

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 6:30 PM. The meeting was held via remote means using the Webex Meeting Platform under rules established under NJSA 10:4-8(b) which allows meetings to be held digitally during a State of Emergency.

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

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

Mark Shaffery, Director of Public Works

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**EXECUTIVE SESSION**

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

**R-20-189 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)

- a. Proposed agreement between the Borough and Teamsters Local 177 (Clerical Employees)
- b. Proposed Side Bar Agreement between the Borough and PBA Local 251

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

- a. McEntegart vs. Borough of Tinton Falls, Docket No. MON-L-643-18

*Mr. Nesci offered a motion to approve Resolution R-20-189, seconded by Mrs. Clay.*

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

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Council President Buckley advised that Council was back on the record at 7:31 PM for the start of the Regular Meeting.

**ROLL CALL (Regular Meeting)**

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

ABSENT: None

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

Council President Buckley asked the Director of Law, Kevin Starkey to summarize the executive session discussion.

Mr. Starkey stated that there were 3 items discussed in Executive Session, the Council discussed the proposed agreement between the Borough and Teamsters Local 177, Clerical Employees, the proposed sidebar agreement with the Borough and PBA Local 251 which will both be the subject of public discussion, and we also discussed litigation in the matter of McEntegart vs. the Borough of Tinton Falls which matter will be made public at a later date.

**SALUTE TO THE FLAG:** Council President Buckley invited everyone attending the remote meeting to join in saying the Pledge of Allegiance.

**Council President's Introduction:**

Good Evening everyone, I am Council President Tracy Buckley. We are holding this meeting remotely utilizing the Webex platform. Joining me remotely are my fellow Councilmembers Risa Clay, John Manginelli, Mike Nesci and Brock Siebert, as well as Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey and Borough Engineer Tom Neff, Tinton Falls Office of Emergency Management Deputy Coordinator Dave Boehning, Tinton Falls Department of Public Works Director Mark Shaffrey, and IT Director Dan Romanov.

I would like to give special thanks to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing the Webex platform.

This is a live digital Council Meeting that we are holding under the rules established under NJSA 10:4-8(b), which allows this meeting to be held digitally during a State of Emergency. For those not familiar with the Webex platform, it allows members of the public to dial in from their computer, utilizing the Webex app, or from a regular phone utilizing a dial in number and meeting passcode. If you wish to be heard at any of the public comment portions of the meeting, please use the "Raise Your Hand" function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. You will be asked to state your name and address for the record and observe a time limit of three minutes.

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

Moreover, we would like to commend our Tinton Falls Office of Emergency Management, Tinton Falls Police Department, Tinton Falls Emergency Medical Services, Tinton Falls Fire Companies and Tinton Falls Dept of Public Works for your work on the front lines of this pandemic and for keeping us safe.

In these challenging times, the best we can do is to be kind to one another and remember courtesy is also contagious

**APPROVAL OF MINUTES** – There are no minutes for approval this evening.

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Borough Engineer – Thomas Neff**

Mr. Neff discussed two agenda items pertaining to purchase under State Contract for Hockhockson Park and Traditions Park for rubberized safety surface for the new playground. Hockhockson Park will have a general update with removal of the old playground equipment by DPW and replacing it with new equipment. Traditions Park is well underway with construction and this purchase is for the rubberized surface for a new playground. Mr. Neff also discussed Resolution R-20-194 which authorizes a change order for the 2020 Road Program to provide an increase in the contract for out of scope work to pave additional roads not included in the original contract to include Avalon Drive, Heather Drive, Braeburn Drive and Pear Street. Mr. Neff also advised that Shrewsbury Avenue paving is being continued and the gas company will be paving Hance Avenue to repair gas trenches that were installed. Mr. Siebert inquired if the whole width of Hance would be paved, Mr. Neff stated it was his impression that it would only be half of the roadway where the trenches were dug.

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

Mr. Fallon reported on the reimbursements available through the Care Act which are directly related to COVID-19 out of pocket expenses and managed by Monmouth County through grant funds they received from the Federal Cares Act. The total expenditures were for the period beginning March 1 through August 1, 2020 with the reimbursement of \$185,000. There will be one additional reimbursement for the period of September 1, through December 30<sup>th</sup>, and the program will then be ended unless extended by the Federal Government. Mr. Fallon reported that the Borough received bids on the sale of \$7.5 million in one year bond anticipation notes. There were three bids received with the lowest being .40 percent and the other two bins of .468 percent and .508 percent. Bond Council has informed that this is the lowest rate they have seen this year on a note issuance. Mr. Fallon stated that this will have a very positive effect in the preparation of the budget.

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

**Director of Law- Kevin Starkey**

Mr. Starkey gave an update on the host benefit agreement discussions with the County. The host benefit agreement is required by law and provides for benefits to be paid to the Borough by the County as the host community where the landfill is located. The amount of the payment is a negotiated amount. Mr. Starkey explained that although the agreement is expired, the terms of the agreement are in place and the borough is receiving the same economic benefit under the old agreement. Mr. Starkey stated that there have been several meetings with the County to discuss the agreement and a proposal by the borough was made in March of 2019, however the County has not yet responded to the proposal. There was a meeting on October 7<sup>th</sup> and the County requested additional information which was provided by Mr. Fallon that afternoon, and it was anticipated we would have received a response but have not yet received one.

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

Mayor Perillo echoed the comments of Council President Buckley regarding the good works of the Borough Employees and Staff.

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

**Council's Report**

-Mr. Manginelli inquired about the change order for the 2020 Road Program and wanted to know what the total cost of the original contract was. Mr. Neff stated that the original contract was \$2,165,368.90 and the proposed change order is \$119,905.00. Mr. Manginelli also asked for an update on the Hance Sycamore traffic light. Mr. Neff stated that the last update he had was for mid-November.

-Mrs. Clay stated she has no report

-Mr. Nesci stated the Planning Board hearing for the 1251 Jumping brook Road proposal was postponed because the meeting room was filled beyond capacity and they are currently looking for a larger facility or they will hold a hybrid meeting. The new hearing date and location will be available on the Borough website. Mr. Nesci advised that there is a Planning Board meeting next week for preliminary and final major site plan for Cappelli Sport Complex and major site plan for B'Nai Israel Cemetery Group. Mr. Nesci stated that Boy Scout Troop 124 will be taking preorders for donut and ground coffee orders since they are unable to fundraise due to COVID-19, please visit the Troop Face Book Page. The Department of Parks and Recreation will be holding another drive-in movie night on Friday October 30<sup>th</sup>, Mr. Nesci encouraged all to participate and to visit the borough website for details on other fall events planned.

-Mr. Siebert stated he has no report but wanted to thank Mr. Nesci for promoting the Recreation activities.

-Ms. Buckley echoed Mr. Siebert's comment and thanked the Recreation Department for their work. She also reported that the new borough website went live today and encouraged feedback. This has been a long time coming and thanked Dan, his department for everyone in the Borough that has provided input as to content. Ms. Buckley stated that the next Fort Monmouth Economic Revitalization Authority meeting will be held Wednesday October 21<sup>st</sup> at 7 PM via conference call. They are considering Plan Amendment #16 regarding Oceanport, Barker Circle parcel for public comment. There is nothing on the agenda pertaining directly to Tinton Falls. Ms. Buckley advised of the next Environmental Commission meeting will be held on Thursday October 22<sup>nd</sup> at 7:30 pm using the Webex platform. The notice will be on the website. She advised that the Commission will be reviewing the DEP new enhanced storm water ordinance. Ms. Buckley extended her thanks in advance to Mr. Neff for attending a portion of the meeting to go over the document.

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**ORDINANCES FOR INTRODUCTION**

Ms. Hesler read Ordinance 2020-1466 entitled:

**Ordinance 2020-1466 Ordinance Setting Salaries for Department Heads, Statutory Employees, Mayor and Council**

She stated that the public hearing scheduled for November 10, 2020.

*Mr. Nesci offered a motion to introduce Ordinance No. 2020-1466 seconded by Mrs. Clay*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

**ORDINANCE 2020-1466**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE SETTING SALARIES FOR DEPARTMENT  
HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL**

**WHEREAS**, both the general municipal law (N.J.S.A. 40A:9-165) and the Faulkner Act (N.J.S.A. 40:69A-43a and 180) require that certain salaries be adopted by ordinance; and

**WHEREAS**, the Borough of Tinton Falls (“the Borough”) does currently have an ordinance establishing these salaries, which is updated and adopted annually; and

**WHEREAS**, the Borough is restrained in establishing certain salaries pursuant to the terms of pre-existing collective bargaining agreements and New Jersey law impacting statutory employees.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following management salaries be established effective January 1, 2020 and January 1, 2021 as follows:

**SECTION ONE – STATUTORY EMPLOYEES**

|  | <u>Effective<br/>1/1/2020</u> | <u>Effective<br/>1/1/2021</u> |
|--|-------------------------------|-------------------------------|
| Chief Financial Officer<br>(Director of Audits, Accounts & Controls) | \$174,556                     | \$178,047                     |
| Borough Clerk  | \$82,232                      | \$83,877                      |
| Tax Assessor   | \$106,545                     | \$108,676                     |
| Tax Collector  | \$94,350                      | \$96,237                      |

**SECTION TWO – DEPARTMENT HEADS**

|                          |           |           |
|--------------------------|-----------|-----------|
| Director of Public Works | \$132,131 | \$134,774 |
| Police Chief             | \$210,150 | \$212,252 |

**SECTION THREE – MAYOR AND COUNCIL**

|                   |         |         |
|-------------------|---------|---------|
| Mayor             | \$6,000 | \$6,000 |
| Council President | \$5,000 | \$5,000 |
| Councilmembers    | \$4,500 | \$4,500 |

**SECTION FOUR – REPEALER**

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall hereby be repealed to the extent of any such inconsistency.

**SECTION FIVE – EFFECTIVE DATE**

This ordinance shall take effective upon publication pursuant to law and the General Revised Ordinances of the Borough of Tinton Falls.

**ORDINANCES FOR FINAL CONSIDERATION- None**

**PUBLIC DISCUSSION**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

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

**PUBLIC DISCUSSION OPEN**

*Michele Simon, Madison Court* – Ms. Simon thanked Mr. Nesci for his communication regarding the Planning Board issues and for giving an update on the Recreation programs. She thanked Mr. Starkey for his update on the Host Benefit negotiations.

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

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

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

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**RESOLUTIONS** - None

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**CONSENT AGENDA**

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

**ROLL CALL**

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

**R-20-190 Resolution Authorizing The Execution of the Sidebar Agreement Between the Borough of Tinton Falls and PBA Local 251**

**WHEREAS**, the Borough of Tinton Falls (“Borough”) and PBA Union Local 251 (“PBA”) are parties to a collective negotiations agreement (“CNA”) with a term of January 1, 2018 through December 31, 2021; and

**WHEREAS**, the Borough currently provides hospitalization and major medical coverage for employees that have retired on a disability pension or after twenty-five (25) years or more service credited in the pension system subject to any contribution required by P.L. 2011, c. 78; and

**WHEREAS**, Article XVI(C)(1)(a) of the CNA requires conformity with regard to premium contributions amongst bargaining units; and

**WHEREAS**, the PBA demanded negotiations pursuant to Article XVI(C)(1)(a) of the CAN concerning contributions for retirement health benefits; and

**WHEREAS**, the parties have agreed to amend Article XVI of the CNA; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Clerk are authorized to execute said Side Bar Agreement with PBA Union Local 337, which is attached hereto as Exhibit A.

**R-20-191 Resolution Approving the Terms of a Successor Collective Negotiations Agreement with Teamsters Local 177 (Clerical Workers)**

**WHEREAS**, the Borough of Tinton Falls (“Borough”) and the Teamsters Local 177 representing the Clerical Workers negotiations unit (“Union”) engaged in negotiations for a successor Collective Negotiations Agreement (“Agreement”); and

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

**WHEREAS**, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement (“MOA”); and

**WHEREAS**, the Union has ratified the terms contained in the MOA;

**WHEREAS**, the Borough wishes to approve the terms contained in the MOA and approve the form of the draft successor collective negotiations agreement for the term January 1, 2018-December 31, 2021.

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

- 1) That the Borough hereby accepts and approves the terms contained in the MOA and the successor collective negotiations agreement with the Union in substantially the same form as attached hereto;
- 2) The Mayor is authorized to execute the successor collective negotiations agreement on behalf of the Borough;
- 3) This Resolution shall take effect immediately.

**R-20-192 Resolution Authorizing Purchase Under State Contract**

**WHEREAS**, the Borough of Tinton Falls needs to purchase a rubber safety surface for the playground area at Hockhockson Park; and

**WHEREAS**, Rubbercycle, 1985 Rutgers University Blvd., Lakewood, NJ 08701 has a valid State Contract #16-FLEET-00131 for Park and Playground Equipment for a total purchase price in the amount of \$66,453.75; and

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

**WHEREAS**, Thomas Neff, PE, PP, CME of T & M Associates recommends this purchase;

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

- Playsafer Rubberbond Elevate Blend SF – 4,475 SF

I hereby certify funds are available from: Bond Ordinance: 2020-1462 - \$66,453.75

**R-20-193 Resolution Authorizing Purchase Under State Contract**

**WHEREAS**, the Borough of Tinton Falls needs to purchase a rubber safety surface for the playground area at Traditions Park; and

**WHEREAS**, Rubbercycle, 1985 Rutgers University Blvd., Lakewood, NJ 08701 has a valid State Contract #16-FLEET-00131 for Park and Playground Equipment for a total purchase price in the amount of \$62,370.00; and

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

**WHEREAS**, Thomas Neff, PE, PP, CME of T & M Associates recommends this purchase;

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

- Playsafer Rubberbond Elevate Blend SF – 4,200 SF

I hereby certify funds are available from: Bond Ordinance: 2020-1462 - \$62,370.00

**R-20-194 Resolution Authorizing Change Order #1 Increasing Contract #20-1 in the Amount Of \$119,905.00 2020 Road Improvement Program**

**WHEREAS**, Contract #20-1 for the 2020 Road Improvement Program was awarded to Fernandes Construction, Inc., 25 Stonegate Drive, Monroe, NJ 08831, by Resolution R-20-119 in the amount of \$2,165,368.90 at a Council Meeting held on June 16, 2020; and

**WHEREAS**, Change Order #1 dated October 13, 2020 from T & M Associates (annexed hereto and part hereof) request an increase in the amount of \$119,905.00 for reasons described therein, for a total contract in the amount of \$2,285,273.90; and

**REGULAR MEETING  
OCTOBER 20, 2020  
BOROUGH COUNCIL**

**NOW, THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Tinton Falls authorizes Change Order #1 increasing Contract #20-1 in the amount of \$119,905.00 for a total contract in the amount of \$2,285,273.90 is hereby authorized for the above contract awarded to Fernandes Construction, Inc.;

I hereby certify funds are available from: Capital Ordinance #19-1451

**R-20-195 Resolution – Refunding Escrow – Radar Properties**

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

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

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

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

**RADAR PROPERTIES RAD4364CO \$85.76**

**R-20-196 Resolution – Approval of Bills – October 20, 2020**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 20, 2020; and

**WHEREAS**, the Borough Council has reviewed said claims.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

**SUMMARY**

|                       |                     |
|-----------------------|---------------------|
| <b>GENERAL</b>        | <b>2,792,745.04</b> |
| <b>SEWER UTILITY</b>  | <b>317,259.93</b>   |
| <b>GRANT FUND</b>     | <b>19,275.00</b>    |
| <b>TRUST FUNDS</b>    | <b>7,951.58</b>     |
| <b>DOG TRUST FUND</b> | <b>33.00</b>        |
| <b>TOTAL</b>          | <b>3,137,264.55</b> |

CERTIFICATION OF FUNDS: /S/ Thomas P. Fallon, Chief Financial Officer

**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:55 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON:**