertaining to FMERA properties.

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

Status report on pending litigation.

Mr. Nesci offered a motion to approve Resolution R-21-130, seconded by Mrs. Clay.

ROLL CALL

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

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 A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Thomas Fallon, Acting Borough Administrator/Director of Finance
Mark Shaffery, Director of Public Works

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

Mr. Starkey stated that there were two items discussed in Executive Session, the Council discussed the contract negotiations pertaining to FMERA properties and potential litigation and status report on current and settled litigation.

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, who will be joining us shortly, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey, Tinton Falls Dept of Public Works Director Mark Shaffery, and IT Director Dan Romanov.

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

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

We would like to commend our Borough municipal employees from every department for all of their hard work in keeping the Borough functioning during this difficult time. Borough hall is now open, and we will be moving back to in person meetings at borough hall.

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.

APPROVAL OF MINUTES

Mr. Nesci offered a motion to approve the March 16, 2021, Regular Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon reported on several 2021 budget items that are on the agenda to be acted upon this evening. The first item is a bond ordinance 2021-1477 for the 2021-2022 Road Program which will be designed this year and bid out next year with an early 2022 construction schedule. Resolutions R-21-113 and R-21-114 authorizing the purchase of a sanitation truck and a hook lift truck with attachments. Resolution R-21-112 allocation of funds received from the Clean Community Program which will be inserted into this year's budget.

Mayor Perillo - Mayor Perillo stated he had no report.

Director of Law- Kevin Starkey- Mr. Starkey reported on Ordinance 2021-1474 which has received significant attention in the municipality and around the State. This ordinance is commonly known as the cannabis opt-out ordinance. He pointed out by introducing the ordinance it does not mean the Council is opposed to cannabis nor does it mean that the Council will not consider allowing cannabis establishments to locate within the Borough as they move forward. Mr. Starkey explained that this ordinance will get the municipality past the initial August 21, 2021 deadline set by the State, while the Borough awaits responses and guidance from the Cannabis Regulatory Commission "CRC" as they promulgate their final regulations. Once the Council receives that information, they can perform a detailed review and begin to draft an opt-in zoning ordinance. Mr. Starkey explained the review process of classes of licenses within the Borough and the comprehensive review that will be done by staff and professionals. He explained opting out at this time allows Council to opt in at a later date for the licenses deemed appropriate, without the time constraints that are set up in the new law. Also, the New Jersey League of Municipalities "NJLM" supports this approach and prepared a model opt out ordinance. The ordinance on the agenda is based on the model ordinance from NJLM.

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Borough Clerk – Melissa Hesler- Ms. Hesler stated she had no report.

Council’s Report

-Mrs. Clay stated she attended the Board of Education meeting last night and would like to report the Tinton Falls school district has a robust summer program. Also, the eighth-grade class is graduating in person on June 17th. Mrs. Clay stated she would like to recognize a Swimming River student, Alyssa Marchitello, who received honorable mention in the Monmouth County poster contest.

-Mr. Manginelli addressed Mr. Starkey to clarify what the five-year period represents. Mr. Starkey replied if a municipality does not opt out they would be stuck for five years, opting out is not a possibility after August. Any time after August you can opt back in.

-Mr. Nesci reported that there is a Planning Board meeting on June 23rd at 7:00pm. Last week he and Mr. Fallon attended a Denholtz Properties groundbreaking and ribbon cutting ceremony. He repeated Mr. Denholtz remarks that “Tinton Falls is the easiest town to work with specifically the zoning, planning and building employees.”

-Mr. Siebert reported the Library Music Festival is August 14th and sponsorships are still available. There will be a beer tent and bands who have committed to the event. Mr. Siebert stated that he has been busy researching the workshop topic for tonight pertaining to housing of chickens in the Borough. He mentioned Saturday is Juneteenth National Independence Day celebrated by many people in the Borough and should be recognized in some fashion.

-Ms. Buckley reported there will be other events celebrating Juneteenth including a video presentation by Monmouth Regional High School on June 18th and the Tinton Falls Historic Commission on June 19th will have an open house starting at 3:00 pm at the Crawford House with education materials. The high school’s video will also be played. She commented on Resolution R-21-115 Annual Meeting Notice revision stating this will be our last virtual meeting and July will begin in person meetings. There is an Environmental forum on June 24th at 7:30pm via Webex which is open to the public. There will be various speakers discussing topics including composting and recycling. The flyer is on the website for more information. Ms. Buckley thanked the Clerk, DPW and Police staffs for their setup and management of the Primary Election which went smoothly.

ORDINANCES FOR INTRODUCTION

Mrs. Hesler read the title of Ordinance 2021-1473: Ordinance Amending Chapter VII of The Borough Code, Entitled “Traffic,” To Prohibit Parking On A Portion Of Drift Road

Mrs. Hesler stated that public hearing would be scheduled for July 13, 2021.

Mr. Nesci offered a motion to introduce Ordinance No. 2021-1473 seconded by Mrs. Clay.

ROLL CALL

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

ORDINANCE NO. 2021-1473

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER VII OF THE BOROUGH CODE, ENTITLED “TRAFFIC,” TO
PROHIBIT PARKING ON A PORTION OF DRIFT ROAD**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Chapter VII of the Borough Code, entitled “Traffic,” shall be amended and supplemented as follows:

SECTION 1. Section 7-3.4 of the Borough Code, entitled “Parking Prohibited at All Times on Certain Streets,” shall be amended and supplemented as set forth below to add the designated portion of Drift Road in the appropriate alphabetical location:

7-3.4 Parking Prohibited at All Times on Certain Streets

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

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Drift Road	Both	From the southern ingress/egress of 175 Drift

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		Road to the intersection with Wayside Road
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SECTION 2. Repealer.

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

SECTION 3. Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date.

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

Mrs. Hesler read the title of Ordinance 2021-1474: An Ordinance Prohibiting the Operation of Any Class of Cannabis Business Within the Jurisdiction of the Borough of Tinton Falls Until Adequate Regulatory Guidance Is Provided By The State’s Cannabis Regulatory Commission

Mrs. Hesler stated that public hearing would be scheduled for July 13, 2021.

