

**REGULAR MEETING  
AUGUST 8, 2023  
BOROUGH COUNCIL**

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

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on December 20, 2022."

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**ROLL CALL**

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

ABSENT: None

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

All present stood for a salute to the Flag.

**APPROVAL OF MINUTES**

Ms. Buckley offered a motion to approve the July 11, 2023, Regular Session Minutes seconded by Dr. Dobrin.

**ROLL CALL**

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

ABSTAIN: None

NAYS: None

ABSENT: None

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

Mr. Manginelli announced there is a proclamation listed on the agenda tonight: The EMACC Celebrating 95 Years Supporting Local Businesses and two presentations by Senator Vin Gopal to Tinton Falls resident David Bettencourt upon graduation from the U.S. Merchant Marine Academy and Nate Williams for athletic accomplishments.



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**Borough Engineer – Thomas Neff**

Mr. Neff reported on the library construction project which will be using State contracts allowing the architect to obtain construction pricing soon with construction improvements to start this fall. The softball fields design project is moving along and hopes to break ground in the fall. He noted on the agenda tonight, R-23-126 Rectangular Rapid Flashing Beacon (RRFB) to be installed at the crosswalk by Mahala F. Atchinson School for improved safety.

**Director of Finance – Mr. Fallon**

Mr. Fallon has no report.

**Administrator – Mr. Terefenko**

Mr. Terefenko reported on recent successful events in the community, such as this summer’s police and recreation camps; National Night Out hosted by the Police Department. Also, he recognized the twenty-five cadet graduates from the Junior Police Academy and the well-attended graduation ceremony. He announced the upcoming Community Day will be held on Saturday, October 7<sup>th</sup>.

**Mayor – Vito Perillo**

Mayor Perillo had no report.

**Director of Law- Kevin Starkey**

Mr. Starkey had no report.

**Borough Clerk – Michelle Hutchinson**

Ms. Hutchinson had no report.

**Council’s Reports**

-Ms. Buckley report echoed Mr. Terefenko’s congratulations to the Police Department for successful events and thanked DPW and the Green Team for their efforts on the Recycling Webinar. She announced an upcoming event on August 25<sup>th</sup> is the Taste of Tinton Falls.

-Mrs. Clay expressed her thanks for the crosswalk light at Atchinson School to improve safety and Administration’s support of the softball fields. Also echoing the previous sentiments of appreciation for the Police Department and their efforts in the community. She noted on the agenda is R-23-121 August 31<sup>st</sup> is Overdose Awareness Day stating opioids is largest cause of death in the U.S. and listing some statistical data and awareness education. To assist with opioid awareness month the Borough will be putting up their opioid awareness flags throughout the town to remind residents of this serious issue and she thanked the Council for adding this to the agenda.

-Dr. Dobrin reported the Library’s Music Festival is Saturday, August 19<sup>th</sup> at the Sycamore Recreation Complex with details of entertainment and activities found on the Borough and Library websites. He thanked Mr. Neff for his efforts in the library construction project. He congratulated the Police Department on a successful graduating class of cadets from the Junior Police Academy and mentioned by name all in the department who contributed to the successful program.

-Mr. Nesci expressed his appreciation for the summer camp program coordinated and run by the Recreation Department and thanked everyone on their staff in bringing such a successful program to the Borough.

-Mr. Manginelli had no report.

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**ORDINANCES FOR INTRODUCTION**

Ms. Hutchinson read the title of the Ordinance: **2023-1506 AN ORDINANCE AMENDING CHAPTER 16, SECTION 9 OF THE BOROUGH CODE TO ADD A NEW SUBSECTION 9.3 TO BE ENTITLED “PRIVATELY-OWNED SALT STORAGE”**

Ms. Hutchinson stated that public hearing would be scheduled for Tuesday, September 5, 2023.

*Mrs. Clay offered a motion to introduce Ordinance No. 2023-1506 seconded by Ms. Buckley.*

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ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**BOROUGH OF TINTON FALLS  
MONMOUTH COUNTY**

**ORDINANCE NO. 2023-1506**

**AN ORDINANCE AMENDING CHAPTER 16, SECTION 9 OF THE  
BOROUGH CODE TO ADD A NEW SUBSECTION 9.3  
TO BE ENTITLED "PRIVATELY-OWNED SALT STORAGE"**

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

**SECTION 1.** Chapter 16, Section 9 of the Borough Code, entitled "Municipal Separate Storm Sewer System (MS4)" is hereby amended to add a new subsection 9.3, which will be entitled "Privately-Owned Salt Storage" and shall read as follows:

**§ 16-9.3 Privately-Owned Salt Storage**

**A. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned) in the Borough of Tinton Falls to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**B. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**De-icing Materials**

Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

**Impervious Surface**

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

**Permanent Structure**

A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

**Person**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**Resident**

A person who resides on a residential property where de-icing material is stored.

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**Storm Drain Inlet**

The point of entry into the storm sewer system.

**C. De-icing Material Storage Requirements:**

1. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
  - a) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - b) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;
  - c) Loose materials shall be formed in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - d) Loose materials shall be covered as follows:
    - i. The cover shall be waterproof, impermeable, and flexible;
    - ii. The cover shall extend to the base of the pile(s);
    - iii. The cover shall be free from holes or tears;
    - iv. The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
    - v. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
    - vi. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
  - e) Containers must be sealed when not in use; and
  - f) The site shall be free of all de-icing materials between April 16th and October 14th.
2. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15-April 15.
3. Any such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
4. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - a) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**D. Exemptions:**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section C above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**E. Enforcement:**

This ordinance shall be enforced by complaint signed by a member of the Department of Public Works, Code Enforcement or Public Safety of the Borough of Tinton Falls.

**F. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as stated in Chapter 1, Section 1-5 et seq.

**G. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

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**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.

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**ORDINANCES FOR FINAL CONSIDERATION**

**Ms. Hutchinson Read The Title Of The Ordinance: 2023-1502 Bond Ordinance Providing For The Borough's 2023-2024 Road Improvement Program, Appropriating \$4,200,000 Therefor And Authorizing The Issuance Of \$3,600,000 Bonds And Notes To Finance A Portion Of The Costs Thereof, Authorized In And By The Borough Of Tinton Falls, In The County Of Monmouth, New Jersey**

*Mr. Nesci offered a motion to open the Public Hearing on Ordinance No. 2023-1502, seconded by Dr. Dobrin.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2023-1502, seconded by Mr. Nesci.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

*Mr. Nesci offered a motion to adopt Ordinance No. 2023-1502, seconded by Mrs. Clay.*

**ROLL CALL**

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

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**Ms. Hutchinson read the title of the Ordinance: 2023-1503 Bond Ordinance Providing For Park Development And Improvements, Appropriating \$3,040,000 Therefor And Authorizing The Issuance Of \$2,800,000 Bonds And Notes To Finance A Portion Of The Costs Thereof, Authorized In And By The Borough Of Tinton Falls, In The County Of Monmouth, New Jersey.**

*Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2023-1503, seconded by Ms. Buckley.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2023-1503, seconded by Mr. Nesci.*

**ROLL CALL**

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

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**PUBLIC HEARING CLOSED**

*Mr. Nesci offered a motion to adopt Ordinance No. 2023-1503, seconded by Dr. Dobrin.*

**ROLL CALL**

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

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Ms. Hutchinson read the title of the Ordinance: **2023-1504 Ordinance Authorizing Community Service Contribution Agreement With Monmouth Medical Center, Inc. For Block 101.03, Lot 1 Within The Fort Monmouth Reuse And Redevelopment Plan Area.**

*Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2023-1504, seconded by Ms. Buckley.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2023-1504, seconded by Mr. Nesci.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

*Mr. Nesci offered a motion to adopt Ordinance No. 2023-1504, seconded by Dr. Dobrin.*

**ROLL CALL**

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

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Ms. Hutchinson read the title of the Ordinance: **2023-1505 Ordinance Authorizing Financial Agreement For Medical Office Building Upon Block 101.03, Lot 1 Within The Fort Monmouth Reuse And Redevelopment Plan Area By MMC Fort Monmouth Holdings Urban Renewal LLC, An Urban Renewal Entity, Authorized Pursuant To The Long Term Tax Exemption Law, N.J.S.A. 40a:20-1 Et Seq.**

*Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2023-1505, seconded by Ms. Buckley.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments, Mrs. Clay offered a motion to close the Public Hearing on Ordinance No. 2023-1505, seconded by Mr. Nesci.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

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*Ms. Buckley offered a motion to adopt Ordinance No. 2023-1505, seconded by Mrs. Clay.*

**ROLL CALL**

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

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

Mr. Manginelli asked the Clerk if there were any public comments submitted and there were none.

*There being no comments, Mr. Nesci offered a motion to close the Public Discussion, seconded by Ms. Buckley.*

**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**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-139**

**RESOLUTION – APPROVAL OF BILLS – AUGUST 8, 2023**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending August 8, 2023; 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>6,632,850.39</b>
<b>SEWER UTILITY</b>	<b>389,829.35</b>
<b>GENERAL CAPITAL</b>	<b>1,402.50</b>
<b>TRUST FUNDS</b>	<b>63,501.85</b>
<b>DOG TRUST FUND</b>	<b>3,110.80</b>
<b>ESCROW</b>	<b>44,473.72</b>
<b>ADDITIONS</b>	<b>21,818.60</b>
<b>TOTAL</b>	<b>7,156,987.21</b>

CERTIFICATION OF FUNDS:

*Mrs. Clay offered a motion to adopt Resolution R23-139, seconded by Dr. Dobrin.*

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**ROLL CALL**

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

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**CONSENT AGENDA**

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

**ROLL CALL**

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

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-121**

**RESOLUTION DECLARING AUGUST 31<sup>ST</sup> AS OVERDOSE AWARENESS DAY  
IN THE BOROUGH OF TINTON FALLS**

**WHEREAS**, Overdose Awareness Day aims to raise awareness of overdose, reduce the stigma surrounding drug-related deaths and remember those who have died or suffered permanent injury due to drug overdose; and

**WHEREAS**, an overdose occurs when a drug (or combination of drugs), including prescription medications prescribed by a doctor overwhelms the body; and

**WHEREAS**, prescription and illegal drug overdoses are now the number one cause of accidental death in the Nation, surpassing car accidents; and

**WHEREAS**, according to the Center for Disease Control and Prevention, more than 109,680 people died in 2022 as a result of a drug overdose, the highest recorded in a calendar year, compared with 109,179 in 2021; and

**WHEREAS**, according to the Office of the State Medical Examiner, in 2022, we lost 2,892 New Jerseyans to suspected overdose deaths; and

**WHEREAS**, by acknowledging residents who have been affected by overdose, we help the general public understand effects on New Jersey's communities; and

**WHEREAS**, practitioners, persons at high risk, family members and others can save lives by learning about signs of overdose and how to administer naloxone and then calling 9-1-1.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Tinton Falls declares August 31st as Overdose Awareness Day.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-122**

**RESOLUTION AUTHORIZING CONTRACT WITH GENERAL CODE  
FOR RECODIFICATION SERVICES**

**WHEREAS**, codification services are exempt from public bidding under the Local Public Contracts Law; and

**WHEREAS**, the Borough of Tinton Falls wishes to have a complete recodification of the Borough Code, including a comprehensive review and update of the 1990 Code, to include all legislation of a general and permanent nature; and

**WHEREAS**, the Borough has obtained a proposal from General Code for the complete recodification of the Borough Code; and

**WHEREAS**, the Borough Clerk recommends the utilization of General Code as a qualified vendor for this task for a contract in an amount not to exceed \$25,000; and



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**WHEREAS**, the Borough Council desires to authorize the Mayor to execute a contract with General Code on behalf of the Borough for recodification services.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to enter into a contract with General Code, 781 Elmgrove Road, Rochester, NY 14624 for the complete recodification of the Borough Code, including a comprehensive review and update of the 1990 Code, to include all legislation of a general and permanent nature, in an amount not to exceed \$25,000, consistent with the written proposal from General Code, subject to final review by the Director of Law.

I hereby certify funds are available from: Municipal Clerk: Revision and Codification of Ordinances

**BOROUGH OF TINTON FALLS  
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**R-23-123**

**RESOLUTION DESIGNATING THE ADMINISTRATIVE OFFICER OF THE RECORDS BUREAU AS  
CUSTODIAN OF RECORDS FOR THE BOROUGH OF TINTON FALLS POLICE DEPARTMENT**

**WHEREAS**, the Open Public Records Act (“OPRA”) requires the designation of any custodians of records, if other than the municipal clerk, to be officially designated by formal action of the governing body; and

**WHEREAS**, the Borough’s Police Department maintains a separate custodian of records to address numerous requests for records maintained by the Police Department; and

**WHEREAS**, it has been recommended that whoever serves as the Administrative Officer of the Records Bureau of the Police Department be automatically designated as the Police Department’s custodian of records.

**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 whoever serves as the Administrative Officer of the Records Bureau of the Police Department be and is hereby officially designated as the custodian of all records maintained by the Borough of Tinton Falls Police Department.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-124**

**RESOLUTION AUTHORIZING THE EXECUTION OF A COMMODITY RESALE AGREEMENT WITH  
THE COUNTY OF MONMOUTH**

**WHEREAS**, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

**WHEREAS**, the County of Monmouth has authorized the creation of the Monmouth County Commodity Resale System; and

**WHEREAS**, it would be in the best interest of the Borough of Tinton Falls to become a member of the Monmouth County Commodity Resale System.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk forward a certified copy of this Resolution, along with the executed Commodity Resale Agreement to the Clerk of the Board of County Commissioners, County of Monmouth, Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-125**

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEED OF OPEN SPACE EASEMENT TO THE  
COUNTY OF MONMOUTH FOR PROPERTY DESIGNATED AS BLOCK 123, LOTS 1, 13, 15, 16 AND 17,  
AND COMMONLY KNOWN AS THE LIBERTY PARK PROPERTY**

**WHEREAS**, the Borough owns the property known as Block 123, Lots 1, 13, 15, 16 and 17, encompassing approximately 39 acres, and commonly known as the Liberty Park property (the “Property”); and

**WHEREAS**, the County of Monmouth issued a grant in the amount of \$127,000 through its Open Space Grant Program for the development of the Property; and

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**WHEREAS**, a condition of the grant is the issuance of a Deed of Open Space Easement by the Borough to the County, in the form attached hereto, which requires the Borough to preserve the Property for public park, recreation and open space uses; and

**WHEREAS**, the Director of Law and Borough Engineer recommend to the Borough Council the approval of the Deed of Open Space Easement in the form attached hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls, as follows:

1. The Mayor is authorized, and the Borough Clerk to attest, to execute the Deed of Open Space Easement in the form attached hereto.
2. The Director of Law is authorized and directed to take any action necessary to have the Deed recorded with the County Clerk.
3. A certified copy of this Resolution shall be provided to the County of Monmouth.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-125**

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEED OF OPEN SPACE EASEMENT TO THE COUNTY OF MONMOUTH FOR PROPERTY DESIGNATED AS BLOCK 123, LOTS 1, 13, 15, 16 AND 17, AND COMMONLY KNOWN AS THE LIBERTY PARK PROPERTY**

**WHEREAS**, the Borough owns the property known as Block 123, Lots 1, 13, 15, 16 and 17, encompassing approximately 39 acres, and commonly known as the Liberty Park property (the "Property"); and

**WHEREAS**, the County of Monmouth issued a grant in the amount of \$127,000 through its Open Space Grant Program for the development of the Property; and

**WHEREAS**, a condition of the grant is the issuance of a Deed of Open Space Easement by the Borough to the County, in the form attached hereto, which requires the Borough to preserve the Property for public park, recreation and open space uses; and

**WHEREAS**, the Director of Law and Borough Engineer recommend to the Borough Council the approval of the Deed of Open Space Easement in the form attached hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls, as follows:

1. The Mayor is authorized, and the Borough Clerk to attest, to execute the Deed of Open Space Easement in the form attached hereto.
2. The Director of Law is authorized and directed to take any action necessary to have the Deed recorded with the County Clerk.
3. A certified copy of this Resolution shall be provided to the County of Monmouth.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-126**

**RESOLUTION AUTHORIZING  
THE INSTALLATION OF  
RECTANGULAR RAPID FLASHING BEACON (RRFB)**

**WHEREAS**, the Borough of Tinton Falls solicited quotes for the installation of a Rectangular Rapid Flashing Beacon (RRFB) crossing at 961 Sycamore Avenue (Mahala F. Atchison School); and

**WHEREAS**, Quality Electrical Construction, 9 Plum Lane, Holmdel, NJ 07733 submitted the lowest responsible quote in the amount of \$39,006 for the above contract; and

**WHEREAS**, Thomas P. Neff, P.E., P. P., C.M.E., Borough Engineer recommends this award in his letter attached dated July 28, 2023; and

**NOW, THEREFORE BE IT RESOLVED** that Quality Electrical Construction, 9 Plum Lane, Holmdel, NJ 07733 be awarded a contract in the amount of \$39,006 for the installation of a Rectangular Rapid Flashing Beacon (RRFB) crossing at 961 Sycamore Avenue (Mahala F. Atchison School);

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

I hereby certify funds are available from: Capital Budget: Improvements to Sycamore Avenue Sidewalks

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**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-127**

**RESOLUTION – RELEASING PERFORMANCE GUARANTEE – HOVCHILD BOULEVARD  
BOROUGH OF TINTON FALLS BLOCK 150.03, LOT 1-109**

**WHEREAS**, the developer has requested the release of the Performance Guarantee posted for Hovchild Boulevard Borough Of Tinton Falls Block 150.03, Lot 1-109 posted by D.R. Horton; and

**WHEREAS**, by letter dated July 11, 2023, (said letter attached and hereby made part of this Resolution), the Borough Engineer 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 Hovchild Boulevard Borough Of Tinton Falls Block 150.03, Lot 1-109; be released subject to the payment of any and all outstanding engineering and inspection fees.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-128**

**RESOLUTION AUTHORIZING CHANGE ORDER #3  
DECREASING CONTRACT #21-2 IN THE AMOUNT OF \$14,278.15  
SHREWSBURY AVENUE PUMP STATION UPGRADES**

**WHEREAS**, Contract #21-2 for the Shrewsbury Avenue Pump Station Upgrades was awarded to T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 submitted the lowest responsible bid for a total amount of \$423,802 at a meeting held on August 10, 2021; and

**WHEREAS**, Change Order #1 dated July 28, 2022, only changed the contract completion date resulting in a zero (0) net change to the total contract amount; this was approved by Resolution #R-22-164 on August 9, 2022; and

**WHEREAS**, Change Order #2 dated April 13, 2023, increased the contract in the amount of \$20,791.50, for a total contract in the amount of \$444,593.50

**WHEREAS**, Change Order #3 dated June 29, 2023, from T & M Associates (annexed hereto and part hereof) decreases the contract in the amount of \$14,278.15, for a total contract in the amount of \$430,315.35

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that Change Order #3 decreasing Contract #21-2 in the amount of \$14,278.15 for a total contract in the amount of \$430,315.35 is hereby authorized for the above contract awarded to T. R. Weniger, Inc.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-129**

**RESOLUTION AUTHORIZING PURCHASE UNDER  
SOURCEWELL COOPERATIVE PURCHASING AGREEMENT  
ONE (1) CLEAVER BROOKS HOT WATER BOILER**

**WHEREAS**, the Borough of Tinton Falls Municipal Building is in need of one (1) Cleaver Brooks Hot Water Boiler, Model CFC-E700-1500-125HW, natural gas; and

**WHEREAS**, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative as approved by Resolution #R-16-123; and

**WHEREAS**, Johnson Controls, 264 Fernwood Avenue, Edison, NJ 08837 is a valid vendor on the Sourcewell Cooperative, for the purchase of one (1) Cleaver Brooks Hot Water Boiler, Model CFC-E700-1500-125HW for a total purchase price in the amount of \$123,790.50; and

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

**WHEREAS**, Mark Shaffery, Director of Public Works recommends this purchase.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council authorizes the following purchase under the valid Sourcewell Cooperative:

**One (1) Cleaver Brooks Hot Water Boiler**

I hereby certify funds are available from: Capital Budget: Improvements to Public Buildings and Grounds

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**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-130**

**RESOLUTION – REFUNDING ESCROW – CHRISTOPHER GLASSER**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:  
**Christopher Glasser, GLA5942CO \$568.82**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-131**

**RESOLUTION - AUTHORIZING CANCELATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS**, Tax Sale Certificate #3188 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 2.02 Lot 72 (4 Howard Avenue), assessed to Kimball Builders, at a tax sale held on October 16, 2019, and

**WHEREAS**, the property owner has redeemed Certificate #3188 by paying the full amount of the delinquency.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #3188 for cancelation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3188 was redeemed on July 18, 2023.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-132**

**RESOLUTION REFUNDING TAX OVERPAYMENT TO BE APPLIED TO 2023 TAXES**

**WHEREAS**, an overpayment of 2022 taxes on the following property has been made as a result of a duplicate payment from the homeowner and mortgage company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	129.07	20	\$2,597.28

Re: B. Butler & A. Detmering  
3 Jodphur Court

and,

**WHEREAS**, said payment has resulted in an overpayment of the 2022 taxes totaling \$2,597.28 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,597.28, is hereby approved for the aforementioned property. Said overpayment shall be applied to the 2023 property taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$2,597.28.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-133**

**RESOLUTION ALLOWING FOR THE EXTENSION OF THE  
TAX BILL INTEREST PENALTY DEADLINE**

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**WHEREAS**, certification of the tax rate was not received until July 10, 2023, causing the late printing of the property tax bills, and

**WHEREAS**, the third quarter property taxes were due on August 1, 2023, with a ten (10) day grace period for interest to August 10, 2023, and

**WHEREAS**, the Tax Collector was not able to complete the mailing of the tax bills until August 4, 2023 for reasons stated above and requests the interest penalty date be extended to August 29, 2023, 25 days from the date of mailing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the interest penalty for the 2023 3<sup>rd</sup> quarter property tax bills be extended to August 29, 2023.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-134**

**RESOLUTION REFUNDING TAX OVERPAYMENT TO BE APPLIED TO 2024 TAXES**

**WHEREAS**, an overpayment of 2023 taxes on the following property has been paid in error in the year 2022 by the Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	16	1.162	\$552.71

Re: Montana, John Gary & Joanne  
23 Hazelwood Terrace  
and,

**WHEREAS**, said payment has resulted in an overpayment of the 2023 taxes totaling \$552.71 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 \$552.71, is hereby approved for the aforementioned property. Said overpayment shall be applied to 2024 taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$552.71.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-134**

**RESOLUTION REFUNDING TAX OVERPAYMENT TO BE APPLIED TO 2024 TAXES**

**WHEREAS**, an overpayment of 2023 taxes on the following property has been paid in error in the year 2022 by the Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	16	1.162	\$552.71

Re: Montana, John Gary & Joanne  
23 Hazelwood Terrace  
and,

**WHEREAS**, said payment has resulted in an overpayment of the 2023 taxes totaling \$552.71 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 \$552.71, is hereby approved for the aforementioned property. Said overpayment shall be applied to 2024 taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$552.71.

**BOROUGH OF TINTON FALLS**

**R-23-135**

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**COUNTY OF MONMOUTH**

**RESOLUTION – CANCELING 2023 TAXES**

**WHEREAS**, overbillings of 2023 taxes have been made as a result of Senior Citizen and Veteran’s deductions for the tax year 2023 to properties known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
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(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

**WHEREAS**, said reductions have resulted in cancelations of the 2023 taxes in the amount of \$1,000.00 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that cancelations in the amount of \$1,000.00 are hereby approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$1,000.00.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-136**

**RESOLUTION REFUNDING TAX OVERPAYMENT TO BE APPLIED TO 2024 TAXES**

**WHEREAS**, an overpayment of 2023 taxes on the following property has been paid in error in the year 2022 by the Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	26.01	180	\$1,362.34

Re: 122 Secretariat Court, LLC  
122 Secretariat Court  
and,

**WHEREAS**, said payment has resulted in an overpayment of the 2023 taxes totaling \$1,362.34 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 \$1,362.34, is hereby approved for the aforementioned property. Said overpayment shall be applied to 2024 taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$1,362.34.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-137**

**RESOLUTION - CANCELING & REFUNDING TAXES DUE TO  
100% TOTALLY DISABLED VETERAN EXEMPTIONS**

**WHEREAS**, overbillings and overpayments of 2023 Taxes have been made as a result of 100% Totally Disabled Veteran Exemptions for the year of 2023.

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)	VARIOUS		\$14,218.76	\$4,937.95	\$19,156.71

and,

**WHEREAS**, said exemptions resulted in overbillings and overpayments of the 2023 taxes in the amount of \$19,156.71 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$14,218.76 be canceled for the year 2023 and that refunds in the amount of \$4,937.95 are hereby approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be

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\$14,218.76 and the amount of overpayment to be \$4,937.95.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-138**

**RESOLUTION DECLARING SEPTEMBER 11, 2023 AS A BOROUGH HOLIDAY**

**WHEREAS**, in light of the significance of the attacks on America on September 11, 2001, and the importance of September 11<sup>th</sup> as a day of remembrance, reflection and mourning, the Borough of Tinton Falls desires to declare September 11, 2023 as a paid holiday for its employees so that they can reflect upon the losses suffered by America on that fateful day; and

**WHEREAS**, the County of Monmouth has declared September 11, 2023 to be a County holiday, and has called upon the municipalities in the County to join in this day of remembrance; and

**WHEREAS**, the Borough calls upon its employees and the Borough at large to use September 11, 2023 as a day of service to benefit our fellow citizens.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that:

1. September 11, 2023 is hereby declared to be an official holiday for 2023 and the Borough shall therefore be closed for business.
2. Those Borough employees normally required to report to work on a declared Borough holiday shall do so on September 11, 2023 in accordance with Borough policy and subject to the pertinent terms of any application collective negotiations agreements (essential employees).
3. The declaration that September 11, 2023 is a paid holiday for Borough employees is not intended to and shall not be deemed to create a "past practice" for future years.
4. Certified copies of this Resolution shall be forwarded to the Borough Administrator; the Borough Director of Finance; Labor Counsel; all Borough Department Heads; and the Monmouth County Administrator.

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**R-23-139**

**RESOLUTION – APPROVAL OF BILLS – AUGUST 8, 2023**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending August 8, 2023; 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>6,632,850.39</b>
<b>SEWER UTILITY</b>	<b>389,829.35</b>
<b>GENERAL CAPITAL</b>	<b>1,402.50</b>
<b>TRUST FUNDS</b>	<b>63,501.85</b>
<b>DOG TRUST FUND</b>	<b>3,110.80</b>
<b>ESCROW</b>	<b>44,473.72</b>
<b>ADDITIONS</b>	<b>21,818.60</b>
<b>TOTAL</b>	<b>7,156,987.21</b>

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**EXECUTIVE SESSION**

**ADJOURNMENT**

*Ms. Buckley offered a motion to adjourn, seconded by Mrs. Clay.*

**ROLL CALL**

AYES: All in Favor

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NAYS: None  
ABSENT: None  
ABSTAIN: None

TIME: 7:59pm

Respectfully Submitted,

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Michelle Hutchinson, Borough Clerk

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John Manginelli, Council President

APPROVED AT A MEETING HELD ON: September 5, 2023.