

**WORKSHOP AND REGULAR MEETING  
MAY 4, 2021  
BOROUGH COUNCIL**

Council President Buckley called the Workshop Meeting to order at 6:30 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.

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk

Kevin Starkey, Director of Law

Brian Nelson, Special Borough Counsel

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

**WORKSHOP MEETING**

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, Special Borough Counsel Brian Nelson, and Borough Engineer Tom Neff, IT Director Dan Romanov.

This is a live digital Council Meeting that we are holding under the rules established under NJSA 10:4-8(b), which allows this meeting to be held digitally during a State of Emergency. For those not familiar with the Webex platform, it allows members of the public to dial in from their computer, utilizing the Webex app, or from a regular phone utilizing a dial in number and meeting passcode.

If you wish to be heard at the public comment portion of the meeting, please use the “Raise Your Hand” function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. To mute or unmute your phone press \*6. You will be asked to state your name and address for the record and observe a time limit of three minutes.

**UNFINISHED BUSINESS** - None

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**NEW BUSINESS**

***-Discussion - Cannabis Legislation - Municipal Ordinances to be Adopted by August 21, 2021***

Ms. Buckley announced the one item on the agenda for discussion pertaining to the Cannabis Legislation and its impact on the municipality and consideration of adoption of Municipal Ordinances on or before August 21, 2021. She introduced Brian Nelson, Special Council, who walked everyone through the main provisions needing review.

If time does not allow for everyone to speak during the workshop session, members of the Public are invited to stay on for the Regular meeting and you may comment on the Cannabis discussion during the Open Discussion portion of the meeting. Alternatively, you can email your comments to [boroughclerk@tintonfalls.com](mailto:boroughclerk@tintonfalls.com) and they will be shared with all council members. Finally, as with all council meetings, a recording of the meeting and meeting materials will be available after the meeting.

Brian Nelson provided an overview of the law regarding legalization of cannabis in New Jersey and reviewed the New Jersey State League of Municipalities “NJLM” slide show. The law requires each municipality review and determine whether to act or not act to regulate the ability of entities to operate cultivation, wholesale, retail and other various types of licenses for the sale of cannabis within the Borough. There were three laws passed and signed by the governor earlier this year, they follow a similar model as the Alcoholic Beverage Control “ABC” and the State has created the Cannabis Regulatory Commission “CRC” that will be the licensing authority for cannabis within the State of New Jersey. They will have certain authority over the licenses. He reviewed the 6 classes of licenses. The Borough has no authority to regulate delivery services even if they choose to ban the other licenses within the borders of the municipality. He reviewed each license and what they could do with each license type. The municipality could collect a tax based on percentage of sales, the tax is directly collected by the Borough, not channeled through the State first. The difficult challenge is that the CRC has not promulgated regulations yet. We anticipate they will be adopted sometime this fall. Mr. Nelson reviewed the license process for the applicant. Background checks will be required

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for licensees. The CRC licensing authority at State level accepts an application and they are required to forward to municipality within 14 days of receipt. The municipality reviews for compliance with local restrictions such as regulations and ordinances on allowed times of operation, location, manner, and number of types of cannabis businesses. Then the municipality must inform the CRC with feedback about the application. The Borough had no prior ordinances related to cannabis and going forward the Borough can enact cannabis ordinances but must not conflict with State laws and regulations. Mr. Nelson reviewed the locations where cannabis licenses will/will not be permitted. Ordinances can set civil penalties for ordinance violations but cannot regulate delivery within the Borough. Also explained the Opt-Out Ordinance, within 180 days, from August 22, 2021. If no action is taken, the Borough relinquishes their ability to enforce zoning for a 5-year period before it can adopt ordinances regulating the licensees. Mr. Nelson stated that doing nothing is not a great option. Ordinances can always be amended as needed once enacted. This includes any zoning ordinances that may need amending which will follow the standard approval process. The underage possession or consumption is subject to much debate and most likely will undergo additional revisions. Matters such as notifications to parents and guardians are all state law matters and not a municipal control matter. In closing, Mr. Nelson cited that in Tinton Falls the Referendum vote that was held last fall was supported by a margin of about 66%. The Borough will have to decide before August 22<sup>nd</sup> and Council President Buckley wanted to get this information out for discussion because of the deadline.

Ms. Buckley reiterated the options available before the August 22<sup>nd</sup> deadline which is to either opt in or opt out. If a municipality opts out now, then they can opt in at a later time, once CRC regulations are promulgated in more detail. Mr. Nelson responded affirmatively. The only thing that boxes you out for the 5 years is complete inaction.

The council members proceeded to ask several questions to Mr. Nelson.

Ms. Buckley asked if a town opts in for certain licenses, they cannot opt out. Mr. Nelson responded yes, because if an applicant has expended time and money to start a facility and the town backs off or down, it would cause certain practical problems. Ms. Buckley hypothesized if the municipality opted in for several types of cannabis licenses it would still require the approval of the CRC and there is no guarantee that the maximum number of licenses would be granted. Mr. Nelson agreed, saying you are drawing the box of what you will permit, but authority lies with the State to determine how many licenses to issue within the municipal zoning regulations.

Mr. Manginelli inquired, why was the distributor not listed on the local cannabis tax slide? Mr. Nelson replied that there is no revenue tax placed on that type of license. He asked does municipality set the fine amount. Mr. Nelson replied only for ordinance violations that you have enacted. He also asked how about possession for too much product? That is governed by State law.

Mr. Seibert inquired under any current legislation is there any provisions that allow a single operation to hold more than one license? Mr. Nelson believes they could but stated he was not sure. They would have to comply with the local standards allowed in the municipality.

Mr. Manginelli asked if licensing fees have been established yet? Mr. Nelson replied he does not believe so. It will need to be done by regulation. What percent, if any, does the municipality receive from the licensing fee? Mr. Nelson stated the municipality would not get anything from the State licensing fee but could collect tax authorized by law. Possibly a municipality can set their own fees for administrative processing of the application which is limited to the costs associated with the transaction and it is not in conflict with State law.

Mr. Seibert asked if Mr. Nelson was aware of any Monmouth County municipalities who opted in and what were the specifics. Mr. Nelson was not aware of any yet that have opted in locally.

Ms. Buckley asked if the municipality opts in, would that need to go before the Planning Board for review before the August 22<sup>nd</sup> date? Mr. Nelson stated if it were a zoning ordinance it would have to go before the Planning Board for a consistency review.

Mayor Perillo had previously discussed this topic with Planning and Zoning Boards and Administration. He commented there were more questions than answers. He understood that some towns have opted out. Mayor Perillo stated that it is opinion that the Borough should opt out until we learn more and get more information from the professionals.

*Mitch Kulberg, 21 Cedar Place* - Mr. Kulberg thanked Council President and Council for having this meeting and stated they are doing an excellent job of being transparent and keeping everyone informed. Mr. Kulberg noted this passed overwhelmingly by the citizen of NJ by 67% statewide and 65.8% by Tinton Falls residents. He stated that that he understands the laws are complicated and it is unfortunate that townships are being asked to decide before all the regulations are in place. He thinks we should think twice before opting out and stated that he does not feel it presents anymore issues then liquor stores or bars. Mr. Kulberg commented on Colorado cannabis laws and heard they are well managed, safe, and no odors. He stated that he does not feel like it is a public menace and casts his support in favor of opting in. Mr. Kulberg commented that if the Borough opts out, the reason should be noted in the ordinance.

*TJ Brustowicz, 474 Riverdale Avenue West* – Mr. Brustowicz believes opting out would be a big mistake. He stated that the vote is the will of the people with a Statewide two thirds majority vote for cannabis and the residents of Tinton Falls voting similarly. Mr. Brustowicz stated that missing out on potential tax revenue is a mistake. He hoped we are more progressive and trust that our leadership will follow what folks voted for and apply the laws that are best for the town and for the entrepreneurs that will be coming in.

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*Lauren Nesci, 14 Riverview Drive* - Clarification question regarding a cultivator's license: Can a cultivator ship to a manufacturer or do you have to use a distributor? Mr. Nelson replied that the statute does allow transport to other cannabis retailers and wholesalers, but not to the end users, being the consumer.

**ADJOURNMENT TO REGULAR MEETING**

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

**ROLL CALL**

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

TIME: 7:18 pm

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.

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**ROLL CALL**

PRESENT: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley  
ABSENT: None  
ALSO PRESENT: Melissa Hesler, Borough Clerk  
Kevin Starkey, Director of Law  
Vito Perillo, Mayor  
Thomas Fallon, Acting Borough Administrator/Director of Finance  
Thomas Neff, Borough Engineer  
Mark Shaffery, Director of Public Works

**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, who will be joining us shortly, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey, Borough Engineer Tom Neff, Tinton Falls Dept of Public Works Director Mark Shaffery, and IT Director Dan Romanov.

I would like to give special thanks to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing the Webex platform.

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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.

**APPROVAL OF MINUTES**

*Mr. Nesci offered a motion to approve the March 2, 2021 Regular Meeting Minutes seconded by Mrs. Clay.*

**ROLL CALL**

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

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NAYS: None  
ABSENT: None

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Borough Engineer – Thomas Neff**

Mr. Neff updated Council on a request received from a resident at 1 Puma Place, which is in a newly constructed subdivision off of Wayside Road. He explained upon approval in 2007, the Planning Board required an easement at the rear of the property which was to serve as a visual buffer and screening from the existing bus business on adjacent property. The residential owners have requested a modification to the width of the easement from 65 feet to 30 feet and they would not be removing trees but would be planting additional trees and adding landscaping. The homeowner’s association signed off on this and other homeowners in the development are all in support of this change. They are looking for thoughts from the Council if they would support this change before beginning the formal approval process. Mr. Neff commented that this easement is not Borough property, and all expenses will be incurred by the homeowner. Councilmembers were all in support of this request. Mr. Neff will follow up with the resident.

**Mayor Perillo** - Mayor Perillo stated he had no report.

**Director of Law- Kevin Starkey**- Mr. Starkey stated that he had no report.

**Borough Clerk – Melissa Hesler**- Mrs. Hesler reported the petition packets for the upcoming municipal election to be held in November are available in the Clerk’s office. There are two councilmember-at-large positions as well as the mayor’s position on the ballot. The deadline for petition submission is August 30, 2021 at 4 pm.

**Council’s Report**

Mrs. Clay stated she attended the Board of Education meeting and would like to share that this week is teacher appreciation week. This year more than any other it is critical that we are recognizing the outstanding job that our teachers are doing in an extraordinary year. Mrs. Clay also mentioned the retirements of Lori Lomangino, Karen Brower and Diana Stafford who have served the district and our kids for many years. She extended her congratulations.

-Mr. Manginelli stated that he had no report.

-Mr. Nesci reported that there is no Planning Board meeting confirmed as of now. When confirmed, it will be posted on the website and Facebook. He stated that he attended Recreation’s T-Ball game and commented what a great job the Tinton Falls Recreation Department does along with all the volunteer coaches, and everyone involved that make the programs happen. He stated that the 2021 Summer Camp program is posted on the website. Mr. Nesci congratulated Fire Station 2 on their win over Fire Station 1 in their softball tournament.

-Mr. Siebert stated that the only report is there will be a Library Board meeting on Thursday.

-Ms. Buckley thanked Ms. Morgenthaler, TNR Coordinator for her latest report and volunteer work. She reminded everyone that there is a Cleanup event on Saturday, May 8<sup>th</sup> and invited all to participate. Ms. Buckley provided contact and detail information which will also be posted on the website.

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**ORDINANCES FOR INTRODUCTION**

**Mrs. Hesler read the title of Ordinance 2021-1472: Ordinance Amending Section 4-11 of the Borough Code Entitled “Discharge of Firearms and Bows.**

She stated that public hearing would be scheduled for May 18, 2021.

*No motion to Introduce* –The ordinance is withdrawn and would have to be introduced at another time.

**ORDINANCES FOR FINAL CONSIDERATION**- None

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**PUBLIC DISCUSSION**

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

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**ROLL CALL**

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

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.

*Debbie Lagattuta, 18 Williamsburg Drive* – Ms. Lagattuta expressed her concerns regarding the noise of fireworks, which drive her pets into a state of frenzy and panic. They start at 4 o'clock in the afternoon and continued to 2:00 am. It was very bad this fourth of July and feels it has gotten out of hand. She requested possibly a time limit on these fireworks suggesting from 8:30pm to 10:00pm.

Ms. Buckley stated this would come under the existing noise ordinance. She commented that the fireworks you are hearing are more than likely illegal and enforcement would be the answer. Ms. Buckley will take this to the Borough Administrator and the Chief and notify them of your concern.

*Mitch Kulberg, 21 Cedar Place* – Mr. Kulberg stated what a good job the DPW staff does and how much they do. Specifically recycling he wanted to discuss and the rules about what can be recycled, and expense involved in recycling. He sees cans overflowing with things not recyclable. Is there any plan for enforcement or public information campaign?

Ms. Buckley stated this is something Environmental Commission has tried to get this information out to the residents and has posted a letter on recycling rules and guidelines on the website. She welcomes ideas for getting this information out. He also asked about the ordinance failing to be introduced which Ms. Buckley explained the ordinance procedure when it is withdrawn.

*Anthony Cicalese, 15 Yale Court* – Mr. Cicalese stated since this ordinance was not introduced this leaves us with two ordinances on the books. He wanted to know what the mayor is going to do about enforcing the current ordinances.

Mayor Perillo commented he has spoken to the Police Chief many times and the complaints have been addressed. He has seen the reports provided by the Police and they are doing whatever they can to alleviate the problems. Mayor advised if you see something that is not right, you must speak up or report the incident.

Mr. Starkey added to the mayor's answer, stating the administration has posted signs to let the public know there is no discharge of firearms on public property which is an awareness and enforcement tool. We've spoken to the Division of Fish and Wildlife regarding hunters and will be working proactively with them to ensure that we have enforcement of the laws of the Borough and the State.

Mr. Cicalese thanked Administration for posting the signs. He commented that he found it interesting the hunters pull their vehicles in the woods between the no firearms and a no parking sign. Regarding the police response to firearm discharge reports. They did respond, but nothing was done. Someone has to be proactive. He asked if you suggesting you would want me or my neighbors to go into the woods and hunt the person down? The mayor responded you can get the license plate number or a picture and report the information.

Council President Buckley asked the Clerk if there were any written comments received via email. Borough Clerk Melissa Hesler stated that she did not receive any written comments.

*There being no further comments, 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**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER** - None

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**RESOLUTIONS** – None

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**CONSENT AGENDA**

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

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**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-21-083 - RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$98,993.11, which is now available from State of New Jersey Recycling Tonnage Grant.

BE IT FURTHER RESOLVED, that the like sum of \$98,993.11 is hereby appropriated under the caption of Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED, that the electronic special item of revenue resolution submittal form be filed with the Division of Local Government Services.

**R-21-084 - RESOLUTION TO APPROVE RENEWAL OF SHARED SERVICES AGREEMENT WITH MONMOUTH COUNTY**

WHEREAS, The State of New Jersey has mandated the use of the MODIV Property Assessment Computer System for all New Jersey Municipalities; and,

WHEREAS, The Board of County Commissioners of the County of Monmouth, in conjunction with the County Board of Taxation, is offering the County's MOD IV Property Assessment Computer System services to the municipalities; and,

WHEREAS, A Shared Services Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq.; and,

WHEREAS, it is in the best interest of the Borough of Tinton Falls to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED, By the Borough Council of the Borough of Tinton Falls, that the agreement entitled, "**Agreement Between the County of Monmouth and the Borough of Tinton Falls for MODIV Property Assessment Computer Services**", a copy of which is attached hereto, be approved for the First of January, 2022 through December 31, 2031; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized and directed to execute the contract agreement.

**R-21-085 -RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES 2021 VARIOUS PARK IMPROVEMENTS**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the 2021 various park improvements; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-21-011 adopted on January 5, 2021; and

WHEREAS, these services will be described in proposal attached dated April 27, 2021; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$49,500; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated April 27, 2021 for an amount not to exceed \$49,500; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

I hereby certify funds are available from: Ordinance #20-1462

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**R-21-086 - RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES SYCAMORE PARK IMPROVEMENTS**

**WHEREAS**, the Borough of Tinton Falls has a need for professional engineering services for the Sycamore Park Improvements; and

**WHEREAS**, T & M Associates is the Borough Engineer as approved by Resolution R-21-011 adopted on January 5, 2021; and

**WHEREAS**, these services will be described in proposal attached dated April 27, 2021; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$66,750; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated April 27, 2021 for an amount not to exceed \$66,750; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

I hereby certify funds are available from: Ordinance #20-1462

**R-21-087 - RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES SHREWSBURY AVENUE PUMP STATION UPGRADES**

**WHEREAS**, the Borough of Tinton Falls has a need for professional engineering services for the Shrewsbury Avenue Pump Station Upgrades; and

**WHEREAS**, T & M Associates is the Borough Engineer as approved by Resolution R-21-011 adopted on January 5, 2021; and

**WHEREAS**, these services will be described in proposal attached dated April 26, 2021; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$56,650; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated April 26, 2021 for an amount not to exceed \$56,650; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

I hereby certify funds are available from: Sewer Operating Budget – Capital Outlay

**R-21-088 - RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR GREENBRIAR FALLS – PHASES 1B, 2B & 3 BLOCK 16, LOT 1 – BLOCK 19, LOT 11.02**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Greenbriar Falls Phases 1B, 2B and 3, Block 16, Lot 1 and Block 19, Lot 11.02; and

**WHEREAS**, by letter dated April 20, 2021 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition and recommends the release of the guarantees for Greenbriar Falls Phases 1B, 2B and 3, Block 16, Lot 1 and Block 19, Lot 11.02.

**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-21-089 - RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR CEDAR CREEK STATES (A/K/A SICILIANO SUBDIVISION) BLOCK 90 – LOT 3**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Cedar Creek Estates (a/k/a Siciliano Subdivision) Block 90, Lot 3 and

**WHEREAS**, by letter dated April 13, 2021 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition and recommends the release of the guarantees for Cedar Creek Estates (a/k/a Siciliano Subdivision) Block 90 Lot 3.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining escrow funds associated with this project be released.

**R-21-090 - RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR BUNKER HILL HOMES (A/K/A COUNTRYSIDE ESTATES) BLOCK 90 – LOT 1.01**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Bunker Hill Homes (a/k/a Countryside Estates) Block 90, Lot 1.01 and

**WHEREAS**, by letter dated April 13, 2021 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition and recommends the release of the guarantees for Bunker Hill Homes (a/k/a Countryside Estates) Block 90 Lot 1.01.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining escrow funds associated with this project be released.

**R-21-091 - RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT**

**WHEREAS**, the Tinton Falls Police Department is in need of a Wearable Camera System; and

**WHEREAS**, WatchGuard Video, 415 E. Exchange, Allen, Texas 75002 has a valid NJ State Contract, designated as NJ Start Contract #17-FLEET-00793, for Wearable Camera Systems, for a total purchase price in the amount of \$ 170,524; and

**WHEREAS**, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

**WHEREAS**, Chief John Scrivanic recommends this purchase;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council authorizes the purchase under the valid 2021 NJ State Contract:

I hereby certify funds are available from:  
2021 Acquisition Body Cameras - \$125,000  
Budgets 2022 through 2025 - \$11,381 per year

**R-21-092 - RESOLUTION – REFUNDING ESCROW – ERIC PUMA**

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

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

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

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

**ERIC PUMA PUM3822CU \$10.00**

**R-21-093 - RESOLUTION-REFUNDING RECREATION FEES**

**WHEREAS**, during the months of March 2021 fees were collected for T-ball Team Program.

**WHEREAS**, said money was deposited by the Borough of Tinton Falls during the month of March 2021.

**WHEREAS**, during the month of April the Recreation Superintendent was informed by the resident, Adrienne Ciambone that her daughter, Falyn would not be participating due to scheduling conflicts. A refund less the \$10.00 processing fee will be issued..

Adrienne Ciambone	\$78.00
<hr/>	
Total	\$78.00



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**R-21-095 - RESOLUTION – APPROVAL OF BILLS – May 4, 2021**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 4, 2021; and

**WHEREAS**, the Borough Council has reviewed said claims.

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

**SUMMARY**

<b>GENERAL</b>	<b>6,086,660.45</b>
<b>SEWER UTILITY</b>	<b>10,071.44</b>
<b>GENERAL CAPITAL</b>	<b>16,058.50</b>
<b>GRANT FUND</b>	<b>2,209.28</b>
<b>TRUST FUNDS</b>	<b>59,566.81</b>
<b>ESCROW</b>	<b>20,418.50</b>
<b>TOTAL</b>	<b><u>6,194,984.98</u></b>

**EXECUTIVE SESSION** (if applicable)

**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: 8:08 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON: September 9, 2021**