

**REGULAR MEETING
MAY 19, 2020
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 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

Thomas Neff, Borough Engineer

John Scrivanic, Police Chief

David Boehning, Deputy Director of Emergency Management

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 and Borough Engineer Tom Neff, Tinton Falls Office of Emergency Management Deputy Coordinator Dave Boehning, Police Chief John Scrivanic, Tinton Falls Department of Public Works Director Mark Shaffery, and IT Director Dan Romanov.

I would like to again give special thanks to Tinton Falls OEM Deputy Coordinator Dave Boehning for his participation this evening, as well as to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing this 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 with the proviso that only essential business be conducted. As you may know, this form of remote meeting will be the way we conduct borough business for the foreseeable future. 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 either public comments portion of the meeting, please use the "Raise Your Hand" function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. 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 their hard work in keeping the Borough functioning during this very difficult time.

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

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

APPROVAL OF MINUTES - None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff reported that Monmouth County has started Phase I of the Hance and Sycamore intersection project. In Phase I, the concrete footings will be poured, and the signal polls will be ordered with the installation scheduled for later in the summer. Mr. Neff noted that up to date road closures are posted on the Police Department and Borough Facebook pages. Mr. Neff reported that Community Development Block Grant and Department of Transportation grants have been released and are due in July. Mr. Neff stated that he will be working with Administration to determine which projects to apply for with more information forthcoming in the June meeting.

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Director of Finance/Acting Borough Administrator – Thomas Fallon

Mr. Fallon commented on Resolution 20-106 which authorizes the Tax Collector to prepare and mail estimated tax bills, he explained that this is due to the State extending their fiscal year by three months. Mr. Fallon stated that the State is not sure when they can release the State Aid Certifications to the Monmouth County Board of Taxation and without that information the official tax rate cannot be certified. He further explained that the Borough cannot send out the 2020 3rd and 4th quarter tax bills however in anticipation of the late release of the certifications, the resolution Tax Collector can send out estimated tax bills.

Mayor's Report – Vito Perillo

Mayor Perillo stated that Monday, the 25th of May, is Memorial Day but due to pandemic there will not be a formal ceremony. Mayor Perillo wanted to advise the public that the Tinton Falls Public Works staff will place American flags at borough hall and the traditional wreath will be placed at the soccer field and will represent all first responders, boy scouts, all borough department heads and other resident associations. Mayor Perillo echoed Council President Buckley's comments about the good work performed by all the all people in borough. He asked everyone to remember Memorial Day for what it is and memorialize and remember the people who have fallen in previous wars.

Director of Law – Kevin Starkey

Mr. Starkey stated that he does not have report this evening but would like second Mayor Perillo's comments regarding Memorial Day.

Borough Clerk - Melissa Hesler

Ms. Hesler stated that she wanted to give an update regarding changes in the Primary Election. Ms. Hesler explained that Governor Murphy, by executive order, changed this year's primary to July 7, 2020 due to the COVID-19 Health Crisis. On Friday, May 15th Governor Murphy issued Executive Order 144 ordering the primary to be conducted through vote-by-mail ballots. Ms. Hesler explained that many of the details are still being discussed and the County Clerk will continue to keep the Municipal Clerks up to date as the details are worked through. I hope to have a better picture of the process by our next Council meeting.

Deputy Director – Office of Emergency Management - Dave Boehning

Mr. Boehning gave an update as it relates to the COVID-19 outbreak. We continue our weekly conference calls with Monmouth County Office of Emergency Management, and Regional Health Officer Dave Henry from the Monmouth County Regional Health Commission. Mr. Boehning explained that one of the major concerns that we are keeping an eye on are the long-term care facilities within Tinton Falls and we work toward helping them manage outbreaks within their facilities. Mr. Boehning stated that each facility has weekly conference calls with the Monmouth County Office of Emergency Management for the most up-to-date information available and set up distribution of personal protective equipment (PPE). Mr. Boehning stated that all long-term facilities patients and employees must be tested for COVID. Mr. Boehning gave an update on distribution of PPE to emergency services within the municipality. Mr. Boehning explained that there will be grants available through FEMA for reimbursement of costs directly related to COVID-19. Mr. Boehning gave an update regarding COVID case numbers within the Borough. He stated, on a different note, the Office of Emergency Management did a small social media campaign reminding residents to be prepared for any emergency in correlation with hurricane preparedness week. He complimented all first responders both volunteer and paid, this week marks National Emergency Services week and they deserve a lot of credit doing the day in and day out services during this pandemic.

