

**REGULAR MEETING
MARCH 19, 2024**

BOROUGH COUNCIL

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

The Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting and filing with the Borough Clerk all on December 19, 2023."

ROLL CALL (Regular Meeting)

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

ABSENT: None

ALSO PRESENT: Michelle Hutchinson, Borough Clerk
Scott Kenneally, Director of Law Representative
Charles Terefenko, Business Administrator
Thomas Fallon, Director of Finance

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the February 20, 2024, Regular Meeting Minutes seconded by Dr. Dobin.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Monmouth County Reclamation Center Update – Odor Complaints

Mr. Thomas Arnone, County Commissioner, provided an update on the odor complaints at the Monmouth County Reclamation Center "MCRC" and introduced Mr. Scott Perin, Area Director of Disposal Operations Greater Mid-Atlantic Area for Waste Management. Mr. Perin gave an update on the 60 to 90 plans. He recapped what has been completed and what will be done in future phases. Also, Mr. Geoff Perselay, MC staff, explained the partnership with NJ Natural Gas who will be building a gas capture processing plant at the landfill. Mr. Perin stated that more communication with residents, more transparency and posting results of complaints online. Mr. Nelson Santiago, MC Health Department, provided an overview of the process for complaints being called in. He stated complaints can be obtained by the OPRA process through the NJDEP and/or MC Health Department and further explained their odor assessments and enforcement process. There was discussion of how odors are monitored for quality-of-life issues and presently NJ does not implement a device to gauge odors and mentioned lobbying for change in State law. Mrs. Clay and Mr. Manginelli both expressed their frustration with the complaint process which is not serving the residents effectively. Mr. Santiago stated they are working with NJDEP to improve the complaint process for the residents. Mr. Arnone provided suggestions for corrections in the complaint process with the County obligating to improve response time.

The following Tinton Falls and surrounding area residents who had issues with the odor from the landfill asked questions of Mr. Arnone and Mr. Perin regarding the landfill odor and operations:

Bill Keasler, 71 Edgebrook Court, Tinton Falls – Mr. Keasler inquired when the website would be available and is Waste Management planning for rain increases in the future. Mr. Perin stated the website will be updated and WMI does incorporate future rain increases in their plans. Mr. Keasler commented on the different types of gases and what can be monitored if a pilot program is implemented.

Michelle Simon, 21 Madison Court, Tinton Falls – Ms. Simon explained the experiences that she's had with the complaint process and questions why we can't call if not at home. Mr. Arnone stated they will work on that and is aware if you are driving on the Parkway, you can smell the odor. She mentioned other landfill sites who have monitors and believe they are of value to monitor air quality.

Julie Backstrom, Wayside section of Ocean Township – Ms. Backstrom asked if the complaint process can be moved online? Mr. Arnone stated affirmatively it will be online. Mr. Nelson stated there is a NJDEP app for complaints as well.

Mitch Kulberg, 21 Cedar Place, Tinton Falls – Mr. Kulberg also commented that the complaint process and communications need to be fixed. He suggested ideas to reduce food waste to reduce landfill odors.

Brendan Tobin, 5 Chestnut Street, Tinton Falls – Mr. Tobin asked if the County Advisory Council still existed and if there was a representative from Tinton Falls on the board who acts as liaison for the community. Mr. Arnone confirmed the council exists.

Mrs. Clay suggested to email any further questions regarding the landfill as she closed this presentation session. She thanked all the presenters and professionals for their participation.

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Director of Finance- Thomas Fallon

Mr. Fallon has no report.

Administrator – Mr. Terefenko

Mr. Terefenko reported receiving from the Monmouth County Sheriff's Office an update on EMS calls which he provided including the response times which were very positive. He thanked the volunteers at EMS North for their service.

Director of Law Representative - Scott Kenneally

Mr. Kenneally had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson reported the deadline for County Committee submissions petitions is Monday, March 25th before 4:00pm. Contact the Clerk's Office with any questions.

Council's Reports

-Ms. Buckley reported the next Environmental Commission hybrid meeting is March 28th and the Earth Day event is on April 28th.

-Dr. Dobrin reported the library project is coming along and the Easter Egg Hunt is this Saturday.

-Mr. Manginelli commented that the presenters did a great job of defending a failing system and it remains to be seen if he will be happy.

-Mr. Nesci reported that the Planning Board is reviewing a reexamination report prepared by our planner. They will make recommendations on zoning and ordinance changes and a copy is on the Borough website. This is not a Master Plan, and he explained all the positive steps this process will achieve.

-Mrs. Clay reported on March 7th visiting the middle school with Mr. Terefenko to introduce their student government project on April 11th. Members of the middle school student council, Borough professionals and several council members will meet to explain how government works and to field any questions from the students. Also, the crosswalk at Atchison School and Sycamore Avenue is progressing.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hutchinson read the title of the Ordinance: **2024-1511 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2024-1511, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2024-1511, seconded by Mr. Nesci.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Nesci offered a motion to adopt Ordinance No. 2024-1511, seconded by Mr. Manginelli.

ROLL CALL

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

**REGULAR MEETING
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BOROUGH COUNCIL

PUBLIC DISCUSSION

Ms. Buckley offered a motion to open the Public Discussion, seconded by Dr. Dobrin.

ROLL CALL

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

Mrs. Clay asked the Clerk if there were any public comments submitted and Ms. Hutchinson stated there none.

Brendan Tobin, 5 Chestnut Street – Mr. Tobin commented on the potholes in a section of West Park Avenue should be fixed by Tinton Falls and ask the County for that section of road back. He was disappointed that the canine unit was disbanded and explained why he would like to see it returned and provided a history of the unit.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS - None

CONSENT AGENDA

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

ROLL CALL

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-043

**RESOLUTION – AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATION RESERVES PURSUANT TO N.J.S.A 40A:4-59**

WHEREAS, various 2023 bills or obligations have been presented for payment this year, which bills or obligations were not covered by order number and/or recorded at the time of transfer between the 2023 budget appropriations in the last two months of 2023; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that transfers in the amount of \$3,000 be made between the 2023 budget appropriation reserves as follows:

<u>Budget Appropriation</u>	<u>From</u>	<u>To</u>
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Utilities – Natural Gas	\$ 3,000	
Utilities - Water		<u>\$ 3,000</u>
	<u>\$ 3,000</u>	<u>\$ 3,000</u>

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-044

**RESOLUTION CERTIFYING COMPLIANCE WITH UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION’S GUIDANCE ON THE
CONSIDERATION OF ARREST AND CONVICTION RECORDS**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-045

RESOLUTION – REFUNDING ESCROW – 7th DAY, LLC

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, Regina Acken, 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:
7th DAY, LLC

**7TH4380CO - \$14.24
7TH5124CO - \$1,868.38
7TH5462CO - \$866.16**

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-24-046

RESOLUTION – APPROVAL OF BILLS – March 19, 2024

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 19, 2024; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL

3,507,799.03

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BOROUGH COUNCIL

SEWER UTILITY	327,171.25
GENERAL CAPITAL	140,399.68
GRANT FUND	7,594.88
TRUST FUNDS	17,068.45
ESCROW	1,691.25
ADDITIONS	<u>1,465,443.55</u>
TOTAL	5,467,168.09

CERTIFICATION OF FUNDS:

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:06pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Clay, Council President

APPROVED AT A MEETING HELD ON: April 16, 2024.