Mr. Manginelli offered a motion to introduce Ordinance No. 2021-1474 seconded by Mr. Siebert.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Nesci

Mrs. Clay commented she is in favor of opting in when the time is right but due to the tight timeline in place there were many questions to be addressed. We did not have the information for proper planning. Looking forward to working together so that we can opt in as soon as possible. Mr. Siebert commented he agreed with Mrs. Clay comments and is looking forward to opting in shortly. Ms. Buckley agreed with both Mrs. Clay and Mr. Siebert’s comments and recommended forming a sub-committee with two councilmembers and other professionals.

ORDINANCE NO. 2021-1474

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF
CANNABIS BUSINESS WITHIN THE JURISDICTION OF THE BOROUGH OF
TINTON FALLS UNTIL ADEQUATE REGULATORY GUIDANCE IS
PROVIDED BY THE STATE’S CANNABIS REGULATORY COMMISSION**

WHEREAS, on November 3, 2020, residents of the Borough of Tinton Falls (the “**Borough**”) widely supported Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy enacted P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “**Act**”), which legalizes the recreational use of cannabis products by adults at least 21 years of age; and

WHEREAS, the Act establishes six classes of licensed cannabis businesses addressing cultivation, manufacturing, wholesaling, distribution, retail, and delivery services; and

WHEREAS, section 31 of the Act authorizes municipalities to adopt regulations governing cannabis licensees, including the classes and number of licenses permitted, the locations and zoning of the licensed operations, times of operation, and providing certain penalties for violations; and

WHEREAS, section 31 of the Act, however, requires municipal regulations to be adopted by August 21, 2021; and

WHEREAS, should a municipality fail to act by August 21, 2021, it will lose its ability to regulate cannabis business licensees for a period of five years while automatically permitting the growing, cultivating, manufacturing, selling and reselling of cannabis products as permitted uses in all industrial zones, and allow the retail sale of cannabis products as a conditional use in all commercial and retail zones; and

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WHEREAS, the Borough’s governing body has determined that due to the present uncertainties governing the licensing process at both the state and local level, as well as, the very limited amount of time permitted to establish appropriate zoning regulations for an entirely new class of commercial uses of property with the Borough, it is in the best interest of the health, safety and welfare of the Borough’s residents to await the adoption of regulatory guidance from the State’s recently established Cannabis Regulatory Commission; and

WHEREAS, the Borough’s “opting out” of permitting licensed cannabis businesses at this time in no way affects the legality of recreational cannabis use by adults over the age of 21 within the Borough; and

WHEREAS, the Borough’s governing body wishes to establish land use regulations and licensing standards for regulated cannabis businesses within its municipal boundaries upon receipt of adequate regulatory guidance from the State’s Cannabis Regulatory Commission, which is anticipated later this year.

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

SECTION 1. Pursuant to section 31 of P.L. 2021, c. 16, all cannabis license classes established thereunder subject to municipal jurisdiction are hereby prohibited from operating anywhere within the Borough of Tinton Falls.

SECTION 2. Chapter 40 of the Code of the Borough of Tinton Falls shall hereby be amended to prohibit all classes of cannabis licenses as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service not subject to local jurisdiction.

SECTION 3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Tinton Falls inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its final passage and publication and filing with the Monmouth County Planning Board, and as otherwise provided for by law.

Mrs. Hesler read the title of Ordinance 2021-1475: Ordinance Authorizing the Purchase Of Property Known As Block 45, Lot 29.01, 97 Shark River Road, As Part of The Open Space Program

Mrs. Hesler stated that public hearing would be scheduled for July 13, 2021.

Mr. Nesci offered a motion to introduce Ordinance No. 2021-1475 seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE NO. 1475

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY
KNOWN AS BLOCK 45, LOT 29.01, 97 SHARK RIVER ROAD,
AS PART OF THE OPEN SPACE PROGRAM**

WHEREAS, property known as Block 45, Lot 29.01, located at 97 Shark River Road, consists of approximately 2.42 acres (the “Property”), has come available for purchase; and

WHEREAS, the Property is adjacent to property consisting of approximately 60 acres, which the Borough previously acquired as part of its open space preservation program, known as the “Walz Property”; and

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WHEREAS, the Property will give additional and improved access to the Walz Property, which currently has limited access from Thresher Court; and

WHEREAS, the Borough Council desires to authorize the acquisition of the Property at fair market value in order to preserve the Property as open space and to enhance access to the Walz Property; and

WHEREAS, the Borough is required by the provisions of N.J.S.A. 40A:12-5 to authorize such property acquisitions by ordinance;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

SECTION 1.

- A. The Borough Council hereby authorizes the acquisition of property designated as Block 45, Lot 29.01, also known as 97 Shark River Road, for fair market value, which is deemed to be the purchase price of \$399,900.00.
- B. The Mayor, Borough Clerk and Director of Law are hereby authorized to execute any necessary documentation to effectuate the acquisition of title to the Property.
- C. The closing of title is conditioned on the completion of an environmental inspection by the Borough Engineer.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Mrs. Hesler read the title of Ordinance 2021-1476: Ordinance Amending Chapter 3, Article II Of The Borough Code, Entitled “Police Force,” To Amend the Composition Of The Police Force

Mrs. Hesler stated that public hearing would be scheduled for July 13, 2021.

Mr. Nesci offered a motion to introduce Ordinance No. 2021-1476 seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE NO. 1476

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER 3, ARTICLE II
OF THE BOROUGH CODE, ENTITLED “POLICE FORCE,” TO AMEND THE COMPOSITION OF THE
POLICE FORCE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

SECTION 1. Chapter III of the Borough Code of Tinton Falls shall be amended in Section 3-12.2 to amend the composition of the Police Force as indicated below (deletions indicated by ~~strike throughs~~, additions by underlined):

3-12.2 COMPOSITION OF FORCE

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The Police Force shall consist of the following police officers appointed by the Mayor in the following descending rank and order of authority, provided such positions have been filled by appointment pursuant to the terms of this chapter:

- a. Chief of Police (no more than one).
- ~~b. Deputy Chief of Police (no more than two).~~
- c. Captain (no more than two).
- d. Lieutenant (no more than five).
- e. Sergeants, as may be appointed from time to time (no more than ~~eight~~ seven).
- f. Patrol officers, as may be appointed from time to time (no more than ~~26~~ 28).

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Mrs. Hesler read the title of Ordinance 2021-1477: Bond Ordinance Providing For The Borough's 2021-2022 Road Improvement Program, Appropriating \$2,600,000 Therefor And Authorizing The Issuance Of \$2,200,000 Bonds And Notes To Finance A Portion Of The Costs Thereof, Authorized In And By The Borough Of Tinton Falls, In The County Of Monmouth, New Jersey

Mrs. Hesler stated that public hearing would be scheduled for July 13, 2021.

Mr. Nesci offered a motion to introduce Ordinance No. 2021-1477 seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 2021-1477

BOND ORDINANCE PROVIDING FOR THE BOROUGH'S 2021-2022 ROAD IMPROVEMENT PROGRAM, APPROPRIATING \$2,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Tinton Falls, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,600,000, said sum being inclusive of all appropriations heretofore made therefore, including \$265,000 grant funds expected to be received from the New Jersey Department of Transportation ("NJDOT") and the sum of \$135,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$2,200,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the Borough's 2021-2022 Road Improvement Program, which includes (i) improvements to various Borough roads, including but not limited to, Glenwood Drive, Riverview Drive, Fairfield Drive, William Street, Terry Lane, Orchard Street, Wellington Drive, Gilbert Street, Wardell Road, Lyndell Lane and Garden Place; and (ii) sidewalk improvements along Shrewsbury Avenue, for which the NJDOT grant funds are expected and Fox Chase Drive, together with all purposes necessary incidental or apparent thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$2,200,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,600,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$2,600,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$135,000 down payment for said purposes, and the \$265,000 grant funds expected to be received from NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,200,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital

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program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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.

Craig Gately, 10 Polo Club Drive – Mr. Gately stated that he disagrees with opting out since a majority of voters are in favor of legalizing marijuana and feels Tinton Falls is going to lose opportunities for businesses to operate here and tax revenues. He wanted to know which streets will be paved with the road program. Mr. Fallon stated that the list of roads can be found in the budget presentation on the website. Mr. Gately also asked about the cost to the town for recycling fees and garbage dumping fees. Mr. Fallon stated it is more expensive to tip recycling then to tip solid waste. Mr. Gately commented on revisiting single stream versus mixed recycling process.

Council President Buckley asked the Clerk if there were any written comments received via email. Borough Clerk Melissa Hesler stated that she received one written comment that pertains to the discussion item on the workshop agenda. She believes it would be appropriate to read it into the record at the workshop meeting.

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

Mr. Nesci commented he has enjoyed the virtual council meetings. It will be nice to see everyone next month at the in-person council meeting.

RESOLUTIONS – None

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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-21-108 -RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE YEAR 2021/2022

WHEREAS, the holders of certain retail consumption licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following plenary retail consumption licenses be renewed for the year commencing July 1, 2021 and expiring June 30, 2022:

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Twin Brook at Tinton Falls, Inc.	1336-33-001-007	\$2,500.00	Inactive
McLoone’s Tinton Falls LLC	1336-33-002-013	\$2,500.00	CJ McLoone’s
Woody’s TF Grille LLC	1336-33-003-006	\$2,500.00	Woody’s Ocean Grille
Adova, LLC	1336-33-008-006	\$2,500.00	Gargiulos Tinton Falls
Mimoza, LLC	1336-33-009-007	\$2,500.00	Tally Ho Inn
Menditto, Inc.	1336-33-010-004	\$2,500.00	Nettie’s
Tinton Falls Restaurant, Inc.	1336-33-011-005	\$2,500.00	Inactive
GSPH Restaurants	1336-33-012-002	\$2,500.00	The Pour House
Apple Food Service of Tinton Falls, Inc	1336-33-013-008	\$2,500.00	Applebee’s Neighborhood Grill & Bar
Village Falls, LLC	1336-33-014-011	\$2,500.00	MJ’s
Tinton Falls Lodging Realty, LLC	1336-36-007-014	\$2,500.00	Aqua Restaurant & Lounge
Courtyard Management Corporation	1336-36-015-003	\$2,500.00	Courtyard by Marriott

R-21-109 RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE YEAR 2021/2022

WHEREAS, the holder of certain plenary retail distribution licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following plenary retail distribution licenses be renewed for the year commencing July 1, 2021 and expiring June 30, 2022.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Worldwide Wines, LLC	1336-44-004-015	\$2,500.00	Inactive
3-Queens, Inc.	1336-44-005-004	\$2,500.00	Tinton Falls Buy Rite
Reva Enterprises LLC	1336-44-006-006	\$2,500.00	Pinebrook Liquor & Deli

R-21-110 RESOLUTION - RENEWAL OF CERTAIN CLUB LIQUOR LICENSES FOR THE YEAR 2021/2022

WHEREAS, the holder of certain club licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following club licenses be renewed for the year commencing July 1, 2021 and expiring June 30, 2022.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Seabrook Village Resident's Association Inc.	1336-31-018-001	\$180.00	Seabrook Village

R-21-111 RESOLUTION APPROVING A MODIFIED CONSERVATION EASEMENT FOR BLOCK 119, LOT 2.11, ALSO KNOWN AS 1 PUMA PLACE

WHEREAS, the Planning Board in 2005 approved a major subdivision application for a 7-lot residential development on Wayside Road to be known as Wayside Manor; and

WHEREAS, the subdivision has been fully constructed and completed, with the homes located on a new cul-de-sac known as Puma Place; and

WHEREAS, the approved development plans included a 65' wide conservation easement, which was intended to provide a buffer between the new subdivision and a school bus depot to the north of the subdivision; and

WHEREAS, the Conservation Easement is located almost entirely on one of the residential lots, known as 1 Puma Place, also designated as Block 119, Lot 2.11 on the Borough tax maps (the "Property"); and

WHEREAS, the owners of the home at the Property have requested that the Borough agree to modify the size of the Conservation Easement, which is located only 2.2 feet off the rear corner of their house and about 23 feet off the other rear corner of the house, and which substantially limits the use of the backyard on the Property; and

WHEREAS, the proposed Modified Conservation Easement, in the form attached to this Resolution, will reduce the width of a portion of the easement by approximately 35 feet, with approximately 30 feet of the original conservation easement remaining as a buffer; and

WHEREAS, the homeowners association for the development has no objection to reducing the size of the Conservation Easement as set forth in the Modified Conservation Easement; and

WHEREAS, the Borough Engineer has reviewed the description of the reduction as stated in the Modified Conservation Easement and has no objection; and

WHEREAS, the Director of Law has reviewed and approved the form of Modified Conservation Easement and recommends its execution and approval for recording with the County Clerk;

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

The Mayor is authorized, and the Borough Clerk to attest, to execute the Modified Conservation Easement in the form attached hereto for Block 119, Lot 2.11, also known as 1 Puma Place.

1. A certified copy of this Resolution shall be provided to the owners of 1 Puma Place, Colin & Dana Corcoran.

A certified copy of this Resolution shall be provided to the owners of 1 Puma Place, Colin & Dana Corcoran.

R-21-112 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$44,352.20, which is now available from State of New Jersey Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$44,352.20 is hereby appropriated under the caption of Clean Communities Program; and

BE IT FURTHER RESOLVED, that the electronic special item of revenue resolution submittal form be filed with the Division of Local Government Services.

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R-21-113 RESOLUTION AUTHORIZING PURCHASE UNDER SOURCEWELL COOPERATIVE FOR CLASS 5-8 CHASSIS WITH RELATED EQUIPMENT

WHEREAS, the Tinton Falls Department of Public Works is in need of One (1) 2022 or newer model year Peterbilt 520 Tandem Axle Cab & Chassis with 66,000 lb. GVW; and

WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative as approved by Resolution #R-16-123; and

WHEREAS, Hunter Truck / Hunter Jersey Peterbilt, 524 Monmouth Road, Clarksburg, NJ 08510 is a valid vendor on Sourcewell Cooperative, for the purchase of One (1) 2022 or newer model year Peterbilt 520 Tandem Axle Cab & Chassis with 66,000 lb. GVW for a total purchase price in the amount of \$254,000.00; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-11, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Mark Shaffery, Director of Public Works recommends this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid Sourcewell Cooperative:

One (1) 2022 or Newer Model Year Peterbilt 520 Tandem Axle Cab & Chassis with 66,000 lb. GVW

I hereby certify funds are available from: Budget: Acquisition of Sanitation Truck

R-21-114 RESOLUTION AUTHORIZING PURCHASE UNDER SOURCEWELL COOPERATIVE FOR CLASS 4-8 CHASSIS WITH RELATED EQUIPMENT

WHEREAS, the Tinton Falls Department of Public Works is in need of One (1) 2022 HV507 SFA Hook Lift w/ Plow / Spreader / Leaf Vacuum; and

WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative as approved by Resolution #R-16-123; and

WHEREAS, Mid-Atlantic Truck Centre, 525 W. Linden Avenue, Linden, NJ 07036 is a valid vendor on the Sourcewell Cooperative, for the purchase of One (1) 2022 HV507 SFA Hook Lift w/ Plow / Spreader / Leaf Vacuum for a total purchase price in the amount of \$325,156.44; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-11, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Mark Shaffery, Director of Public Works recommends this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid Sourcewell Cooperative:

One (1) 2022 HV507 SFA Hook Lift w/ Plow / Spreader / Leaf Vacuum

I hereby certify funds are available from: Budget: Acquisition of Leaf Vacuum \$109,156.44
Acquisition of Hook Lift Truck \$216,000.00

R-21-115 RESOLUTION AMENDING THE DESIGNATED MEETINGS OF THE BOROUGH COUNCIL FOR THE YEAR 2021

WHEREAS, the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-8a, et seq.) requires the governing body of a municipality to designate and disseminate schedules, meeting dates, times and location.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following dates are hereby designated as scheduled meetings of the Borough Council for calendar year 2021 to be held at the Borough of Tinton Falls Municipal Court Room, 556 Tinton Avenue, Tinton Falls NJ 07724.

BE IT FURTHER RESOLVED, that written public comments may be emailed to the Clerk at boroughclerksoffice@tintonfalls.com or via regular mail to the attention of the Borough Clerk at 556 Tinton Avenue, Tinton Falls, NJ 07724. Written public comments may not be submitted via any other form of electronic communication and must include the individual's name, full address and contact information (telephone number and/or email address). If the information is incomplete and the Borough is unable to verify the individual's identity, the written comment will not be read into the record. Written public comments must be received by the Borough Clerk by 9:00 a.m. on the day of the 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.

Meetings of Borough Council for 2021 Where Formal Action May Be Taken

Tuesday	July 13, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	August 10, 2021	7:30 P.M. (Regular/Workshop)
Thursday	September 9, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	September 21, 2021	7:30 P.M. (Regular/Workshop)

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Tuesday	October 5, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	October 19, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	November 9, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	December 7, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	December 21, 2021	7:30 P.M. (Regular/Workshop)
Tuesday	January 4, 2022	7:30 P.M. (Reorganization/Regular/Workshop)

*Unless otherwise noticed workshop meetings will begin immediately following the regular meeting.

BE IT FURTHER RESOLVED, that as needed, all executive sessions of the Borough Council shall be held at 6:30 p.m. or immediately following the conclusion of the Regular Meeting as noticed by 4:30 p.m. the Friday before the meeting week and convene with the public reading of a Resolution onto the record prior to the Borough Council's vote to enter executive session pursuant to the OPMA. When an executive session is held, the executive session Resolution shall be re-read onto the record at the beginning of the public portion of any applicable workshop, regular or special meeting so the public will know what issues were addressed during the executive session without having to be present for the earlier public reading of the Resolution. When necessary, executive sessions may be continued upon the adjournment of the public portion of any meeting with the reading of the Resolution for entry into executive session reciting the issues to be continued for executive session deliberations.

BE IT FURTHER RESOLVED that this Resolution shall supersede any, and all Resolutions previously adopted by the Borough specifying meetings of the Borough Council.

BE IT FURTHER RESOLVED, that the Borough Clerk shall post a copy of this Resolution in Borough Hall and that copies of this Resolution shall be forwarded by the Borough Clerk to the official newspapers, The Asbury Park Press, The Coaster and the Newark Star Ledger as previously designated by the Borough and to individuals requesting same under the New Jersey Open Public Meetings Act.

R-21-116 RESOLUTION REFUNDING WOODCHIP DELIVERY FEE

WHEREAS, On 4/28/21, Martin Hession, 18 Charles Drive, Tinton Falls, NJ 07753, paid for woodchip delivery to 18 Charles Drive, Tinton Falls, NJ 07753.

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

WHEREAS, woodchips were not available for delivery. Martin Hession, 18 Charles Drive, Tinton Falls, NJ, 07753 has requested a refund.

WHEREAS, The Director of Public Works recommends the refund of \$50.00 to Martin Hession, 18 Charles Drive, Tinton Falls, NJ 07753.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the deposit in the amount of \$50.00 by Martin Hession 18 Charles Drive, Tinton Falls, NJ 07753 be refunded.

R-21-117 RESOLUTION – REFUNDING CONTINUED CERTIFICATE OF OCCUPANCY “CCO” FEE AND CCO FIRE CERTIFICATE FEE – 20 PIONEER DRIVE – \$200.00

WHEREAS, CCO fees in the amount of \$200.00 were **paid by Michele Ashkenazi, agent for 20 Pioneer Court, Tinton Falls, NJ 07753** and

Continued Certificate of Occupancy	\$150.00
Fire Inspection Certificate	<u>\$50.00</u>
	\$200.00

WHEREAS, said monies were deposited by the Borough of Tinton Falls during the month of October 2020; and

WHEREAS, the applicant applied for a CCO for the sale of 20 Pioneer Drive, Block 124.07 Lot 4 and the homeowner decided not to sell the unit before inspections were completed, and requested a refund; and

WHEREAS, the applicant informed the Code Enforcement Official and a full refund in the amount of \$200.00 shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$200.00 be issued to 20 Pioneer Drive LLC, 76 Broad Street Eatontown, NJ 07724.

R-21-118 RESOLUTION – REFUNDING PARTIAL PERMIT FEES TO 18 ORCHARD LLC

WHEREAS, 18 Orchard LLC submitted a permit application for the construction of a new single-family dwelling at 128 Peach Street; and

WHEREAS, the applicant indicated on the building permit that the cubic footage of the new dwelling would be 81,623 cubic foot. The building permit fees were collected in the amount of \$2,857.00 based upon the supplied cubic footage.

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WHEREAS, said monies were deposited in February, 2021 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, after paying for the permit, the applicant realized that the cubic footage number supplied was incorrect. The architect for the applicant submitted a letter advising the cubic footage for the new dwelling would be 31,980. The building portion of the permit fees, based upon the new footage supplied, would calculate a fee of \$1,119.

WHEREAS, the applicant is therefore requesting a refund for the difference, which would amount to \$1,738.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,738.00 be issued to 18 Orchard LLC, 28 Riverside Avenue, Apartment 2A, Red Bank, NJ 07701.

R-21-119 RESOLUTION – REFUNDING PARTIAL CONSTRUCTION PERMIT FEES FOR 3 YALE COURT

WHEREAS, permit fees were paid for the finish of a basement by the homeowner at 3 Yale Court in October of 2020; and

WHEREAS, the homeowner decided not to complete the entire scope of work that was listed in the original permit application and has requested a refund for the work that was not done; and

WHEREAS, said monies were deposited in October 2020 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, a refund in the amount of **\$71.00** is due the homeowner for the subpanel and fixtures that were not completed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$71.00 be issued to Lawrence Fisher, 3 Yale Court, Tinton Falls.

R-21-120 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEES FOR 2 HAZELWOOD TERRACE

WHEREAS, permit fees were paid for the replacement of a gas furnace at 2 Hazelwood Terrace in March 2021; and

WHEREAS, the homeowner has requested a refund due to canceling the job; and

WHEREAS, said monies were deposited in March 2021 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, a refund in the amount of **\$88.00** is due the homeowner (the total permit fee paid was \$114.00 less the non-refundable \$4.00 DCA fee and \$22.00 plan review fee).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$88.00 be issued to Margaret Ryan, 2 Hazelwood Terrace, Tinton Falls, NJ.

R-21-121 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEES FOR 33 FAIRFIELD DRIVE

WHEREAS, permit fees were paid for the installation of a roof mounted solar system at 33 Fairfield Drive by Tesla Energy Operations Inc. on October 7, 2020; and

WHEREAS, the contractor has requested a refund due to the homeowner canceling the job; and

WHEREAS, said monies were deposited in October 2020 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, a refund in the amount of **\$280.00** is due the contractor (the total permit fee paid was \$391.00 less the non-refundable \$41.00 DCA fee and \$70.00 plan review fee).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$280.00 be issued to Tesla Energy Operations Inc., 1 Chapin Road, Unit 4, Pinebrook, NJ 07058.

R-21-122 RESOLUTION – REFUNDING ESCROW – SHANNON SULLIVAN- 96 & 112 WATER STREET

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,

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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:

SHANNON SULLIVAN SUL5959CU \$1,087.25

R-21-123 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the months of May 2021 fees were collected for our Summer Camp Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May via credit card through Community Pass May 24, 2021 and June 4, 2021.

WHEREAS, during the month of June the Recreation Superintendent was informed by the resident, Susan Schwarz that her daughter, Savannah would not be participating due to scheduling conflicts. Amount paid was \$300, less a \$100 non refundable deposit and \$10.00 processing fee is due, total due \$190.00.

Susan Schwarz	\$190.00
<hr/>	
Total	\$190.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$190.00 be issued.

R-21-124 RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE FOR BLOCK 12.02 LOT 27

WHEREAS, the Tax Collector of the Borough of Tinton Falls has previously issued a tax sale certificate to CHRISTIANA T C/F CE1/FIRSTTRUST which certificate is dated November 2, 2020 covering premises commonly known and referred to as Lot 27 in Block 12.02 as set out on the municipal tax map then in use, which certificate bears number 3221.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Tinton Falls that the Tax Collector be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$50.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit shall be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

R-21-125 RESOLUTION AUTHORIZING ASSIGNMENT

WHEREAS, N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges, and,

WHEREAS, Bruce Guenther, owner of an adjacent property, has presented an offer to purchase, by assignment, Certificate of Sale #3199 which was issued to the Borough of Tinton Falls at a tax sale held October 16, 2019 on Block 106.07, Lot 7, known as Off Squankum Road, Tinton Falls, NJ, and assessed to Crocker Estate in the amount of \$72.95, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of the above-referenced Certificate of Sale.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

R-21-126 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2021 2nd quarter Taxes have been made as a result of duplicate payments and payments made in error for the year 2021.

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Name Block Lot Amount

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2021 taxes by the property owners in the total amount of \$25,441.39 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 \$25,441.39 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 \$25,441.39.

BOROUGH OF TINTON FALLS - 2021 TAX OVERPAYMENTS							
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:	TOTAL TAXES OVERPAID	Q T R	FIRST PAYMENT MADE BY	R-21-126 SECOND PAYMENT MADE BY
13.04	72	INSPIRE CLOSING SERVICES 420 ROUSER ROAD BUILDING 3, FIFTH FLOOR MOON TOWNSHIP, PA 15108	KAITLIN MCCARTHY & MICHAEL BETROS 16 CHERRY STREET	1,243.10	2	TITLE COMPANY	MORTGAGE COMPANY
14.01	1.01	DELYNN SCHECHER 50 SECOND AVENUE LONG BRANCH, NJ 07740	DELYNN SCHECHER 132 PEACH STREET	1,864.65	2	HOMEOWNER	MORTGAGE COMPANY
23.02	93	CHERYL MARZIGLIANO 16 DAWN COURT TINTON FALLS, NJ 07724	CHERYL MARZIGLIANO GARAGE - DAWN COURT	60.65	2	HOMEOWNER	MORTGAGE COMPANY
26.01	228.01	SOLIDIFI TITLE AND CLOSING 88 SILVA LANE, STE 210 MIDDLETOWN, RI 02842	ROBERT & DARLENE CHUVA, 22 CHURCHILL DOWNS DRIVE	2,868.65	2	TITLE COMPANY	MORTGAGE COMPANY
62.04	26	TRIDENT ABSTRACT TITLE AGENCY, LLC 1340A CAMPUS PARKWAY WALL, NJ 07753	PAUL & GINA CELLA TO C. & R. AMABILE 39 SIRE STAKES DRIVE	4,488.70	2	TITLE COMPANY	MORTGAGE COMPANY
75	59	EDWARD C. & DEBORAH ERVING 32 RAMBLING MEADOWS COURT TINTON FALLS, NJ 07724	EDWARD C. & DEBORAH ERVING 32 RAMBLING MEADOWS COURT	991.91	2	HOMEOWNER	MORTGAGE COMPANY
89.02	24	REAL SAFE TITLE 111 LITTLETON ROAD, SUITE 301 PARSIPPANY, NJ 07054	P. & S. MATSIKOUDIS TO F.DEFRANCO & K.KLOVER 14 CORNELL COURT	2,589.51	2	TITLE COMPANY	MORTGAGE COMPANY
101.06	18	WILLIAM & QUANZHI ZHAO LEWIS 22 HELIPORT DRIVE TINTON FALLS, NJ 07724	WILLIAM & QUANZHI ZHAO LEWIS 22 HELIPORT DRIVE	354.61	2	HOMEOWNER	MORTGAGE COMPANY
105.03	29.01	JAMES P. & MELISSA BROOKS 296 HOCKHOCKSON ROAD TINTON FALLS, NJ 07724	JAMES P. & MELISSA BROOKS 296 HOCKHOCKSON ROAD	2,155.10	2	HOMEOWNER	MORTGAGE COMPANY
123.01	6	SOLIDIFI TITLE AND CLOSING 88 SILVA LANE, STE 210 MIDDLETOWN, RI 02842	NARASIMHAN SRINIVASAN & SUDHA NARASIMHAN 54 SILVERCREST DRIVE	2,960.58	2	TITLE COMPANY	MORTGAGE COMPANY
124.50	122	ASHLEY L. RIZZO 20 RICHMOND COURT TINTON FALLS, NJ 07712	ASHLEY L. DEBARTOLI 20 RICHMOND COURT	1,463.83	2	TITLE COMPANY	MORTGAGE COMPANY
124.50	233	LISA VON PIER 111 DES MOINES COURT TINTON FALLS, NJ 07712	LISA VON PIER 111 DES MOINES COURT	1,169.57	2	TITLE COMPANY	MORTGAGE COMPANY
124.51	59	ALEXANDRA PIEDRAHITA 77 MADISON COURT TINTON FALLS, NJ 07712	ALEXANDRA PIEDRAHITA 77 MADISON COURT	1,362.09	2	TITLE COMPANY	MORTGAGE COMPANY
124.51	299	DEREK & MARY KOPP 10 VIXEN PLACE TINTON FALLS, NJ 07753	DEREK & MARY KOPP TO WILLIAM NEMETH 7 JUNEAU COURT	1,212.46	2	TITLE COMPANY	MORTGAGE COMPANY
147	10.41	ALEXIS B. & CAROL TRONCOSO 38 ABBEY ROAD TINTON FALLS, NJ 07753	ALEXIS B. & CAROL TRONCOSO 38 ABBEY ROAD	655.98	2	EXEMPT VETERAN	HOMESTEAD CREDIT
				25,441.39			

R-21-127 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2020 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

Name Block Lot Amount

Corelogic Centralized Refunds 129.13 21.15 \$1,463.43
P.O. Box 9202
Coppell, TX 75019

Re: Patricia Lee
29 Nutmeg Court

WHEREAS, said reduction has resulted in an overpayment of the 2020 4th quarter taxes in the amount of \$1,463.43, as certified by the Borough Tax Collector.