Council Comments

Ms. Clay stated that she attended a virtual Board of Education meeting. She stated that the big item of discussion was end of year celebrations and how to handle them. Ms. Clay stated that at this point everything is virtual but there was some discussion that perhaps some celebrations might be held in the summertime with appropriate precautions.

Mr. Manginelli stated that because of this pandemic there has been no water testing, it has been suspended until further notice. He also reported that the Historic Commission continues to meet virtually.

Mr. Nesci had no report.

Mr. Siebert gave an update on the submission of the State Library Grant Application. He explained that the application is being drafted and reviewed by the architect and library Board. He stated that the plans is to submit by May 30th, prior to the deadline date of June 5th.

Ms. Buckley stated that the next Environmental Commission meeting is scheduled for May 28th if there is a quorum. Ms. Buckley echoed the Mayor's comments with regard to Memorial Day, we will be remembering and praying for all those lost in war even though we can't have a physical celebration.

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BUDGET

RECAP OF THE 2020 BUDGET PRESENTATION

Council President Buckley stated that at this time, Acting Borough Administrator and CFO Tom Fallon will give a brief recap of the budget presentation given at the April 21, 2020 Council Meeting. She stated that the presentation and introduction have been posted to the website.

Acting Administrator and CFO Tom Fallon thanked everyone for joining the meeting. Mr. Fallon gave an overview of the budget and the presentation from April 21, 2020 and reviewed slides from the power-point presentation. His recap included an explanation of where tax dollars go and how they are distributed to the various entities. Mr. Fallon stated that the Borough's portion of the taxes collected are 24%, with the remainder being distributed to Fire Districts, County Budget, High School and Elementary School and Open Space. Mr. Fallon gave an overview of essential services and quality of life services provided in the budget. He discussed the results of the 2019 operations budget and explained that the results show a positive position in cash and reserves which adds to a stabilized tax rate and allows the borough to weather economic downturns. Mr. Fallon discussed the 2020 budget structure which allows for a fiscally sound budget with no gimmicks or structural issues and provides for funding for all municipals services, continued capital investment for infrastructure, parks and equipment and allows for regeneration of surplus utilized. He discussed operating expenses, debt service, and gave a summary of revenues, state aid, municipal revenue, delinquent taxes, fund balances and funds raised by taxation. Mr. Fallon explained that State Aid has remained the same for the eleventh straight year. He discussed the hybrid strategy used for capital needs, all non-road improvements are authorized directly in the budget with debt only being authorized for road improvement projects, a strategy that has resulted in the Borough's net debt and long-term borrowing costs. Mr. Fallon further discussed the summary of revenue, anticipated revenue, and reviewed historical municipal fund balance from 2014 through 2019. Mr. Fallon discussed the importance of non-utilized fund balances which puts the Borough in a position to manage emergencies and unexpected economic issues and to stabilize municipal taxes. Mr. Fallon stated we are quite fortunate to have this fund balance reserve as we go through the COVID pandemic and the economic uncertainties related to it and how those uncertainties will impact the Borough's finances. He discussed statutory Net Debt, which has been reduced over the years from 2014 to current budget and this helps with bond rating and credit rating. Mr. Fallon reviewed the Moody's Investor Service Rating of Aa2, which slightly exceeds the median rating of Aa3 for cities nationwide. Mr. Fallon wrapped up the presentation by recapping the details of the Municipal Open Space Trust Fund, summary of the Sewer Utility Budget Summary, and Capital Project overview of general improvements. Mr. Fallon stated the budget has been reviewed by the State of New Jersey Division of Local Government Services and has been approved by them for adoption if that is the Council's pleasure.

Council President Buckley thanked Mr. Fallon for recapping the presentation and reminded everyone that the full presentation is available on the website.

R-20-101 RESOLUTION TO READ 2020 MUNICIPAL BUDGET BY TITLE

Ms. Hesler read Resolution R-20-101 by title: Resolution to Read 2020 Municipal Budget by Title

Mr. Nesci offered a motion to approve R-20-101, seconded by Mrs. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTION – TO READ 2020 MUNICIPAL BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved Budget:
 - a.) shall be made available for public inspection, and
 - b.) shall made available to each person upon request.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it is hereby declared that the condition of N.J.S.A. 40A: 4-8, as amended set forth in subsections 1(a) and 1(b), have been met and therefore the Budget for 2020 shall be read by title only.

PUBLIC HEARING ON THE 2020 MUNICIPAL BUDGET

Council President Buckley stated this is the time the public may comment only on the 2020 Municipal Budget and she explained the process that speakers would be acknowledge through the remote Webex platform.

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Mr. Nesci offered a motion to open the public hearing on the 2020 Municipal Budget, seconded by Mrs. Clay.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Craig Gaitley, 10 Polo Club Drive inquired if the State funds of 1.4 million dollars will be available. CFO Tom Fallon stated that currently the State of New Jersey has approved our budget with that funding in place. Mr. Fallon stated that he strongly believes that it will remain in place, however the payment may be delayed from the usual payment period in July.

Gerry Turning, 32 Periwinkle Circle stated he did not see the presentation slides and inquired about the gross debt graph. He explained that he had been provided with information regarding the debt in past years by the past Administrator. He inquired about how much the amount of debt will be for 2020. Mr. Fallon stated the net debt would be approximately \$15,980,000. He estimated gross debt to be right around \$18 million and he further explained why net debt is historically lower. Mr. Fallon said he would be happy to discuss the details further with Mr. Turning as he does not have all of the data and charts available from 2019 at his fingertips. Mr. Turning asked when the Borough Hall Debt would be paid off. Mr. Fallon stated that he thinks it would be somewhere around 2029. Mr. Turning discussed the amount to be raised by taxes in 2020 and noted that the amount shows an increase of \$582,934 from 2019. Mr. Fallon clarified that the amount is less than Mr. Turning stated and is \$285,000. Mr. Turning inquired about the decrease in municipal court revenue and why there seem to be no spending cuts in the budget in an effort to reduce spending or use surplus to lessen impact on taxpayers. Mr. Fallon stated that the Borough tries to provide a very efficient budget and we rely on surplus to balance the budget. That surplus has to be regenerated. Mr. Fallon stated that the Borough Departments run efficiently without unnecessary spending and assured that the budget process is in-depth and thorough. The Administration is sympathetic to residents who may be struggling and hope they are using the resources that the State and Federal Governments are making available to them. Mr. Fallon stated that the Health Crisis has left much uncertainty, and it is not known how it will impact the budget. Mr. Turning thanked Mr. Fallon and urged the Borough Council to take a deeper look at the budget and the spending.

Hearing no further comments, Mr. Nesci offered a motion to close the public hearing on the 2020 Municipal Budget, seconded by Mrs. Clay.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

R-20-087 ADOPTION OF THE 2020 MUNICIPAL BUDGET

Council President Buckley asked if there were any comments from Council, hearing none she asked for a motion to adopt the resolution.

Mr. Nesci offered a motion to adopt resolution R-20-087, seconded by Ms. Clay.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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R-20-087

MUNICIPAL BUDGET NOTICE

Section 1.
Municipal Budget of the BOROUGH of TINTON FALLS County of MONMOUTH for the Fiscal Year 2020
Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020.
Be it Further Resolved, that said Budget be published in the COASTER
in the issue of APRIL 30, 2020.
The Governing Body of the BOROUGH of TINTON FALLS does hereby approve the following as the Budget for the year 2020:

RECORDED VOTE
(Insert last name)

Ayes
Mrs. Clay
Mr. Mangrilli
Mr. Nesci
Mr. Siebert
Ms. Buckley

Nays

Abstained

Absent

Notice is hereby given that the Budget and Tax Resolution was approved by the COUNCIL MEMBERS of the BOROUGH
of TINTON FALLS County of MONMOUTH on APRIL 21, 2020.
A Hearing on the Budget and Tax Resolution will be held at BOROUGH OF TINTON FALLS on MAY 19, 2020 at
7:30 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other
interested persons.

Melissa A. Henler, Borough Clerk

Sheet 2

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

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

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Denise Catalano, 11 Alpine Trail – Ms. Catalano asked why the questions raised by Mr. Turning were disregarded. Ms. Buckley stated that the budget presentation was reviewed at the April 21st meeting so there were discussions then, it was out for a month and we did not rubber stamp the budget, we had lengthy discussions and asked Mr. Fallon a number of questions around that. Mr. Fallon could you confirm my understanding that 20% of the borough is assessed each year so its not being reassessed every year. Mr. Fallon confirmed that number is correct but that doesn't mean

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the entire borough can't be reassessed each year. Mr. Fallon pointed out a chart in the presentation that isn't misleading in anyway, it shows the increase in the assessed values, it shows 3.3% or \$110 million and it explains that \$60 million is from new ratables and that does not affect current taxpayers, which is a very positive thing. The chart shows the amount to be raised by taxes, there is nothing hidden or misleading. Mr. Fallon explained that we only have control over the municipal tax rate and other entities budgets affect the overall tax rate. Ms. Catalano thanked Mr. Fallon for his explanations.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Councilman Siebert stated in regard to Resolution R-20-105, I want to wish Mr. VanLiu a happy and healthy retirement.

RESOLUTIONS - None

CONSENT AGENDA

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

ROLL CALL

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

R-20-102 RESOLUTION - REDUCING PERFORMANCE GUARANTEES LENNAR PARCEL C-1 SUBDIVISION BLOCK 101, PORTION OF LOT 1

WHEREAS, the developer for Lennar Parcel C-1 has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated May 4, 2020 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Lennar Parcel C-1 Subdivision be reduced in accordance with said letter from the Borough Engineer.

R-20-103 RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR SEABROOK VILLAGE SOLAR PROJECT - KDC SOLARBLOCK 128.03, Lots 19.04 & 19.05

WHEREAS, a request has been made for the release of Maintenance Guarantees for Seabrook Village Solar Project – KDC Solar, Block 128.03, Lots 19.04 and 19.05; and

WHEREAS, by letter dated May 1, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees for Seabrook Village Solar Project – KDC Solar, Block 128.03, Lots 19.04 and 19.05 ; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

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R-20-104 RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR ALPINE WOODS AT TINTON FALLS BLOCK 117, LOT 12.02

WHEREAS, a request has been made for the release of Maintenance Guarantees for Alpine Woods at Tinton Falls, Block 117, Lot 12.02; and

WHEREAS, by letter dated May 4, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees for Alpine Woods at Tinton Falls, Block 117, Lot 12.02; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

R-20-105 RESOLUTION-COMPENSATED ABSENCE FOR RETIREMENT

WHEREAS, Wayne Van Lew has been employed by the Borough of Tinton Falls Police Department since August 1, 1994, was promoted to Sergeant effective August 2, 2004, and was promoted to Lieutenant on November 1, 2012, and;

WHEREAS, on June 1, 2020, Wayne Van Lew will retire with 26 years of dedicated service to the Borough and over 29 years with the Division of Pensions and Benefits, and;

WHEREAS, Wayne Van Lew will be entitled to compensated absence benefits in accordance with the Agreement between the Borough and the Tinton Falls Superior Officers bargaining unit. The benefits are estimated to be a total of \$39,990.00. The breakdown of this payment includes accrued vacation time, sick time, and compensatory time, and;

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Wayne Van Lew receives the compensated absence benefits.

Certification of Funds: Trust Fund – Accumulated Absences

R-20-106 RESOLUTION - AUTHORIZING THE TINTON FALLS BOROUGH TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, due to an anticipated late release of the State Aid Certifications, the Monmouth County Board of Taxation is unable to certify the tax rate and the Tinton Falls Borough Collector may be unable to mail the Borough's 2020 tax bills on a timely basis:

WHEREAS, the Tinton Falls Borough Tax Collector in consultation with the Tinton Falls Borough Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls authorizes the following:

1. The Tinton Falls Borough Tax Collector is hereby authorized, if deemed, necessary, to prepare and issue estimated tax bills for the Borough for the third installment of 2020 taxes. The Tax Collector may proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2020 is hereby set at \$69,540,385.16
3. In accordance with law, the third installment of 2020 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

R-20-107 RESOLUTION – APPROVAL OF BILLS – May 19, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 19, 2020; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL	3,123,1
SEWER UTILITY	18,2
GRANT FUND	.
TRUST FUNDS	428,4
DOG TRUST FUND	.
ADDITIONS	1,477,6
TOTAL	5,047,5

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:40 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: