

**REGULAR MEETING
FEBRUARY 6, 2024**

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, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on December 19, 2023."

ROLL CALL (Regular Meeting)

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

ABSENT: None

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

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Dr. Dobrin offered a motion to approve the January 2, 2024, Reorganization Meeting Minutes seconded by Ms. Buckley.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Tom Neff

Mr. Neff reported construction has started at the Sycamore softball fields reminding everyone to be mindful of construction equipment in the park.

Director of Finance - Thomas Fallon

Mr. Fallon had no report.

Administrator – Mr. Terefenko

Mr. Terefenko complimented the Police Department on their successful outreach event for Operation Lunch Break collecting food. The Police Department had a successful event with Alex Mann, Autism Awareness advocate, who teaches police departments all over the country how to deal with autistic persons. The next outreach is on March 6th the Jump with a Cop event. He congratulated Captain Kyle Pierson on his retirement. The Recreation Department has scheduled the Daughters Dance for March 10th. Mr. Terefenko commended DPW staff with their response to the last two snowstorms.

Director of Law- Kevin Starkey

Mr. Starkey commented on Resolution R-23-030 Creating an Advisory Committee to Determine and Report on the Progress in Managing the Odors from the MCRC and explained the composition and duties of the committee. He commented on Ordinance 2024-1510 Amending Borough Code to Delete and Replace the List of Private Properties Subject to Title 39 Jurisdiction explaining what the ordinance is revising. Also, a status of EMS run by the County who has started a paid EMS Division in Tinton Falls and two other towns. The County will coordinate with our EMS volunteers working out who will have primary response time and backup responsibilities. The Borough will have a short agreement with the County to fit the needs of Tinton Falls and the volunteers.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Reports

-Ms. Buckley asked Mr. Starkey where EMS is operating out of? Mr. Starkey explained presently Freehold and EMS South building and eventually Commvault firehouse building. Ms. Buckley reported the Environmental Commission and Green Team met in January. A grant application from Sustainable Jersey is available and they will be applying for it, and explained the advantages this grant will provide the Borough.

-Dr. Dobrin reported the library trustees met and are making plans for events once the construction is completed. The music festival is scheduled for August.

-Mr. Manginelli reported on the advisory committee being formed by Resolution R-24-030 which will monitor what Waste Management is doing at the landfill with the goal of eliminating the odor. The committee will meet monthly, and he will provide further details after the committee is established.

-Mr. Nesci reported the Planning Board approved two applications; one for a professional medical building along Newman Springs Road and a wine store where the former Sonic business stood. Provided information about a Backyard Chickens class on March 2nd

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

by Monmouth County Parks.

-Mrs. Clay reported on the Board of Education meeting on January 25th which extended thanks to board members from K-8 and Monmouth Regional High School and John Cohen, MRHS President who was in attendance tonight. She viewed an outstanding presentation on social emotional learning by Swimming River School staff and students. Congratulated Captain Pierson on his retirement. Community Day is scheduled for October 5th.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2024-1510 AN ORDINANCE AMENDING CHAPTER 7, PART III OF THE BOROUGH CODE TO DELETE AND REPLACE THE LIST OF PRIVATE PROPERTIES SUBJECT TO TITLE 39 JURISDICTION IN THE BOROUGH**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, February 20, 2024.

Mr. Manginelli offered a motion to introduce Ordinance No. 2024-1510 seconded by Mr. Nesci.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**AN ORDINANCE AMENDING CHAPTER 7, PART III OF THE
BOROUGH CODE TO DELETE AND REPLACE THE LIST OF PRIVATE PROPERTIES SUBJECT TO
TITLE 39 JURISDICTION IN THE BOROUGH**

BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

SECTION 1. Chapter 7, Part III of the Borough Code, entitled “Applicability of Subtitle One of Title 39 of the Revised Statutes of New Jersey to Semi-Public and Private Roads, Streets and Driveways,” shall be deleted in its entirety, including Sections 7-31 through Section 7-60E, and shall be replaced by the following:

PART III. Applicability of Subtitle One of Title 39 of the Revised Statutes of New Jersey to Semi-Public and Private Roads, Streets and Driveways

§ 7-31. Schedule of Properties Subject to Title 39 Jurisdiction.

The provisions of Subtitle One, Title 39 of the revised Statutes of New Jersey are made applicable to the following semi-public and private roads, streets, driveways, and parking lots located in the Borough of Tinton Falls:

Block	Lot	Development	Location/Address
1.01	2.02	Former Burger King	15 Newman Springs Road
2.02	41	Alliance Pest Services	1 Steven Avenue
14.03	29.01	Mezzasalma Office Building	67 Apple Street
14.03	35	Bella Legacy Fund (Books-N-Things)	57 Apple Street
14.04	55.01	Office Building	27 Apple Street
14.04	45.01, 49.01	Apple Street Kitchen	33 Apple St
15	3.01	Bowers Office Complex	44 Apple Street
15	15.01	78 Apple Associates (EPS Corp.)	78 Apple Street
15	16.10	Tinton Falls Business Center	1 & 3 Sheila Drive
15	17	New Shrewsbury Raquet Club	71 Gilbert Street North
15	18	Wendy's Restaurant	600 Shrewsbury Ave
15.01	6	Red Bank Animal Hospital	197 Hance Ave
15.01	16.03	106 Apple Street Holdings Office Building	106 Apple Street
15.03	1.01	McDonald's	588 Shrewsbury Ave
15.03	16.05	The Chelsea at Tinton Falls	1 Hartford Drive
16	1.01	Greenbriar Falls	All Streets in Community
18.01	6.01	The Pour House	640 Shrewsbury Avenue
18.01	6.02	Gilbert Street Associates Office Building	21 Gilbert Street North
18.02	15	NMI-USA Technology Center	36 Gilbert Street South

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

21	5	Warshauer Electric	800 Shrewsbury Avenue
21	9.01	Jerral Office Building	766 Shrewsbury Ave
21	10.01	Balfour Corporation Office Building	776 Shrewsbury Ave
23.01; 23.02	74; 1.07	Winding Brook Condominiums	All Streets in Community
24	5.01	Arbor Terrace	864 Shrewsbury Avenue
25	3.01	Armed Forces Career Center	968 Shrewsbury Ave
25	15	Shrewsbury Animal Hospital	1008 Shrewsbury Ave
25	5.01, 16, 17	Tinton Falls Plaza	980 Shrewsbury Ave
26; 26.01	1000; 1000	Society Hill Condominiums	All Streets in Community
28.01; 29	1.01; 1.01	Ranney School	235 Hope Road
37	4	Monmouth Reform Temple	332 Hance Ave
56.01; 56.02; 56.03	1; 1; 1	Lenape Woods	All Streets in Community
67.01	1.11	MJ's Restaurant	1213 Sycamore Ave
70.02	28	Woody's Restaurant	1202 Sycamore Ave
75	100	Spring Meadows Condominiums	All Streets in Community
76.04	11	Regency at Trotters Pointe	Sunset, Northcrest, Monterey, Morgan
100	1	Municipal Complex	556 Tinton Ave
101.02	1	CommVault	One Commvault Way
101.02	2	Trinity Hall High School	101 Corregidor Road
101.18	1	Patriots Square Townhouses	All Streets in Community
109	Various	Stavola Wayside Crossing West	157 Hamilton Road/1810 Wayside Road
111; 113.01	10.02; 16.02	Capelli Soccer Complex	1660 Wayside Road
113.01	30	Stavola Flex Space	1511 Wayside Road
113.02	5.03	Stavola Self Storage	1819 Wayside Road
114	13.02	Mid-Monmouth Tech Center	1200 Pine Brook Road
114.01	18.01	Hawthorne Suites	90 Park Road
114.01	22	Applebees Restaurant	14 Park Road
115	1.01	DoubleTree Hotel	700 Hope Road
115	3.01	Hope Road Professional Plaza	730 Hope Road
115	4.02 & 4.03	Stavola Flex Space	10 & 15 Centre Plaza
115	7.01	Encompass Health	2 Centre Plaza
115	11.01	JSM Medline Warehouse	1470 Shafto Road
116	1	MOESC	100 Tornillo Way
120	21.02	Tractor Supply	1535 West Park Ave
120.01	1	Wawa	2000 Shafto Road
120.02	1.03	Tormee Office Complex (Open Text)	100 Tormee Drive
120.04	1.02	Denholtz	150 Tornillo Way
120.04	1.03	Tormee Office Complex (Ria)	200 Tornillo Way
120.04	1.05	Denholtz	151 Tornillo Way
120.05; 120.07; 120.08; 120.09; 120.10	1; 1; 1; 1; 51	Rose Glen Townhouses	All Streets in Community
123	49.02	Garden State Veterinary	1 Pine Street
123	49.04	Atria	44 Pine Street
123	51.02	Tinton Falls Centre	4057 Asbury Avenue
123	62.04	Cablevision of Monmouth	40 Pine Street
124	18	Netti's House of Spaghetti	5119 Asbury Ave
124.13	1	Wayside Fire Company/EMS South	1 Volunteer Way
124.15; 124.16; 124.17	65; 49; 17	Park Place East	Frontier Way & Mill Lane
124.49	13	Tinton Pines Condominiums	Karen Drive, Laurie Drive, Diane Drive

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

124.50; 124.51	1000, 1001, 1002; 1000, 1001, 1003, 1004	Park Place II	Tallahassee Court, Richmond Court, Des Moines Court, Dover Court, Montpelier Street, Phoenix Court, Madison Court, Honolulu Street, St. Paul Court, Harrisburg Court, Boise Court
124.63	29	Parkview at Tinton Falls	Oak Leaf Lane
128.03	1.09	Atlantic Rentals	301 Essex Road
128.03	5	Soldier On	275 Essex Road
128.03	19.05	Seabrook Village	All Streets in Community
128.03	23.01	The Shoppes at Tinton Falls	4060 Asbury Avenue
128.03	29.01,28.03, 31	CVS Pharmacy & Glad Tidings Church	4000 & 4028 Asbury Avenue
135	1.02	Jersey Shore Premium Outlets	1 Premium Outlets Blvd
136	7.01	Shark River Road Warehouse	49 & 71 Shark River Road
145	15.01	FLM Associates Flex Space	3212 Shafto Road
145	12,13,14,26	Mazza Recycling Center	3230 Shafto Road
147	5	The Barham Group	4239 Route 33
147	10.01	Enclave at Shark River	One Abbey Road
147	2,3.02,13	World Volkswagen	4075 State Highway 33
149	1.02	Hovchild Office Building	4000 Route 66
150.03	109	Ironworks Crossing	Hovchild Boulevard
155	1.01	The Cascades at Tinton Falls	100 Autumn Drive
Various	Various	Fox Chase Developments	All Streets in Communities

SECTION 2. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

SECTION 3. This Ordinance shall take effective immediately upon final passage and publication as provided by law.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hutchinson read the title of the Ordinance: **2024-1509 ORDINANCE SETTING SALARIES FOR DEPARTMENT HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL**

Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2023-1509, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2023-1509, seconded by Dr. Dobrin.

ROLL CALL

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

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

PUBLIC HEARING CLOSED

Dr. Dobrin offered a motion to adopt Ordinance No. 2023-1509, seconded by Mr. Manginelli.

ROLL CALL

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

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

Mrs. Clay asked the Clerk if there were any public comments submitted and Ms. Hutchinson stated there none.

Andrew Thurston, 44 Austin Street – Mr. Thurston commented on his family’s distress over the landfill odors and stated he was not reassured by the Waste Management presentation. His concerns are about the odor and odorless gases being inhaled and what health effects may be caused. Also, the NJDEP complaint process was inadequate and he provided examples. Mr. Manginelli and Mrs. Clay both commented that the advisory committee was formed for this reason to monitor and resolve the odor issue.

Ellen Goldberg, 90 Glenwood Drive, Environmental Commission Chairwoman – Ms. Goldberg proposed to create an environmental resource inventory report “ERI” and apply for Sustainable Jersey grants for \$22,000 to help fund this project. She explained the steps needed to be taken to have the ESI report produced and the informational value to the Borough. She explained how other towns have benefited by funding this report and hoped the Council would do the same.

The following residents spoke on the same topic expressing their support for the grant application to help produce the ERI report and Council’s support for matching grant funding.

Barbara Kulberg, 21 Cedar Place, Environmental Commission member
Lora Smith-Staines, 204 Riveredge Road (email), Green Team member
Jon Cohen, 76 Maywood Run, Environmental Commission member
Mitch Kulberg, 21 Cedar Place

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Ms. Buckley thanked DPW and Administration for helping with a Girl Scout project that will create a little library at Sycamore Park. The ERI report cost amount is an approximation for the budget and other towns’ ERI reports are available to Council for review.

RESOLUTIONS - None

CONSENT AGENDA

Mrs. Clay asked Mr. Nesci to read Resolution R-24-023 declaring February as Black History Month in the Borough.

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

ROLL CALL

AYES: Ms. Buckley, Dr. Dobrin, Mr. Manginelli, Mr. Nesci, Mrs. Clay
ABSTAIN: None

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

NAYS: None
ABSENT: None

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-023

**RESOLUTION DECLARING FEBRUARY AS BLACK HISTORY MONTH IN THE BOROUGH OF
TINTON FALLS**

February 2024

WHEREAS, in 1915, Dr. Carter Godwin Woodson, noted scholar and son of former slaves, who founded the Association for the Study of African American Life and History, initiated Black History Week, February 12, 1926, which was celebrated for many years by African Americans in the United States; and

WHEREAS, President Gerald R. Ford officially recognized Black History Month in 1976, calling upon the public to “seize the opportunity to honor the too-often neglected”; and

WHEREAS, since 1976, every President has adopted the month of February as Black History Month, an annual celebration of African American achievements and roles in U.S. History; and

WHEREAS, Black History Month is a time to reflect on the burdens of racial prejudice and explore, understand, and appreciate the identities and cultures across and within the African diaspora; and

WHEREAS, the Borough of Tinton Falls recognizes the injustices that African Americans have endured and commends the African American community for the continuous pursuit of overcoming those injustices and changing the course and nature of history; and

WHEREAS, we honor the prominent leaders and activists who have paved the way for equality and justice, calling our Borough’s attention to the continued need to battle racism and to build an equitable society.

THEREFORE, be it Resolved that Borough of Tinton Falls, declares February 2024 as Black History Month, and honors the contributions and sacrifices made in building pride in Black History and educating all Americans, as well as many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

THEREFORE, be it further Resolved, that we join other organizations throughout the state of New Jersey and this country to use this occasion to raise awareness of the hardships African Americans have endured, celebrate the milestones that have been achieved, and continue the unrelenting pursuit of equality and justice for all.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-024

**RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF
NOT TO EXCEED \$14,000,000 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 10, 2024, 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

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

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 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-24-025

**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 2022 was set at a rate of \$1,733.72; and

WHEREAS, the Division of Local Government Services has authorized a maximum contribution increase for those serving in 2023 of 3.5% or \$60.68 for a total 2023 contribution of \$1,794.40; and

WHEREAS, the Borough Council has determined to set the 2023 maximum LOSAP contribution to \$1,794.40 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 2023 LOSAP contribution rate at \$1,794.40 for each eligible member of the Borough’s emergency medical service squads.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-026

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

**RESOLUTION AUTHORIZING THE AWARD
OF CONTRACTS WITHOUT PUBLIC BIDDING
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6**

WHEREAS, there was an emergency condition on Hope Road near Industrial Way requiring immediate emergency attention due to a collapse of a culvert headwall as described in the memorandum attached. The cost of the repair would be in the amount of \$28,550; and

WHEREAS, provisions of NJSA 40A: 11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare, and safety of the public requires the immediate performance of services; and

WHEREAS, Lucas Construction Group, Inc., 270 Tennent Road, Morganville, NJ 07751 was called in to repair the damage;

WHEREAS, Thomas P. Neff, Borough Engineer has described the situation and declared this an emergency condition in the memo attached;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award the contract for the repairs necessary to the culvert headwall on Hope Road near Industrial Way.

I hereby certify funds are available from: Ordinance #21-1477

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-027

**RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO
CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF TINTON
FALLS**

WHEREAS, The Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Tinton Falls is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-028

RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #23-3340 was issued to the Borough of Tinton Falls for sewer charges on Block 124.50 Lot 100 (118 Des Moines Court), assessed to Kevin J. Gale, at a tax sale held on December 13, 2023, and

WHEREAS, CoreLogic Tax Servicing Company, on behalf of Loan Care, LLC, paid the full amount of the

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

certificate's 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 #23-3340 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #23-3340 was redeemed on January 22, 2024.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-029

RESOLUTION – REFUNDING ESCROW – PINEBROOK COMMERCE CENTER

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 Zibrin, 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:

**Pinebrook Commerce Center
PIN4911CO
\$1,751.59**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-030

**RESOLUTION CREATING AN ADVISORY COMMITTEE TO DETERMINE AND REPORT ON THE
PROGRESS IN MANAGING THE ODORS FROM THE MONMOUTH COUNTY RECLAMATION
CENTER**

WHEREAS, the Borough Council desires to create an advisory committee to monitor the Monmouth County Reclamation Center, which shall be known as the Tinton Falls Citizens Monitoring Landfill Committee (CMLC); AND

WHEREAS, the CMLC shall consist of two (2) members of the Borough Council and three (3) residents of the affected areas; and

WHEREAS, the terms of each member shall be until December 31, 2024, when the Borough Council will evaluate the need and effectiveness of the CMLC and determine whether to renew the terms; and

WHEREAS, the objectives of the CMLC are to: (a) compare the progress to the 90-day plan set forth by the operator of the MCRC, Waste Management, Inc. (WMI); (b) to review any resident complaints and the timeliness of the adjudication of such complaints; (c) to receive feedback from residents of Tinton Falls on the odors; and (d) to solicit and consider comments from WMI on the status of the MCRC and odors; and

WHEREAS, the members of the Borough Council appointed to the CMLC are Council President Risa Clay and Councilman John Manginelli; and

WHEREAS, Councilmembers Clay and Manginelli shall solicit and select three (3) residents from the affected areas to serve on the CMLC and shall report the appointments to the rest of the Borough Council and to administration; and

WHEREAS, the CMLC shall hold regular meetings on a schedule to be adopted by the CMLC and shall coordinate with representatives of WMI, the County of Monmouth and the County Health Department to allow for their attendance and preparation for such meetings; and

WHEREAS, the CMLC shall report its findings and progress to the Borough Council and to the public on a periodic basis to keep residents informed of their findings and determinations;

NOW, THEREFORE BE IT HEREBY RESOLVED that the Borough Council hereby establishes an advisory committee to be known as the Tinton Falls Citizens Monitoring Landfill Committee (CMLC) for the purposes set forth in this Resolution and hereby appoints Council President Risa Clay and Councilman John Manginelli as the members of the CMLC, to serve in accordance with the terms of this Resolution.

**REGULAR MEETING
FEBRUARY 6, 2024**

BOROUGH COUNCIL

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-031

RESOLUTION – APPROVAL OF BILLS – February 6, 2024

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 6, 2024; 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	6,315,257.36
SEWER UTILITY	428,914.31
GENERAL CAPITAL	104,871.35
GRANT FUND	5,185.00
TRUST FUNDS	23,954.02
ESCROW	149,319.26
ADDITIONS	1,447,641.70
TOTAL	8,475,143.00

CERTIFICATION OF FUNDS:

EXECUTIVE SESSION

ADJOURNMENT

Dr. Dobrin offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

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

TIME: 8:22pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Clay, Council President

APPROVED AT A MEETING HELD ON: March 5, 2024.