

**REGULAR MEETING
OCTOBER 19, 2021
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 6:30 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, 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: Doreen D'Annunzio, Deputy Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Mr. Nesci offered a motion to approve the August 10, 2021, Regular Meeting Minutes seconded by Mr. Manginelli.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff- absent

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon reported on the bond anticipation note sale. He stated that it was very successful sale with 8.7 million dollars of notes and a net interest cost of .34% which is good news for the 2022 budget. Mr. Fallon discussed two grants for the Historical Commission through the County, and he will be working with the Commission to file the grants.

Mayor's Report – Mayor Vito Perillo

Mayor Perillo stated with two weeks left until election day he wanted to encourage the public to get out and vote.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Deputy Borough Clerk – Doreen D'Annunzio

Ms. D'Annunzio had no report.

Council's Reports

**REGULAR MEETING
OCTOBER 19, 2021
BOROUGH COUNCIL**

-Mrs. Clay reported that there is a Cannabis sub-committee meeting next week. She stated that she would like to recognize the first responders, Police, Fire and EMS who responded to the horrific accident in Tinton Falls. Our officers and volunteers rush into danger on a regular basis, and they deserve recognition for all they do to keep Tinton Falls safe.

-Mr. Manginelli had no report.

-Mr. Nesci reported that the sound barriers for the pickle ball courts at Wardell Park have been ordered and discussed park hours and scheduling. He stated trunk-or-treat was held and it was an overwhelming success. Mr. Nesci discussed how the event will be expanded and discussed the many other events that Parks and Recreation has coming up, all are on the website. Mr. Nesci discussed the matter before the Planning Board of flex and office space building on Wayside Road.

-Mr. Siebert thanked Chief Scrivanic for allowing officer Ameratto to bring the pink Tinton Falls police car to the Susan G. Koman walk for breast cancer in Point Pleasant.

-Ms. Buckley reported that the next FMERA meeting will be held October 18th at 5:30. She discussed the matters that will be on the agenda, however nothing pertaining to Tinton falls. The next Environmental meeting will be held October 28, 2021 at 7:30 and will be a hybrid meeting.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION

Ms. D'Annunzio read Ordinance 2021-1479 entitled: **Ordinance Authorizing and Regulating Keeping Backyard Chickens and to Amend Section 40-37 of the Land Use Regulations to Allow Keeping of Backyard Chickens**

Mrs. Clay offered a motion to open the Public Hearing on Ordinance No. 2021-1479, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2021-1479, seconded by Mrs. Clay.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING CLOSED

**REGULAR MEETING
OCTOBER 19, 2021
BOROUGH COUNCIL**

Councilman Siebert thanked everyone for all the input, comments, concerns that brought this ordinance to fruition today for introduction. There were many revisions but in the end everyone's concerns were substantiated and addressed.

Mr. Siebert offered a motion to adopt Ordinance No. 2021-1479, seconded by Mrs. Clay.

ROLL CALL

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

Councilman Nesci stated that this ordinance allows a pilot program for 25 families to own up to 4 chickens on their property on a half acre or more. He explained the next steps that will follow for getting the program started, including appointing members to the Chicken Advisory Board to implement the details of the ordinance. The details will all be forthcoming.

PUBLIC DISCUSSION

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

ROLL CALL

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

Beverly Gruensfelder, 36 Willow Road, Tinton Falls- Ms. Gruensfelder thanked the Council and Administration for re-opening the pickle ball courts at Wardell Park. Thank you to all that were responsive to our calls and emails regarding opening the park. Ms. Gruensfelder asked if consideration could be given to extending the evening hours at the park. She also stated that she was not in favor of using a reservation system and prefers open play.

Diane Lindy, 152 Jumping Brook Road, Lincroft- Ms. Lindy thanked everyone that returned her calls regarding the pickle ball closure, everyone was very helpful. She also agreed that the open play is great and supported using that system and asked that this be considered for the future. Mr. Fallon, Interim Borough Administrator thanked the speakers for their comments and suggestions, and stated that they will be taken into consideration. He stated that this park has been very successful and the borough is working to resolve all of the issues that have arisen. Mr. Fallon stated that he is anticipating the acoustical fence installation and hope that will help the noise issue.