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NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,463.43 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 \$1,463.43.

R-21-128 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2020 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2020 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Wolf Vespasiano, LLC and TDK-Lambda Americas Inc. 331 Main Street Chatham, NJ 07928	128.03	1.01	\$3,287.76

Re: TDK-Lambda Americas Inc.
405 Essex Road
and,

WHEREAS, said reduction has resulted in an overpayment of the 2020 taxes by the property owner in the amount of \$3,287.76 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 \$3,287.76 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 \$3,287.76.

R-21-129 RESOLUTION – APPROVAL OF BILLS – JUNE 15, 2021

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending June 15, 2021; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL	5,797,736.06
SEWER UTILITY	220,539.66
GENERAL CAPITAL	632,937.70
GRANT FUND	2,053.00
TRUST FUNDS	35,959.72
DOG TRUST FUND	2,711.50
ESCROW	50,370.81
ADDITIONS	<u>1,283,265.15</u>
TOTAL	8,025,573.60

ADJOURNMENT TO WORKSHOP

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

ROLL CALL

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

Council President Buckley called the Workshop Meeting to order. 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

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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 Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

WORKSHOP MEETING

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

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

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

UNFINISHED BUSINESS - None

NEW BUSINESS

-Discussion – Ordinance Pertaining to Raising Chickens

Ms. Buckley announced there is one item on the agenda for discussion pertaining to the raising of chickens. There has been a renewed interest to allow the raising of chickens as pets for companionship and egg production. All councilmembers received a copy of the online petition started by Jeffrey Lisk in 2018 and this petition references a similar ordinance passed in Eatontown Borough in 2017. The petition asks this Council to consider something similar for Tinton Falls. Ms. Buckley stated Council will discuss proposals and options. She introduced Executive Director of the SPCA, Ross Licitra and Borough Code Enforcement Office, Cary Costa who are joining the discussion. Councilman Siebert and Councilman Nesci provided an overview of various proposals.

Mr. Siebert acknowledged receiving the petition signed by approximately 500 people expressing support of an ordinance, not all persons that signed reside in Tinton Falls. Many surrounding municipalities allow the raising of chickens on residential property. Mr. Siebert and Mr. Nesci reviewed all the existing ordinances on this topic of what they did and did not allow, they all exclude roosters due to noise. They spoke to numerous people and professionals who were knowledgeable about raising chickens in residential areas and discussed various proposals and rules for an ordinance if the Borough wanted to move forward. Some of the items to be determined include offering this to single family homeowners, the size of the property, number of animals allowed, registration and other related topics. He introduced Mr. Licitra at this time to go over options.

Mr. Licitra stated that the SPCA has been actively involved with other municipalities in the discussion and formulation of chicken ordinances. He considers the Eatontown ordinance a good model. Things to consider are no roosters, chicken containment and the number of chickens per lot size. He pointed out chickens will attract rats and the need to keep the coop clean within standards of normal practices. This will be difficult to enforce for Code Enforcement. The SPCA animal control will inspect and be involved in this process.

Mr. Manginelli asked how serious the rat problem is. Mr. Licitra stated that chicken coops will attract rats and mice and it is essential to keep the coop clean, tidy, and raked regularly. Their feed is attractive to these rodents and the odor also. Chickens also attract prey like foxes and racoons. Mr. Nesci commented that many chicken owners in Monmouth County reduce this issue by installing hardware cloth, a metal mesh, to protect around the run and underneath the coop to keep rodents and prey out. This also protects the chickens.

Mr. Nesci recommended this ordinance would only be for single families, possibly only 12 hens, no roosters, coops use hardware cloth, basic numbers would be 3 square feet per chicken, per coop; and 5 square feet per chicken per run which is a basic number that is used nationally with a minimum of 25 feet from neighboring homes. He also

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recommended an independent board to assist with any issues regarding chickens and residents. Ms. Gwenne Baile had recommended the use of an independent board along with other recommendations.

Mr. Siebert introduced Gwenne Baile and asked her if she would like to share her knowledge about backyard chicken programs as to what has been successful and some of the policies that have been implemented in other towns.

Gwenne Baile, stated that she is from Haddon Township and she sits on their Backyard Chicken Advisory Board established in 2015. Ms. Baile had been involved with several organizations and established pilot programs regarding the raising of chickens as pets in suburban residential areas. Her pilot program provides a two-hour class on how to raise chickens in the suburbs along with information regarding coop setup, feeding and what breeds to acquire. The program has been successful with very few complaints from residents on noise, odor, and predator issues in coops. She explained their permit and inspection process and how they handle complaints.

Ms. Buckley stated the ordinance from Eatontown is a good one and she is in favor of residential backyard chickens. She was interested to hear more about the pilot program. Ms. Baile explained that the Haddon Township pilot program was established by ordinance along with the advisory board. Ms. Buckley wanted to know more about the permit process. Ms. Baile explained when someone applies for the permit, an advisory board member does a site visit of the property and signs off on approval, then the permit goes to the municipality. The advisory board runs the program, and it does not involve other municipal departments. They discussed what happens if the resident does not treat the animal as a pet or find out it is a rooster. Ms. Baile stated this is not allowed and stated there are humane places to send the animal.

Ms. Buckley also inquired about the best temperature of the coop stating that she is concerned about the health and safety of the chickens. Mr. Licitra responded that the owner of the coop is responsible for keeping enough food, water, and hay available for the chickens which should be good enough even in difficult temperatures. Ms. Baile commented that a heating system for the coop is not necessary. She mentioned that good ventilation is important with coop setup. She stressed no heat lamp in the coop which is the number one cause of coop fires.

Mr. Manginelli inquired if the chickens are allowed to move around the yard. Ms. Baile stated moving around the yard is healthy for them but with adult supervision. He wanted to know if the dimensions of the coop and the run is mandated. Ms. Baile stated the height of the coop and run is mandated in most towns. Mr. Manginelli wanted to know how towns that do not have an advisory board manage to enforce their ordinance. Ms. Baile stated that these towns will receive complaints and have their code enforcement officer handle the issue.

Mrs. Clay thanked Ms. Baile for her time and knowledge. She stated that she liked the idea of the chicken advisory board and pilot program. Ms. Buckley asked for any comments or questions from Mr. Costa, Code Enforcement Officer. Mr. Costa asked about the ordinance and would we need to modify the definition of a pet or changes in the land use amendments. Ms. Buckley stated that based on other town ordinances that we would list chicken permits right after dog permits and the size of the coop may amend the land use under accessory structures. Mr. Costa asked were the eggs for only personal consumption or can they be sold? Ms. Buckley commented that would have to be in the ordinance to ban sale of the eggs. Ms. Baile added most don't lay eggs daily but it depends on the breed, and any excess eggs are usually given away to friends or neighbors. Mr. Costa was also concerned with the south end of town where there is a hawk problem and adding chickens could cause neighbor issues and possibly attract more hawks to the area. Hawks are a protected species.

Mr. Manginelli stated this would be a new ordinance and he would want an advisory group who care about chickens as pets and would help educate and monitor compliance. Ms. Buckley agreed and commented the success of this will depend on a volunteer group for an advisory board and a pilot program. She does not want to create a problem for our code enforcement officer or pitting neighbor against neighbor. Mr. Manginelli commented that the lot size in the ordinance was important and 2000 square feet maybe too small. Ms. Baile stated in most ordinances the lot size is 2250 square feet allowing that homeowner only three chickens. She offered ordinance examples from multiple towns. Stated that she would make available her zoom education class and her PowerPoint education presentation.

Ms. Buckley asked for any written comments on the subject and Ms. Hesler responded one comment was received.

Jason Puleo, 774 Sycamore Avenue – (submitted a comment by letter – read by Ms. Hesler) I am writing this letter to express my support for the allowance of backyard chickens throughout all of Tinton Falls as well as to hopefully assist you in understanding the positive impact of such a law. My grandparents came over from Sicily and other parts of Europe having grown up raising chickens and other farm animals. They brought the practice to America with them and I was lucky enough to experience the joy of raising farm animals in backyards in and around the New Brunswick area as a young child. The memories and lessons that came from those experiences were invaluable. I've since carried on the tradition and have been raising chickens in a permitted area of Tinton Falls for almost 10 years now. I'm hoping that the practice becomes permissible throughout the entirety of the township. The greatest benefit undoubtedly lies in the value of children learning how to raise and care for things other than themselves. It is one of the greatest lessons that a child can learn...selflessness, compassion, responsibility, the idea that there is more to life than just themselves, and the sense of fulfillment they are unknowingly rewarded with by caring for animals.

Developmental benefits to our children aside, allow me to share a few other benefits:

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1. Eggs from backyard chickens are the cleanest and healthiest eggs one can consume. Unlike the majority of store bought eggs, they are clean, healthy eggs without steroids, antibiotics, bleached shells, or any other types of impurities found in store-bought eggs. They are a natural product of the environment in which the chickens are raised.
2. The production of eggs from backyard chickens is a way for residents to produce their own food and minimize their footprint as a consumer. In turn, we're minimizing our dependency on industrial scaled egg production farms where chickens are grossly mistreated.
3. Chicken manure is a natural fertilizer for lawns, gardens, vegetables, and all things green. It's not damaging to our water or toxic to our children like many artificial store-bought fertilizers and chemicals used to maintain our lawns and gardens.
4. Chickens eat bugs, ticks, aphids, grubs and other unwanted insects.
5. Odor...there is none. Chickens produce no objectional odors, nor does a properly cleaned chicken coop. A poorly kept dog or a standard cat litter box smells more than any small flock of backyard chickens ever will.
6. Chickens don't escape or roam like dogs or cats might. They can be allowed to free range in your yard during the day and will stay put eating the insects out of your lawn. At night, they simply need to be cooped up to be kept safe from potential predators.
7. And hens (females) don't make noise. For those unaware, only Roosters (males) do. And roosters are not needed for hens to lay eggs or for any purpose other than reproduction. Hens are born with all the eggs that they'll ever have and their bodies produce them daily without ever needing a rooster counterpart. Many towns where homes are within close proximity of one another, allow hens and simply prohibit owning Roosters if noise is a concern.

Council Members, in the ten years that I've been raising chickens, I've had zero complaints from neighbors. I've furthered the sense of community in our neighborhood by sharing eggs with everyone around us. We've had zero cases of any types of health outbreaks as a result of our chickens. We eat fresh eggs daily. And we've raised three compassionate, caring, and responsible children, ages 7 to 14, who are proficient at caring for and nurturing the chickens completely on their own.

While I'm by no means an expert in the field, if there is anyone who doubts the benefits of raising backyard chickens, I'd be more than happy to discuss it further and show you first hand what a blessing it is and a benefit to the entire community. I hope that you'll consider allowing these benefits to be shared by our entire township!

PUBLIC DISCUSSION – WORKSHOP MEETING:

PUBLIC DISCUSSION OPEN

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

Kerry Morgenthaler, 25 Thistledown Street – Ms. Morgenthaler stated all her questions were answered during the discussion by Mr. Licitra and Ms. Baile and she is encouraged by their information. She was relieved by the emphasis on education and care of the chickens as pets. She also agreed with the idea of an advisory board and pilot program. Ms. Morgenthaler questioned what coop requirements would be in the ordinance and did not want to leave anything to interpretation. The workshop shed good light on where the Borough is headed and she appreciated the discussion. Mr. Siebert commented that Ms. Morgenthaler's good efforts in maintaining the feral cat program has given us a sense of community and he would not expect anything less from a backyard chicken program.

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

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Mr. Siebert thanked Mr. Licitra and Ms. Baile for all the information and feels we have enough information to formulate an ordinance or a pilot program to move forward and hopes and the rest of council will support that.

EXECUTIVE SESSION (if applicable)

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: 9:16 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: September 21, 2021