

**REGULAR MEETING  
JULY 14, 2020  
BOROUGH COUNCIL**

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

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

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**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

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, Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey and Borough Engineer Tom Neff, TF Office of Emergency Management Deputy Coordinator Dave Boehning, Tinton Falls Dept of Public Works Director Mark Shaffery, and IT Director Dan Romanov.

I would again like to give special thanks to TF 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 the Webex 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 any of the public comment portions of the meeting, please use the "Raise Your Hand" function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. You will be asked to state your name and address for the record and observe a time limit of three minutes.

We would like to commend our Borough municipal employees from every department for all of their hard work in keeping the Borough functioning during this difficult time.

Moreover, we would like to commend our Tinton Falls Office of Emergency Management, Tinton Falls Police Department, Tinton Falls Emergency Medical Services, Tinton Falls Fire Companies and Tinton Falls Dept of Public Works for your work on the front lines of this 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** – There are no minutes for approval this evening.

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

***Public Hearing – FY 2020 Community Development Block Grant (CDBG) Application***

Council President Buckley stated that the Borough is required to hold a public hearing on the submission of the 2021 Community Development Block Grant Application. She then turned the floor over to Borough Engineer Mr. Neff to discuss the details of the Community Development Block Grant (CDBG) application process. Mr. Neff stated he would like to give a brief overview of the grant and then he would ask Council President to open it up to the public at the end of his discussion for any public comments. Mr. Neff explained that this is the Public Hearing for the Monmouth County Community Development block grant which is released every year, but municipalities are only

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eligible to apply every other year. The last grant was for the 2017 funding cycle for Tinton Falls and was for the southern portion of Hope Road that borders Ocean Township. He explained that this is not a matching grant and the maximum fund request is \$200,000. Mr. Neff stated that eligible projects must meet HUD regulations and serve an eligible population. He explained that most projects, such as roadwork must be located in a designated target neighborhood (DTN) to be eligible, most of which is located in the southeastern portion of Tinton Falls. The DTN is determined and identified on Census maps. Mr. Neff stated that there are a limited number of projects that could take place outside the DTN and gave the example of ADA improvements as one. Mr. Neff stated a review has been completed of eligible areas and it is the recommendation that sidewalk improvements be completed on Fox Chase Drive from the northern intersection of Filly Way down to Rider Lane. The cost for this would be under \$200,000. He explained that the sidewalks south of Filly Way are asphalt and severely deteriorated with many cracks and heaved areas caused by trees that are too close to the sidewalk. Mr. Neff stated that concrete sidewalks would be proposed and are found to be far superior to asphalt and the sidewalks would have ADA compliant ramps at each intersection. Mr. Neff stated that where necessary, trees would be removed so as not to cause damage to the sidewalks in the future. He stated that the project has been discussed with the various homeowner associations and there are letters of support that have been received in favor of the proposed project. Mr. Neff stated that the application is due to the County by Friday July 24<sup>th</sup>, presentation would be made to the CDBG Committee in September and hopefully by the end of the year we will be advised of the grant award. Mr. Neff stated that concludes his discussion and asked that the public hearing be opened.

Council President Buckley stated that the floor would be open for public comments and that they would systematically recognize anyone who has dialed into the remote meeting via phone or via Webex platform to comment on the Community Development Block Grant.

*Mr. Siebert offered a motion to open the Public Hearing, seconded by Mr. Manginelli. For the record, Mr. Nesci was having audio issues and was unable to vote on this motion.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Ellen Goldberg, Glenwood Drive inquired about whether the grant can be used for roadway improvements for future projects or if it is specific to sidewalks. Borough Engineer, Tom Neff explained that under the grant guidelines roadway improvements can be considered but most improvements are required to be in the Designated Target Neighborhood Zone, which areas are set by census data. He stated that area is currently designated in the southeastern area of the Borough. Ms. Goldberg asked how her street could be considered for improvements. Mr. Neff explained that the municipality is working through roadway improvements in the vicinity of Glenwood Drive and stated that it is on the schedule to be improved in another roadway project.

Council President Buckley asked if any council members had questions. Councilman Siebert asked that the DNT map be posted to the website. Mr. Neff stated that he would take care of that.

Council President stated for the record that Mr. Nesci is still having audio issues at this time. Director of Law Kevin Starkey stated that there is a quorum and that the meeting can proceed, but until Mr. Nesci is able to have audio his vote cannot be recorded on the record.

