

**REGULAR MEETING
MARCH 16, 2021
BOROUGH COUNCIL**

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

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

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Melissa 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

Dave Boehning, Deputy Coordinator, OEM

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, Borough Engineer Tom Neff, Tinton Falls Dept of Public Works Director Mark Shaffery, 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 the public comment portion 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. To mute or unmute your phone press *6. 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 ongoing 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

Mr. Manginelli offered a motion to approve the January 19, 2021 Regular Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Mayor Vito Perillo

Mayor Perillo stated that it is with pride and joy that he reads the proclamation for his friend and neighbor, Mary Mazzacco on her 100th Birthday.

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**Proclamation Celebrating the 100th Birthday of
Mary Mazzacco**

WHEREAS, Mary Mazzacco was born in Asbury Park, New Jersey on March 21st, 1921.

WHEREAS, Mary is married to Jim, and is a wonderful mother to her son, and daughter, always teaching them important life lessons, and sharing with them her deep faith and her love of God. She was later blessed with two grandsons, their wives, and two great grandsons, and continues to treasure her strong bond with her family.

WHEREAS, Mary graduated from Asbury Park High School in 1938, winning the Latin Cup at graduation. She continued her education at Duke University and went on to teach History and English for 30 years.

WHEREAS, during her lifetime Mary loved to garden and travel, making several journeys cross-country. She had a love for sports, played tennis and still enjoys swimming. Mary is an active communicant of St. Anthony's Church in Red Bank.

WHEREAS, at 100 years of age, Mary is described as generous, caring, and treasures the friendship and kindness of her neighbors; and

NOW, THEREFORE, the Mayor and Council of Tinton Falls, do hereby honor Mrs. Mary Mazzacco for instilling love, consideration and compassion in future generations, and congratulate her on a century, as we proclaim this day, March 21st, 2021 as

"Mary Mazzacco Day"

2021 Budget Presentation

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon extended his congratulations to Mary on her 100th Birthday. 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 and quality of life services provided. He stated that the budget 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 discussed the decrease of total debt service and the ability to provide all non-road capital improvements directly in the budget, only providing for road improvement capital projects through long-term borrowing. 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 remain exactly the same as in 2020 therefore there will be no increase in the amount of municipal taxes levied and that will result in a 5.78 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 27 percent from 2014 to present which equates to an average reduction of approximately \$950,000 per year over the past 6 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 2016 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 overview of the 2021 design phase of the road improvement program and stated that construction is slated to begin in 2022. He stated there will be approximately 2.9 miles of improvement to 11 roads. In addition, a standalone capital sidewalk program will be implemented to include Improvements on Shrewsbury Avenue from Newman Springs Road to Sycamore Avenue and funds have been awarded to the Borough in the amount of \$265,000 from the NJDOT Municipal Aid Grant. The second part of the Capital Sidewalk Improvements will be to replace the asphalt sidewalks on Fox Chase Drive from Filly Way to Rider Lane with concrete. Mr. Neff stated that another large part of the Capital Program is the Park Improvements to Wardell Park (formerly known as Traditions), Sycamore Recreation Complex, Hockhockson Park, Riverdale West Park, and Liberty Park. Mr. Neff stated that there are capital improvements to the Shrewsbury Avenue Pump Station Upgrades and Design and the Leland Terrace Pump Station Upgrades and Design.

Mr. Fallon stated the public hearing on this budget will be held on April 20, 2021, the budget documents can be found on the website.

Mr. Fallon stated that on behalf of the OEM Office he wanted to report on the COVID19 cases. The numbers are down from the last report and are currently at 43. Mr. Fallon stated that vaccination information is posted on the website and our social media platforms. Telephone calls have gone out with the information using the hyper-reach system. Mr. Fallon stated that he also received information regarding free transportation for eligible residents and that information will be posted tomorrow.

Borough Engineer – Thomas Neff

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Mr. Neff reported that ordinance 2021-1470 Storm Water Management Control on the agenda this evening for final consideration. All municipalities must adopt revised ordinances as required by NJDEP.

Director of Law- Kevin Starkey

Mr. Starkey stated that he has no report. He commended Tom Fallon and Tom Neff on the tremendous budget presentation.

Borough Clerk – Melissa Hesler- No report

Council’s Report

-Mrs. Clay extended her congratulations to Mrs. Mazzacco on her 100th Birthday. She is an amazing, vibrant woman. Mrs. Clay thanked Mr. Fallon and Mr. Neff on the budget presentation. She reported that she attended the Board of Education meeting last evening and the Tinton Falls Schools are moving into the next phase of reopening the schools. The Board of Education also presented the preliminary school budget.

-Mr. Manginelli echoed Mrs. Clay’s congratulations to Mrs. Mazzacco and the great budget presentation. Mr. Manginelli commented on a flyer that was being circulated regarding the discharge of firearms ordinance and wanted to clear up some misinformation stated in the flyer. He stated that he asked that the ordinance be removed from the agenda and the reason had nothing to do with enforceability. He also wanted to clarify that the Police Department never stated that they would not or could not enforce the ordinance and wanted to be sure that the people that received that flyer new of the fallaciousness of both those statements.

-Mr. Nesci reported that the next Planning Board meeting will be March 24th at 7 PM. He thanked Mr. Fallon for preparing the budget and thanked both Mr. Fallon and Mr. Neff’s for the presentation. Mr. Nesci also extended birthday wishes to Mrs. Mazzacco.

-Mr. Siebert reported that the State has announced the application for the second round of the library grant has been released and the Library will be making application. He wished Mrs. Mazzacco a happy birthday.

-Ms. Buckley also extended her birthday wishes to Mrs. Mazzacco. Ms. Buckley reported that the next FMERA meeting will be March 17th at 5 pm and is open to the public. She advised that there is nothing on the agenda pertaining to Tinton Falls. Ms. Buckley stated that the Monmouth County Reclamation Center update report has been received and posted to the website.

ORDINANCES FOR INTRODUCTION

Mrs. Hesler read the title of Ordinance 2021-1471: Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

She stated that public hearing is scheduled for April 6, 2021.

Mr. Manginelli offered a motion to introduce Ordinance No. 2021-1471 seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE NO. 2021-1471
CALENDER YEAR 2021
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 1.0% 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 2021 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,

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WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$543,399.20 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 \$760,758.88 and that the CY 2021 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.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance No. 2020-1470 entitled:

2021-1470 Ordinance Amending Section 40-68 of the Borough Code, Entitled "Stormwater Management Requirements"

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

Mr. Manginelli offered a motion to open the public hearing on ordinance 2021-1470, seconded by Ms. Clay.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2021-1470, seconded by Mrs. Clay.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Manginelli offered a motion to adopt Ordinance 2021-1470, seconded by Mrs. Clay.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

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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.

Larysa Szkambara, Spring Meadow Complex- Ms. Szkambara inquired about affordable housing in Spring Meadow and whether a reimbursement will be given to residents for the assessment. Mr. Fallon, CFO/Acting Administrator stated he will follow up with the Affordable Housing Administrator and asked if Ms. Szkambara would call him tomorrow to follow up.

Susan Guarino, 2 Brown Drive- Ms. Guarino thanked the Council and Police for putting up the signs regarding no discharge of firearms and bows on the property near her home.

Brian Buckley, 17 Northcrest Drive- Mr. Buckley also thanked the Borough for the installation of signs regarding firearm discharge. He stated many people in his community were concerned about the discharge of firearms. Mr. Buckley stated he is in favor of the proposed changes in the ordinance.

Michele Simon, Madison Court- Ms. Simon thanked the Police Department and in particular Det. DeLucia for his presentation about the neighborhood watch program, it was informative and well attended.

Anthony Cicalese, 15 Yale Court- Mr. Cicalese asked Mr. Starkey about the enforceability of the current firearm discharge ordinance. Kevin Starkey, Director of Law stated that it is an ordinance on the books and to his knowledge it is being enforced when there is a violation. Mr. Cicalese stated that he had been informed that the ordinance was not enforceable and that is why the ordinance is being reviewed for revisions. He felt there was a disconnect somewhere and felt it should be enforced. Mr. Starkey stated the only issue with this ordinance it is sometimes difficult to enforce because the Police Department must be able to witness and/or locate a person who discharged a firearm in a prohibited area or inside a safety zone. That criteria is difficult to capture when responding to a call related to discharge of a firearm.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg stated that she took a group of middle and high school students over to the Police Department where they distributed cards and snacks to show their appreciation to the Police Department for being essential workers during the pandemic.

Mike Vanuga, 13 Yale Court- Mr. Vanuga commented on the issue of firearm discharge in the town. There are cars from out of town who park on the street and on municipal property for the purpose of hunting on the property in his development. Never have any tickets been given to these vehicles. He urged that something be done.

Council President Buckley asked if the Clerk received any written public comments. Mrs. Hesler stated she did not receive any written comments.

There being no further comments, Mr. Manginelli 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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Manginelli commended the Mayor on the great article in the Star Ledger about his term in office.

Mr. Siebert thanked Administration for the budget presentation and the Mayor for supporting the budget. He also extended thanks for including the Library in the budget.

RESOLUTION:

Mrs. Hesler read the title of the resolution. R-21-060 Introduction of the 2021 Municipal Budget

Mr. Manginelli offered a motion to approve resolution R-21-060, seconded by Mrs. Clay.

ROLL CALL

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

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MUNICIPAL BUDGET NOTICE									
Section 1.									
Municipal Budget of the <u>BOROUGH</u> of <u>TINTON FALLS</u> , County of <u>MONMOUTH</u> for the Fiscal Year 2021									
Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;									
Be it Further Resolved, that said Budget be published in the <u>COASTER</u>									
in the issue of <u>MARCH 25</u> , 2021									
The Governing Body of the <u>BOROUGH</u> of <u>TINTON FALLS</u> does hereby approve the following as the Budget for the year 2021:									
RECORDED VOTE <small>(Insert last name)</small>			Ayes		Nays		Abstained		Absent
			Mrs. Clay Mr. Manginelli Mr. Nesci Mr. Siebert Ms. Buckley						
Notice is hereby given that the Budget and Tax Resolution was approved by the <u>COUNCIL MEMBERS</u> of the <u>BOROUGH</u>									
of <u>TINTON FALLS</u> , County of <u>MONMOUTH</u> , on <u>MARCH 16</u> , 2021.									
A Hearing on the Budget and Tax Resolution will be held <u>BOROUGH OF TINTON FALLS</u> , on <u>APRIL 20</u> , 2021 at									
7:30 o'clock <u>pm</u> at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.									

CONSENT AGENDA

Mr. Manginelli 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-21-061 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.

R-21-062 Resolution - Refunding Tax Overpayment

WHEREAS, an overpayment of 2021 1st quarter taxes on the following property has been paid in error by the previous homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Donna A. McBarron 120 Kyle Drive Tinton Falls, NJ 07712	58.01	27	\$460.00

Re: Prop. Location: 88 Leland Terrace
and,

WHEREAS, said error in payment has resulted in an overpayment of the 2021 1st quarter taxes in the amount of \$460.00, 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 \$460.00 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 \$460.00.

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R-21-063 Resolution Authorizing Approval of Bills – March 16, 2021

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 16, 2021; 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	3,041,292.54
SEWER UTILITY	278,988.91
GENERAL CAPITAL	116,630.77
GRANT FUND	1,445.40
TRUST FUNDS	54,225.93
DOG TRUST FUND	810.00
ESCROW	15,701.00
ADDITIONS	<u>1,385,479.44</u>
TOTAL	4,894,573.99

CERTIFICATION OF FUNDS:

/S/ Thomas P. Fallon, Chief Financial Officer

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:59 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: June 15, 2021