

**REGULAR MEETING
JANUARY 21, 2025
BOROUGH COUNCIL**

Council President Clay called the Regular Meeting to order at 7:30 PM.

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press and the New Coaster at least 48 hours prior to the meeting and filing with the Borough Clerk all on January 7, 2025."

ROLL CALL (Regular Meeting)

PRESENT: Mr. Alessi, Ms. Buckley, Dr. Dobrin, Mr. Nesci, Mrs. Clay

ABSENT:

ALSO PRESENT: Michelle Hutchinson, Borough Clerk
Kevin Starkey, Director of Law
Charles Terefenko, Business Administrator
Thomas Fallon, Director of Finance

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Dr. Dobrin offered a motion to approve December 17, 2024, Regular Meeting Minutes seconded by Mr. Nesci.

ROLL CALL

AYES: Mr. Alessi, Dr. Dobrin, Mr. Nesci, Mrs. Clay

ABSTAIN: Ms. Buckley

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Certificate of Recognition – World Champion Irish Dancers

Mrs. Clay presented Kaylee Jarvis and Maya Staines with a certificate of recognition for winning three first place medals at the Leinster's Irish Dance Championship in Dublin, Ireland. They competed against 50 other schools located in Ireland, England, Scotland and the Isle of Man and received the title of World Champion Irish Dancers. After accepting their certificates, they provide the audience with a dance.

Direct of Finance – Tom Fallon

Mr. Fallon reported on Resolution R-25-020 which adjusts the cost of living for LOSAP program and provided the contribution amounts. Also, Resolution R-25-025 authorizes the bond anticipation notes from the Borough to the Monmouth County Improvement Authority which reduces the interest costs and cost of issuance for the Borough.

Business Administrator – Charles Terefenko

Mr. Terefenko had no report.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Reports

-Mr. Alessi had no report.

-Ms. Buckley reported the next Environmental Commission meeting will be this Thursday at 7pm at the Crawford House.

-Dr. Dobrin reported on Resolution R-25-016 which appoints the 75th Anniversary of Tinton Falls committee members, and the library is doing well.

-Mr. Nesci reported that Monmouth County submitted a capital review proposal for 200 Corregidor Road for the future Regional EMS building along with office space and training area. The Planning Board approved the proposal. At the next Planning Board meeting RWJ Barnabas Health Meyer Center is the amended preliminary and final major site plan

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for an additional substation.

-Mrs. Clay wished Ms. Blunt the best of luck in her retirement from the Borough. In March Monmouth County will provide an update on the MRCCR progress. She suggested residents make complaints regarding the MRCCR on the hotline and not social media. The Borough received a plaque from Monmouth County for the 250th Anniversary of Monmouth County.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2025-1520 An Ordinance Vacating the Borough's Rights and Interest in a Road Known as Gun Club Road**

Ms. Hutchinson stated that the public hearing would be scheduled for Tuesday February 4, 2025.

Mr. Nesci offered a motion to introduce Ordinance No. 2025-1520 seconded by Dr. Dobrin.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

ORDINANCE NO. 2025-1520

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE VACATING THE BOROUGH'S RIGHTS AND INTEREST
IN A ROADWAY KNOWN AS GUN CLUB ROAD**

BE IT ORDAINED, by the Borough Council of Borough of Tinton Falls, County of Monmouth, State of New Jersey as follows:

SECTION 1. Pursuant to the authority vested in the Borough of Tinton Falls by N.J.S.A. 40:67-21, all public rights owned by the Borough in a 25-foot roadway known as Gun Club Road, lying between Green Grove Road and Block 123, Lot 19, be and hereby is vacated. The area of vacation is described on Exhibit A attached hereto and as set forth on the Map attached hereto as Exhibit B.

SECTION 2. Notwithstanding this Ordinance there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the "Cable Television Act." P.L. 1972, c. 186 (c. 48:5A-1 et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof to be vacated.

SECTION 3. This Ordinance is expressly conditioned upon title to the area being vacated merging in its entirety with title to the adjacent property known as Block 123, Lot 18.03.

SECTION 4 A certified copy of this Ordinance shall be filed with the Clerk of Monmouth County.

SECTION 5. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

Ms. Hutchinson read the title of the Ordinance: **2025-1521 An Ordinance Amending Chapter 40, Land Use Ordinance, Of The Borough Code To Revise The Zoning Requirements For Cemeteries**

Ms. Hutchinson stated that the public hearing would be scheduled for Tuesday February 4, 2025.

Mr. Alessi offered a motion to introduce Ordinance No. 2025-1521 seconded by Dr. Dobrin.

ROLL CALL

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

ABSTAIN: None

NAYS: None

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ABSENT: None

ORDINANCE NO. 2025-1521

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER 40, LAND USE ORDINANCE, OF THE BOROUGH CODE TO
REVISE THE ZONING REQUIREMENTS FOR CEMETERIES**

BE IT ORDAINED, by the Borough Council of Borough of Tinton Falls, County of Monmouth, State of New Jersey that Chapter 40 of the Borough Code, entitled “Land Use Ordinance,” shall be amended as set forth below.

SECTION 1. The Borough Council of the Borough of Tinton Falls does hereby amend Section 40-37(B), “Conditional Uses,” to read as follows: (~~strike throughs~~ to be deleted, underlined to be added):

(B) 17. Cemetery, With or Without Mausoleum or Crematory. Cemetery, with or without mausoleum or crematory, as defined in this Chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

- a. Mausoleums and crematories shall be a minimum of 400 feet from any residential property line and a minimum of 100 feet from any commercial property line. A maximum of one crematory is permitted per cemetery.
- b. ~~Crematory~~ Columbariums shall be a minimum of 100 feet from any property line.
- c. Chapels and committal areas related to the internment, entombment or cremation of human remains on site shall be an accessory use to the principal use. An office strictly related to the activities of the cemetery or a residence, to be used exclusively for an employee involved in caretaking, security or other activities of the cemetery, is permitted. Up to two accessory maintenance buildings related to the operation of the cemetery, not exceeding a height of 20 feet and area of 500 square feet each, are permitted. Setbacks for any such buildings shall be in compliance with the table below.
- d. Parking for all uses on site must be provided on site as required by this Chapter.
- e. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require. Every cemetery shall have a vegetated buffer area along all property lines abutting a residential zone or use. Buffer areas shall be a minimum of 25 feet wide and shall be planted with dense evergreen plant materials in an irregular and natural appearing pattern to form a continuous screen from grade level to a height of six feet.
- f. Compliance with all bulk requirements as indicated below:

Use	Minimum Lot Requirements			Minimum Yard Requirements				Maximum Lot Coverage	Maximum Building Height		Maximum <u>Minimum</u> Building Separation
	Lot Area	Width		Front	Side		Rear		Stories	Feet	
Cemetery, with or without mausoleum, mortuary or crematory	10 acres	300 feet	300 feet		100 feet	50 feet		100 feet	50 feet	20%	4 <u>2.5</u>

** With the exception of spires, cupolas or other architectural appurtenances

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

SECTION 3 In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Ms. Hutchinson read the title of the Ordinance: **2025-1522 An Ordinance Setting Salaries For Department Heads, Statutory Employees, Mayor And Council**

Ms. Hutchinson stated that the public hearing would be scheduled for Tuesday February 4, 2025.

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Dr. Dobrin offered a motion to introduce Ordinance No. 2025-1522 seconded by Mr. Nesci.

ROLL CALL

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

ORDINANCE NO. 2025-1522

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE SETTING SALARIES FOR DEPARTMENT
HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL**

WHEREAS, both the general municipal law (N.J.S.A. 40A:9-165) and the Faulkner Act (N.J.S.A. 40:69A-43a and 180) require that certain salaries be adopted by ordinance; and

WHEREAS, the Borough of Tinton Falls (“the Borough”) does currently have an ordinance establishing these salaries, which is updated and adopted annually; and

WHEREAS, the Borough is restrained in establishing certain salaries pursuant to the terms of pre-existing collective bargaining agreements and New Jersey law impacting statutory employees.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following management salaries be established effective January 1, 2025 as follows:

SECTION ONE – STATUTORY EMPLOYEES

Chief Financial Officer (Director of Audits, Accounts & Controls)	\$206,178
Borough Clerk	\$ 95,140
Tax Assessor	\$137,044
Tax Collector	\$108,830

SECTION TWO – DEPARTMENT HEADS

Director of Administration	\$190,190
Director of Public Works	\$157,734
Director of Law	\$176,800
Special Counsel to the Borough	\$ 6,000
Director of Public Safety	\$ 8,360
Chief of Police	\$210,181

SECTION THREE – MAYOR AND COUNCIL

Mayor	\$ 6,800
Council President	\$ 5,800
Councilmembers	\$ 5,300

SECTION FOUR – REPEALER

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall hereby be repealed to the extent of any such inconsistency.

SECTION FIVE – EFFECTIVE DATE

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This ordinance shall take effective upon publication pursuant to law and the General Revised Ordinances of the Borough of Tinton Falls.

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

Dr. Dobrin offered a motion to open the Public Discussion, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Mrs. Clay asked the Clerk if there were any submitted comments and there were none.

Ellen Goldberg, 90 Glenwood Drive - Ms. Goldberg complimented DPW staff for the excellent job of clearing the roadways after the snowstorm. The Environmental Commission is having a second presentation of the Environmental Resource Inventory "ERI" on February 8th at 11:00am at the Crawford House. All are invited to attend. The next annual children's fashion show for the library is scheduled for March 29th from 2:00pm to 5:00pm at the Atchison School.

There being no further comments, Ms. Buckley offered a motion to close the Public Discussion, seconded by Dr. Dobrin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS

Ms. Hutchinson read the title of the Resolution: **R-25-014 Appointment of Liaison to Shade Tree Commission**

Ms. Buckley offered a motion to approve Resolution R-25-014, seconded by Mr. Nesci.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-014

RESOLUTION - APPOINTING COUNCIL LIAISON TO SHADE TREE COMMISSION

BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls appoints the following liaison for a one-year term to expire December 31, 2025:

Shade Tree Commission

Councilman Greg Alessi

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CONSENT AGENDA

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

ROLL CALL

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-015

RESOLUTION APPOINTING POLICE CHAPLAINS

WHEREAS, the Borough of Tinton Falls Police Department wishes to establish a Chaplain Program and appoint Police Chaplains; and

NOW, THEREFORE BE IT RESOLVED, that the following individuals are hereby appointed Police Chaplains of the Borough of Tinton Falls for the year 2025:

Brian Butch
Janet Harris
Justin Czubkowski
Danica Frink

1. The Borough Clerk shall send a certified copy of this resolution to each of the following:
 - a. Each appointee as listed above shall present themselves before the Borough Clerk to take and subscribe to the Oath of Office.
 - b. Police Department

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-016

**RESOLUTION APPOINTING A FULL SET OF MEMBERS TO THE
75th ANNIVERSARY COMMITTEE**

WHEREAS, in anticipation of the 75th Anniversary of the Borough, the Mayor and Council previously created a 75th Anniversary Committee to plan for the celebration; and

WHEREAS, the Mayor and Council appointed Councilman Dobrin and Councilman Nesci to lead the Committee, with additional members to be appointed at a later date; and

WHEREAS, the Mayor and Council now desire to appoint a full set of members to the 75th Anniversary Committee.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following members shall be appointed and shall constitute the full membership of the 75th Anniversary Committee:

Larry Dobrin-Council, Co-Chair	Matt Park
Mike Nesci-Council Co-Chair	Linda Siano
Butch Neis	Dan Evankow
Charles Deitz	Tom Fallon
Stacey Slowinski	Kevin Starkey
Charlie Terefenko	Vashti Kishore
Mark Shaffery	Angie Swaroop

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-017

**RESOLUTION AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT WITH THE
TOWNSHIP OF FREEHOLD FOR THE PROVISION OF PUBLIC HEALTH SERVICES TO THE
BOROUGH**

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WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, authorizes municipalities to enter into shared services agreements with other public entities to provide or receive services that the local unit participating in the agreement is empowered to provide or receive; and

WHEREAS, N.J.S.A. 40A:65-5 requires such agreements to be authorized by the adoption of a Resolution; and

WHEREAS, the Borough has a need for the provision of public health services, pursuant to N.J.S.A. 26:3A2-1, *et seq.* and N.J.S.A. 40:8A-1, *et seq.*; and

WHEREAS, the Township of Freehold has agreed to provide such public health services to the Borough, in accordance with the terms and conditions of the Shared Services Agreement attached hereto as Exhibit A; and

WHEREAS, the term of the Shared Services Agreement will be one year, from January 1, 2025 to December 31, 2025, at a cost of \$17,6278.00 per year;

WHEREAS, the Governing Body desires to authorize the execution of the attached Shared Services Agreement with the Township of Freehold;

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

1. The Borough hereby authorizes the execution of the Shared Services Agreement, in the form attached hereto as Exhibit A, with the Township of Freehold for the provision of public health services to the Borough, to be effective January 1, 2025 through December 31, 2025, at a cost of \$176,278.00 per year.
2. A certified copy of this Resolution shall be provided via first class United States Postal Service certified mail with return receipt to the following parties:

Township of Freehold
Office of the Business Administrator
One Municipal Plaza
Freehold, NJ 07728

Office of Public Health Infrastructure
New Jersey Department of Health and Senior Services
PO Box 360
Trenton, NJ 08625-0360

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-018

RESOLUTION AUTHORIZING THE BOROUGH OF TINTON FALLS TO APPLY FOR A GRANT FROM THE NJ DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$100,000.00

WHEREAS, the Borough of Tinton Falls desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000.00 to carry out a project to construct various improvements to Walz Park such as new multi-use trails, a fishing platform, playground, restroom building, parking lot, and other site amenities and improvements.

BE IT THEREFORE RESOLVED, that the Borough of Tinton Falls does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Tinton Falls and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-019

**RESOLUTION AUTHORIZING AND RATIFYING
COUNTERCLAIMS IN STATE COURT TAX APPEALS**

WHEREAS, several commercial property owners in the Borough have filed appeals, or are anticipated to file appeals, with the New Jersey State Tax Court for calendar year 2025; and

WHEREAS, the Borough Tax Assessor has recommended that the governing body authorize the filing of counterclaims to certain of the appeals and ratify the filing of counterclaims for those appeals in which counterclaims

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have already been filed;

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

1. The Borough Conflict Tax Attorney is hereby authorized to file counterclaims in tax court cases as recommended by the Borough Tax Assessor and, to the extent any counterclaims have already been filed by current or predecessor counsel for the Borough, such counterclaim authority is hereby ratified.
2. A certified copy of this Resolution shall be provided to both the Borough tax assessor and Borough conflict tax attorney.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-020

**RESOLUTION MAKING COST OF LIVING
ADJUSTMENT FOR THE BOROUGH'S LOSAP PROGRAM**

WHEREAS, the Borough of Tinton Falls has had a Length of Service Awards Program ("LOSAP") in place since July 22, 2003 upon adoption of Ordinance No. 03-1100 to provide a small incentive for emergency service volunteers; and

WHEREAS, LOSAP provides for annual contributions to eligible volunteer members of the Borough's emergency medical services, which for 2023 was set at a rate of \$1,794.40; and

WHEREAS, the Division of Local Government Services has authorized a maximum contribution increase for those serving in 2024 of 3.4% or \$61.01 for a total 2024 contribution of \$1,855.41; and

WHEREAS, the Borough Council has determined to set the 2024 maximum LOSAP contribution to \$1,855.41 in order to continue to recruit and retain emergency service volunteers.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby sets the 2024 LOSAP contribution rate at \$1,855.41 for each eligible member of the Borough's emergency medical service squads.

**BOROUGH OF TINTON FALLS
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R-25-021

RESOLUTION-COMPENSATED ABSENCE FOR RETIREMENT

WHEREAS, Stephanie Blunt has been employed by the Borough of Tinton Falls since September 29, 1997, currently as the Deputy Court Administrator, and;

WHEREAS, on February 1, 2025, Stephanie Blunt will retire with over 27 years of dedicated service to the Borough of Tinton Falls and with the Division of Pensions and Benefits, and;

WHEREAS, Stephanie Blunt will be entitled to compensated absence benefits in accordance with the Agreement between the Borough of Tinton Falls and Teamsters Local 177 bargaining unit. The benefits are estimated to be a total of \$9,245.32. The breakdown of this payment includes accrued vacation time and sick time, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Stephanie Blunt receives the compensated absence benefits.

Certification of Funds: Trust Fund – Accumulated Absences

**BOROUGH OF TINTON FALLS
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R-25-022

**RESOLUTION AMENDING RESOLUTION #R-23-206
FAIR AND OPEN CONTRACT FOR
PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATION SERVICES
RFP #15-24**

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WHEREAS, the Borough of Tinton Falls adopted Resolution R-23-206 on December 19, 2023, wherein CME Associates, 1460 Route 9 South, Howell, NJ 07731 was awarded a fair and open contract for Professional Affordable Housing Administration Services for an amount not to exceed \$34,000; and

WHEREAS, this contract is to be increased for an additional amount not to exceed \$6,000 for a total contract for CME Associates, Professional Affordable Housing Administration Services in the amount of \$40,000; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of CME, 1460 Route 9 South, Howell, NJ 07731 is hereby retained to provide professional Affordable Housing Administration services for an amount not to exceed \$40,000 for a term expiring December 31, 2024.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law

I hereby certify funds are available from: Affordable Housing Trust Fund

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-023

**RESOLUTION AMENDING RESOLUTION #R-23-207
FAIR AND OPEN CONTRACT FOR
PROFESSIONAL AFFORDABLE HOUSING PLANNING SERVICES
RFP #16-24**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-23-207 on December 19, 2023, wherein Acuity Consulting Services, 65 Capri Drive, Brick, NJ 08723 was awarded a fair and open contract for Professional Affordable Housing Planning Services for an amount not to exceed \$30,000; and

WHEREAS, this contract is to be increased for an additional amount not to exceed \$3,000 for a total contract for CME Associates, Professional Affordable Housing Planning Services in the amount of \$33,000; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Acuity Consulting Services, 65 Capri Drive, Brick, NJ 08723 is hereby retained to provide professional Affordable Housing Planning services for an amount not to exceed \$33,000 for a term expiring December 31, 2024.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law

I hereby certify funds are available from: Affordable Housing Trust Fund

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-024

RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Police Department is in need of extending the original contract between Motorola Solutions formerly WatchGuard Video for the Wearable Camera System in order to lock in current pricing; and

WHEREAS, Motorola Solutions, 500 West Monroe, Chicago, IL 60661 has a valid NJ State Contract, designated as NJ Start Contract #17-FLEET-33791, for Wearable Camera Systems, for a total purchase price in the amount of \$ 109,296; and

WHEREAS, this contract will take effect on January 1, 2027 and will run through December 31, 2029; and

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

WHEREAS, Chief Michael Delucia recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the purchase under the valid 2021 NJ State Contract:

I hereby certify funds are available contingent on appropriations in budget years 2027, 2028, and 2029:

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**BOROUGH OF TINTON FALLS
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R-25-025

**RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF
\$12,372,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF TINTON FALLS, IN THE
COUNTY OF MONMOUTH, NEW JERSEY TO THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY, AND DETERMINING VARIOUS MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Borough of Tinton Falls, in the County of Monmouth, New Jersey (the “Borough”) has heretofore adopted, from time to time, various bond ordinances (the “Bond Ordinances”) authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Borough has applied to The Monmouth County Improvement Authority (the “MCIA”) to participate in its pooled governmental note financing program (the “Program”); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the “MCIA Notes”), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Borough) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the “County”); and

WHEREAS, on January 8, 2025, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Borough wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Borough will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Borough and the MCIA; and

WHEREAS, the Borough acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Borough; and

WHEREAS, the Borough now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the “Program Notes”) to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Borough. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Borough (each, an “Authorized Officer”) of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 3. The Borough hereby authorizes the use of certain information concerning the Program Notes and the Borough in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Borough and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Borough’s allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Borough, and the staff and consultants of the Borough, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf

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of the Borough, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-026

RESOLUTION AUTHORIZING A BIDDING PROCESS FOR THE SALE OF TWO VACANT PARCELS OF PUBLIC LAND TO THE OWNERS OF CONTIGUOUS PROPERTY

WHEREAS, the Borough of Tinton Falls owns two parcels of vacant land, known as Block 9.02, Lot 5 and Block 10.02, Lot 18, that are each approximately 5,000 square feet, and are vacant and undersized for their zone (the "Properties"); and

WHEREAS, the Properties are located on an unimproved portion of Orchard Street; and

WHEREAS, the Properties are no longer needed for any public purpose; and

WHEREAS, the Borough is authorized, pursuant to N.J.S.A. 40A:12-13(b)(5), to sell vacant and undersized parcels by private sale to the highest bidder to owners of contiguous real property; and

WHEREAS, the Mayor and Borough Council desire to offer the Property to the owners of contiguous real property for a sale for not less than fair market value; and

WHEREAS, only the owners of contiguous real property will be eligible to submit a bid, and the Properties will, after sale, be deemed to merge into the purchaser's property and will not be available for development except as accessories to the owner's principal parcel.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the parcels of vacant land known as Block 9.02, Lot 5 and Block 10.02, Lot 18 shall be offered for private sale to the owners of contiguous real property, in accordance with the provisions of this Resolution, with any sale to be authorized by duly adopted ordinance of the Borough Council.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-027

**RESOLUTION – REFUNDING ESCROW – GARY AUGUSTINO
18 CRANBERRY DRIVE**

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 Zoning Board Secretary, Regina Acken, 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:

**GARY AUGUSTINO
AUG4288CU
\$440.00**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-028

**RESOLUTION – REFUNDING ESCROW – THOMAS YURCISIN
24 GALLANT FOX DRIVE**

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 Zoning Board Secretary, Regina Acken, 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.

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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:

**THOMAS YURCISIN
YUR4290CU
\$290.00**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-029

RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, the 2024 full year Sewer bill on the following property has been paid in error by the Homeowner making a duplicate payment.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Stephanie McColl 1 Hawthorne Drive Tinton Falls, NJ 07753	129.15	33.52	\$627.21

Re: 1 Hawthorne Drive

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$627.21 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 \$627.21.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-030

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2024 4th quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
All Ahead Title Agency, LLC 46 Highway 36 Keyport, NJ 07735	14.02	15	\$2,397.32

Re: S. Taustine & J. Kitson to J. Arroyo-Alvarado & L. Rodriguez
101 Apple Street

and,

WHEREAS, said error has resulted in an overpayment of the 2024 4th quarter taxes in the amount of \$2,397.32 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,397.32 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 \$2,397.32.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-031

**RESOLUTION OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY SEEKING AN ADJUSTMENT TO ITS PRESENT AND
PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATION IN COMPLIANCE WITH
THE REQUIREMENTS OF THE AMENDED FAIR HOUSING ACT**

WHEREAS, the Borough of Tinton Falls, County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Tinton Falls") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose on from the Court in the matter captioned In the Matter of the Application of the Borough of Tinton Falls, County of Monmouth, Superior Court of New

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Jersey, Law Division, Docket No. MON-L-2475151 thereby immunizing the Borough from builder's remedy litigation until July 1, 2025 (the "Third Round Litigation"); and

WHEREAS, all Third Round projects were conceived, planned, and designed through a comprehensive negotiated planning process and are currently under various stages of development from pre-construction to completion and occupancy; and

WHEREAS, the Borough continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan and will continue to do so moving forward; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the present need, also referred to as the rehabilitation obligation, and the Round 4 prospective need of all municipalities by October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the present need and the Round 4 prospective need obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Tinton Falls's Round 4 (2025-2035) Present Need (Rehabilitation) Obligation as 413 and its Round 4 Prospective Need Obligation as 219; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

WHEREAS, the Amended FHA provides that, irrespective of the DCA's calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA's "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

WHEREAS, the Borough does not accept the DCA's Fourth Round Present Need (Rehabilitation) calculation of 413 units and also does not accept the DCA's calculation of the Borough's Land Capacity Allocation Factor, which is a factor that is part of the DCA's calculation of the Borough's Fourth Round Prospective Need (New Construction) calculation of 219; and

WHEREAS, as to the Land Capacity Allocation Factor, the Borough notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024, instead of by October 20, 2024; and

WHEREAS, the Borough further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language: "The land areas identified in this dataset are based on ... the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program" (emphasis added); and

WHEREAS, the Borough maintains that the areas the DCA identified as developable are overinclusive and, consequently, the Borough's Planner, has prepared an expert report, attached hereto as Exhibit A; and

WHEREAS, correcting the Land Capacity Allocation Factor from 1.58% to 1.31 % results in the reduction of Tinton Falls Fourth Round Prospective Need (New Construction) Obligation from 219 to 181; and

WHEREAS, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of the Amended FHA; and

WHEREAS, therefore, the Borough's determination of its Fourth Round Prospective Need (New Construction) Obligation is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action

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challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to adjust its Fourth Round Prospective Need (New Construction) Number if the updated State Plan is adopted by the State and the Borough goes through the State Plan Cross-Acceptance Process; and

WHEREAS, the Borough further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language:

"The land areas identified in this dataset are based on the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program." (emphasis added)

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations.

WHEREAS, in light of the above, the Borough of Tinton Falls finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act. And

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Borough Council of the Borough of Tinton Falls believes it is in the best interest of its residents to maintain immunity from builder's remedy litigation, and therefore seeks a certification of compliance with the Act and directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

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

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth at length herein.

2. For the reasons set forth in this Resolution, the Borough Council hereby does not accept the DCA Fourth Round Present Need (Rehabilitation) Obligation of 419 and will conduct a windshield survey to establish the appropriate obligation and it accepts the adjusted Fourth Round Prospective Need (New Construction) Obligation of 181 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

- a) The right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
- b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
- c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough's fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court's (AOC) Directive #14-24, the Borough Council hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint with this Resolution and supporting expert report so that the Borough may maintain immunity from builder's remedy litigation.

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3. This resolution shall take effect immediately, according to law.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-032

RESOLUTION – APPROVAL OF BILLS – January 21, 2025

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 21, 2025; 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	578,460.64
SEWER UTILITY	369,129.76
GENERAL CAPITAL	100,544.93
GRANT FUND	11,341.38
TRUST FUNDS	74,233.37
DOG TRUST FUND	2,853.40
ESCROW	87,864.47
ADDITIONS	5,737,422.32
TOTAL	<u>6,961,850.27</u>

CERTIFICATION OF FUNDS:

ADJOURNMENT

Dr. Dobrin offered a motion to adjourn, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:54pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Clay, Council President

APPROVED AT A MEETING HELD ON: February 18, 2025