John Echevarrieta, 6 Jake Drive, Tinton Falls- Mr. Echevarrieta stated that there is a park in Eatontown with pickle ball courts and the courts are almost adjacent to the residents back yard. He stated that noise doesn't seem to be an issue there. Mr. Echevarrieta inquired if this is really a quality of life issue. Mr. Fallon stated that any quality of life complaint needs to be addressed. Mr. Echevarrieta also asked if there is any plan on adding additional parking spaces in Rose Glen. Mr. Fallon stated since the Engineer wasn't present this evening he would take contact information and get back to him.

Tom O'Hara, 12 Preakness Court- Mr. O'Hara commended the Borough for the installation of the pickle ball courts. He stated he also has concerns about the reservation system and felt that the open play is the best system.

Beverly Gruensfelder, 36 Willow Road, Tinton Falls- Ms. Gruensfelder stated that she played at the Courts at the park in Eatontown and she believes the court surface is different, and it seems to be quieter. She stated that the acoustic fence is a good choice as well.

**REGULAR MEETING
OCTOBER 19, 2021
BOROUGH COUNCIL**

Lisa Weinfeld, Ocean, NJ- Ms. Weinfeld commended the borough for this amazing park and asked that they keep the open play system and asked the park be open another hour.

Council President Buckley asked the Clerk to read any written comments that were submitted. Ms. D’Annunzio read the first comment submitted:

Mary Danish, Saratoga Court, Tinton Falls- “My name is Mary Danish. I live on Saratoga Court and the back of my home faces the new Wardell Park. The park has pickle ball courts. The people start playing at daylight...usually around 5:30 - 6 am. The ball hitting the paddle is so loud and repetitive that it wakes me up every morning even with my windows closed and air conditioner on. This is unfair. I should be able to sleep in my own home and wake when I want to. This noise goes on all day long ! Then, the music starts blaring and people shouting. I cannot even sit in my back yard and read or relax because it is too noisy. I no longer can relax in my own home. The noise/nuisance is causing headaches, lack of sleep, irritation, stress and frustration. I do not want to hear the bang, bang, bang of the ball all day long!!!! Did anyone even think about the quality of life for the people who live in the area before they put pickle ball courts so close to homes? I am a nurse and work well into the night. When I get home in the morning, I want to sleep. But it is no longer possible to sleep in my own home during the day. I had to leave my own home and go elsewhere just to sleep. This is not right. On weekends if not working, I would like to sleep past 5:30 am (now 6:30). If I am home sick, I would like to enjoy some quiet! It is no longer a quiet neighborhood! I can no longer enjoy my backyard or even my home without noise. The constant bang, bang, bang is exasperating! Speaking with those playing paddle ball, they said they come here because the courts local to them were closed down due to noise complaints. So it is just not me. Some places required the paddles to be padded to help with the noise, and had to build tall sound barriers. Where are our sound barriers? I have lived here for 19 years, paid my taxes and had loved my home. It is just not fair what you have done to this peaceful community. What are your plans to help make this community livable and peaceful again? What is the city doing to control this noise/nuisance for local residents?”

Ms. D’Annunzio read the next public comment into the record:

Gary Eicken 31 Saratoga Court ,Tinton Falls- “It was nice that the borough put this park on Wardell Road. There are a few issues that need to be addressed. No one gave it any thought that the noise from the park would emanate through the woods to Saratoga Ct and other nearby residents. The main noise is from the pickle ball courts, it is a constant popping noise and the loud players. With the nice weather the pickle ballers start at first light and continue into the evening. Once the lights come on the noise will continue later into the evening. I can’t enjoy a cup of coffee on my patio or even sleep with my windows open due to the constant popping and loud players. This park has negatively affected the way of life for numerous residents. A suggestion would be to install sound barriers and have the players use padded paddles. There are no signs stating any hours of operation for the park.”

