

**REGULAR MEETING
SEPTEMBER 21, 2021
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 7:40 PM.

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting."

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk

Kevin Starkey, Director of Law

Brian Nelson, Special Counsel

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

All present stood for Salute to Flag.

Council President's Introduction

Council President Buckley welcomed everyone and advise that this meeting is being audio and video recorded, there is one camera on the dais and one overhead. This meeting will be available via a link on the Borough's You Tube channel on our website. The link can be found in the same place as the meeting documents.

APPROVAL OF MINUTES-

Mr. Siebert offered a motion to approve the June 15, 2021 Regular and Workshop Meeting Minutes and the June 15, 2021 Executive Session Meeting Minutes seconded by Mr. Nesci.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: Mr. Manginelli

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council President Buckley and Mayor Perillo presented the proclamation to the Coaches and Team.

**Proclamation Congratulating the Tinton Falls Little League Major Division All Stars
for Winning the 2021 District 19 Championship**

The Tinton Falls Little League President John Reissner, Manager Tim Minafo, Coaches Pat Olivo and John Oksen, and Players Jonathan Basile, Gavin Biasi, Finnbar Dufficy, Dominic Golembieski, Ben Lubin, Nick Minafo, Danny Mullen, Hunter Oksen, Tyler Olivo, Robert Orozco Royce, Eddie Segarra, and Nick Tramaglino

WHEREAS, the Tinton Falls Little League, Major Division All Stars, won the 2021 District 19 tournament on July 15, 2021 at Hockhockson Park, in Tinton Falls, NJ; and

WHEREAS, the Tinton Falls Little League, defeated the Two River West squad 2-1 in the District 19 Championship and secured the first District 19 title at the Major Division since 2002; and

WHEREAS, the Mayor and Council of the Borough of Tinton Falls is desirous of recording their sentiments of congratulations on the athletic achievements, dedication and commitment of the players, coaches, and organization; and

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and Council of the Borough of Tinton Falls, congratulations are hereby extended to the players, coaches, and organization of the Tinton Falls Little League, Major Division, and extend our thanks for the fine manner in which you represent our community.

Borough Engineer- Thomas Neff

Mr. Neff stated there are two items on the agenda this evening which are State Contract Purchases for Liberty Park and Riverdale Park, for equipment and safety surfaces. Mr. Neff gave an update on the lights at Wardell Park, JCP&L will finish up their connection and the lights will operable tomorrow. Mr. Neff reported that Wardell Park was selected for a distinguished engineering award by the NJ Alliance for Action. He thanked everyone who was involved in the planning of this park.

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Mayor's Report – Mayor Vito Perillo

Mayor Perillo had no report

Director of Law- Kevin Starkey

Mr. Starkey had no report

Deputy Borough Clerk – Melissa Hesler

Mrs. Hesler had no report

Council's Report

-Mrs. Clay reported that last evening she attended the Board of Education meeting and the only item of note would be that there are transportation issues which have affected districts across the country. Mrs. Clay congratulated the Little League Team, coaches and parents on their achievement. She also congratulated Mr. Neff and everyone involved in planning Wardell park and on receipt of the award.

-Mr. Manginelli stated he has no report and is glad to be back.

-Mr. Nesci congratulated the Little League on their big win. Congratulations to Mr. Neff on receiving the distinguished engineering award. The Next Planning Board meeting is October 13th. Mr. Nesci reported on several upcoming Recreation events which include K-6 soccer which is underway now. The fields and gym use are being heavily used by travel basketball, baseball and soccer. Mr. Nesci stated that Wardell Park is being used for both pickle ball and tennis and a reservation system is being considered for both play and reservation time. The fall afterschool programs are scheduled and set to begin next week, and the Recreation Department is working on a Halloween Celebration. Details will be out shortly. Lastly the winter basketball program is also being planned and will start in late October.

-Mr. Siebert reported that in regard to the Library they are still waiting to hear about the State Grant. He reported that the numbers for the music fest were very good, it was a big success and well attended. Mr. Siebert thanked DPW and the Police Department for getting out the signs for truck ban on Hope Road. He congratulated Mr. Neff on the park award and stated the park is tremendous and worth seeing.

-Ms. Buckley congratulated the Little League on their achievement. She also thanked Borough Engineer Tom Neff, DPW, Police Department, Recreation Department for all the work on Wardell Park. This is great notoriety for the Borough and our Engineer Department. The next Environmental Commission meeting is September 23rd at 7:30 it is a hybrid meeting at the Crawford House and virtual via Webex. All meeting information is posted on the Environmental page of the website.

ORDINANCES FOR INTRODUCTION- None

ORDINANCES FOR FINAL CONSIDERATION- None

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Sheila Hatami, Society Hill, 2 Palermo Drive, Tinton Falls- Ms. Hatami stated that she is President of the Tinton Falls Rotary Club and also runs a farm in Howell that includes chickens. She congratulated Mr. Neff on the award for Wardell Park. She reviewed some of the events that the Rotary Club sponsors, including donations of school supplies, a coat drive, and a 5K race. She invited anyone interested in getting involved to visit their social media page and attend a meeting. Ms. Hatami stated she is in support of the chicken ordinance, has reviewed the workshop meeting minutes and spoken with Gwenne Baile the presenter at that meeting who is very knowledgeable. Ms. Hatami suggested that a privacy fence requirement be added to the ordinance to allay fears of some of the neighbors that are concerned about the proximity of chickens to their property and free ranging chickens. She stated she is excited that the Council has considered this ordinance and supports the trial period to see if it fits the town.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg commented on the success of Wardell Park. She stated that while campaigning in the borough she has heard over and over the concerns of the residents about the poor condition of the roads in Tinton Falls and she wanted to bring it to Council's attention.

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Kelly Butler, 10 Denise Court- Ms. Butler stated that she was unaware that this ordinance was going to be postponed and stated that she is opposed to the ordinance. She explained that she had issues with the TNR program and the cat feeders. Ms. Butler stated that she has concerns that her dog would chase a free-range chicken if it wandered into her yard. She suggested that the property size should be increased to a half-acre. Council President Buckley thanked her for her comments and explained that the Council is considering a pilot program and working to mitigate potential problems before implementing the program.

Dawn Smith Graham, 3 Denise Court- Ms. Graham stated she too is against the ordinance and is fearful of rodents, foxes and coyotes. She stated there is a vulture and feral cat problem now and allowing chickens will exasperate these issues further and the acreage should be minimum of half an acre. Ms. Graham stated she also reviewed the minutes of the workshop discussion and believe a lot of the people are delusional with their expectations. Raccoons, rodents and fox will get through nearly any barricade or effort made to get to the chickens and their feed.

Borough Clerk Melissa Hesler stated there were no written comments submitted to be read into the record.

Mr. Siebert offered a motion to close the Public Discussion, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS - None

CONSENT AGENDA

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

ROLL CALL

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

R-21-188 Resolution Authorizing Purchase Under State Contract

WHEREAS, the Borough of Tinton Falls is in need of making improvements to Liberty Park, Riverdale West Park and Sycamore Park Playgrounds; and

WHEREAS, Rubberecycle, 1985 Rutgers University Boulevard, Lakewood, NJ 08701 has a valid State Contract #16-FLEET-00131 for Park and Playground Equipment for a total purchase price in the amount of \$173,679.00; and

WHEREAS, this purchase is permitted under 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 State Contract:

Playsafer RubberbondElevate Blend SF, Rubber Safety Surfaces

- * Liberty Park - \$37,395.00
- * Riverdale West Park - \$56,508.00
- * Sycamore Park - \$79,776.00

I hereby certify funds are available from: Ordinance 20-1462 - \$40,000.00
Open Space Trust Fund - \$133,679.00

/S/ Thomas P. Fallon, Chief Financial Officer

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R-21-189 Resolution Authorizing Purchase Under State Contract

WHEREAS, the Borough of Tinton Falls is in need of making improvements to the Liberty Park and Riverdale Park Playgrounds; 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 \$165,261.04; and

WHEREAS, this purchase is permitted under 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 State Contract:

- * Game Time – PS21014 Monolith
- * Game Time – PT21023 Puzzle Pass
- * Game Time – Arch Swing

I hereby certify funds are available from: Open Space Trust Fund

/S/ Thomas P. Fallon, Chief Financial Officer

R-21-190 Resolution-Refunding Recreation Fees

WHEREAS, during the months of August 2021 fees were collected for our Fall Soccer Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of August via credit card through Community Pass August 7, 2021

WHEREAS, during the month of September, the Recreation Superintendent was informed by the resident, Toni Alfano that her son Joseph would not be participating in the Fall 2021 Soccer Season. A refund in the amount of \$31.00 would be issued. The \$10.00 processing fee has been applied.

Toni Alfano	
Total	\$31.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$41.00 be issued.

R-21-191 Resolution Authorizing The Chief Financial Officer, Borough Administrator And Director Of Law To Purchase Tax Sale Certificate(S) From The Borough’s Tax Sale With Respect To Affordable Housing Units

WHEREAS, the Tax Collector of the Borough of Tinton Falls has advertised a tax sale to be held on October 27, 2021 for unpaid taxes and sewer fees which include affordable housing units; and

WHEREAS, the sale of tax sale certificates to third parties could jeopardize the Borough’s Affordability controls that are included as part of the Borough’s Fair Share Plan pending substantive certification before the Council On Affordable Housing (“COAH”); and

WHEREAS, persons so designated to bid on the referenced tax sales are the Borough Administrator, Chief Financial Officer, Financial Assistant and Director of Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Chief Financial Officer, Financial Assistant, Borough Administrator, & the Director of Law be and are hereby authorized to purchase the tax sale certificate(s) for any affordable housing units listed in the Borough’s Tax Sale Notice at the Tax Sale to be held in the Borough on October 27, 2021. Funds for said purchase will be provided for from the Borough’s Affordable Housing Trust Fund.

R-21-192 Resolution - Cancelling & Refunding Taxes Due to Borough Owned Property Exemption

WHEREAS, an overbilling and an overpayment of 2021 Taxes has been made as a result of an exemption due to the Borough of Tinton Falls acquiring property (from August 12, 2021 through December 31, 2021) known as:

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	145	29.01	\$2,153.40	\$1,198.19	\$3,351.59

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Re: Borough of Tinton Falls from Carol O'Neill, as Trustee for the Trust and Estate of Janice & John Walz
97 Shark River Road
and,

WHEREAS, said exemption resulted in an overbilling and an overpayment of the 2021 taxes in the amount of \$3,351.59 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 \$2,153.40, be cancelled for the year 2021 and that a refund in the amount of \$1,198.19 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$2,153.40 and the amount of overpayment to be \$1,198.19.

R-21-193 Resolution - Refunding Tax Overpayment

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

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
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(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 \$25,432.84 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 \$25,432.84 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 \$25,432.84.

See Next Page for Attachment

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BOROUGH OF TINTON FALLS - 2021 TAX OVERPAYMENTS				TOTAL TAXES OVERPAID	Q T R	FIRST PAYMENT MADE BY	R-21-193 SECOND PAYMENT MADE BY
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:				
22.01	4	CORELOGIC REFUND DEPT 3001 HACKBERRY ROAD IRVING, TX 75063	JOHN T PETITO 11 PALOMINO PLACE	1,994.52	3	MORTGAGE COMPANY	MORTGAGE COMPANY
23.03	110	SERAFIMA KUREPA 16 JOYCE COURT TINTON FALLS, NJ 07724	SERAFIMA KUREPA 16 JOYCE COURT	1,312.92	3	HOMEOWNER	MORTGAGE COMPANY
26.01	63	JUNE SUSTICK 30 POPLAR AVENUE FAIR HAVEN, NJ 07704	THOMAS DRAGONETTE 67 PLAYERS CIRCLE	1,163.54	3	HOMEOWNER	MORTGAGE COMPANY
76.02	110	WILLIAM SACHS 148 SUNSET DRIVE TINTON FALLS, NJ 07724	WILLIAM A & ANA CAROLINA SACHS 148 SUNSET DRIVE	3,696.16	3	HOMEOWNER	MORTGAGE COMPANY
76.03	4	CLOSING USA, LLC 7665 OMNITECH PLACE VICTOR, NY 14564	ANTONIO B & DORA GUASTELLA 31 SUNSET DRIVE	3,453.64	3	TITLE COMPANY	MORTGAGE COMPANY
82	5	ARBOR TITLE SERVICES, LLC 494 SYCAMORE AVENUE, SUITE 1 SHREWSBURY, NJ 07702	KEVIN CARCICH & DEBORAH BEAGAN 10 YALE COURT	2,988.98	3	TITLE COMPANY	MORTGAGE COMPANY
101.12	15	CORELOGIC REFUND DEPT 3001 HACKBERRY ROAD IRVING, TX 75063	CHRISTOPHER LAINO & CAITLIN CELENDAN 43 KELLY WAY	388.47	3	MORTGAGE COMPANY	MORTGAGE COMPANY
101.12	23	THOMAS DEARMAN 59 KELLY WAY TINTON FALLS, NJ 07724	THOMAS DEARMAN & JENNIFER L THOROE 59 KELLY WAY	388.47	3	HOMEOWNER	MORTGAGE COMPANY
101.13	4.08	NEW DAWN TITLE AGENCY 750 ROUTE 73 S, SUITE 105B MARLTON, NJ 08053	SHIRLEY DONG 60 MIDWAY ROAD SOUTH	433.35	3	TITLE COMPANY	MORTGAGE COMPANY
119	2.06	RORAIMA BAILEY 6 PUMA PLACE TINTON FALLS, NJ 07712	RORAIMA & NEKETIA BAILEY 6 PUMA PLACE	3,767.83	3	HOMEOWNER	MORTGAGE COMPANY
120.05	58	MIHAIL & CHRISTINE MATSOUKA 66 KYLE DRIVE TINTON FALLS, NJ 07712	MIHAIL & CHRISTINE MATSOUKATIDIS 66 KYLE DRIVE	1,832.54	3	TITLE COMPANY	MORTGAGE COMPANY
120.09	3	HALEE A. BAZER 40 MICHAEL DRIVE TINTON FALLS, NJ 07712	JEFFREY S ARNOLD & HALEE A BAZER 40 MICHAEL DRIVE	1,289.74	3	HOMEOWNER	MORTGAGE COMPANY
124.09	6	ROSE M WILSON 43 CRANBERRY DRIVE TINTON FALLS, NJ 07753	ROSE M WILSON 43 CRANBERRY DRIVE	1,620.08	3	TITLE COMPANY	MORTGAGE COMPANY
124.51	44	ALL AHEAD TITLE AGENCY, LLC 46 HIGHWAY 36 KEYPORT, NJ 07735	RYAN BRODZICKI 70 MADISON COURT	1,102.60	3	TITLE COMPANY	MORTGAGE COMPANY
				25,432.84			

R-21-194 Resolution – Approval of Bills – September 21, 2021

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 21, 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	684,336.82
SEWER UTILITY	182,367.03
GENERAL CAPITAL	1,794.21
TRUST FUNDS	6,476.19
DOG TRUST FUND	40.20
ESCROW	27,028.75
ADDITIONS	<u>1,246,414.31</u>
TOTAL	<u>2,148,457.51</u>

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

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ADJOURNMENT

Mrs. Siebert offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Manginelli

ABSTAIN: None

TIME: 8:07 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: December 21, 2021