

**REGULAR MEETING  
MARCH 21, 2017  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:32 PM.

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."

**ROLL CALL**

PRESENT: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Roche, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Maureen L. Muttie, Borough Clerk  
Brian M. Nelson, Director of Law  
Gerald M. Turning, Mayor  
Michael Muscillo, Borough Administrator  
Thomas Neff, Borough Engineer

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All present stood for Salute to Flag.

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**APPROVAL OF MINUTES**

*Mr. Pak offered a motion to approve the minutes of October 18, 2016, seconded by Mr. Manginelli.*

**ROLL CALL**

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Roche, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: None

*Mr. Pak offered a motion to approve the minutes of November 1, 2016, seconded by Mr. Roche.*

**ROLL CALL**

AYES: Mr. Manginelli, Mr. Pak, Mr. Roche, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: Ms. Fama

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Mayor's Report – Gerald M. Turning, Sr.**

Mayor Turning reported on a meeting with the Tinton Falls Baseball League Board whereby he requested improvement suggestions to Hockhockson Park. He explained the uses of the Open Space Trust Fund and how the Borough had previously utilized these funds to make on-going improvements of all Borough parks. The Little League Board provided a cost proposal regarding installing a turf field on one of the baseball fields. Mayor reviewed the proposal and confirmed with the Chief Financial Officer that the Open Space Trust Fund could provide the requested funding for this project. Mayor invited the Little League Board to present their proposal.

*Mike Faletti, Little League Board member* – Mike presented the proposal for improvements to Hockhockson Park. He outlined all the safety improvements, cost savings and multiuse configuration of the baseball fields. Councilmembers inquired into issues of program participation, field drainage, player's safety, game scheduling and usage of the fields

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which were answered satisfactorily by the board members. Councilman Baldwin thanked the presenters and stated Council will take this proposal into consideration.

Mayor Turning also reported the Father Daughter's Dance will be held this Sunday, March 26, 2017 at Jumping Brook Country Club.

**Engineer's Report – Thomas Neff**  
Mr. Neff had no report.

**Borough Administrator – Mike Muscillo**  
Mr. Muscillo had no report.

**Director of Law – Brian Nelson**  
Mr. Nelson had no report.

**Borough Clerk's Report – Maureen L. Muttie**  
Ms. Muttie had no report.

**Council's Report**

Councilwoman Fama reported on upcoming Library events such as Earth Day Clean-up by WaWa on Shafto Road; author talk and book signing by Dana K. White on March 27, 2017 at 7:00pm.

Councilman Manginelli had no report.

Councilman Roche had no report.

Councilman Pak reported the school referendum proposed by the Board of Education will be approximately \$28-\$30 million range. He listed the items for repair and upgrade justifying the proposed amount. He explained the Board's reasoning and noted there is a PowerPoint presentation on the school's website explaining the referendum.

Council President reported there will be Planning Board Meeting tomorrow night. The Outlet Mall is the applicant and they are looking to double the number of kiosk stations.

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**ORDINANCES FOR INTRODUCTION** - None

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**ORDINANCES FOR FINAL CONSIDERATION**

Ms. Muttie read Ordinance No. 2017-1411 entitled: **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-45.14)**

*Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1411, seconded by Mr. Roche.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1411, seconded by Mr. Roche.*

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**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

Mr. Baldwin asked if there were any comments from Council.

*Mr. Pak offered a motion to adopt Ordinance No. 2017-1411, seconded by Mr. Roche.*

**ROLL CALL**

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Roche, Mr. Baldwin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Ms. Muttie read Ordinance No. 2017-1412 entitled: **ORDINANCE AMENDING SECTION 3-12.2 OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH GOVERNING THE ORGANIZATION OF THE POLICE DEPARTMENT**

*Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1412, seconded by Mr. Roche.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

*There being no comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1412, seconded by Mr. Roche.*

**ROLL CALL**

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

**PUBLIC HEARING CLOSED**

Mr. Baldwin asked if there were any comments from Council.

*Mr. Pak offered a motion to adopt Ordinance No. 2017-1412, seconded by Mr. Roche.*

**ROLL CALL**

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Roche, Mr. Baldwin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

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**PUBLIC DISCUSSION**

*Mr. Pak offered a motion to open the Public Discussion, seconded by Mr. Roche.*

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**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

*Denise Catalano, 11 Alpine Trail* – Ms. Catalano asked who keeps the rental fees for the baseball fields? Is it Little League or Tinton Falls Recreation and are we charging sufficient fees.

Sherrri Eisele, Recreation Director stated the fees go into the Borough's general fund as per Ordinance. The fees are broken down between several categories. Ms. Eisele answered Council questions regarding recreation programs and field usage by sports organizations.

*There being no other comments from the public, Mr. Pak offered a motion to close the Public Discussion, seconded by Mr. Manginelli.*

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

**RESOLUTIONS**

Mr. Pak offered a motion to approve Resolution R-17-047, seconded by Manginelli.

**R-17-047 - RESOLUTION RATIFYING NEW FOUR (4) YEAR  
CONTRACT WITH THE CHIEF OF POLICE**

**WHEREAS**, pursuant to N.J.S.A. 40A:14-118, Ordinance No. 2010-1300 was adopted establishing the position of the Chief of Police in the Borough of Tinton Falls as a direct mayoral appointment; and

**WHEREAS**, pursuant to the powers granted under the Mayor-Council Plan of the Optional Municipal Charter Law (N.J.S.A. 40:69A-31 et seq.) the Mayor is authorized to negotiate and sign contracts; and

**WHEREAS**, on September 10, 2010, the Mayor appointed John Scrivanic as the Chief of Police and a one (1) year contract expiring on December 31, 2011 was ratified by the Borough Council shortly thereafter; and

**WHEREAS**, in 2012, the Borough negotiated a contract with the Chief of Police for a five (5) year term that expired on December 31, 2016; and

**WHEREAS**, the Borough has negotiated a new four (4) year contract with the Chief of Police.

**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 the Borough Council hereby ratifies the contract negotiated by the Administration with John Scrivanic as the Borough's Chief of Police attached hereto and hereby made part of this Resolution.

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the Employment Agreement for the Chief of Police as attached hereto and hereby made part of this Resolution.

**CONSENT AGENDA**

*Ms. Fama offered a motion to approve the Consent Agenda, seconded by Mr. Baldwin.*

**ROLL CALL** (to approve Consent Agenda)

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Roche, Mr. Baldwin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

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**R-17-048 - RESOLUTION – TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, a Resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the Borough of Tinton Falls hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jill Pegosh to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**R-17-049 - RESOLUTION APPROVING LISTS OF VOLUNTEERS WHO QUALIFY FOR THE BOROUGH OF TINTON FALLS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2016**

**WHEREAS**, The Borough of Tinton Falls (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active volunteer members of the Tinton Falls Emergency Medical Service Squads; and

**WHEREAS**, the Emergency Medical Service Squads are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

**WHEREAS**, both the Tinton Falls EMS North and the Tinton Falls EMS South have submitted certified lists of qualified volunteers for the year 2016; and

**WHEREAS**, the Chief Financial Officer has reviewed the lists and found them to be accurate.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the certified lists of qualified volunteers for the year 2016 are hereby approved.

**R-17-050 - RESOLUTION PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 15 WILLIAM STREET**

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
J. & E. Morris c/o Daniel Morris 84 Peach Street Tinton Falls, NJ 07724	3	3	\$10,340.51

Re: Prop. Loc.: 15 William Street

**WHEREAS**, N.J.S.A. 40:48-2.14 provides where obnoxious growth, garbage, trash and debris are destroyed or removed from any dwelling or lands, the cost shall be certified to the governing body, which shall examine the certificate and if found correct shall cause the cost to be charged against said dwelling or lands; and

**WHEREAS**, the Department of Public Works of the Borough of Tinton Falls performed a clean-up on the above mentioned property totaling \$10,340.51 pursuant to a letter dated February 24, 2017 from Gary R. Gebele, Director of Public Works hereby attached and made part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that a debris lien in the amount of \$10,340.51 is charged to the property known as 15 William Street and shall become part of the taxes to be assessed and levied.

**R-17-051 - RESOLUTION REFUNDING POOL PERMIT FEE  
TO REGENCY AT TROTTERS POINTE HOA**

**WHEREAS**, a permit fee in the amount of \$50.00 was paid by Regency at Trotters Pointe HOA, 1400 Horizon Way, Suite 200, Mount.Laurel, NJ, 08054; and

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**WHEREAS**, said monies were deposited in March 2017 by the Borough of Tinton Falls in accordance with law; and

**WHEREAS**, the applicant sent a duplicate check in the amount of \$50.00 and the Borough Clerk Official requested a refund; and

**WHEREAS**, a refund in the amount of \$50.00 shall be issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$50.00 be issued to Regency at Trotters Pointe HOA, 1400 Horizon Way, Suite 200, Mount Laurel, NJ, 08054.

**R-17-052 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2013 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2013 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Howard P. Malcolm Society Hill Way Tinton Falls, NJ 07724	24.02	24	\$421.25

**AND WHEREAS**, said reduction has resulted in an overpayment of the 2013 Taxes by the property owner in the amount of \$421.25 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$421.25 is hereby approved for the aforementioned property.

**R-17-053 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2014 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2014 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Howard P. Malcolm Society Hill Way Tinton Falls, NJ 07724	24.02	24	\$450.02

**AND WHEREAS**, said reduction has resulted in an overpayment of the 2014 Taxes by the property owner in the amount of \$450.02 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$450.02 is hereby approved for the aforementioned property.

**R-17-054 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2015 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2015 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Howard P. Malcolm Society Hill Way Tinton Falls, NJ 07724	24.02	24	\$414.80

**AND WHEREAS**, said reduction has resulted in an overpayment of the 2015 Taxes by the property owner in the amount of \$414.80 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$414.80 is hereby approved for the aforementioned property.

**ADJOURNMENT**

*Mr. Pak offered a motion to adjourn, seconded by Mr. Manginelli.*

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**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:29pm

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

**APPROVED AT A MEETING HELD ON: September 5, 2017**