Mr. Fallon stated that both residents have been contacted and informed how the matter is being handled.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS – None

**REGULAR MEETING
OCTOBER 19, 2021
BOROUGH COUNCIL**

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-21-207 Resolution Authorizing Application For A Historical Preservation Grant From The Monmouth County Historical Commission

WHEREAS, the Monmouth County Historical Commission's Historical Preservation Grant Program provides grant funding for the promotion of preservation of Monmouth County history; and;

WHEREAS, the Borough Council of the Borough of Tinton Falls desires to obtain such funding in the amount of \$10,000, to be a matching Grant, for porch and deck replacement at the Historic Crawford House; and

WHEREAS, the Borough of Tinton Falls is the owner and controls the project site;

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

1. Thomas P. Fallon, Acting Borough Administrator or his successor is authorized to (a) make such Application (b) provide additional application information and furnish such documents as may be required by Monmouth County and (c) act as the Municipal contact person and correspondent of the above named Municipality; and,
2. The Borough of Tinton Falls is committed to this project and will provide the balance of funding necessary to complete the project as described in the Grant application; and,
3. If the County of Monmouth determines that the application is complete and in conformance, the Borough of Tinton Falls is willing to use the funds in accordance with County policies and procedures, and applicable Federal, State and Local Government rules, regulations and statutes thereto; and,
4. Thomas P. Fallon, Acting Borough Administrator or his successor is hereby authorized to sign and execute any required documents, agreements and amendments thereto for the Monmouth County Historical Commission's Historical Preservation Grant; and,

R-21-208 Resolution Authorizing Application for a Monmouth County History Regrant From The Monmouth County Historical Commission

WHEREAS, the Monmouth County Historical Commission's Historical Preservation Grant Program provides history regrant funding for the promotion of preservation of Monmouth County history; and;

WHEREAS, the Borough Council of the Borough of Tinton Falls desires to obtain such funding in the amount of \$2,000, to be a matching Grant, for acquisition of historic district signage; and

WHEREAS, the Borough of Tinton Falls is the owner and controls the project site;

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

1. Thomas P. Fallon, Acting Borough Administrator or his successor is authorized to (a) make such Application (b) provide additional application information and furnish such documents as may be required by Monmouth County and (c) act as the Municipal contact person and correspondent of the above named Municipality; and,
2. The Borough of Tinton Falls is committed to this project and will provide the balance of funding necessary to complete the project as described in the Grant application; and,
3. If the County of Monmouth determines that the application is complete and in conformance, the Borough of Tinton Falls is willing to use the funds in accordance with County policies and procedures, and applicable Federal, State and Local Government rules, regulations and statutes thereto; and,
4. Thomas P. Fallon, Acting Borough Administrator or his successor is hereby authorized to sign and execute any required documents, agreements and amendments thereto for the Monmouth County Historical Commission's Monmouth County History Regrant; and,

R-21-209 RESOLUTION – REFUNDING ESCROW – W&M ASSOCIATES, 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 Borough of Tinton Falls Engineer, Tom Neff, 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:

W&M ASSOCIATES, LLC	WMA6395CO	\$65,873.33
W&M ASSOCIATES, LLC	WMA6296CU	\$815.50
W&M ASSOCIATES, LLC	WMA2286CU	\$60.00

R-21-210 RESOLUTION – APPROVAL OF BILLS – October 19, 2021

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 19, 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.

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SUMMARY

GENERAL	2,947,494.42
SEWER UTILITY	45,274.44
GENERAL CAPITAL	11,703.41
GRANT FUND	2,407.65
TRUST FUNDS	2,307.50
DOG TRUST FUND	21.60
ADDITIONS	<u>1,213,221.72</u>
TOTAL	4,222,430.74

CERTIFICATION OF FUNDS:

/S/Thomas P. Fallon, Chief Financial Officer

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Nesci

ABSTAIN: None

TIME: 8:08 pm

Respectfully Submitted,

Doreen D'Annunzio, Deputy Borough Clerk

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: January 19, 2022