

**REGULAR/WORKSHOP MEETING
JANUARY 21, 2020
BOROUGH COUNCIL**

Council President Buckley called the Workshop Meeting to order at 7:00 PM.

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

All present stood for Salute to Flag.

WORKSHOP MEETING

Council President Buckley briefly explained that purpose of the workshop meeting format.

UNFINISHED BUSINESS- None

NEW BUSINESS

1. *Workshop Session Format and Time:*

Council President Buckley discussed her intent to implement Workshop Meeting discussions, before the start of the Regular Council Meetings throughout the calendar year. The purpose of tonight's Workshop is to assess the new format and see what works well and what does not. Ms. Buckley explained that Council will not be voting on anything during the Workshop session, however the purpose is to discuss any items on the Agenda that Council may have questions on before the start of the Regular Meeting. She noted that Council will have to pass a new Resolution to change the meeting format and times for the remaining Council meetings throughout the calendar year. Under this new format, the Workshop will begin at 7:00 PM, allowing a ½ hour for discussion before the commencement of the Regular Meeting at 7:30 PM.

2. *Resolution of Support- Celebration of the 100th Anniversary of Women's Suffrage:*

Council President Buckley addressed the second item on tonight's Workshop Agenda, a Resolution in support of the 100th anniversary of women's suffrage. She discussed two draft Resolutions, one from the New Jersey League of Municipalities, and one from the Monmouth County Clerk's office. Ms. Buckley would like to have this Resolution on the Agenda at the next Council meeting on February 4, 2020, and asked Council which draft Resolution they prefer. Council President Buckley briefly explained that the League's Resolution asked municipalities to illuminate their building with a spotlight of the color purple, while the Monmouth County Clerk's Resolution suggests wearing a yellow rose to commemorate the anniversary of women's suffrage. Councilman Manginelli suggested that the color purple is often seen as a mournful color, however a yellow rose would be more celebratory of this 100th anniversary. Mayor Perillo voiced his support of the Resolution that would recommend the public wear a yellow rose for women's suffrage. Councilman Nesci also voiced his support for the yellow rose, and Councilman Manginelli offered to pick up yellow roses for all of the Councilmembers for the next meeting.

ADJOURNMENT TO REGULAR MEETING

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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TIME: 7:10 PM

Council President Buckley stated that Council will take a fifteen-minute break and reconvene at 7:30 PM for the start of the Regular Meeting.

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

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

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the Regular Meeting Minutes of December 17, 2019, seconded by Mr. Siebert.

ROLL CALL

AYES: Mr. Manginelli, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: Mrs. Clay, Mr. Nesci, Ms. Buckley

Mr. Nesci offered a motion to approve the Reorganization Meeting Minutes of January 7, 2020, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff reported Monmouth County and their engineers will be present at tomorrow's Planning Board Meeting to discuss the improvements at the Hance and Sycamore intersection. This proposed traffic signal is a much less invasive plan compared to what was previously considered. Mr. Neff briefly discussed the Ordinance regarding Shark River Road truck restrictions and stated that DPW will be getting the signs up this week.

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon reported that the State has extended the budget calendar and the Borough plans on introducing the municipal budget at either the March 17, 2020 meeting or the April 7, 2020 meeting. Therefore, the Borough will hold the public hearing/ adoption on either April 21, 2020 or May 5, 2020. The budget will be disseminated to Borough Council approximately 2 weeks prior to its introduction. Mr. Fallon reported that the Borough has been afforded the opportunity to refund some outstanding general improvement bonds which will offer a substantial savings to the Borough.

Mayor's Report- Vito Perillo

Mayor Perillo had no report.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

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Council's Report

Mrs. Clay had no report.

Mr. Manginelli reported that he attended his first Historic Preservation meeting, he was pleased to meet a great group of people and enjoyed learning more about the Crawford House.

Mr. Nesci had no report.

Mr. Siebert reported that fashion show library fundraiser will be on February 21, 2020 and that there will be another fundraiser to benefit the library where they will be selling bricks.

Ms. Buckley reported that Senator Vin Gopal and the NJDEP will be hosting a public meeting here at Borough Hall on Thursday, January 30, 2020 at 6 PM to discuss issues at the Monmouth County Reclamation Center.

ORDINANCES FOR INTRODUCTION- None

ORDINANCES FOR FINAL CONSIDERATION- 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

PUBLIC DISCUSSION OPEN

Ron Wollner, 8 Green Meadow Drive- Mr. Wollner congratulated the newly elected Councilmembers, he explained that he is very passionate about preserving open space in Tinton Falls, specifically keeping existing farms open. Mr. Wollner stated that when he was running for Council, he was working on putting together an Ordinance that would help residents maintain their farm property. He inquired if this Council would consider passing such an Ordinance. Council President Buckley stated that she is also committed to Open Space and invited Mr. Wollner to further discuss his ideas with this Council.

Denise Catalano, 11 Alpine Trail- Ms. Catalano suggested the Borough put a notice on the website with information for the Thursday, January 30, 2020 meeting with Senator Gopal and the NJDEP.

Leo Lomangino, 93 Cornell Drive- Mr. Lomangino discussed his concerns with issues at the Monmouth County Reclamation Center. He inquired about the Host Benefit Agreement and Mr. Starkey explained that this agreement between the Borough and the County relates to the financial benefits the Borough receives for hosting the landfill within the municipality. The Host Benefit Agreement expired over a year ago, however the financial benefits are continuing to be paid to the Borough at the previous rate. The Borough has been in discussion with the County to renegotiate and renew this agreement. Mr. Lomangino stated that he believes that as the host community, the Borough should have more say in the overall operations of the landfill. Mr. Starkey stated that an agreement will not be signed without a public hearing and Council's review.

Tara Tote, 10 Phipps Place- Ms. Tote discussed an ongoing issue she has been facing since the land next to her property was developed in 2016. She explained that she met several times with the Borough Engineer and the Borough Administrator and has attended numerous Planning and Zoning Board meetings. After meeting in the summer of 2019, Ms. Tote stated that her attorney did not receive a response from the Borough. Mr. Starkey noted that he has been in contact with Ms. Tote's attorney and has met with him several times. He explained that this issue pre-dates his time at the Borough, however he is working towards finding a solution. Mr. Starkey offered to arrange a meeting to discuss this matter further. Ms. Tote stated that she believes the Borough had the opportunity to solve this issue before any development occurred.

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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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER –

Councilman Siebert recognized Ms. Kerry Morgenthaler in the audience and thanked her for all she has done to make the Trap, Neuter, Release Program (TNR) a success. To date there have been 98 TNR cats, 47 of those have been put up for adoption, 46 were returned to the wild, and sadly 4 have been euthanized.

RESOLUTIONS: None

CONSENT AGENDA

Mr. Siebert 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-20-024 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – 7th DAY, LLC – BLOCK 146 LOTS 6.01 & 7

WHEREAS, the developer has requested the release of Performance Guarantee posted for 7th Day, LLC, Block 146 Lots 6.01 & 7; and

WHEREAS, by letter December 16, 2019, 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 and remaining engineering escrow fees for 7th Day, LLC, Block 146 Lots 6.01 & 7, be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-20-025 RESOLUTION - COMPENSATED ABSENCE

WHEREAS, Kathy Muscillo has been employed by the Borough of Tinton Falls as an Administrative Assistant to Code and Zoning since January 13, 2014; and

WHEREAS, on December 13, 2019, Kathy Muscillo resigned and will transfer her service to the Borough of Eatontown with almost 6 years of service to the Borough and with the Division of Pensions and Benefits; and

WHEREAS, Kathy Muscillo will be entitled to compensated absence benefits in accordance with the Agreement between the Borough and Teamsters Local 177 (Clerical). The benefits are estimated to be a total of \$5,002.62. The breakdown of this payment is \$2,792.16 for accrued vacation time, \$1,163.40 for accrued sick time, and \$1,047.06 for compensatory time; and

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

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

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

R-20-026 RESOLUTION ESTABLISHING RATES FOR ALTERNATE MUNICIPAL PROSECUTORS, ALTERNATE PUBLIC DEFENDERS AND ALTERNATE MUNICIPAL COURT JUDGES

WHEREAS, the Borough has appointed persons to serve as alternate municipal prosecutors, alternate public defenders and alternate municipal court judges, to serve when needed in those positions; and

WHEREAS, the administration has recommended the following rates for such positions:

Alternate municipal prosecutor	\$400 per session
Alternate public defender	\$300 per case
Alternate municipal court judge	\$500 per session

WHEREAS, the Borough Council desires to establish rates for payment of the persons serving in those positions in accordance with the recommendation of the administration; and

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 following rates shall be established for the designated positions:

Alternate municipal prosecutor	\$400 per session
Alternate public defender	\$300 per case
Alternate municipal court judge	\$500 per session

R-20-027 RESOLUTION AUTHORIZING CONTINUATION OF CONTRACT FOR WIRELESS TELECOMMUNICATIONS CONSULTANT

WHEREAS, since 2014, the Borough has engaged the services of FSD Enterprises, LLC as a Wireless Telecommunications Consultant to assist with the development of the Borough's wireless communications tower; and

WHEREAS, through the services of FSD Enterprises, LLC, the Borough continues to secure co-locations of tenants on the tower that have generated significant revenue for the Borough; and

WHEREAS, FSD Enterprises, LLC last contract expired December 31, 2019, therefore, requiring continuation of co-location and associated work in 2020.

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 authorizes the Mayor to execute a Service Agreement Extension with FSD Enterprises, LLC for a term not to exceed December 31, 2020 pursuant to the terms and conditions contained therein based on FSD Enterprise's proposal dated December 20, 2017.

R-20-028 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Police Department is in need of three (3) 2020 Chevrolet Tahoe's, 4X4 pursuit vehicles; and

WHEREAS, Gentilini Chevrolet, LLC, 500 John S. Penn Blvd., Woodbine, NJ 08720 has a valid NJ State Contract #19-FLEET-00842 for three (3) 2020 Chevrolet Tahoe's, 4X4 pursuit vehicles with options for a total purchase price in the amount of \$111,748.77 ; and

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

WHEREAS, Chief John Scrivanic recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid 2020 NJ State Contract:

Three (3) 2020 Chevrolet Tahoe's, 4X4 pursuit vehicles with options: \$111,748.77.

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R-20-029 - RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, 2020 1st quarter Sewer on the following property has been paid in error by the previous Homeowner through ACH debit.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Emmanuel Entsie 2872 Sharon Court Twinsburg, OH 44087	120.08	16	\$94.75

Prop. Loc: 17 Jake Drive

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$94.75 is hereby approved for the aforementioned property.

R-20-030 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #3072 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 125 Lot 2 (Asbury Avenue), assessed to J & M Land Co., at a tax sale held on December 21, 2016; and

WHEREAS, Equity Plus Land Transfer Title Insurance & Settlement Services has redeemed Certificate #3072 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 #3072 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3072 was redeemed on January 6, 2020.

R-20-031 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #3073 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 125 Lot 3 (5171 Asbury Avenue), assessed to J & M Land Co., at a tax sale held on December 21, 2016; and

WHEREAS, Equity Plus Land Transfer Title Insurance & Settlement Services has redeemed Certificate #3073 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 #3073 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3073 was redeemed on January 6, 2020.

R-20-032 RESOLUTION- REFUNDING TAX OVERPAYMENT FOR A TOTALLY DISABLED VETERAN

WHEREAS, an overpayment of 2019 taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2019 (from January 1, 2019 through December 31, 2019).

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Danielle Sheldon 63 Beaumont Court Tinton Falls, NJ 07724	26	43	\$2,962.00

and,

WHEREAS, said exemption has resulted in an overpayment of the 2019 taxes in the amount of \$2,962.00 as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,962.00 is hereby approved for the aforementioned property for the year of 2019

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R-20-033 RESOLUTION – APPROVAL OF BILLS – January 21, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 21, 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	263,382.96
SEWER UTILITY	102,375.34
CAPITAL FUND	12,145.72
GRANT FUND	11,393.76
TRUST FUNDS	45,220.16
DOG TRUST FUND	2,559.00
ESCROW	34,592.73
ADDITIONS	<u>4,931,767.92</u>
TOTAL	5,403,437.59

EXECUTIVE SESSION

Council President Buckley asked Mr. Starkey to read the Executive Session Resolution:

R-20-034 - RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)

None

- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)

None

- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)

Report on completed and ongoing contract negotiations with all bargaining units.

- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)

Report on all pending and potential litigation matters involving the Borough.

Mr. Siebert offered a motion to approve Resolution R-20-034, seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Council President Buckley advised that at this time Council would move into Executive Session.

TIME: 7:55 PM.

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Council President Buckley advised that Council was back on the record at 8:34 PM and asked the Director of Law Mr. Starkey for a brief summary of the Executive Session.

Mr. Starkey advised that the following was discussed during Executive Session, however no formal action was taken: An update on contract negotiations with the bargaining units in the Borough, and an update on pending litigation matters.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:40 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: