

**REORGANIZATION/REGULAR/WORKSHOP MEETING
JANUARY 5, 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: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

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

Dave Boehning, Deputy Emergency Management Coordinator

Mark Shaffery, Director of Public Works

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, TF Deputy OEM Coordinator Dave Boehning, 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 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. To mute or unmute your phone your 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.

COUNCIL REORGANIZATION

Nomination of Council President

Mr. Manginelli offered a motion to open the nomination for Council President, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Appointment of Council President

Mr. Manginelli offered a motion to nominate Ms. Buckley for Council President, seconded by Mr. Nesci.

Council President Buckley asked if there were any other nominations, hearing none, Mr. Siebert offered a motion to close the nominations for Council President, seconded by Mrs. Clay.

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ROLL CALL

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

Council President Buckley asked for a roll call vote on the nomination for Council President.

ROLL CALL (to appoint Tracy Buckley as Council President)

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

Nomination of Deputy Council President

Mr. Manginelli offered a motion to open the nomination for Deputy Council President, seconded by Mr. Siebert.

ROLL CALL

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

Appointment of Deputy Council President

Ms. Buckley offered a motion to nominate Mrs. Clay for Deputy Council President, seconded by Mr. Nesci.

Council President Buckley asked if there were any other nominations, Mr. Siebert offered a motion to close the nominations for Deputy Council President, seconded by Mr. Nesci.

Council President Buckley asked for a roll call vote on the nomination for Deputy Council President.

ROLL CALL (to appoint Risa Clay as Deputy Council President)

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

MAYOR'S APPOINTMENTS TO PLANNING BOARD

Mayor Perillo announced his appointments to the Planning Board:

Daniel Romanov	Class II	1 Year Term ending December 31, 2021
Joseph Mirarchi	Class IV	4 Year Term ending December 31, 2024
Richard Wallace	Alternate #1	2 Year Term ending December 31, 2022

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the October 20, 2020 Executive Session Minutes, October 20, 2020 Regular Meeting Minutes and the November 10, 2020 Regular Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon reported the revised date for 2021 budget introduction from the State is March 30th. He anticipates introducing the budget to Council either late February or early March. The 2021 Recycling Calendar is available on the Borough's website and will be mailed starting today to all residents. He thanked Public Works for a fantastic job of producing the calendar.

Mayor's Report- Vito Perillo

Mayor Perillo thanked Officer Thomas Dennehy for 25 years of service to the Borough who retired January 1st of this year.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

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Borough Clerk's Report- Melissa A. Hesler

Ms. Hesler had no report.

OEM Report – Dave Boehning

Mr. Boehning reported the federal government declared last month's tropical storm a disaster which allows the Borough to recover costs associated with the storm. The application and receipts are ready to be submitted for reimbursement of approximately a few thousand dollars. As of December 18th, COVID-19 current case update is 220 of Tinton Falls residents. He spoke about the vaccine rollout and their phases and the State website is where people can pre-register to be in the system for a vaccine. The Borough website and social media site will be updated with all current COVID-19 information.

Engineer's Report- Thomas Neff

Mr. Neff reported the stormwater management ordinance will be introduced at the next Council meeting. Also, Tinton Falls was awarded the Monmouth County Open Space Grant for the dog park improvements at Liberty Park for the full amount of \$127,000. This will help expand the dog park area and provide many welcomed amenities. The project is targeted for completion by the end of summer.

Council's Report

Mrs. Clay wished everyone a happy and healthy new year. She stated that she attended the Board of Education meeting and announced a new board member, Katherine McBride. The following members were reelected; Jason Puleio and Nicole Jennings. Mrs. Clay offered them her congratulations.

Mr. Manginelli wished everyone a happy and healthy new year.

Mr. Nesci reported the Planning Board will hold its reorganization meeting on January 13th and there are no hearings at this meeting. The Amazon application is scheduled for January 27th. He thanked Mr. Neff for the success on the Open Space Grant and Mr. Fallon for the completion of the recycling calendar.

Mr. Siebert reported the Library board meeting will be this Thursday at 7:30pm. Discussion will be figuring out the next round of grant funding for the library.

Ms. Buckley wished everyone a Happy New Year. She congratulated Sergeant Dennehy on his retirement and thank him for his service. Ms. Buckley also thanked Mr. Neff on the success of the Open Space Grant and DPW and Administration for work on the recycling calendar. The next Environmental Commission meeting is the end of January.

ORDINANCES FOR INTRODUCTION- None

ORDINANCES FOR FINAL CONSIDERATION- 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

PUBLIC DISCUSSION OPEN

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg complimented DPW on the snow clearing and the efficient and improved service over the years of clearing branches and brush. She asked to continue the discussion of the overpopulation of deer issue, who is responsible for the paving on Hance Avenue and if a bike lane could be installed there. Mr. Neff stated it is a County road and the gas company was recently doing repair work and repaved the road. All improvement suggestions should be sent to Monmouth County Engineering regarding Hance Avenue. Ms. Goldberg was very excited to hear about the dog park improvements. She stated that she is very concerned about what residents place in recycling and suggested educational material be provided to residents to improve what is placed in residential recycling can. Ms. Buckley stated perhaps there are ways to help further promote recycling information.

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Michele Simon, 71 Madison Court – Ms. Simon inquired about the status of the MCRC Host Benefit Agreement, the approval process with the County and asked for the agreement to be discussed at a Borough meeting and posted to the website. Mr. Starkey stated he has no updates from the County on the agreement. When both parties have reached an agreement, the next step is a resolution to approve the agreement at a Council meeting whereby the public can comment at the public discussion section of the meeting. Ms. Buckley commented they are following up with the County on the agreement. Ms. Simon congratulated Ms. Buckley and Mrs. Clay on their reappointments.

Elizabeth Perez, 2 Harvest Lane – Ms. Perez asked why we are applying for the Library grant funding when the building has been closed for three years and wanted to know what the future plans are for the building. Mr. Siebert explained where the funds had been applied previously for improvements and where future improvements are needed. The Library grant is matching funds and will be combined with the funds already collected by the Library to assist with future improvements. He explained the trailer was sealed off and the HVAC has been running, the building has not been abandoned. Ms. Perez expressed her frustration with keeping the efforts going for the Library when residents can avail themselves of the Monmouth County Library facilities. Also, Ms. Perez wanted to know when in person meetings will start. Ms. Buckley stated it is difficult in the middle of a pandemic and the Council continues to reassess the situation.

Anthony Cicalese, 15 Yale Court - Mr. Cicalese commended the Council for putting the firearms ordinance on the workshop for discussion. He explained the issues he has with the current ordinance and suggestions for amending the ordinance. He asked if the issue of the police not being able to enforce the existing ordinance been addressed. Ms. Buckley stated that will be covered during the workshop discussion.

There being no further comments from the public, 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 discussed the news report of coyotes in the State and cautioned residents to be aware of coyotes when out walking in the evening because they will attack.

RESOLUTIONS

Ms. Hesler read Resolution R-21-001 entitled: APPOINTING CLASS III MEMBER TO THE PLANNING BOARD

R-21-001 RESOLUTION – APPOINTING CLASS III MEMBER TO PLANNING BOARD

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Michael J. Nesci is hereby appointed as the Borough Council's appointment to the Planning Board as a Class III Member. Term to expire December 31, 2021.

Mr. Manginelli offered a motion to adopt Resolution R-21-001, seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-21-002 entitled: APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

R-21-002 RESOLUTION – APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following members be appointed to the Borough of Tinton Falls Zoning Board of Adjustment:

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John Slazyk	Regular Member	Term to Expire 12/31/2024 (4 Year Term)
Steven R. Porzio	Regular Member	Term to Expire 12/31/2024 (4 Year Term)
William L. Kuzmin	Alternate #1	Term to Expire 12/31/2021 (fills unexpired term)
Emily DeMaio	Alternate Member #2	Term to Expire 12/31/2022 (2 Year Term)

Mr. Manginelli offered a motion to adopt Resolution R-21-002, seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-21-003 entitled: APPOINTING MEMBERS OF THE ENVIRONMENTAL COMMISSION

R-20-003 RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Jonathan Cohen	Regular Member - Term 01/01/2021 - 12/31/2023
Robert Markoff	Regular Member - Term 01/01/2021 - 12/31/2023
Martine Ladd	Alt. Member #1 - Term 01/01/2021 - 12/31/2022

Mr. Manginelli offered a motion to adopt Resolution R-21-003, seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-20-004 entitled: APPOINTING MEMBERS OF THE HISTORIC COMMISSION

R-20-004 RESOLUTION – APPOINTING MEMBERS OF HISTORIC COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Cooper Lewis	Class A Member	fills unexpired term ending 12/31/2022
Stacey Slowinski	Class C Member	fills unexpired term ending 12/31/2022
Kathleen DeAngelo	Alternate Member #2	fills unexpired term ending 12/31/2021
David Tripold	Alternate Member #1	Term 01/01/2021 - 12/31/2022

Mr. Manginelli offered a motion to adopt Resolution R-20-004, seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-20-005 entitled: APPOINTING COUNCIL LIAISONS

R-20-005 RESOLUTION - APPOINTING COUNCIL LIAISONS

BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls appoints the following liaisons for a one-year term to expire December 31, 2021:

Board of Education Liaison	Councilwoman Risa Clay
Environmental Commission Liaison	Councilwoman Tracy A. Buckley
Library Liaison	Councilman Brock Siebert
Historic Commission Liaison	Councilman John Manginelli
Zoning Board Liaison	Councilman John Manginelli

Mr. Manginelli offered a motion to adopt Resolution R-20-005, seconded by Mrs. Clay.

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ROLL CALL

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

CONSENT AGENDA

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

ROLL CALL

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

R-21-006 RESOLUTION – 2021 TEMPORARY MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40a:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2021 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January 2021; and

WHEREAS, the total appropriations in the 2020 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$23,910,589 and \$4,907,200 for the General Budget and Sewer Utility Budget respectively; and

WHEREAS, 26.25% of the total appropriations in the 2020 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2020 budget is the sum of \$6,276,530 and \$1,288,140 for the General Budget and Sewer Utility Budget respectively.

NOW, THEREFORE, BE IT RESOLVED that the following schedule of temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

R-21-007 RESOLUTION - 2021 DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20th of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2020; and

WHEREAS, principal and interest will be due on various dates from January 1, 2021 to December 31, 2021, inclusive, on bonds issued and outstanding.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2021 to December 31, 2021 inclusive:

DEBT SERVICE – CURRENT FUND

Principal on Bonds	\$1,670,000
Interest on Bonds	364,697
Interest on Notes	29,897
	<hr/>
	<u>\$2,064,594</u>

R-21-008 RESOLUTION - AMENDING R-01-003 AUTHORIZING CASH MANAGEMENT PLAN

WHEREAS, R-01-003 Authorizing Cash Management Plan was adopted by the Borough Council of the Borough of Tinton Falls on January 2, 2001; and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Tinton Falls; and

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WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

TD Bank
OceanFirst Bank
N.J. Cash Management Fund

WHEREAS, the banks listed above with the exception of State of NJ Cash Management Fund have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A.19:44A-20.26 (P.L. 2005 c.271, s2). In addition, all banks are protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Resolution R-01-003 be and is hereby amended as stated above.

BE IT FURTHER RESOLVED, that the Chief Financial Officer and/or designated Borough Officials are hereby authorized to execute any documents and/or contracts as required by the individual depositories.

BE IT FURTHER RESOLVED, that the Borough's authorized signatories are the Mayor, Borough Administrator, Chief Financial Officer and Tax Collector.

R-21-009 RESOLUTION – AUTHORIZING PETTY CASH FUNDS

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that petty cash funds be the same are hereby established for the following Departments in the amounts specified:

Department of Audit, Accounts & Control (Administered by Tax Collector)	\$250.00
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**R-21-010 RESOLUTION – DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE
BOROUGH OF TINTON FALLS**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Asbury Park Press, The Coaster and the Newark Star Ledger are hereby designated as the official newspapers for the Borough of Tinton Falls pursuant to N.J.S.A. 40:53-1.

**R-21-011 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #1-21 BOROUGH ENGINEER**

WHEREAS, the Borough of Tinton Falls has a need for a professional Borough Engineer for various matters that may arise during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from engineering firms for said services, and three (3) proposals were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all the proposals received and it was determined the firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 satisfies the requisites contained in the Request for Proposals to be considered for professional Engineering services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$172 per hour for an amount not to exceed \$155,000 plus miscellaneous reimbursables for engineering services; and

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

1. The firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby retained to provide Borough engineering services at the hourly rate of \$172 for Borough Engineer, as well as other hourly rates listed in their proposal, for an amount not to exceed \$155,000 plus miscellaneous reimbursables for a term expiring December 31, 2021.

2. This contract is awarded through the “fair and open” process in accordance with NJSA 19:44A-20.5 et. seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract and the Determination of Value shall be placed on file with the Borough Clerk of the Borough of Tinton Falls.

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4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability as follows, contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budgets: General Engineering, General Storm water Management, Open Space Fund and Sewer Utility: \$155,000

**R-21-012 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #2-21 LABOR COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Labor Counsel services for various matters that may arise during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from legal firms for said services, and four (4) proposals were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all the proposals received, and it was determined the firm of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830 satisfies the requisites contained in the Request for Proposals to be considered for professional Labor Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$165 per hour for an amount not to exceed \$40,000, plus miscellaneous reimbursables for professional Labor Counsel Services; and

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

1. The firm of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830 is hereby retained to provide professional Labor Counsel services at an hourly rate of \$165 per hour for an amount not to exceed \$40,000 plus miscellaneous reimbursables for a term expiring December 31, 2021.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJS A 19:44A-20.5 et seq. and in accordance with NJS A 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget: Legal: \$40,000

**R-21-013 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #3-21 BOND COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Bond Counsel services as may be required by the Borough during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from legal firms for said services and three (3) proposals were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all the proposals received and it was determined that Gluck Walrath LLP, 11 Wharf Avenue, Red Bank, NJ 07701, satisfies the requisites contained in the request for proposals to be considered for professional Bond Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed and hourly rates in the proposal with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

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

1. The firm of Gluck Walrath LLP, 11 Wharf Avenue, Red Bank, NJ 07701 is hereby retained to provide professional bond counsel services for the unit price or fixed fee amounts and hourly rates listed in their proposal for a term expiring December 31, 2021.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJS A 19:44A-20.5 et seq. and in accordance with NJS A 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

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**R-21-014 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #4-21 AFFORDABLE HOUSING COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Counsel services that may arise during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from legal firms for said services, and three (3) proposal were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all the proposals received, and it was determined the firm of Pashman, Stein, Walder & Hayden PC, ~~28 Leroy Place, Red Bank, NJ 07701~~, 101 Crawfords Corner Road, Suite 4202, Holmdel, NJ satisfies the requisites contained in the Request for Proposals to be considered for professional Affordable Housing Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$190 per hour for an amount not to exceed \$35,000, plus miscellaneous reimbursables for professional Affordable Housing Counsel services; and

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

1. The firm of Pashman, Stein, Walder & Hayden PC, 28 Leroy Place, Red Bank, NJ 07701 is hereby retained to provide professional Affordable Housing Counsel services at an hourly rate of \$190 per hour for an amount not to exceed \$35,000 plus miscellaneous reimbursables for a term expiring December 31, 2021.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget as follows: Affordable Housing Trust \$30,000 Legal \$5,000

**R-21-015 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #5-21 SPECIAL/CONFLICTS COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Special/Conflicts Counsel services that may arise during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from legal firms for said services, and seven (7) proposals were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firms of McOmber & McOmber, 54 Shrewsbury Avenue, Red Bank, NJ 07701, Hill Wallack, LLP, 2 Bridge Avenue, Suite 211, Red Bank, NJ 07701, Caruso & Baxter P.A., 1129 Broad Street, #103, Shrewsbury, NJ 07702 and Shain Schaffer, PC, 150 Morristown Road, Suite 105, Bernardsville, NJ 07924 satisfy the requisites contained in the Request for Proposals to be considered for professional Special/Conflict Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$150.00 per hour for Special/Conflict Matters for an amount not to exceed \$30,000.00, plus miscellaneous reimbursables for professional Special/Conflicts Counsel services; and

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

1. The firms of McOmber & McOmber; Hill Wallack, LLP; Caruso & Baxter, P.A. and Shain Schaffer are hereby retained to provide professional Special/Conflict Counsel Services for a rate of \$150.00 per hour for an amount not to exceed \$30,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2021.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

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4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget as follows: Legal \$30,000.00

**R-21-016 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #6-21 BOROUGH APPRAISER**

WHEREAS, the Borough of Tinton Falls has a need for a professional Borough Appraiser for various matters that may arise during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the “fair and open” process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from appraisal firms for said services and three (3) proposals were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all the proposals received, and it was determined the firm of Gagliano & Company, 1129 Broad Street, Suite 104, Shrewsbury, NJ 07702 satisfies the requisites contained in the Request for Proposals to be considered as the Borough Appraiser during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, this contract is to be awarded for an hourly rate of \$175 per hour for an amount not to exceed \$17,000 for Appraisal Services, plus miscellaneous reimbursables.

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

1. The firm of Gagliano & Company, 1129 Broad Street, Shrewsbury, NJ 07702 is hereby retained as the Borough Appraiser for an hourly rate of \$175 per hour for an amount not to exceed \$17,000 plus miscellaneous reimbursables as listed in the proposal for a term expiring December 31, 2021.
2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJS 19:44A-20.5 et seq. and in accordance with NJS 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget: Tax Assessor \$17,000

**R-21-017 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #7-21 BOROUGH PLANNER**

WHEREAS, the Borough of Tinton Falls has a need for professional Planning Services during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through a fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals from legal firms for said services, and two (2) proposals were received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed all the proposals received, and it was determined the firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753, satisfies the requisites contained in the Request for Proposals to be considered for professional Planning services that the Borough may require during the contract year; and

WHEREAS, it is recommended this contract is to be awarded for an hourly rate of \$165 per hour for an amount not to exceed \$55,000 for planning services, plus miscellaneous reimbursables from January 1, 2021 through December 31, 2021; and

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753, is hereby retained to provide professional Planning services for the Borough at an hourly rate of \$165 per hour for an amount not to exceed \$55,000 plus miscellaneous reimbursables for a term expiring December 31, 2021.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJS 19:44A-20.5 et seq. and in accordance with NJS 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget as follows: COAH: \$30,000 Housing: \$25,000

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R-21-018 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #12-21 ZONING OFFICER

WHEREAS, the Borough of Tinton Falls has a need for a professional Zoning Officer for various matters that may arise during the contract year January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals for said services, and one (1) proposal was received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed the proposal received and it was determined the firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 satisfies the requisites contained in the Request for Proposals to be considered for professional Zoning Officer that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$125 per hour for an amount not to exceed \$52,000; and

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

1. The firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby retained to provide Zoning Officer services at the hourly rate of \$125, for an amount not to exceed \$52,000 for a term expiring December 31, 2021.
2. This contract is awarded through the “fair and open” process in accordance with NJSA 19:44A-20.5 et. seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability as follows, contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budgets: Division of Code Enforcement – Other Expenses: \$52,000

R-21-019 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #13-21 PROFESSIONAL SERVICING & MAINTENANCE OF SEWER SYSTEM

WHEREAS, the Borough of Tinton Falls has a need for Professional Servicing and Maintenance of 15 pump stations and standby generators as well as lab sampling and flow meter reading; and

WHEREAS, the Borough has, through the fair and open process, advertised on the website and in the Asbury Park Press Tuesday, November 17, 2020, the solicitation for receipt of proposals from firms for said services and one (1) proposal was received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined that Hughes Environmental Services, Inc., P.O. Box 327, Forked River, NJ 08731 satisfies the requisites contained in the Request for Proposals to be considered for the Servicing and Maintenance of the pump stations; and

WHEREAS, this contract is to be awarded for an amount not to exceed as follows:

\$10,322.15 per month for 12 months for servicing 15 pump stations;
\$ 600.00 per month for 12 months for flow meter readings;
\$ 650.00 per quarter for 4 months for laboratory analysis of Jumping Brook Pump Station for a total contract not to exceed \$133,665.80 from January 1, 2021 through December 31, 2021, plus \$300.00 flat rate for each emergency service call, and \$600.00 for each additional pump station added throughout the year as described in proposal; and

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

1. Hughes Environmental Services, Inc., P. O. Box 327, Forked River, NJ 08731 is hereby retained to provide Professional Servicing & Maintenance of the Sewer System for an amount not to exceed \$133,665.80, plus \$300.00 flat rate for emergency callouts described in the proposal and \$600.00 for each additional pump station added through the contract year January 1, 2021 through December 31, 2021.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession requiring licensure.

2. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Tinton Falls.

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4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget: Sewer Utility \$133,665.80

R-21-020 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #14-21 PROFESSIONAL AUDITING SERVICES FOR 2021 AUDIT

WHEREAS, the Borough of Tinton Falls has a need for a professional Auditor for the 2021 audit; and

WHEREAS, the Borough of Tinton Falls has, through the fair and open process, advertised on its website and in the Asbury Park Press on Tuesday, November 17, 2020, the solicitation for receipt of proposals for Auditing Services, and one (1) proposal was received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined the firm of Suplee, Clooney & Company, 308 East Broad Street, Westfield, NJ 07090-2122 satisfies the requisites contained in the Request for Proposals to be considered for the Auditor for the 2021 audit; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$43,000 for the 2021 Audit; and

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

1. The firm of Suplee, Clooney & Company, 308 East Broad Street, Westfield, NJ 07090-2122 is hereby retained as Borough Auditor as described above for an amount not to exceed \$43,000 for the 2021 Audit of the Borough of Tinton Falls' financial records.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2021 Municipal Budget as follows: Division of Finance – Audit Services: \$29,000
Sewer Utility – Other Expenses: \$14,000

R-21-021 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #15-21 FINANCIAL CONSULTANT SERVICES FOR REDEVELOPMENT FISCAL ANALYSIS

WHEREAS, the Borough of Tinton Falls has a need for professional Financial Consultant Services for Redevelopment Fiscal Analysis; and

WHEREAS, the Borough of Tinton Falls has, through the fair and open process, advertised on its website and in the Asbury Park Press on Saturday, November 21, 2020, the solicitation for receipt of proposals for Financial Consultant Services for Redevelopment Fiscal Analysis, and One (1) proposal was received and documented on Thursday, December 3, 2020; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined that NW Financial Group, LLC, 2 Hudson Place, 3rd, Floor, Hoboken, NJ 07030 satisfies the requisites contained in the Request for Proposals to be considered for the Financial Consultant for Redevelopment Fiscal Analysis; and

WHEREAS, this contract is to be awarded for a rate of \$225 per hour for an amount not to exceed \$30,000; and

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

2. The firm of NW Financial Group, LLC, 2 Hudson Place, 3rd, Floor, Hoboken, NJ 07030 is hereby retained as the Financial Consultant for Redevelopment Fiscal Analysis as described above for an amount not to exceed \$30,000.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available from: Redevelopment Escrow

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R-21-022 RESOLUTION - PERSON-TO-PERSON TRANSFER PLENARY RETAIL CONSUMPTION LICENSE LIQUOR LICENSE 1336-44-004-014

WHEREAS, Worldwide Wines, LLC has made application to the Borough Council for a person-to-person transfer of plenary retail consumption License No. 1336-44-004-014 heretofore issued to John M. McDonnell Chapter 7 Trustee Bankruptcy for F&T Spirits, Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

WHEREAS, no written objection to the transfer has been received by the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls does hereby approve the transfer of the aforesaid Plenary Retail Consumption License 1336-44-004-014 to Worldwide Wines, LLC as an inactive license.

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to endorse the transfer to the new ownership on the face of the license certificate showing the State assigned license number to be 1336-44-004-015 effective January 8, 2021 and a certified copy of this resolution be provided to the Division of Alcoholic Beverage Control, the Tinton Falls Police Department and Worldwide Wines, LLC.

R-21-023 RESOLUTION APPROVING AFFORDABILITY ASSISTANCE PROGRAM POLICIES AND PROCEDURES MANUAL

WHEREAS, the Borough of Tinton Falls (“Borough”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about April 20, 2018 establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, as a condition of Court approval of the Borough’s Settlement Agreement with Fair Share Housing Center, the Borough adopted Resolution 019-057 approving a Spending Plan for the Borough’s Affordable Housing Trust Fund, which includes monies set aside for affordability assistance as required by COAH regulations; and

WHEREAS, the Court entered a Final Third Round Judgment of Compliance and Repose on July 17, 2019 providing the Borough with immunity from builder’s remedy litigation through July 1, 2025 and approving the Borough’s Spending Plan; and

WHEREAS, the Borough wants to set the standards and procedures by which it will make available affordability assistance available to low-and-moderate income households from the Borough’s affordable housing trust fund monies; and

WHEREAS, the Borough Council of the Borough of Tinton Falls believes it is in the best interest of its residents to approve the Affordability Assistance Program Policies and Procedures Manual prepared by CME Associates to effectuate its obligation to provide affordability assistance to qualified households within the Borough of Tinton Falls.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, that it hereby approves the Affordability Assistance Program Policies and Procedures Manual prepared by CME Associates dated December 2020

ADJOURNMENT TO WORKSHOP

Mr. Manginelli offered a motion to adjourn to workshop, seconded by Mr. Nesci.

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ROLL CALL

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

Council President Buckley called the Workshop Meeting to order at 8:16 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 New 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 A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Thomas Fallon, Acting Borough Administrator/Director of Finance

UNFINISHED BUSINESS – None

NEW BUSINESS

Firearms Ordinance Revisions

Ms. Buckley turned over the discussion topic to Mr. Nesci who stated Council is looking into revisions to the firearms ordinance when residents expressed concerns that hunters were too near their properties making them feel unsafe. He stated some momentum was lost due to COVID-19 since the first discussion in February. Since then, he has received more guidance from other professionals on the issue which include Tinton Falls Police, NJ Police, NJ Fish and Wildlife, Federal Wildlife Office, and Officers, surrounding towns, residents, farmers, and hunters. The latest draft is almost completed with the main goal of keeping residents safe on their own property, throughout town and still allowing hunters a place to hunt. Mr. Nesci turned over the discussion to Mr. Starkey who explained the processes of a workshop and an ordinance and stated there will be no formal action taken tonight. Mr. Starkey provided a history of the existing firearms ordinance from 1951 when the town was New Shrewsbury to present day in Tinton Falls. He listed all the professionals he had spoken with who had expertise in this area, reviewed other town ordinances, resident input, and State regulations to assist him in creating this revised ordinance. He pointed out that the ordinance can only regulate firearms on municipal owned land and not private, County, State or Federal lands. The current ordinance states that no discharge of firearms north of Tinton Avenue which was considered a compact area or heavily developed area years ago. The ordinance states no discharge of firearms within 500 feet of any dwelling, school, public building, or occupied building. There are two most notable exceptions which are police officers and in the defense of life or property.

Mr. Starkey had an in-depth discussion with Mr. Nesci, and he summarized the core recommended changes to the ordinance and noted some questions that arose. Do we want to include and regulate firearms that are propelled by air rather than explosion, such as air guns, bb, and paintball? Do we want to regulate by distance, such as structures or property lines? He explained the downside to that it is difficult to enforce. Mr. Starkey suggested a more accurate firearms map be created which could be helpful. Adding more signage is less of a solution since the Borough cannot place signs on private properties. How to treat bows compared to firearms? He lists the various types of bows. Should they be the same distance? He explained the pros and cons of both. What is the appropriate distance for firearms in this ordinance? Mr. Starkey point out that we cannot choose a distance that is less than what the State requires, and stated that an unintended consequence of restricting firearms discharge is narrowing the properties for deer hunting and subsequently creating a larger deer population. This can lead to issues such as car accidents, ticks, and destroying landscapes which are safety concerns. Mr. Starkey stated that he has been speaking to Cindy Kuenstner, NJ Fish and Wildlife, who has shared valuable information and has some creative ideas to reduce safety concerns. She has offered to meet with Mr. Starkey, Mr. Nesci, and others to share information from her staff of experts. He believes Council would benefit from discussions with Ms. Kuenstner.

Mr. Nesci asked for input from Council regarding the changes and updates to the ordinance. Councilmembers discussed several of their concerns and suggested solutions for public safety, extending deer hunting season, controlled hunting areas in parks and open public property overseen by Fish and Wildlife during hunting season to help control deer populations and the enforceability issues of some of the changes. Also discussed were bow distances and trajectories and the current distance from a perch/blind in the ordinance. Should there be a controlled hunt program and how would it be stated in the ordinance. There was discussion regarding the number of bow hunters versus firearms which Ms. Kuenstner provided information stating last year 90 deer were harvested, 28 by firearms as compared to

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62 that were taken by bow. She also clarified what the distances are for bow hunting and stated that homeowners can give written permission to hunters to hunt closer to their property which is a helpful practice in controlling the deer population.

Mr. Nesci asked Council if there was any issue with the distance of firearms in the ordinance. Mr. Starkey explained the proposed change in the ordinance regarding firearms which would be no discharge within 500 feet from a property line of any residential zoned property on which there is a dwelling or within 500 feet of any municipally owned open space or park. Mr. Neff pointed out that even with improved maps it is difficult to know where property lines are once you are out hunting in the area. They discussed what properties are considered compact areas in the south end of the Borough and the enforceability issues by our police department. Mr. Starkey stated that currently NJ Fish and Wildlife investigate any violations of the State regulations but if the municipal ordinance deviates from State regulations the violation enforcement is with the municipality and what are the issues for our police department. Also, there was discussion about existing gun ranges being exempt and not affected by this ordinance, but new ranges may have to be under review for being properly regulated. Discussion followed regarding whether the gun range change in the ordinance is necessary. Mr. Neff asked about moving forward to create a new firearm/bow discharge map for council to review. Council agreed that the maps would be helpful, and all were in agreement that further discussion is necessary. Mr. Nesci stated this is a good foundation, but more work will need to be done and suggested another workshop on the topic with Council's agreement. Ms. Buckley stated they will carry this topic to another workshop and public comments on this topic can be submitted to the Clerk Office.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:30 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: