

**REGULAR MEETING
FEBRUARY 4, 2025
BOROUGH COUNCIL**

Council President Clay 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 and the New Coaster at least 48 hours prior to the meeting and filing with the Borough Clerk all on January 7, 2025."

ROLL CALL (Regular Meeting)

PRESENT: Ms. Buckley, Dr. Dobrin, Mr. Nesci, Mrs. Clay
ABSENT: Mr. Alessi
ALSO PRESENT: Michelle Hutchinson, Borough Clerk
Scott Kenneally, Director of Law Representative
Charles Terefenko, Business Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Dr. Dobrin offered a motion to approve January 7, 2025, Regular Meeting Minutes seconded by Ms. Buckley.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff reported on the Wardell Park restrooms construction hoping to open in Spring 2025 and working on the 2025 capital budget with Mr. Terefenko and Mr. Fallon for projects later this year.

Director of Finance – Tom Fallon

Mr. Fallon had no report.

Business Administrator – Charles Terefenko

Mr. Terefenko reported they are moving along with the Walz property and reiterated what Mr. Neff stated.

Director of Law Representative - Scott Kenneally

Mr. Kenneally had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Reports

-Ms. Buckley reported next Monday is the Historic Preservation Commission meeting at the Crawford House. This Saturday at 11:00am at Crawford House, the Environmental Commission and Green Team are having their second information session on the Environmental Resource Inventory Project. Everyone is welcome to attend.

-Dr. Dobrin reported the committee is making plans for the 75th Anniversary of Tinton Falls on September 4th, 5th and 6th.

-Mr. Nesci reported a series of meetings have been conducted regarding celebration plans for the 75th Anniversary of Tinton Falls. Many ideas and plans have been suggested and will be shared soon.

-Mrs. Clay reported attending a ribbon cutting at Latitudes Hotel. Attended the Board of Education meeting on January 23rd which included a student talent showcase from the Swimming River School. The Tinton Falls Police Department and Monmouth County Prosecutors Office are hosting a *Community Safety Series* on February 10th at 6:00pm at Borough Hall. Everyone is welcome to attend. Mrs. Clay commented on Ordinance 2025-1523 Project Labor Agreement which

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includes a provision that we will hire Tinton Falls residents for 20% of a project which is over five million dollars.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2025-1523 An Ordinance Creating A New Chapter 25 In The Borough Code of The Borough of Tinton Falls To Be Entitled "Project Labor Agreements"**

Ms. Hutchinson stated that the public hearing would be scheduled for Tuesday February 18, 2025.

Dr. Dobrin offered a motion to introduce Ordinance No. 2025-1523 seconded by Mr. Nesci.

ROLL CALL

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

ABSTAIN: None

NAYS: None

ABSENT: Mr. Alessi

ORDINANCE NO. 2025-1523

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE CREATING A NEW CHAPTER 25 IN THE BOROUGH CODE
OF THE BOROUGH OF TINTON FALLS TO BE ENTITLED
"PROJECT LABOR AGREEMENTS"**

WHEREAS, the Borough of Tinton Falls has a compelling interest in awarding public works contracts so as to ensure the highest standards of quality and efficiency at the lowest responsible cost; and

WHEREAS, a project labor agreement, which is a form of pre-hire collective bargaining agreement covering all terms and conditions of a specific project; can ensure the highest standards of quality and efficiency at the lowest responsible cost on appropriate public works projects; and

WHEREAS, project labor agreements provide the Borough of Tinton Falls with a guarantee that public works projects will be completed with highly skilled workers; and

WHEREAS, project labor agreements provide for peaceful, orderly and mutually binding procedures for resolving labor issues without labor disruption; and

WHEREAS, project labor agreements allow public agencies to more accurately predict the actual cost of the public works project; and

WHEREAS, the use of project labor agreements can be of specific benefit for complex construction projects in excess of Five Million Dollars (\$5,000,000); and

WHEREAS, the use of project labor agreements shall be considered on a project-by-project basis where such agreements benefit the Borough of Tinton Falls, from a cost, efficiency, quality, safety and/or timeliness standpoint.

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of Borough of Tinton Falls, County of Monmouth, State of New Jersey that a new Chapter 25 of the Borough Code is hereby created and shall be entitled "Project Labor Agreement."

SECTION 1. The Borough Council of the Borough of Tinton Falls does hereby create a new Chapter 25 in the Borough Code to be entitled "Project Labor Agreements," and which shall read as follows:

CHAPTER 25

PROJECT LABOR AGREEMENTS

§ 25-1 DEFINITIONS

For the purposes of this chapter, the following words and their derivations shall have the meaning given herein:

APPRENTICE

Means a worker who participates in a federal or state apprenticeship program or, as an apprentice equivalent, participates in a DOL approved training program, takes a construction apprenticeship test, and receives benefits and pay not less than those received by an apprentice.

APPRENTICESHIP PROGRAM

Means a registered apprenticeship program providing to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprentice able trade, and

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registered by the Office of Apprenticeship of the U.S. Department of Labor and meeting the standards established by the Office, or registered by a State apprenticeship agency recognized by the office.

JOURNEYMAN

Means a skilled worker who is a member of a Labor Organization and who has successfully completed an official apprenticeship qualification in a building trade or craft.

LABOR ORGANIZATION

Means an organization which represents, for purposes of collective bargaining, employees involved in the performance of public construction projects, that has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work and has an apprenticeship program.

LABOR PERSON HOURS

Means the number of hours worked multiplied by the number of employees performing such work.

PROJECT COMPLETION

It means the determination by the Borough of Tinton Falls, in whole or in part, is ready for the use intended, which ordinarily shall mean the date on which the project receives its Final Certificate of Occupancy.

PROJECT LABOR AGREEMENT (PLA)

Means a form of pre-hire collective bargaining agreement between a Labor Organization and the Contractor for a specific construction job that contains at a minimum the requirements set forth in this Chapter.

PUBLIC WORKS PROJECT

Means any construction contract entered into by the Borough of Tinton Falls wherein public funds are utilized or a construction project subject to the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq., the total cost of which is equal to or exceeds \$5,000,000, exclusive of any land acquisition costs.

RESIDENT

Means any person who currently lives in the Borough of Tinton Falls and/or the County of Monmouth and who has lived in the Borough of Tinton Falls and/or the County of Monmouth for the previous 12 months.

SUBSTANTIAL COMPLETION

Means any construction project that is not completed but is near completion by virtue of the project receiving a Temporary Certificate of Occupancy from the Construction Official of the Borough of Tinton Falls or a Certificate of Substantial Completion from the Borough Engineer.

TEMPORARY CERTIFICATE OF OCCUPANCY

Means a certificate that is issued by the Construction Official of the Borough of Tinton Falls when a project has been substantially completed as determined by the Borough Engineer or other appropriate Borough Official provided that such portion or portions may be occupied safely prior to full completion of the building or structure without endangering health or safety.

TOTAL CONSTRUCTION COST

Means all costs, including infrastructure, excluding only land acquisition costs, incurred to construct a project through the date of completion, that is, the date the Final Certificate of Occupancy is issued.

§ 25-2 PROJECT LABOR AGREEMENTS REQUIRED; GENERAL TERMS

§25-2.1 Requirements

All Bid Specifications, Project Manuals, draft and final contracts for Public Works Project as define herein, which are estimated to exceed \$5,000,000, exclusive of any land acquisition costs, shall require the execution of a Project Labor Agreement that complies with the requirements of this chapter and N.J.S.A. 52:38-1 et seq. The Mayor may, having taken into consideration the nature, size and complexity of the project, determine that a Project Labor Agreement (PLA) is not required. In all cases where a Project Labor Agreement is utilized, it must advance the interests of the Borough of Tinton Falls, including cost, efficiency, quality, time lines, and need for a skilled labor force and safety.

§ 25-2.2 Terms

All Project Labor Agreements shall contain the following terms:

- a. A guarantee that there will be no strikes, lock-outs, or other similar actions;
- b. Procedures to insure the effective, immediate, and mutually binding resolutions of jurisdictional and labor disputes arising before the completion of the work;
- c. A provision to bind all contractors and subcontractors on the project in all relevant documents;
- d. Evidence that each contractor and subcontractor working on the project has a local Federally-registered apprenticeship program;
- e. Conformity with all statutes, regulations and Borough of Tinton Falls ordinances regarding the implementation of the Borough of Tinton Falls's goals for women and Minority-owned businesses;
- f. A requirement that 20% of the labor hours required shall be performed by residents of the Borough of Tinton Falls, who are apprentices and graduates of Federally-registered apprenticeship programs. If it can be demonstrated that fulfilling this requirement is not possible because there are not enough apprentices or graduates of Federally-registered apprenticeship programs available in Tinton Falls, the required percentage of apprentices will be decreased accordingly.

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- g. A requirement that the Contractor and Labor Organizations shall furnish to the Borough of Tinton Falls and/or the Mayor any and all reports or other documents which the Borough may reasonably request from time to time in order to carry out the purposes of this chapter, including but not limited to reports and records to support the work hours stated in the above reports must be maintained for a period of three years after project completion. All records shall be made available to the Borough of Tinton Falls upon 10 days' prior written notice.
- h. Site Access. Representatives of the Borough of Tinton Falls shall be required to have appropriate access to all work sites in order to monitor compliance.
- i. All requirements pursuant to N.J.S.A. 52:38-1 *et seq.*

§ 25-2.3 Remedies.

In the event that either the Contractor and/or the Labor Organization should violate this chapter, the Borough of Tinton Falls may seek any and all remedies available to it at law or equity. Such remedies include, but are not limited to, compelling the Contractor and/or the Labor Organization to complete a remedial employment action plan, pay liquidated damages or the Borough of Tinton Falls may elect to terminate the Public Works Project Contract.

SECTION 2. All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 3. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hutchinson read the title of the Ordinance: **2025-1520 An Ordinance Vacating The Borough's Rights And Interest In A Roadway Known As Gun Club Road**

Mr. Nesci offered a motion to open the Public Hearing on Ordinance No. 2025-1520, seconded by Dr. Dobrin.

ROLL CALL

AYES: All In Favor
NAYS: None
ABSTAIN: None
ABSENT: Mr. Alessi

PUBLIC HEARING OPEN

Ed Segarra, 809 Green Grove Road – Mr. Segarra wanted to know what the next steps would be in getting the lot rezoned. Mr. Neff explained the process.

There being no further comments, Dr. Dobrin offered a motion to close the Public Hearing on Ordinance No. 2025-1520, seconded by Mr. Nesci.

ROLL CALL

AYES: All In Favor
NAYS: None
ABSTAIN: None
ABSENT: Mr. Alessi

PUBLIC HEARING CLOSED

Mr. Nesci offered a motion to adopt Ordinance No. 2025-1520, seconded by Dr. Dobrin.

ROLL CALL

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

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Ms. Hutchinson read the title of the Ordinance: **2025-1521 An Ordinance Amending Chapter 40, Land Use Ordinance, Of The Borough Code To Revise The Zoning Requirements For Cemeteries**

Ms. Buckley offered a motion to open the Public Hearing on Ordinance No. 2025-1521, seconded by Dr. Dobrin.

ROLL CALL

AYES: All In Favor
NAYS: None
ABSTAIN: None
ABSENT: Mr. Alessi

PUBLIC HEARING OPEN

There being no comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2025-1521, seconded by Dr. Dobrin.

ROLL CALL

AYES: All In Favor
NAYS: None
ABSTAIN: None
ABSENT: Mr. Alessi

PUBLIC HEARING CLOSED

Ms. Buckley offered a motion to adopt Ordinance No. 2025-1521, seconded by Mr. Nesci.

ROLL CALL

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

Ms. Hutchinson read the title of the Ordinance: **2025-1522 An Ordinance Setting Salaries For Department Heads, Statutory Employees, Mayor And Council**

Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2025-1522, seconded by Mr. Nesci.

ROLL CALL

AYES: All In Favor
NAYS: None
ABSTAIN: None
ABSENT: Mr. Alessi

PUBLIC HEARING OPEN

There being no comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2025-1522, seconded by Ms. Buckley.

ROLL CALL

AYES: All In Favor
NAYS: None
ABSTAIN: None
ABSENT: Mr. Alessi

PUBLIC HEARING CLOSED

Mr. Nesci offered a motion to adopt Ordinance No. 2025-1522, seconded by Dr. Dobrin.

ROLL CALL

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

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PUBLIC DISCUSSION

Dr. Dobrin offered a motion to open the Public Discussion, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Alessi
ABSTAIN: None

Mrs. Clay asked the Clerk if there were any submitted comments and there were none.

There being no comments, Mr. Nesci offered a motion to close the Public Discussion, seconded by Dr. Dobrin.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Alessi
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

CONSENT AGENDA

Mrs. Clay recused and abstained from item #25-00235, listed on page 25 of the approval of bills resolution R-25-036.

Mr. Nesci offered a motion to approve the Consent Agenda, seconded by Dr. Dobrin.

ROLL CALL

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-033

**RESOLUTION DECLARING FEBRUARY AS BLACK HISTORY MONTH
IN THE BOROUGH OF TINTON FALLS**

WHEREAS, in 1915, Dr. Carter Godwin Woodson, noted scholar and son of former slaves, who founded the Association for the Study of African American Life and History, initiated Black History Week, February 12, 1926, which was celebrated for many years by African Americans in the United States; and

WHEREAS, President Gerald R. Ford officially recognized Black History Month in 1976, calling upon the public to “seize the opportunity to honor the too-often neglected”; and

WHEREAS, since 1976, every President has adopted the month of February as Black History Month, an annual celebration of African American achievements and roles in U.S. History; and

WHEREAS, Black History Month is a time to reflect on the burdens of racial prejudice and explore, understand, and appreciate the identities and cultures across and within the African diaspora; and

WHEREAS, the Borough of Tinton Falls recognizes the injustices that African Americans have endured and commends the African American community for the continuous pursuit of overcoming those injustices and changing the course and nature of history; and

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WHEREAS, we honor the prominent leaders and activists who have paved the way for equality and justice, calling our Borough's attention to the continued need to battle racism and to build an equitable society.

THEREFORE, be it Resolved that Borough of Tinton Falls, declares February 2025 as Black History Month, and honors the contributions and sacrifices made in building pride in Black History and educating all Americans, as well as many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

THEREFORE, be it further Resolved, that we join other organizations throughout the state of New Jersey and this country to use this occasion to raise awareness of the hardships African Americans have endured, celebrate the milestones that have been achieved, and continue the unrelenting pursuit of equality and justice for all.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-034

**RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO
CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN
THE BOROUGH OF TINTON FALLS**

WHEREAS, The Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Tinton Falls is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-035

**RESOLUTION OF AWARD
OF CONTRACT #25-1
THREE (3) 2024 OR NEWER CHEVROLET TAHOE PPV**

WHEREAS, one (1) bid was received on Tuesday, January 28, 2025, for Contract #25-1 for three (3) 2024 or Newer Chevrolet Tahoe PPV; and

WHEREAS, Whitmoyer Auto Group, 1001 East Main Street, Mount Joy, PA 17552 submitted the lowest responsible bid in the amount of \$165,000 for the above contract; and

WHEREAS, Chief Michael DeLucia recommends this purchase; and

NOW, THEREFORE BE IT RESOLVED that Whitmoyer Auto Group, 1001 East Main Street, Mount Joy, PA 17552 be awarded a contract in the amount of \$165,000 for three (3) 2024 or Newer Chevrolet Tahoe PPV;

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.

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I hereby certify funds are available contingent upon the adoption of the 2025 Municipal Budget from

Police: Other Expenses - \$ 165,000

**BOROUGH OF TINTON FALLS
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R-25-036

RESOLUTION – APPROVAL OF BILLS – February 4, 2025

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 4, 2025; 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	6,530,416.09
SEWER UTILITY	84,050.63
GENERAL CAPITAL	7,104.85
GRANT FUND	25,550.00
TRUST FUNDS	11,580.97
DOG TRUST FUND	2,500.00
ESCROW	10,237.99
ADDITIONS	20,935.50
TOTAL	6,692,376.03

CERTIFICATION OF FUNDS:

ADJOURNMENT

Mr. Nesci offered a motion to adjourn, seconded by Dr. Dobrin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Alessi

ABSTAIN: None

TIME: 7:45pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Clay, Council President

APPROVED AT A MEETING HELD ON: March 4, 2025.