Council members Clay, Manginelli, Siebert and Buckley concurred that they have no objection to proceeding with the application as presented this evening.

*There being no further comments, Mr. Siebert offered a motion to close the Public Hearing, seconded by Mr. Manginelli. For the record, Mr. Nesci was having audio issues and was unable to vote on this motion.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**Borough Engineer – Thomas Neff**

Mr. Neff reported that the Water Street paving project has been completed. He stated that there will be some other work in that area due to another project for Rutgers Drive pump station for repairs and upgrades. The Earle road program has just wrapped up and the 2020 Road Program will begin shortly with the new contractor Fernandez who will begin this week with curb work on Plum Street and move on to the other areas in this new Road Program Contract. Mr. Neff stated that Hope road is slated for paving in August and notification to area residents will be distributed with contact information. Detour notices will be posted to the Borough website and social media sites.

**Director of Finance/ Acting Borough Administrator- Thomas Fallon**

Mr. Fallon discussed several resolutions that would be acted upon on tonight's agenda. He stated that R-20-133 allows for the insertion of \$41,000 from the clean communities grant into the budget. He thanked the Public Works Department for their efforts in attaining the grant funds. Mr. Fallon discussed Resolution R-20-141 which authorizes a fair and open contract for hiring a financial consultant for the sites at Fort Monmouth that have yet to be developed. Any Costs incurred by this contract will be borne by the redeveloper.

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**Mayor's Report - Mayor Vito Perillo**

Mayor Perillo stated that he wanted to compliment the Department Heads, Attorneys, and the Councilmembers for putting together the meeting and agenda items. He stated that the programs outlined are for the betterment of the community and its residents. Mayor Perillo extended his thanks to Mr. Fallon Acting Admin for his dedication and hard work.

**Director of Law- Kevin Starkey**

Mr. Starkey gave an update on the progress of scheduling a meeting with county officials regarding the host benefit agreement for the landfill. Mr. Starkey explained that due to COVID the schedule got off track but that he and Mr. Fallon will continue to diligently work toward getting that meeting scheduled and will report back by the next Council meeting. Mr. Starkey discussed the ordinance on the agenda for introduction this evening. He explained that if adopted the ordinance would allow a question to be placed on the ballot for this year's general election. The question would be put to the voters asking if they would vote to eliminate the runoff elections. Mr. Starkey explained that runoff elections do not happen every election cycle, but the situation comes up when a candidate for Borough Council does not receive majority of votes, which would equal 50 percent of the votes cast. A runoff election would then take place in December. Mr. Starkey stated that many towns do not have runoff elections, meaning that they allow for the candidate with the greatest number of votes cast to win, whether they get a majority or not. This question will be put on the ballot to ask the voters if they want to eliminate that option for a runoff election. Mr. Starkey stated that the reasons in favor of eliminating that option is that a runoff election is expensive and the burden falls on the tax payers and in addition the voter turnout is very low in December. He explained the advantage of a runoff is that the voters are insured that the candidate is elected by the majority of the voters. Mr. Starkey explained that Council does not have the authority to remove that option from our election procedure, only the voters can do that. Council can only authorize the question for the voters to decide that issue.

Council President Buckley asked if Mr. Starkey could clarify what elections this pertains to. Mr. Starkey stated that this only pertains to municipal elections, meaning, only elections for Mayor and Council. It does not pertain to fire district, county, state, or school boards. This only applies to local mayor council elections.

**Borough Clerk- Mrs. Hesler- no report**

**Deputy OEM Director- Dave Boehning**

Mr. Boehning gave an update on the COVID pandemic report he stated around March 3rd wherein he met with Dave Henry of the Monmouth County Board of Health, those meetings continue on a weekly basis. He stated there are currently 17 reported cases within the borough and explained that as people get well they are removed from the list, and others are add as they fall ill. Mr. Boehning stated the Monmouth County Office of Emergency Management (MCOEM) has stopped their weekly conference calls and will convene on an as needed basis going forward. He reported that his office continues to be in contact with the administrators of the long-term care facilities and have been in touch with our Faith Based communities. The MCOEM has advised that the State has given its last allotment of PPE for long term care facilities and municipalities for emergency responders. They will continue to recoup their stockpiles for future needs. Mr. Boehning gave an overview of the number of PPE that has been distributed over the past months and reported on the next Local Emergency Planning Committee meeting to be held July 29<sup>th</sup> to discuss local issues and updates pertaining to the current event at hand. He stated that OEM continues to work with program delivery manager from FEMA for protective equipment costs that we have incurred. Mr. Boehning welcomed back our Emergency Management Director John Mack is back at work and we are happy to have him back.

**Council's Report**

Mrs. Clay stated that she attended a virtual Board of Education meeting last month and wanted to report as liaison. At that meeting, there was an opportunity for each school to honor their educators. Mrs. Clay stated this is a huge honor stated that she is excited to share the names of the educators nominated for each of the schools.

**Atchison School**

Zoe Hatziminas – Teacher of the Year  
Susan Staloff – Educational Specialist of the Year  
Sonia Farley – Support Staff Member of the Year

**Swimming River School**

Jennifer Wolf – Teacher of the Year  
Devon Neff – Educational Specialist of the Year  
Gina O'Sullivan – Support Staff Member of the Year

**Tinton Falls Middle School**

Rebecca Pruden – Teacher of the Year  
Caitlin Somma – Educational Specialist of the Year  
Beth Coakely – Support Staff Member of the Year

Mrs. Clay stated in addition, there were four teachers and staff members who were recognized upon their retirement, Mrs. Ronan, Miss Landis, Miss Reagan and Miss Vernon. She stated that between them they have an enormous number of years in education. She stated that several of these teachers were working when her children were in school. Mrs. Clay extended a big congratulations to them. Mrs. Clay announced that Graduation is scheduled for in person ceremony on July 20<sup>th</sup> and the board and superintendent, Dr. Goldey, are working out the details. She noted on a separate topic that this year's Community Day has been cancelled due to COVID.

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Mr. Manginelli stated that he has no report.

Mr. Nesci stated the Planning Board met in person last week with their first meeting back at borough hall. He explained how the meeting room was set up to provide social distancing. Mr. Nesci extended his heartfelt sympathy at the recent loss of one of our residents, Justin Kingston. He was a Marine, Firefighter and Commissioner, he served his country in the United States Secret Service as a Special Agent. Justin was a personal friend and his loss cannot be measured. Mr. Nesci wanted to share information about the Til Valhalla Project which strives to bring awareness to residents, people and veteran's about the sobering number of Veteran's lost on a daily basis due to suicide. Mr. Nesci encouraged community support of this organization so that they can continue to spread awareness and help those that need help.

Mr. Siebert stated he has no report but echoed Mr. Nesci's comments regarding the loss of Mr. Kingston.

Ms. Buckley stated that on July 2<sup>nd</sup> the Council sent a letter to NJDEP regarding the Monmouth County Reclamation Center in response to the phase 4 expansion application. The Borough was asked to comment on the application. Ms. Buckley stated if anyone is interested in reviewing the application it is public information as is the response letter which outlines our questions and concerns about the proposal. Ms. Buckley stated that the second item is regarding the FMERA Plan Amendment #15 and is open for Borough and public comment. This amendment pertains only to property that lies in Oceanport and addresses slight changes along Oceanport Way in the warehouse district and another parcel along Oceanport Way and Murphy Drive known as district A which is the post office parcel, a parking lot, the commissary and PX parcel. FMERA asked for input which is due back by the middle of August. Ms. Buckley reported that the Tinton Falls Environmental Commission will be meeting remotely via Webex on July 23 at 7:30 pm and is open to the public, the notice will be posted to the website.

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**ORDINANCES FOR INTRODUCTION**

Ms. Hesler read Ordinance 2020-1463 entitled:

**Ordinance Authorizing Ballot Question for November 2020 Election for Elimination of Runoff Elections**

She stated that the public hearing scheduled for August 11, 2020.

*Mr. Nesci offered a motion to introduce Ordinance No. 2020-1463 seconded by Mr. Manginelli.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE 2020-1463**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING A BALLOT QUESTION AT THE  
NOVEMBER 2020 ELECTION REGARDING THE ELIMINATION OF  
RUNOFF ELECTIONS IN TINTON FALLS**

**WHEREAS**, under the current charter of Tinton Falls, a run-off election is required to be held for municipal candidates if the winning candidate does not receive a majority (more than 50%) of votes cast in the November election; and

**WHEREAS**, N.J.S.A. 40:45-21 allows the governing body to submit to the voters in a general or special election a proposition amending the municipal charter to eliminate run-off elections, so that a candidate receiving the greatest number of votes in a November election shall be elected to office, regardless of whether the votes constitute a majority or not; and

**WHEREAS**, the Governing Body desires to authorize the County Clerk to place a question on the ballot for the election on November 3, 2020 in Tinton Falls to consider the elimination of run-off elections in Tinton Falls;

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

**SECTION 1.** The Tinton Falls Governing Body does hereby request and authorize the Monmouth County Clerk to place the following question on the November 2020 General Election ballot:

**BALLOT QUESTION**

Shall the Borough of Tinton Falls abandon the holding of run-off elections as permitted by the 'Uniform Nonpartisan Elections Law'?

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**INTERPRETIVE STATEMENT**

Currently, the Tinton Falls charter requires “run-off elections to be held ... if a sufficient number of candidates fail to attain a majority of votes” (more than 50%) at the November general election. Accordingly a candidate must receive both the greatest number of votes and a majority of votes cast in order to be declared the winner. If a candidate does not receive a majority of votes, then a separate run-off election would be held in early December between the municipal candidates who received the most votes in the general election.

A Yes vote on this referendum question would eliminate run-off elections in Tinton Falls, so that a municipal candidate receiving the greatest number of votes in the November general election would be declared the winner. The elimination of runoff elections would result in a cost-savings for Tinton Falls taxpayers, who pay for most of the costs of a run-off election, and would eliminate elections in December, which typically have lower turnout. A No vote would maintain the current requirement of a run-off election. The primary benefit of a run-off election is that candidates elected to office have received a clear majority (more than 50%) of votes.

**SECTION 2. Repealer.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3. Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4. Effective Date.**

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

**ORDINANCES FOR FINAL CONSIDERATION**

Ms. Hesler read Ordinance No. 2020-1462 entitled:

**2020-1462 Bond Ordinance Providing For Park Development And Improvements, Appropriating \$3,730,000 Therefor And Authorizing The Issuance Of \$2,322,000 Bonds And Notes To Finance A Portion Of The Costs Thereof, Authorized In And By The Borough Of Tinton Falls, In The County Of Monmouth, New Jersey**

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 2020-1462, seconded by Mr. Manginelli.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

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*There being no comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2020-1462, seconded by Mr. Manginelli.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

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*Mr. Nesci offered a motion to adopt Ordinance 2020-1462, seconded by Mr. Manginelli.*

**ROLL CALL**

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

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

Council President Buckley explained that they would systematically recognize anyone that has dialed into this remote meeting via phone or via Webex platform to comment on any matter of their choice.

**PUBLIC DISCUSSION OPEN**

*Chris Pak former Councilman-* Mr. Pak stated that he wanted to commend everyone on the fantastic job that is being done in a situation that we've never faced before. Mr. Pak stated that he has been in touch with some of the Department heads and the Mayor, it appears you keep moving things forward and staying on track. He commended the Mayor, Administration, Council for a fantastic job. Mr. Pak stated he had a great opportunity to get back to NJ. He stated he is glad all is going well and the Borough is staying ahead of everything coming down the pike!

*Michele Simon, 71 Madison Court-* Ms. Simon inquired about the delay in meeting with Monmouth County to discuss the Reclamation Host agreement. Council President Buckley asked the Director of Law to address the question. Mr. Starkey stated that it has been difficult settling on a date to get everyone together and is hopeful that he will be able to report back at the next meeting. Ms. Simon inquired about the letter set to NJDEP regarding the reclamation center permit and asked if the letter could be made available to the residents. Council President confirmed that it is public information. Ms. Simon stated that it might be helpful for the public to better understanding what is going on.

*Ellen Goldberg, 90 Glenwood Drive-* Ms. Goldberg inquired if the Public Works building is open to the public for dropping off plastic bags. Public Works Director, Mark Shaffery stated that the offices remain closed but the bags can be dropped off outside the building and someone will take care of them.

*There being no further comments from the public, 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**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER** – None

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**RESOLUTIONS** - None

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**CONSENT AGENDA**

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

**ROLL CALL**

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

**R-20-133 BOROUGH OF TINTON FALLS RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$41,669.94, which is now available from State of New Jersey Clean Communities Program.

**BE IT FURTHER RESOLVED**, that the like sum of \$41,669.94 is hereby appropriated under the caption of Clean Communities Program; and

**BE IT FURTHER RESOLVED**, that the electronic special item of revenue resolution submittal form be filed with the Division of Local Government Services.

**R-20-134 RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SHREWSBURY AVENUE SIDEWALK IMPROVEMENT PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Tinton Falls formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Shrewsbury Avenue Sidewalk Improvement-00542 to the New Jersey Department of Transportation on behalf of the Borough of Tinton Falls.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Tinton Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**R-20-135 RESOLUTION AUTHORIZING SHADE TREE AND DRAINAGE EASEMENTS FROM STAVOLA REALTY COMPANY, BLOCK 113.01, LOTS 30 & 32**

**WHEREAS**, Stavola Realty Company, Inc. (“Stavola”) owns property located at the intersection of Wayside Road and Shafto Road, designated as Block 113.01, Lots 30 & 32 (the “Property”); and

**WHEREAS**, Stavola received site plan approval from the Tinton Falls Planning Board on August 14, 2019 for development of the Property; and

**WHEREAS**, as a condition of the Planning Board’s approval, Stavola is obligated and required to grant certain easements to the Borough, including a shade tree easement and a drainage (detention basin) easement; and

**WHEREAS**, Stavola has presented a form of Shade Tree Easement and a form of Drainage Easement to the Borough, which forms have been reviewed by the Borough Engineer and the Director of Law and found to be acceptable; and

**WHEREAS**, the Governing Body now desires to authorize the acceptance of the Shade Tree Easement and Drainage Easement for the Property, based upon the recommendation of the Borough Engineer and the Director of Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey, as follows: The Borough Council hereby acknowledges and accepts the Shade Tree Easement and Drainage Easement from Stavola Realty Company, Inc., for the property designated as Block 113.01, Lots 30 & 32.

**R-20-136 RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS FOR PROJECT: ALL AMERICAN ASSISTED LIVING OF TINTON FALLS**

**BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 Forms on behalf of the Borough of Tinton Falls for the proposed All American Assisted Living of Tinton Falls development.

Mayor	Vito Perillo
Administrator	Thomas Fallon
Director of Public Works	Mark Shaffery

**R-20-137 RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR 5S REALTY, LLC., BLOCK 120, LOT 21.01**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for 5S Realty LLC, Block 120 Lot 21.01; and

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**WHEREAS**, by letter dated June 24, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees for; 5S Realty LLC, Block 120 Lot 21.01, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

**R-20-138 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – MEADOWS AT TINTON FALLS, BLOCK 97, LOTS 1, 1.01 AND 3**

**WHEREAS**, the developer has requested the release of Performance Guarantee posted for the Meadows at Tinton Falls Block 97 Lot 1, 1.01 and 3.

**WHEREAS**, by letter dated June 30, 2020 the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for the Meadows at Tinton Falls Block 97 Lot 1, 1.01 and 3 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

**R-20-139 RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR IPP SOLAR LLC, BLOCK 111, LOT 4.01**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for IPP Solar LLC, Block 111, Lot 4.01; and

**WHEREAS**, by letter dated June 29, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees for IPP Solar, LLC, Block 111, Lots 4.01 ; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

**R-20-140 RESOLUTION AUTHORIZING PURCHASE UNDER MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION\_COOPERATIVE PRICING SYSTEM #65MCESCCPS\_CASE MODEL FARMALL 75C CAB TRACTOR**

**WHEREAS**, the Tinton Falls Department of Public Works is in need of one (1) Case Model Farmall 75C Cab Tractor; and

**WHEREAS**, the Borough of Tinton Falls is a current member of the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS as approved by Resolution #R-14-186; and

**WHEREAS**, Storr Tractor Company, 3191 US Highway 22, Somerville, NJ 08876 is a valid vendor on the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS, for the purchase of a one (1) Case Model Farmall 75C Cab for a total purchase price in the amount of \$58,295.96; and

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

**WHEREAS**, Mark Shaffery, Director of Public Works recommends this purchase.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council authorizes the following purchase under the valid Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS:

**Case Model Farmall 75C Cab Tractor**

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

/S/ Thomas P. Fallon, Chief Financial Officer



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**R-20-141 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #15-20 FINANCIAL CONSULTANT SERVICES FOR REDEVELOPMENT FISCAL ANALYSIS**

**WHEREAS**, the Borough of Tinton Falls has a need for professional Financial Consultant Services for Redevelopment Fiscal Analysis; and

**WHEREAS**, the Borough of Tinton Falls has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, June 2, 2020, the solicitation for receipt of proposals for Financial Consultant Services for Redevelopment Fiscal Analysis, and four (4) proposal were received and documented on Tuesday, June 23, 2020; and

**WHEREAS**, the Borough has reviewed the proposal received, and it was determined that NW Financial Group, LLC, 2 Hudson Place, 3<sup>rd</sup>, Floor, Hoboken, NJ 07030 satisfies the requisites contained in the Request for Proposals to be considered for the Financial Consultant for Redevelopment Fiscal Analysis; and

**WHEREAS**, this contract is to be awarded for a rate of \$225 per hour for an amount not to exceed \$30,000; and

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

1. The firm of NW Financial Group, LLC, 2 Hudson Place, 3<sup>rd</sup>, Floor, Hoboken, NJ 07030 is hereby retained as the Financial Consultant for Redevelopment Fiscal Analysis as described above for an amount not to exceed \$30,000.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available from: Redevelopment Escrow

/S/ Thomas P. Fallon, Chief Financial Officer

**R-20-142 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEES FOR 96 WATER STREET**

**WHEREAS**, permit fees were calculated for the finishing of a basement at 96 Water Street based upon a \$20,000 cost of work, provided by the homeowner; and

**WHEREAS**, the homeowner has since advised that the cost of work on the project was significantly higher than the actual amount spent and has updated her permit to reflect a cost of work in the amount of \$7,000;

**WHEREAS**, said monies were deposited in May, 2020 by the Borough of Tinton Falls in accordance with law, and

**WHEREAS**, a refund in the amount of **\$429.00** is due the homeowner.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$429 be issued to Shannon Sullivan, 96 Water Street, Tinton Falls, NJ.

**R-20-143 RESOLUTION – REFUNDING ESCROW – QUICK CHEK CORPORATION**

**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, Trish Sena, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

**WHEREAS**, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

**QUICK CHECK CORPORATION: QUI5247CU \$901.58  
QUICK CHECK CORPORATION: QUI7821CU \$35.00**

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**R-20-144 RESOLUTION – REFUNDING ESCROW – COPART OF CONNECTICUT, INC**

**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, Trish Sena, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

**WHEREAS**, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

**COPART OF CONNECTICUT, INC. COP5868CU \$140.00  
COPART OF CONNECTICUT, INC. COP6064CO \$17,798.05**

**R-20-145 RESOLUTION – REFUNDING ESCROW – FORT MONMOUTH REALTY URBAN RENEWAL, LLC- ARMORY 21**

**WHEREAS**, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

**WHEREAS**, the Planning Board Secretary, Trish Sena, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

**WHEREAS**, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

**FORT MONMOUTH REALTY URBAN RENEWAL, LLC- ARMORY 21  
FOR 5850CO \$728.00**

**R-20-146 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2019 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2019 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Eva Fekete c/o Laszlo Zacharias, Esq. 72 Brighton Avenue Perth Amboy, NJ 08861	143	6	\$366.53

Re: Prop. Loc: 3024 Shafto Road

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2019 taxes by the property owner in the amount of \$366.53 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 \$366.53 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 \$366.53.

/S/ Carol Hussey, Tax Collector

**R-20-147 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS**, Tax Sale Certificate #3049 was issued to the Borough of Tinton Falls for delinquent sewer charges on Block 26.01 Lot 93 (101 Players Circle), assessed to Francine F. Mota, at a tax sale held on December 21, 2016; and

**WHEREAS**, Francine Correa (Mota) has redeemed Certificate #3049 by paying the full amount of the delinquency.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #3049 for cancellation.

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I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3049 was redeemed on June 22, 2020.

/S/ Carol Hussey, Tax Collector

**R-20-148 RESOLUTION – APPROVAL OF BILLS – July 14, 2020**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 14, 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**

<b>GENERAL</b>	<b>5,199,094.27</b>
<b>SEWER UTILITY</b>	<b>384,290.82</b>
<b>GENERAL CAPITAL</b>	<b>15,474.00</b>
<b>GRANT FUND</b>	<b>623.90</b>
<b>TRUST FUNDS</b>	<b>17,608.48</b>
<b>DOG TRUST FUND</b>	<b>2,934.00</b>
<b>ESCROW</b>	<b>30,398.50</b>
<b>ADDITIONS</b>	<b>14,887.53</b>
<b>TOTAL</b>	<b>5,665,311.50</b>

CERTIFICATION OF FUNDS:

/S/ Thomas P. Fallon, Chief Financial Officer

**ADJOURNMENT**

*Mr. Nesci offered a motion to adjourn, seconded by Mr. Manginelli.*

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:25 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON: December 1, 2020**