

**REGULAR MEETING
OCTOBER 6, 2020
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 7:30 PM. The meeting was held via remote means using the Webex Meeting Platform under rules established under NJSA 10:4-8(b) which allows meetings to be held digitally during a State of Emergency.

Open Public Meeting Statement: Call To Order – Pursuant to Section 5 of the Open Public Meetings Act, Adequate Notice of this Meeting has Been Provided by Posting on the Bulletin Board at Borough Hall, posting on the Borough Website and Facebook Page and by Notification to The Asbury Park Press, The Newark Star Ledger, and The New Coaster at Least 48 Hours Prior to the Meeting.

ROLL CALL

PRESENT: Mrs. Clay, Mr. Nesci, Mr. Siebert, Ms. Buckley
ABSENT: Mr. Manginelli
ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Thomas Fallon, Acting Borough Administrator/Director of Finance
Thomas Neff, Borough Engineer
Mark Shaffery, Director of Public Works

SALUTE TO THE FLAG: Council President Buckley invited everyone attending the remote meeting to join in saying the Pledge of Allegiance.

Council President’s Introduction

Good Evening everyone, I am Council President Tracy Buckley. We are holding this meeting remotely utilizing the Webex platform. Joining me remotely are my fellow Councilmembers Risa Clay, 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 and Borough Engineer Tom Neff, Tinton Falls Dept of Public Works Director Mark Shaffrey, 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 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 public comments 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. 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 work in keeping the Borough functioning during this difficult time.

Moreover, we would like to commend our Tinton Falls Office of Emergency Management, Tinton Falls Police Department, Tinton Falls Emergency Medical Services, Tinton Falls Fire Companies and Tinton Falls Dept of Public Works for your work on the front lines of this ongoing pandemic and for keeping us safe.

In these challenging times, the best we can do is to be kind to one another and remember courtesy is also contagious.

APPROVAL OF MINUTES

Mrs. Clay offered a motion to approve the June 16, 2020 Regular Meeting Minutes, seconded by Mr. Nesci.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff commented on Resolution R-20-180 to approve a State contract purchase for playground equipment at Traditions Park which is at the south end of town currently under construction with Shore Top Construction. Purchases

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under State contract provides the Borough some savings. Resolution R-20-187 which is also for purchase under State contract for playground equipment at Hockhockson Park which is replacing existing playground equipment. At the next meeting there will be another resolution for this park replacing the rubber safety surface. He reported the County Road Paving program will include Shrewsbury Avenue to Newman Springs Road down to Rt. 35. They will be starting approximately October 14th at night with milling and paving on Shrewsbury Avenue.

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon reported on the 2021 budget schedule stating the budget process has started. The departmental budget hearings will be held November 23rd and 24th. The Mayor's budget will then begin and will be sent to Council for review in February or early March with introduction in late March or early April. Also, the 2020 Best Practices Inventory has been released by the State. This assesses each municipality's compliance with various laws and evaluates implementation for fiscal and operational best practices. The filing deadline is November 3rd. Mr. Fallon will report on the results and expects the Borough to do well as in past results.

Director of Law- Kevin Starkey

Mr. Starkey commented on Resolution R-20-179 renewal of distribution liquor license for Spirits Unlimited which closed, and we are renewing it as an inactive license currently held by a bankruptcy trustee. We will renew for one more year as required by law.

Mayor's Report- Vito Perillo

Mayor Perillo applauds the comments of Council President regarding the ongoing operations of the Borough because of the people running it. He stated that enough is not said about the wonderful things all of the departments accomplish on a daily basis, and he wanted to recognize them for their work.

Borough Clerk- Mrs. Hesler – No report

Council's Report

-Mrs. Clay commented on Resolution 20-178 Declaring October 4th thru October 10th Fire Prevention Week. She wanted to recognize our four fire departments who have more than 140 volunteer fire fighters. They do outstanding work and over the past three years they have collectively gone on 6,700 calls which included more than 300 structural fire calls which are dangerous and challenging. She thanked them for their service.

-Mr. Nesci reported the Planning Board meeting on October 14th will hear the application for Amazon delivery center at 1251 Jumping Brook Road. He also gave an update on the senior housing near Park Place II. The Board has approved remote meeting technology for this application. Planning Board procedures are different, and the State has confirmed they should be conducted in person, but a component can be done remotely. We will comply so that people can be present remotely and will be performed according to the guidelines and the law. The next meeting will be a hybrid meeting. Board members and applicants will be present, but any other attendees can attend from home.

-Mr. Siebert – No report

-Ms. Buckley reported as liaison to the Environmental Commission which meets the fourth Thursday of the month. She stated that at the September 24th meeting there was a high-level discussion regarding the revised storm water ordinance provisions that will be required by the NJDEP and the recommendations of Association of New Jersey Environmental Commission. Ms. Buckley advised that the next remote meeting is October 22nd.

ORDINANCES FOR INTRODUCTION- None

ORDINANCES FOR FINAL CONSIDERATION- None

PUBLIC DISCUSSION

Mrs. Clay offered a motion to open the Public Discussion, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Manginelli
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.

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Ellen Goldberg, 90 Glenwood Drive – Ms. Goldberg thanked Mrs. Clay for recognizing the Fire Departments. On behalf of the Tinton Falls Library she announced Boscov Days on November 14th and 15th. Five percent of Boscov purchases goes to the Tinton Falls Library and she thanked Mr. Seibert for getting the information posted to the website. Ms. Goldberg stated that on Hance Avenue there were a number of large trees where the roots upset the sidewalk and they have been removed, along with sections of the sidewalk. She inquired who is responsible for fixing the sidewalk. Mr. Neff replied the residents are responsible for repairing and maintaining the sidewalks. The residents were made aware of this by Code Enforcement and were waiting for the County to remove the trees and they plan to replace the sidewalk sections.

Randy Weihs, 77 Edgebrook Court – Mr. Weihs asked about the status of the Hance and Sycamore Avenues project. Ms. Buckley replied that a steel pole manufacture is having product delays due to COVID-19 and the estimated delivery date is now mid-November. Mr. Neff concurred and stated once the poles are in place the process should be completed rather quickly.

There being no further comments from the public, Mrs. Clay offered a motion to close the Public Discussion, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Manginelli
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Seibert thanked Council and Administration for pushing the completion of the improvements to the parks since many residents and other people outside our town use the parks. They are safe, modern and an added value to our town.

RESOLUTIONS - None

CONSENT AGENDA

Mrs. Clay offered a motion to approve the Consent Agenda, seconded by Mr. Nesci.

ROLL CALL

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

R-20-178 - RESOLUTION DECLARING THE WEEK OF OCTOBER 4-10, 2020 TO BE FIRE PREVENTION WEEK IN THE BOROUGH OF TINTON FALLS

WHEREAS, the Borough of Tinton Falls is committed to ensuring the safety and security of all those living in and visiting Tinton Falls; and

WHEREAS, Tinton Falls is protected by an all-volunteer force of firefighters, who train and dedicate their time and efforts to our community admirably and with great distinction; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

WHEREAS, two of every five home fires start in the kitchen, with 31% of these fires resulting from unattended cooking; and

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WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, residents of Tinton Falls should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Tinton Falls' first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Tinton Falls' residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2020 Fire Prevention Week theme TM, "Serve Up Fire Safety in the Kitchen!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

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: The week of October 4-10, 2020, is hereby declared as Fire Prevention Week throughout the Borough of Tinton Falls, and we urge all of the residents of Tinton Falls to check their kitchens for fire hazards, to use safe cooking practices during Fire Prevention Week 2020, and to support the many public safety activities and efforts of Tinton Falls volunteer fire and emergency services.

R-20-179 - RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE FOR THE YEAR 2020/2021

WHEREAS, the holder of certain plenary retail distribution license set forth below has applied for renewal of the license which application for renewal has been found to be complete in all aspects; and

WHEREAS, the applicant for renewal has 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 applicant should have the license renewed,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following plenary retail distribution license be renewed for the year commencing July 1, 2020 and expiring June 30, 2021.

| <u>LICENSE NAME</u> | <u>LICENSE NUMBER</u> | <u>ANNUAL FEE</u> | <u>TRADE NAME</u> |
|---|------------------------------|--------------------------|--------------------------|
| John McDonnell Chap 7 Trustee Bankruptcy for F&T Spirits Inc. | 1336-44-004-013 | \$2,500.00 | Inactive License |

R-20-180 - RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Borough of Tinton Falls would like to purchase Playground Equipment for Traditions Park; and

WHEREAS, MRC (Marturano Recreation Co.), 2130 Highway 35, Suite 222, Building B, Sea Girt, NJ 08750 has a valid State Contract #16-FLEET-00121 for Park and Playground Equipment for a total purchase price in the amount of \$95,415.23; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Thomas Neff, PE, PP, CME of T & M Associates recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid 2020 State Contract:

- * GameTime – Omnitri Net
- * GameTime – Modern City X Series 3 (Roto/IG)
- * GameTime – GameTime 2-Bay Xscape Swings-with (2) Belt Seats
and (2) Enclosed Tot Seats

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I hereby certify funds are available from: Bond Ordinance: 2020-1462 - \$95,415.23

R-20-181 - RESOLUTION – REFUNDING ESCROW – STAVOLA LEASING, LLC

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:

Stavola Leasing, LLC STA5393CO \$570.46

R-20-182 - RESOLUTION AUTHORIZING THE SALE OF THE AFFORDABLE HOUSING UNIT LOCATED AT 15 CITATION COURT

WHEREAS, as part of its Affordable Housing Program, the Borough of Tinton Falls has the option to sell affordable housing units which are part of the Tinton Falls Affordable Housing Program when they are available for resale in order to continue to make said units available to income-eligible households; and

WHEREAS, an income-qualified household wishes to purchase an affordable unit located at 15 Citation Court, also known as Block 26.01, Lot 199 on the Tinton Falls tax map (the “Unit”); and

WHEREAS, the Borough’s Affordable Housing Administrative Agent has reviewed the terms of sale and recommends that the Mayor and Borough Council sell the Unit for the sum of \$107,214.00, in order to continue to make the Unit available to income-eligible households; and

WHEREAS, the restrictions required by the Affordable Housing Program will remain in place and effective on the Unit; and

WHEREAS, the Mayor and Council desire to follow the recommendation of the Administrative Agent and sell the Unit in accordance with the terms and conditions set forth herein.

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

1. The affordable housing unit located at 15 Citation Court, also known as Block 26.01, Lot 199 on the Tinton Falls tax map (the “Unit”), is authorized to be sold by the Borough for the total sum of \$107,214.00.
2. The Mayor is authorized to execute, and the Borough Clerk to attest, to any and all documents necessary to authorize the transfer and sale of the Unit authorizing the income-eligible household.
3. A certified true copy of this Resolution shall be provided to the Administrative Agent and to the Borough’s Chief Financial Officer.

R-20-183 - RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A 100% TOTALLY DISABLED VETERAN EXEMPTION

WHEREAS, an overbilling and an overpayment of 2020 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2020 (from January 1, 2020 through December 31, 2020).

| <u>Name</u> | <u>BLOCK</u> | <u>LOT</u> | <u>CANCEL</u> | <u>REFUND</u> | <u>TOTAL</u> |
|---|--------------|------------|---------------|---------------|--------------|
| Alexis B. & Carol Troncoso 38 Abbey Road Tinton Falls, NJ 07753 | 147 | 10.41 | \$2,294.79 | \$6,853.66 | \$9,148.45 |

and,

WHEREAS, said exemption resulted in an overbilling and an overpayment of the 2020 taxes in the amount of \$9,148.45 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$2,294.79, be cancelled for the year 2020 and that a refund in the amount of \$6,853.66 is hereby approved for the aforementioned property.

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I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$2,294.79 and the amount of overpayment to be \$6,853.66.

R-20-184 - RESOLUTION - CANCELLING TAXES FOR A VETERAN'S DEDUCTION

WHEREAS, an overbilling of 2020 taxes has been made as a result of a Veteran's deduction for the year 2020 to property known as:

| <u>Name</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|---|--------------|------------|---------------|
| TF Campus LLC c/o Altus Group P.O. Box 92129 Southlake, TX 76092 | 128.03 | 19.05 | \$250.00 |

Re: Angela Marie Galgano
313 South Winds

and,

WHEREAS, said deduction has resulted in a cancellation of the 2020 taxes in the amount of \$250.00, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$250.00 is hereby approved as a result of the cancellation of the taxes for the aforementioned property for the year 2020.

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

R-20-185 - RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2020 3rd quarter Taxes have been made as a result of duplicate payments for the year 2020 to properties known as:

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

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2020 taxes by property owners, title companies and mortgage companies in the total amount of \$6,933.15 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 \$6,933.15 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 \$6,933.15.

R-20-186 - RESOLUTION - CANCELING & REFUNDING SEWER OVERPAYMENT

WHEREAS, an adjustment to 2019 and 2020 sewers has been made, due to the demolition of the residential home.

| <u>NAME</u> | <u>BLOCK</u> | <u>LOT</u> | <u>YEAR</u> | <u>CANCELLED</u> | <u>REFUND</u> | <u>AMOUNT</u> |
|---------------------------------|--------------|------------|---------------|------------------|---------------|---------------|
| 6 Bridle Path Tinton Falls, LLC | 129.05 | 35 | 2019 | \$.00 | \$379.00 | \$379.00 |
| 16 Arden Place | | 2020 | <u>284.25</u> | <u>94.75</u> | <u>379.00</u> | |
| Summit, NJ 07901 | | | \$284.25 | \$473.75 | \$758.00 | |

Property Location: 6 Bridle Path

and,

WHEREAS, said adjustment resulted in an overbilling and an overpayment of the 2019 and 2020 sewers in the amount of \$758.00 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 the sewers amounting to \$284.25, be cancelled for the year 2020 and that a refund of \$473.75 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of the overbilling to be \$284.25 and the total amount of overpayment to be \$473.75.

R-20-187 - RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Borough of Tinton Falls would like to purchase Playground Equipment for Hockhockson Park; and

WHEREAS, MRC (Marturano Recreation Co.), 2130 Highway 35, Suite 222, Building B, Sea Girt, NJ 08750 has a valid State Contract #16-FLEET-00121 for Park and Playground Equipment for a total purchase price in the amount of \$93,023.18; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Thomas Neff, PE, PP, CME of T & M Associates recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid 2020 State Contract:

- * GameTime – Tri Runner
- * GameTime – Prime Time Swing with Expression Swing
- * GameTime – Custom PowerScape 5-12 Unit

I hereby certify funds are available from: Bond Ordinance: 2020-1462 - \$93,023.18

R-20-188 - RESOLUTION – APPROVAL OF BILLS – October 6, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 6, 2020; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

| | |
|------------------------|----------------|
| GENERAL | 3,315,7 |
| SEWER UTILITY | 74,8 |
| GENERAL CAPITAL | 38,5 |
| TRUST FUNDS | 49,1 |
| DOG TRUST FUND | 3,2 |
| ESCROW | 23,8 |
| ADDITIONS | 1,243,4 |
| TOTAL | 4,748,8 |

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Manginelli

ABSTAIN: None

TIME: 7:58 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: