

**REGULAR MEETING
APRIL 5, 2022
BOROUGH COUNCIL**

Council President Buckley 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 January 4, 2022."

ROLL CALL

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

ABSENT: None

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

All present stood for Salute to Flag.

APPROVAL OF MINUTES-

Dr. Dobrin offered a motion to approve the February 15, 2022, Regular Session Meeting Minutes seconded by Mr. Manginelli.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor Perillo asked that the Council President read the following Arbor Day proclamation.

*Borough of Tinton Falls County of Monmouth
April 29, 2022*

Proclamation Celebrating Arbor Day

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other products; and

WHEREAS, Tinton Falls has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, VITO PERILLO, Mayor of the Borough of Tinton Falls do hereby proclaim April 29th as

ARBOR DAY

In the Borough of Tinton Falls, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

DATED this 5th day of April in the year 2022.

Director of Finance- Thomas Fallon - 2022 Budget Presentation

Mr. Fallon gave an overview of the budget and slide presentation. He explained the breakdown by percentage of the Municipal portion of the taxes paid which is 24% of total taxes. Mr. Fallon reviewed the essential services, infrastructure, and roadway improvements and also quality of life services provided. He stated that the budget

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structure results in a positive position in available cash and reserves which adds to the Borough's ability to stabilize the tax rate and weather economic downturns. Mr. Fallon stated the budget is a fiscally sound and responsible plan with no gimmicks or structural issues. He stated that the total debt service has remained stable from 2021. The Borough continues to employ a hybrid strategy for its capital needs. The Borough appropriates all non-road capital improvements directly in the budget and authorizes general debt only for the road improvement programs. This strategy has resulted in a reduction in the Borough's Net Debt and in long-term borrowing costs. Mr. Fallon discussed the summary of revenues, state aid, municipal revenue, delinquent taxes, fund balance and amount to be raised by taxation. The amount to be raised by taxation will increase by 1.9 percent. Due to an increase in existing assessments this will result in a 12.7 percent decrease in the municipal tax rate. Mr. Fallon reviewed the figures for anticipated revenue, historical municipal fund balance, and non-utilized fund balances. The more non-utilized fund balance the Borough has on hand, the Borough can better manage emergencies and unexpected economic issues and to stabilize municipal taxes. He reviewed a summary of appropriations and appropriations by function. Mr. Fallon discussed the Borough's net statutory debt, a very positive trend has been to reduce net debt by 35 percent from 2014 to present which equates to an average reduction of approximately \$950,000 per year over the past 8 years. Mr. Fallon stated the Borough's credit rating has been upgraded to an Aa1 rating. He reviewed the trending reduction of the municipal tax rate from 2017 to present, the Open Space Trust Account, the Sewer Utility Budget summary, Capital Project Overview, including general improvements and sewer improvements. Mr. Fallon asked the Borough Engineer, Tom Neff to discuss the Capital Road Projects.

Mr. Neff gave an update on the 2022 road improvement program project that was designed in 2021 and will commence this spring. He stated there will be approximately 2.9 miles of improvement to 11 roads. Mr. Neff also gave an update on the capital sidewalk program, which included improvements on Shrewsbury Avenue from Newman Springs Road to Sycamore Avenue, is currently ongoing and should be completed in about a month. Mr. Neff stated that another large part of the Capital Program is the Park Improvements to Sycamore Recreation Complex, Hockhockson Park, Riverdale West Park, Liberty Park, Wardell Park, and Walz Park. Mr. Neff stated that there are also capital improvements to upgrade the Hovnanian Pump Station Controls as well as the start of a new project for inspections of the sewer mains. The Department of Public Works will also be acquiring a manhole cutter.

Mr. Fallon stated the public hearing on this budget will be held on May 3, 2022, the budget documents can be found on the website.

Council President Buckley thanked Director of Finance, Mr. Fallon and Borough Engineer, Mr. Neff for an excellent presentation.

Borough Engineer - Thomas Neff

Mr. Neff gave an update on the parkway exit 105 project that will commence the evening of April 19th. Information and updates can be found on their website gspexit105.com.

Director of Finance - Thomas Fallon

Commented on two agenda items. Ordinance 2022-1485 and Resolution 2022-088.

Business Administrator - Charles Terefenko

Mr. Terefenko had no report.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Report

-Mrs. Clay recognized Mrs. Welsch, the school nurse, who will be retiring for a wonderful job. On March 29, the Green Team met and is in the process of determining which items they will be able to pursue at this time. Mrs. Clay reported that she attended the library fashion show fundraiser, and it was fabulous. Shout out given to Ellen Goldberg and the library committee for a fantastic job. Mrs. Clay mentioned she is looking forward to the egg hunt that will be held on Saturday by the Tinton Falls Recreation Department and thanked the Police Department for their donation of the golden eggs. Mrs. Clay also thanked Mr. Tom Fallon and Mr. Tom Neff for an excellent presentation and is happy to see contingency money for the Police Department should it be needed.

- Dr. Dobrin also commended Mr. Tom Fallon, CFO and Mr. Tom Neff, Borough Engineer for their work on the compressive 2022 budget. Dr. Dobrin reported that the Library Association was very successful with their fundraiser this past weekend.

-Mr. Manginelli echoed the accolades given to both Tom Fallon and Tom Neff for their excellent presentation. He reported that the Historic Preservation Commission will have many interesting events to be held every weekend beginning in May.

-Mr. Nesci reported that he has no report for the planning board but that the next scheduled meeting is April 13. Mr. Nesci reported that the Chicken Advisory Board's application for raising back yard chickens is nearly complete. Anyone that has expressed interest will be notified via email. The Tinton Falls recreation department will be holding its annual egg hunt April 9th at Sycamore Park. Baseball and softball season is here, opening day is scheduled for April 30th. Summer camp information can be found on the Borough's website and on community pass.

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-Ms. Buckley echoed Mrs. Clay's sentiments, stated she also attended the library fundraiser this past weekend and that it was wonderful. Ms. Buckley thanked DPW employee, Andy as well as DPW Director Mark Shaffery for all their help with putting the Osprey nests together this past weekend along with members of the Environmental Commission. This was part of a grant that was applied for from the New Jersey Associations of Environmental Commissions. Ms. Buckley announced that at the May 3rd Council meeting there will be a ceremony held to congratulate all the officer on their promotions.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2022-1485 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a:4-45.14).**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, April 19, 2022.

Mrs. Clay offered a motion to introduce Ordinance No. 2022-1485 seconded by Mr. Nesci.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE NO. 2022-1485

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

CALENDER YEAR 2022

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Tinton Falls in the County of Monmouth finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$220,030.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Tinton Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$770,105.00 and that the CY 2022 municipal budget for the Borough of Tinton Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

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Ms. Hutchinson read the title of the Ordinance: **2022-1486 An Ordinance Establishing Procedures And Standards Regarding Deployment Of Small Wireless Facilities In Public Rights-Of-Way In The Borough Of Tinton Falls.**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, April 19, 2022.

Mr. Nesci offered a motion to introduce Ordinance No. 2022-1486 seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**BOROUGH OF TINTON FALLS
MONMOUTH COUNTY
NEW JERSEY**

ORDINANCE NO. 2022-1486

AN ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS REGARDING DEPLOYMENT OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY IN THE BOROUGH OF TINTON FALLS

WHEREAS, the wireless communications industry has expressed interest in submitting applications to utilize space in public rights-of-way within the Borough of Tinton Falls for the installation of small cell wireless telecommunications facilities (hereinafter "Small Wireless Facilities") in connection with the industry's efforts to expand and/or upgrade existing 4G Facilities and as part of the construction of a nation-wide 5G Facilities network; and

WHEREAS, the Borough of Tinton Falls supports these investments and deployment of wireless networks in a way that balances our community character, needs, and interests while preserving the Borough of Tinton Falls ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the Borough of Tinton Falls recognizes that Small Wireless Facilities often are most effectively deployed in public rights-of-way and that the rules and regulations of the Federal Communications Commission require municipalities to make rights of way available subject to local police power regulations; and

WHEREAS, multiple installations of Small Wireless Facilities within the public right-of-way can impact property values, create traffic and pedestrian safety hazards, impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the Borough of Tinton Falls; and

WHEREAS, the Borough of Tinton Falls wishes to preserve the aesthetics of the community by encouraging the location of Small Wireless Facility equipment on existing or previously approved infrastructure; and

WHEREAS, a Ruling and Order of the Federal Communications Commission ("FCC") in September 2018 and a subsequent federal court decision impacting that ruling imposes certain restrictions and preemptions on the exercise of local authority when dealing with small wireless facilities; and

WHEREAS, the Borough of Tinton Falls needs to amend its municipal code to address the legal and practical issues that arise in connection with multiple Small Wireless Facility installations deployed in the public rights-of-way; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance is in the best interest of the Borough of Tinton Falls and the health, safety and welfare of its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls that the Borough Code of the Borough of Tinton Falls be and is hereby amended as follows:

SECTION 1. Chapter 40-38.1 of the Borough Code shall be amended to add a new Section 40-38.1, and the existing Section 40-38.1 ("Small Wind and Solar Energy Systems") shall be re-numbered as Section 40-38.2:

§ 40-38.1 **Placement of Small Cell Facilities and Wireless Poles in Public Right-of-Way**

A. Definitions.

1. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.

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2. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.
3. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part hereof.
4. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

Personal Wireless Services

"Personal Wireless Services," as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

Public Right-of-Way

The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Borough of Tinton Falls or County of Monmouth.

Right of Way Permit

An approval from the Borough setting forth the applicant's compliance with the requirements of this Ordinance.

Small Wireless Facility

"Small Wireless Facility," as defined in the Code of Federal Regulations at 47 C.F.R. §1.6002(1), as supplemented and/or as amended per this Ordinance. **Small wireless facility** means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than sixteen (16) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Smart Pole

A decorative utility pole that conceals Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, external cabling, or other attachments. The pole should be made of an inherently rust-resistant material (e.g., aluminum alloys or stainless steel).

Utility Pole

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and like and similar appurtenances.

Wireless Communications Infrastructure

Infrastructure designed specifically for the purpose of supporting wireless facility equipment deployments, including large-scale (macro) collocatable infrastructure as well as Small Wireless Facilities Infrastructure.

Small Wireless Facilities Infrastructure

A Smart Pole meeting the above definition or other collocatable infrastructure designed or deployed for the purpose of supporting small wireless facility, the types of which may be approved by geographical zones as defined by Borough of Tinton Falls.

5. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein, then that term, word or phrase shall have its common, ordinary meaning.

B. Small Wireless Facility Right-of-Way Permit Required; Consent to Use Rights-of-Way Required.

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1. No person shall place a Small Wireless Facility in any right-of-way without first filing a Small Wireless Facility Right-of-Way permit application, in the form specified herein and in accordance with the procedures specified herein, with the Borough of Tinton Falls Zoning Officer and obtaining a Right-of-Way permit therefore, except as otherwise may be provided in this ordinance. Upon approval of a Right-of-Way permit application, the Right-of-Way permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the Borough of Tinton Falls Zoning Officer to any Applicant unless:
 - (a) All Right-of-Way permit application fees and escrow fees, as established herein, have been paid; and
 - (b) All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's Right-of-Way permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119, et. seq., and the administrative regulations adopted thereunder, Chapter 15-1 Excavation of Streets, Curbs and Sidewalks, of the Code of the Borough of Tinton Falls of Borough of Tinton Falls, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Borough of Tinton Falls Zoning Officer for inclusion with the Applicant's application documents; and
 - (c) The Applicant has entered into a "Right-of-Way Use Agreement" with the Borough, in the approved form that is on file with the Borough Clerk. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or replaced. The Borough of Tinton Falls Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all Right-of-Way permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by Borough of Tinton Falls Council at the time that it grants consent to use a right-of-way to a Right-of-Way permit Applicant.
2. No approval of a Small Wireless Facility shall be permitted within five-hundred (500) feet of another Small Wireless Facility unless it can be established by clear and convincing evidence that compliance with these regulations would effectively prohibit the applicant from providing service and that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of applicants of technical incompatibility or inability to collocate need to be demonstrated scientifically by the applicant how technical incompatibility exists, not disproven by the Borough of Tinton Falls. Responsibility for judging proof of said claims lies solely with the Borough of Tinton Falls and/or its chosen representative(s).

C. Siting Standards for Poles, Antennas and Cabinets in the Right-of-Way.

1. Pole Siting Standards
 - (a) No pole shall be taller than 35 feet or 110% of the height of the poles in the surrounding streetscape, whichever is less;
 - (b) No pole shall be closer than 18 inches from the curb or edge of pavement;
 - (c) Poles shall be located on the same side of the street as existing utility poles;
 - (d) Poles shall be located at least 300 linear feet from any other existing or proposed poles;
 - (e) Poles shall be located at common side property lines of adjacent lots to the greatest extent practicable;
 - (f) Poles shall not adversely impact the accessible route of a public sidewalk;
 - (g) Poles shall not impact sight distances from public or private streets, driveways or parking lots;
 - (h) Poles shall not be located in an area with underground utilities;
 - (i) Poles shall be finished, painted, or otherwise camouflaged, in conformance with best available technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact to surrounding properties.
2. Ground Level Cabinet Siting Standards
 - (a) Ground level cabinets are prohibited in the right-of-way on any public property.
3. Underground Cabinet Siting Standards
 - (a) Underground cabinets are the preferred method of cabinet siting in the Borough and are permitted within all zones;
 - (b) Underground cabinets shall not disturb any underground utilities;
 - (c) The applicant shall provide a certification from a New Jersey licensed professional engineer attesting to the structural integrity of any underground cabinet;

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- (d) Underground cabinets shall be a maximum of 15 square feet at ground level.
4. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards
- (a) Pole mounted antennae and cabinets are permitted on existing poles in all zones;
 - (b) Antennas shall not exceed 3 cubic feet in volume;
 - (c) Cabinets shall not exceed 16 cubic feet in volume;
 - (d) Antennas and cabinets shall be finished, painted, or otherwise camouflaged, in conformance with best available technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact to surrounding properties;
 - (e) Antennas and cabinets shall not adversely impact the accessible route of a public sidewalk;
 - (f) Antennas and cabinets shall not impact sight distances from public or private streets, driveways or parking lots;
 - (g) The applicant shall provide a certification from a New Jersey licensed professional engineer attesting the pole is structurally suitable to carry the proposed antennae and cabinet loads.

D. Right-of-Way Permit Application Process.

1. Application Filing. An application for a Right-of-Way permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the office of the Borough of Tinton Falls Zoning Officer. The application, along with the required application fee and the required escrow fee, shall be filed with the Borough of Tinton Falls Zoning Office. Immediately upon receipt of an application, the Borough of Tinton Falls Zoning Officer shall provide copies of the application and all supporting documents that were submitted by the Applicant with the application, to the Borough of Tinton Falls Engineer, Clerk, Construction Official and Director of Law.
2. Application Form. The Small Wireless Facility Right-of-Way permit application shall be made by a provider of personal wireless services, its duly authorized representative, as noted in a notarized statement from the provider of personal wireless services, on whose behalf the representative is acting, or an entity in the business of deploying wireless communications facilities or infrastructure, and shall contain the following:
 - (a) The Applicant's name, address, telephone number and e-mail address;
 - (b) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
 - (c) A general description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subservice utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied;
 - (d) Verification via sworn statement from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes; with respect to radio frequency emissions, Applicant must provide a sworn statement from a qualified radio frequency engineer that the Application will comply with all applicable Federal, State, and Local laws regarding radio frequency emissions
 - (e) The Applicant shall certify that they shall make available approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.
 - (f) Applications for the installation of Poles shall require proof of notification to all property owners within 200 feet of each proposed Pole. Notifications shall include a plan and construction details showing the proposed improvements and their location, a written description of the improvements, and contact information for the Applicant for any questions.
3. All applications must include a site plan prepared by a Professional Engineer licensed in the State of New Jersey that includes the following:
 - (a) A current survey prepared by a Professional Surveyor licensed in the State of New Jersey that

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demonstrates the proposed improvements are located within a public right-of-way.

- (b) Right-of-way and property lines in the vicinity of the improvements.
 - (c) The location and size of all proposed improvements.
 - (d) The location of all overhead and underground public utilities and other facilities in the public right-of-way.
 - (e) The specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove, relocate, or alter.
 - (f) Construction details for all proposed poles, antennae, cells, nodes, equipment cabinets, and other proposed improvements.
4. Applications for new freestanding Small Wireless Facilities shall provide evidence that the facility can accommodate colocation of additional carriers. No telecommunications carrier or operator shall unreasonably exclude a telecommunication competitor from using the same facility or location.
 5. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single Right-of-Way permit for multiple Small Wireless Facilities. Any denial of any individual Small Wireless Facilities within a batched application will not impact the consideration of other sites within the same application.
 6. In the case of an application that seeks to construct, install, operate, maintain, or otherwise locate any improvements on or within County right-of-way, the applicant shall also provide notice to and obtain a permit from the County authorizing the placement of such improvements within such right-of-way.

E.. Procedure on Permit Application; No Exclusive Rights.

1. The Borough of Tinton Falls shall review the application for a Small Wireless Facility Right-of-Way permit in light of its conformity with the provisions of this Ordinance, and shall approve or deny a Right-of-Way permit on nondiscriminatory terms and conditions subject to the following requirements:
 - (a) Within ten (10) working days of receiving an Application, the Borough of Tinton Falls Zoning Officer shall determine and notify the Applicant:
 - Whether the Application is complete;
 - If the Application is incomplete, what specific information is missing; and
2. The Borough of Tinton Falls shall make its final decision to approve or deny the Application within the following timeframes:
 - (a) Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.
 - (b) Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.
 - (c) Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.

The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the Applicant and Borough of Tinton Falls. Such consent shall be set forth on a form for such purposes which shall be available from the office of the Borough of Tinton Falls Zoning Officer. Such consent on behalf of the Borough of Tinton Falls shall be exercised by the Borough Administrator, Zoning Officer, or their chosen representative, in his/her reasonable discretion.

3. The Borough of Tinton Falls Zoning Officer shall notify the Applicant in writing of the final decision, and if the Application is denied specify the basis for denial; and cite such specific provisions from federal, state, or local laws, administrative regulations or codes as to why the Application was denied.
4. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the Borough of Tinton Falls within thirty (30) days of the denial without paying an additional application fee, provided the Borough of Tinton Falls Zoning Officer shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.

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5. A Right-of-Way permit from the Borough of Tinton Falls authorizes an Applicant to undertake only certain activities in accordance with this ordinance. No approval or consent granted, or Right-of-Way permit issued, pursuant to this ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Borough of Tinton Falls for the delivery of telecommunications services or for any other purpose.
6. Nothing in this section affects an applicant's obligation to apply for other permits that may be required under this code, such as street opening permits or construction permits, for which the Applicant has not yet applied. No Small Wireless Facility Right-of-Way permit shall be approved until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility deployment.

F. Duration.

No Right-of-Way permit issued under this ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction and Zoning Officials, may extend the Right-of-Way permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

G. Routine Maintenance and Replacement.

A Small Wireless Facility Right-of-Way permit shall not be required for:

1. Routine maintenance of a Small Wireless Facility.
2. The replacement of a Small Wireless Facility with another Small Wireless Facility that is the same or smaller in size, weight and height to the Small Wireless Facility that is being replaced.
3. Provided, however, that on a location where the Borough of Tinton Falls and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Borough of Tinton Falls and/or the other provider, as the case may be, to proceed is provided to the Borough of Tinton Falls, which authorization to proceed shall not unreasonably be withheld by the Borough of Tinton Falls and/or the other provider.
4. Provided further that if the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached, then an application for a Right-of-Way permit shall be required.
5. Notwithstanding anything to the contrary in this Section G, the Police Department, Traffic Safety Division, shall be notified for any activity that involves any road closure or other activity that will impact vehicle or pedestrian traffic.

H. Fees.

1. Application Fees. All applications for approval and issuance of a Small Wireless Facility Right-of-Way permit pursuant to this ordinance shall be accompanied by a fee as follows:
 - (a) For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
 - (b) For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

I. Escrow Fee for Third-Party Professionals and Consultants.

1. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility Right-of-Way permit shall be accompanied by an escrow fee of \$2,000.
2. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analyses related to the Borough of Tinton Falls' review of the materials submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Borough of Tinton Falls for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Borough of Tinton Falls for the review process of a Small Wireless Facility Right-of-Way permit application, such as, but not limited to:
 - (a) Professional fees for reviews by third-party professionals or consultants of applications,

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- plans and accompanying documents;
- (b) Issuance of reports or analyses by third-party professionals or consultants to the Borough of Tinton Falls setting forth recommendations resulting from the review of any documents submitted by the Applicant;
 - (c) Charges for any telephone conference(s) or meeting(s), including travel expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;
 - (d) Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;
 - (e) Review or preparation of right-of-way use agreements, easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and
 - (f) Preparation for and attendance at all meetings by third-party professionals or consultants serving the Borough of Tinton Falls, such as the Borough of Tinton Falls Attorney, Borough of Tinton Falls Engineer and Borough of Tinton Falls Planner or other experts as required.
3. The escrow account deposits shall be placed in a separate account by the Borough of Tinton Falls' Chief Financial Officer at the request of the Borough of Tinton Falls Clerk and an account shall be kept of each Applicant's deposit. Thereafter:
- (a) All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
 - (b) Third-party professional or consultant fees shall not be disbursed from escrow if they are for a service performed in the context of an identical paid service between applicant and same third-party who may otherwise be entitled to said fees.
 - (c) Upon either final denial of a Small Wireless Facility Right-of-Way permit application or upon issuance of a Small Wireless Facility Right-of-Way permit, any moneys not expended for third-party professional or consulting services shall be returned to the Applicant within 90 days upon written request by the Applicant and as authorized by the Borough of Tinton Falls Council;
 - (d) If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant;
 - (e) No Small Wireless Facility Right-of-Way permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges;
 - (f) All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
 - (g) Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge the Borough.
 - (h) The Borough of Tinton Falls shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Borough of Tinton Falls.

J. Municipal Access to New Structures.

An Applicant whose Right-of-Way permit includes the installation of any new Smart Pole structure of any of the types that are defined in in Section One: Definitions of this ordinance shall provide the Borough of Tinton Falls with access to space within the Smart Pole structure for the purpose of deploying Borough of Tinton Falls' own equipment including but not limited to, public access Wi-Fi, 911 call service or security cameras. Notwithstanding the foregoing, the Municipality use shall not interfere with Small Wireless Facilities of any other users of that Smart Pole. Any Municipal use pursuant to this section shall include a reimbursement to the applicant, on an annual basis, of the costs, on a dollar-for-dollar basis, of providing the Borough of Tinton Falls with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Borough of Tinton Falls and the costs of any repairs required to be made to the components used by the Borough of Tinton Falls, unless the repair costs are necessitated by the acts of the Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or

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intentional.

- K.** Notwithstanding any provision to the contrary, nothing in this code should be interpreted to have the effect of prohibiting or effectively prohibiting the deployment of broadband or other communications services

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.

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 asked if there were any written comments submitted to be read into the record this evening. Mrs. Hutchinson stated there were none.

Ellen Goldberg, 90 Glenwood Drive – Ms. Goldberg thanked Mr. Neff for having Glenwood Drive paved and Mr. Fallon for the budget presentation. Also thanked Ms. Buckley and Mrs. Clay for supporting the library/fashion show fundraiser which was a huge success. She read some comments from parents who wanted to thank the organizers of this event.

Gabriel Sanchez, 44 Periwinkle Circle – Mr. Sanchez commented on the overnight parking ordinance and wondered if there is some leniency in the enforcement. The driveways are too small to handle a family of drivers and wishes to be able to park in front of his house on the street. He stated the police officers who have come to his house and provided a warning or ticketed his car have been understanding of the situation, very cooperative and are just doing their job. Ms. Buckley stated that ordinance has not been updated since 1982 and will be reviewed and updated as needed. Mr. Starkey stated they will review the parking ordinances.

Nancy Ann Fama, 36 Gallant Fox Road – Ms. Fama thanked Administration and Mr. Fallon for a fiscally sound budget. She was happy to hear there is extra funding in the budget for additional police officers which is very important to the community. Ms. Fama asked when will the residents know what will be done with the extra funds and how that translates into headcount. Ms. Buckley stated approving the budget and the proposed extra funding of \$300,000 in the budget is not tied to an analysis of headcount at this time. An assessment will be performed, not necessarily in a months' time. Mr. Terefenko stated they are backfilling the officer positions as required by ordinance. After full staff is reached, he and the Police Chief will conduct an assessment and present their findings to the Mayor and Council for review.

Josh Walter, 30 Whirlaway Drive – Mr. Walter is concerned about the police assessment analysis taking too long since his family's home has experienced theft. He commented on the recent number of car thefts and attempted thefts in the neighborhood. The police officers who have responded have been outstanding. It would be extremely helpful to see the number of police officers increased to patrol the growing community. Ms. Buckley explained the process required and Mr. Manginelli acknowledged the urgency of the situation. Mr. Terefenko commented that the analysis is being done and is ongoing and will not take six to twelve months to complete. He stated the patrols in the neighborhood have been increased.

Denise Catalano, 11 Alpine Trail – Ms. Catalano expressed concern over the crime taken place in the community and urged for action sooner than later. She mentioned the recently approved cannabis ordinance which will also take police resources to patrol.

Joe Fama, 36 Gallant Fox Road – Mr. Fama questioned Mr. Fallon regarding the police budget increase of \$300,000 stating he would like to see a structural budget change since the percentage from 2021 to 2022 is still 5.5%. Mr. Fallon explained the savings from police retirements of officers at much higher salaries will enable the Borough flexibility to hire additional police officers at entry level salaries. Mr. Nesci asked what the budget would have been after the police retirements. Mr. Fallon responded 5.2% but with the additional \$300,000 to hire more police officers the budget is 5.5%. Mr. Fama commented he would like the percentage to reflect a structural increase and not from actual decreases in spending.

Jack Casey, 46 Sire Stakes Drive – Mr. Casey is also frustrated with the crime in his neighborhood and concurred with the previous resident regarding the police budget increase. Mr. Fallon explained how municipalities budget practices balance accrued savings with future spending and staff hiring. Mr. Casey commented the borough has increased in population and the only way to achieve safety is to be proactive and increase the number of police officers.

Mike DeLucia, Police Chief – Chief DeLucia commented that the Administration and Council are pro police, and the assessment analysis is being done quickly. He provided information on the increased patrols in the neighborhoods.

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Also, he asked for everyone to be patient and stated he will not hesitate to ask the Mayor, Administration and Council for increases in police officers to keep the town safe.

Ellen Silver, 22 Whirlaway Drive – Ms. Silver commented to increase the budget of the police department not just the budgeted \$300,000 that was saved from retirements. Mr. Fallon explained the percentage allocated to the police department’s budget has increased. In 2021 the percentage increase is 26.44% for salary, wages, pensions etc. which are not all the costs.

Kara Tote, 10 Phipps Place – Ms. Tote appreciated Chief DeLucia’s comments and stated the police department does do a good job. She would like to know if she calls 911 would police respond quickly. Also, she is not in favor of cars parking on the street overnight.

Elizabeth Carney, 1900 Wayside Road – Mrs. Carney, Shade Tree Commission, announced that the Borough was awarded Tree City for the 29th year and thanked Public Works staff for their efforts.

Gabriel Sanchez, 44 Periwinkle Circle – Mr. Sanchez would like something done regarding the no overnight parking on the street ordinance. He feels that this is a waste of time for law enforcement.

Adam Silver, 22 Whirlaway Drive - Mr. Silver commented on the crime concerns in his neighborhood that strange cars are appearing, and houses are being cased. He feels enforcing the existing ordinance of no overnight parking is helpful to the neighborhood.

Gabriel Sanchez, 44 Periwinkle Circle – Mr. Sanchez agrees with the suggestion of parking permits in the neighborhood. He feels this would be helpful to the residents and police so as not to waste their time knowing there are no strangers parked in the neighborhood. Mr. Dobrin agreed permits maybe helpful in neighborhoods where parking is an issue.

Denise Catalano, 11 Alpine Trail – Ms. Catalano feels parking permits are a good idea and made helpful setup suggestions for the permit process. Ms. Buckley agreed there are several good ideas suggested. Mr. Neff cautioned that the width of the roads will need to be considered and a study needs to be done to measure each road on each block in the town before committing to a parking permit solution. Emergency vehicles may not be able to pass if cars are parked overnight. He mentioned there are guidelines by NJDOT for residential site improvement standards to follow.

Mrs. Clay offered a motion to close the Public Discussion, seconded by Dr. Dobrin.

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

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RESOLUTIONS

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-087

MUNICIPAL BUDGET NOTICE

R-22-087

Section 1.

Municipal Budget of the BOROUGH of TINTON FALLS, County of MONMOUTH for the Fiscal Year 2022
 Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2022;
 Be it Further Resolved, that said Budget be published in the COASTER
 in the issue of APRIL 14, 2022
 The Governing Body of the BOROUGH of TINTON FALLS does hereby approve the following as the Budget for the year 2022:

RECORDED VOTE
(Insert Last Name)

Ayes Mrs. Clay Dr. Dobrin Mr. Manginelli Mr. Nesci Ms. Buckley	Nays None	Abstained None
Absent None		

Notice is hereby given that the Budget and Tax Resolution was approved by the COUNCIL MEMBERS of the BOROUGH of TINTON FALLS, County of MONMOUTH, on APRIL 5, 2022.
 A Hearing on the Budget and Tax Resolution will be held at BOROUGH OF TINTON FALLS, on MAY 3, 2022 at 7:30 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested persons.

MH
Michelle Hutchinson, Borough Clerk

CONSENT AGENDA

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

ROLL CALL

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-088

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to the general operations of the Borough of Tinton Falls and no adequate provision could have been made in the 2022 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$7,389,214 for the general budget and \$1,451,000 for the sewer utility operating budget.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A: 4-20:

1. An emergency temporary appropriation be and the same is hereby made for general operations in the amount of \$7,389,214 and for sewer operations in the amount of \$1,451,000, as per attached schedule
2. That said emergency temporary appropriations will be provided for in the 2022 budget under the same titles
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

R-22-088					EMERGENCY
					TEMPORARY
					APPROPRIATIONS
					2022

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		<u>GENERAL BUDGET</u>	
	Division of Administration		
		Salaries and Wages	\$ 100,000.00
		Other Expenses	8,000.00
		Information Technology	80,000.00
	Human Resources		
		Salaries and Wages	35,000.00
		Other Expenses	20,000.00
	Office of the Mayor		
		Salaries and Wages	2,000.00
	Borough Council		
		Salaries and Wages	6,000.00
	Municipal Clerk		
		Salaries and Wages	45,000.00
		Other Expenses	13,000.00
	Division of Finance		
		Salaries and Wages	60,000.00
	Division of Revenue		
		Salaries and Wages	52,000.00
		Other Expenses	6,000.00
	Office of Tax Assessor		
		Salaries and Wages	30,000.00
		Other Expenses	50,000.00
	Division of Central Services		
		Salaries and Wages	20,000.00
		Other Expenses	5,000.00
	Division of Zoning		
		Salaries and Wages	10,000.00
		Other Expenses	4,000.00
	Insurances		
		Liability Insurance	164,000.00
		Workers Compensation Insurance	88,000.00
		Employee Group Insurance	750,000.00
	Police Department		
		Salaries and Wages	1,250,000.00
		Other Expenses	20,000.00
	Municipal Court		
		Salaries and Wages	50,000.00
		Other Expenses	7,000.00
	Public Defender		
		Salaries and Wages	6,000.00
		Other Expenses	200.00
	Division of Emergency Management		
		Salaries and Wages	20,000.00
		Other Expenses	10,000.00
	Division of Health		
		Other Expenses	25,000.00
	Division of Fire Prevention		
		Salaries and Wages	25,000.00
		Other Expenses	1,000.00
	Prosecutor		
		Salaries and Wages	10,000.00

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		Other Expenses		1,000.00
	Division of Streets			
		Salaries and Wages		120,000.00
		Other Expenses		70,000.00
	Division of Sanitation			
		Salaries and Wages		320,000.00
		Other Expenses		5,000.00
		Landfill/Solid Waste Disposal		70,000.00
	Division of Central Maintenance			
		Salaries and Wages		130,000.00
		Other Expenses		120,000.00
	Division of Buildings and Grounds			
		Salaries and Wages		90,000.00
		Other Expenses		40,000.00
	Shade Tree Commission			
		Other Expenses		100.00
	Animal Control Services			
		Other Expenses		10,000.00
	Division of Recreation			
		Salaries and Wages		90,000.00
		Other Expenses		30,000.00
	Maintenance of Parks			
		Salaries and Wages		125,000.00
		Other Expenses		13,000.00
	Accumulated Leave Compensation			70,000.00
	Construction Code Officials			
		Salaries and Wages		90,000.00
		Other Expenses		3,000.00
	Division of Code Enforcement			
		Salaries and Wages		20,000.00
	Electricity			40,000.00
	Street Lighting			25,000.00
	Telephone			30,000.00
	Water			3,000.00
	Natural Gas			10,000.00
	Gasoline and Diesel Fuel			75,000.00
	Telecommunications			20,000.00
	Social Security System			200,000.00
	DCRP			2,000.00
	Public Employees' Retirement System			817,566.00
	Police and Firemen's Retirement System of NJ			1,701,348.00
	Recycling Tax			
		Other Expenses		1,000.00
	Shared Service - Municipal Court			75,000.00
	Total General Temporary Emergency Approp.			\$ 7,389,214.00
	<u>SEWER UTILITY BUDGET</u>			
		Salaries and Wages		\$ 100,000.00
		Other Expenses		1,200,000.00
		Capital Outlay		50,000.00

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	Public Employees Retirement System	91,000.00
	Social Security System	10,000.00
	Total Sewer Utility Temporary Budget	\$ 1,451,000.00

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-089

**RESOLUTION CERTIFYING COMPLIANCE WITH UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION'S GUIDANCE ON THE
CONSIDERATION OF ARREST AND CONVICTION RECORDS**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

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 states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**BOROUGH OF TINTON FALLS
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R-22-090

**RESOLUTION AUTHORIZING THE AWARD OF A PROPRIETARY CONTRACT FOR AN ADDITION
TO THE FINANCIAL/PURCHASING APPLICATION SOFTWARE**

WHEREAS, The Borough of Tinton Falls has a need to add additional software to an existing proprietary application; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(1)(dd), the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software may be awarded by the governing body without public advertising for bids; and

WHEREAS, the Borough of Tinton Falls is currently using Edmunds and Associates, Inc., and they have submitted a proposal in the amount of \$46,000 for the addition of Real Property Tax Billing, Utility Billing & Collections; and

NOW, THEREFORE, BE IT RESOLVED that Edmunds & Associates, Inc., 301A Tilton Road, Northfield, NJ 08225 be awarded the contract in the amount of \$46,000 for Real Property Tax Billing, Utility Billing & Collections; and additional Software and Services described on the attached proposal.

I hereby certify funds are available from: Current Budget:

Administration Information Technology - \$20,500

Sewer Budget: Other Expenses - \$25,500

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-091

RESOLUTION REFUNDING STREET OPENING BOND

WHEREAS, on 12/16/2019, Boring Brothers, Inc, 7070 English Creek Ave, Egg Harbor Township, NJ 08234, posted a \$250.00 street opening cash repair deposit for soil borings on Pine Brook Road Tinton Falls, NJ 07724.

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WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Boring Brothers, Inc, 7070 English Creek Avenue, Egg Harbor, NJ 08234, has completed the work described in Street Opening Permit 2019-12-004; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Boring Brothers, Inc, 7070 English Creek Avenue, Egg Harbor, NJ 08234 be released.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-092

RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, fees were collected for our recreational program(s).

WHEREAS, said money was deposited by the Borough of Tinton Falls.

WHEREAS, the Recreation Superintendent was informed the following registered player(s) were unable to participate in our recreational program(s). A refund in the amount listed shall be issued to each participant.

Program	Deposit Date	Payee	Amount Paid	Processing Fee Applied	Refund Amount
T-ball	2/28/2022	Emily O'Connor	\$80.00	\$10.00	\$70.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the multiple refunds in the amount listed in the "Refund Amount" column be issued.

**BOROUGH OF TINTON FALLS
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R-22-093

RESOLUTION – REFUNDING ESCROW – MICHAEL RUMMEL

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:

RUMMEL RUM 4143CU \$41.00

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-094

RESOLUTION – REFUNDING ESCROW – KAREN HERRICK

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.

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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:

HERRICK HER4186CU \$41.00

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-095

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2021 taxes on the following property has been made as a result of a Veteran's deduction for the year 2021 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
TF Campus, LLC 3000 Essex Road Tinton Falls, NJ 07753	128.03	19.05	\$250.00

Re: Arthur Sharp
316 Flagship Terrace
and,

WHEREAS, said deduction has resulted in an overpayment of 2021 taxes in the amount of \$250.00, 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 \$250.00 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 \$250.00.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-096

**RESOLUTION – RELEASING PERFORMANCE GUARANTEE – TOTE SUBDIVISION PHIPPS PLACE
BOROUGH OF TINTON FALLS BLOCK 105, LOT 22**

WHEREAS, the developer has requested the release of the Performance Guarantee posted for Tote Subdivision Phipps Place Borough Of Tinton Falls Block 105, Lot 22; and

WHEREAS, by letter dated March 14, 2022, (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all items have been completed and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for Tote Subdivision Phipps Place Borough Of Tinton Falls Block 105, Lot 22; be released subject to the payment of any and all outstanding engineering and inspection fees.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-097

**RESOLUTION – RELEASING PERFORMANCE GUARANTEE – WALTHAM ESTATES SUBDIVISION
– WALTHAM DRIVE BOROUGH OF TINTON FALLS BLOCK 98, LOT 1**

WHEREAS, the developer has requested the release of the Performance Guarantee posted for Waltham Estates Subdivision – Waltham Drive Borough Of Tinton Falls Block 98, Lot 1; and

WHEREAS, by letter dated March 29, 2022, (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all items have been completed and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for Waltham Estates Subdivision – Waltham Drive Borough Of Tinton Falls Block 98, Lot 1; be released subject to the payment of any and all outstanding engineering and inspection fees.

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**BOROUGH OF TINTON FALLS
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R-22-098

**RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF
MAINTENANCE GUARANTEE – W&M ASSOCIATES, LLC AMAZON SHIPPING AND RECEIVING
CENTER
1251 JUMPING BROOK ROAD BLOCK 128.03, LOT 47**

WHEREAS, the developer has requested the release of the Performance Guarantee posted for W&M Associates, LLC Amazon Shipping and Receiving Center, 1251 Jumping Brook Road, Block 128.03, Lot 47; and

WHEREAS, by letter dated February 4, 2022, (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all items have been completed and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for W&M Associates, LLC Amazon Shipping and Receiving Center, 1251 Jumping Brook Road, Block 128.03, Lot 47 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-22-099

RESOLUTION – APPROVAL OF BILLS – April 5, 2022

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 5, 2022; 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	3,399,692.66
SEWER UTILITY	29,777.97
GENERAL CAPITAL	19,419.95
GRANT FUND	94,159.50
TRUST FUNDS	15,879.98
ESCROW	<u>12,983.84</u>
TOTAL	3,571,913.90

CERTIFICATION OF FUNDS:

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: 9:23 PM

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Tracy Buckley, Council President

APPROVED AT A MEETING HELD ON: July 12, 2022