

**REGULAR MEETING
MAY 5, 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.

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 A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

John Scrivanic, Police Chief

David Boehning, Deputy Director of Emergency Management

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, John Manginelli, Mike Nesci and Brock Siebert, as well as Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey and Borough Engineer Tom Neff, Tinton Falls Office of Emergency Management Deputy Coordinator Dave Boehning, Police Chief John Scrivanic, Tinton Falls Department of Public Works Director Mark Shaffery, and IT Director Dan Romanov.

I would like to again give special thanks to Tinton Falls OEM Deputy Coordinator Dave Boehning for his participation this evening, as well as to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing this 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 with the proviso that only essential business be conducted. As you may know, this form of remote meeting will be the way we conduct borough business for the foreseeable future. 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 either 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 their hard work in keeping the Borough functioning during this very 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 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

Mr. Nesci offered a motion to approve the Workshop/Regular Minutes of March 3, 2020, and the April 7, 2020 Regular Minutes seconded by Mr. Siebert. Mrs. Clay was present on the remote meeting and experiencing audio issues, her vote could not be documented as it was inaudible.

ROLL CALL

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

NAYS: Mrs. Clay

ABSENT: None

ABSTAIN: None

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REPORT OF MAYOR/COUNCIL/ADMINISTRATION

-Mr. Neff – Borough Engineer commented on Resolution R-20-099 and explained it is a roadway dedication and widening of Satellite Road in the Fort Monmouth area on the Lennar development project. Mr. Neff provided an update from the County Engineer on the Hance Avenue and Sycamore Avenue intersection. On May 18th footing and foundation installation work will begin for the new signal poles. After receiving the manufactured signal poles, installation work will begin sometime in June.

-Mr. Fallon – CFO and Acting Business Administrator commented on Resolution R-20-1461, which the Borough adopts every year, establishing a Cap Bank. He stated the 2020 budget is \$2.3 million under the Appropriation Cap and under this budget the Cap Bank provides flexibility for future years budgets if needed.

-Mayor Perillo – Mayor Perillo wanted to thank all the employees and Department Heads in keeping the Borough operating under stressful conditions. He thanked our Administrator and our Council President for their leadership. Also, he thanked Chief Scrivanic for providing him a mask and wished everyone to be well and stay safe.

-Mr. Starkey – Director of Law explained there are no updates on the host benefit agreement negotiations with Monmouth County regarding the landfill due to meeting cancellations. He is anticipating a scheduled meeting sometime in June.

-Mrs. Hesler – Borough Clerk - no report

-Dave Boehning – Deputy Director of the Office of Emergency Management provided a status update on COVID-19 cases in the Borough. He explained the process and frequency of reporting information from various agencies involved that OEM tracks for this information. They continue to distribute PPE equipment to Tinton Falls emergency services. He stated on April 29th they held a local emergency planning committee meeting known as “LEPC”. LEPC had assisted OEM with preparation of emergency operation plans, resource management and interaction with community stakeholders. The meeting main discussions were COVID-19 pandemic along with other points of business. Represented at the meeting were all municipal agencies, school administrators, health officials, medical services, police, and fire. They have submitted the paperwork for FEMA disaster relief for reimbursement. Also mentioned was the CARES Act as another source of funding. He commended and thanked the many departments, volunteer services and first responders, especially EMS, who have assisted during this pandemic and other disasters.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance No. 2020-1461 entitled: **2020-1461 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish A Cap Bank**

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 this ordinance.

Mr. Nesci offered a motion to open the Public Hearing on Ordinance 2020-1461, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2020-1461, seconded by Mr. Siebert.

ROLL CALL

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

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PUBLIC HEARING CLOSED

Mr. Nesci offered a motion to adopt Ordinance 2020-1461, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC DISCUSSION

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.

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Craig Gately, 10 Polo Club Drive – Mr. Gately asked if he and his family can use the athletic fields for soccer, basketball, or baseball. Mr. Fallon explained only the walking trails are open. Chief Scrivanic explained the difficulty in patrolling the athletic fields and why they remain closed at this time. Mr. Gately asked if there have been any citations issued at the parks. Chief Scrivanic stated not at this time. Any groups encountered by patrol officers using the athletic fields have cooperated and disbursed as requested. Mr. Gately encouraged the Borough to open the athletic fields for public use.

Michelle Simon, 71 Madison Court – Ms. Simon asked if the statistics in the OEM report will be placed on the website and thanked everyone for their commitment to the community and stated she is very grateful. Mr. Boehning replied he would put the information on the website and social media pages.

Gerry Turning, 32 Periwinkle Circle – Mr. Turning asked if the Borough will be losing the State aid due to the financial issues the State is facing. The State aid is approximately \$1.5 million. Mr. Fallon responded the State aid is included in the budget and the State will be reviewing our budget and approving it with the aid included which is the most current information he has at this time. Mr. Turning in reviewing the 2020 budget questioned the revenue losses for municipal court. Mr. Fallon stated the revenue losses from last year to this year were due to court being closed for nearly two months due to COVID-19. He anticipates some court functions to start up in May. They discussed the financial benefits and other issues of the court shared service agreements. Mr. Turning commented on the budget surplus of \$8 million and hoped Council will look at using the surplus in this economic difficult time to offset property taxes for residents. He also suggested revisiting all the line items to reduce costs in this difficult financial time. He thanked everyone for their work on the budget.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

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CONTINUATION OF REPORTS:

-Mrs. Clay – Councilwoman Clay reported virtually attending a Board of Education meeting where they discussed COVID-19 effects on the budget and the potential core compensatory services not meeting the needs of all students through virtual learning education. Councilwoman Clay reminded everyone this week is Teacher Recognition Week.

-Mr. Manginelli – Councilman Manginelli reported the Historical Preservation Commission has been holding virtual meetings and will provide information on their upcoming events at the next Council meeting.

-Mr. Nesci – Councilman Nesci – no report.

-Mr. Siebert – Councilman Siebert reported the Library Board is preparing the grant application which will be completed shortly.

-Ms. Buckley – Council President Buckley reported virtually attending the Environmental Commission meeting and stated they will continue virtual meetings going forward. She thanked everyone for their patience with the technical issues tonight.

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

RESOLUTIONS - None

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-20-097 RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2021-2023 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Borough of Tinton Falls and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Tinton Falls to enter into such agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Tinton Falls, that the agreement entitled “AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES”, a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

R-20-098 RESOLUTION AUTHORIZING THE EXTENSION OF THE GRACE PERIOD FOR THE PAYMENT OF REAL PROPERTY TAXES DUE ON MAY 1, 2020 FROM MAY 11, 2020 TO JUNE 1, 2020 PURSUANT TO EXECUTIVE ORDER 130

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WHEREAS, *N.J.S.A.* 54:4-66 and -67 fix the time for payment of real property taxes and the amount of interest which may be charged for delinquent payment of taxes and assessments; and

WHEREAS, because the Borough is on a calendar year budget cycle, the second installment fell due on May 1, 2020; and

WHEREAS, *N.J.S.A.* 54:4-67 also sets the grace period during which municipalities may not collect interest for unpaid real property taxes; and

WHEREAS, under *N.J.S.A.* 54:4-67(a), local governments may fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became delinquent, thereby establishing a grace period running through May 11, 2020 for second-quarter property taxes in the case of municipalities on a calendar year budget cycle; and

WHEREAS, on April 28, 2020, Governor Philip D. Murphy signed Executive Order 130; and

WHEREAS, Executive Order 130 confirmed that municipalities were previously without statutory authorization to extend the grace period for payment of real property taxes, and that altering the interest rate could generate individual confusion regarding property tax payment obligations and may also create or exacerbate local fiscal challenges, including but not limited to, threatening the ability to fulfill obligations; and

WHEREAS, Executive Order 130, in an effort to create consistency among municipalities, stated that, “Any governing body of a municipality with a calendar year budget cycle may adopt a resolution instituting a grace period concluding on a date no later than June 1, 2020 for the payment of second-quarter property taxes.”; and

WHEREAS, Executive Order 130 also states that, “No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of this Order, or that will in any way interfere with or impede its achievement, which shall include, but not be limited to, any attempt to provide an additional extension of the installment date or grace period for the payment of property taxes, and any attempt to otherwise temporarily fix, reduce, or retroactively modify the rate of interest charged for failure to make timely payment to achieve this effect.”; and

WHEREAS, in recognition of the hardship faced by the residents of Tinton Falls, and the fact that Executive Order 130, signed on April 28, 2020, finally allows municipalities to legally take action to protect its residents and extend the grace period for the payment of the May 1, 2020 real property tax installment, the Mayor and Borough Council deems it appropriate and necessary to offer the maximum extension permitted under Executive Order 130.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The grace period during which no interest shall be charged for the late payment of May 1, 2020 installment of property taxes, which was May 11, 2020, is hereby changed to June 1, 2020.
2. If the May 1, 2020 installment of real property taxes is not paid on or before June 1, 2020, then the interest rates shall apply retroactively to May 1, 2020.
3. All other deadlines and interest rates penalties shall remain the same; only the grace period for the May 1, 2020 installment is changed by this resolution.
4. Pursuant to Executive Order 130, the Borough Clerk is directed to notify the Director of the New Jersey Division of Local Government Services, Department of Community Affairs of this resolution no later than May 8, 2020;

R-20-099 RESOLUTION ACCEPTING A PORTION OF THE ROADWAY KNOWN AS SATELLITE ROAD AND DESIGNATED AS LOT 24, BLOCK 101.06 TO ALLOW ADDITIONAL WIDENING OF THE ROADWAY

WHEREAS, the Borough has the authority under *N.J.S.A.* 40:67(b) to accept any street, or any part thereof, dedicated to public use and thereafter to improve and maintain the same; and

WHEREAS, US Home Corporation (dba Lennar) has dedicated a portion of the right-of-way known as Satellite Road, and located in the Anthem Place development, designated as a portion of Lot 24, Block 101.06, to allow additional widening of the roadway in order to provide a full width right of way; and

WHEREAS, the portion of the roadway to be dedicated consists of approximately 1,529 square feet and is located between the existing easterly edge of pavement of Satellite Road and a line parallel thereto with varying widths; and

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WHEREAS, the Borough Engineer has reviewed the proposed dedication documents, including a proposed Deed, description, and map (attached hereto) and has approved the documents for purposes of the acceptance; and

WHEREAS, the Director of Law has reviewed the same documents and approved them for purposes of the acceptance; and

WHEREAS, the Borough Council desires to accept the dedication of the portion of roadway in accordance with the terms and conditions 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 that the Borough accepts the dedication of portion of the right-of-way known as Satellite Road, and located in the Anthem Place development, designated as a portion of Lot 24, Block 101.06, as more specifically described on the documents attached hereto, in accordance with the terms of N.J.S.A. 40:67(b).

R-20-100 RESOLUTION – APPROVAL OF BILLS – May 5, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 5, 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	5,595,2
SEWER UTILITY	12,8
GENERAL CAPITAL	31,2
GRANT FUND	4
TRUST FUNDS	9
DOG TRUST FUND	'
ESCROW	24,6
ADDITIONS	7,5
TOTAL	5,673,0

ADJOURNMENT

Mr. Nesci offered a motion to adjourn, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:10 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: