

**REGULAR MEETING  
JANUARY 17, 2017  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:30 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  
Michael Supko for Brian M. Nelson, Director of Law  
Gerald Turning, Sr., Mayor  
Michael Muscillo, Administrator  
Thomas Fallon, Director of Finance  
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

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

Mayor Turning reported he and Council President Gary Baldwin attended the Ft. Monmouth ribbon cutting ceremony reopening the road that connects the boroughs of Eatontown and Oceanport. He also attended a meeting sponsored by Senator Jennifer Beck at Colts Neck High School to discuss security issues at Navy Weapons Station Earl. He is hopeful the issue of civilians taking up residence on this property will be resolved favorable for Tinton Falls.

**Engineer's Report – Thomas Neff**

Mr. Neff reported the Borough is applying for the grant application with NJDOT for Hope Road Improvements. Also, Mazza Recycling has applied to the Solid Waste Advisory Council of Monmouth County to expand their Class A Recycling for paper and cardboard. The solid waste increase is 300 tons a day from 190 tons a day. The Borough supports the application with added comments concerning the increase in truck and recommended a traffic signal to deal with the increase truck traffic. The Advisory Council has requested an updated traffic report while the application is pending.

**Finance Director – Thomas Fallon**

Mr. Fallon had no report.

**Administrator's Report – Michael Muscillo**

Mr. Muscillo had no report.

**Director of Law – Michael Supko**

Mr. Supko reported the Supreme Court will announce a decision on the Affordable Housing issue tomorrow.

**Borough Clerk's Report – Ms. Muttie**

Ms. Muttie had no report.

**Council's Report**

Ms. Fama reported the Borough Library is grateful for all the assistance provided by this Administration and Council. They will be increasing their marketing efforts to bring in more patrons.

Mr. Manginelli will be attending the (*inaudible*) meeting the end of this month.

Mr. Roche had no report this evening.

Mr. Pak had no report.

Mr. Baldwin had no report.

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**ORDINANCES FOR INTRODUCTION** - None

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**ORDINANCES FOR FINAL CONSIDERATION**

Ms. Muttie read Ordinance No. 2017-1408 entitled: **ORDINANCE RELEASING RESTRICTION OF USE ON BLOCK 14.03, LOT 29.01 NO LONGER NEEDED FOR ANY PUBLIC PURPOSE AND ACCEPTING DEED OF CONVEYANCE**

*Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1408, seconded by Mr. Manginelli.*

**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. 2017-1408, seconded by Mr. Manginelli.*

**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. 2017-1408, seconded by Ms. Fama.*

**ROLL CALL**

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

Ms. Muttie read Ordinance No. 2017-1409 entitled: **ORDINANCE EXTINGUISHING EXPIRED CONDITION OF USE IMPOSED BY DEVELOPER'S AGREEMENT ON BLOCK 116, LOT 1 (MOESC PROPERTY) AND ACCEPTING DEED RELEASING THE SAME**

*Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1409, seconded by Mr. Manginelli.*

**ROLL CALL**

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

**PUBLIC HEARING OPEN**

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*There being no comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1409, 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.

*Ms. Fama offered a motion to adopt Ordinance No. 2017-1409, seconded by Mr. Manginelli.*

**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.*

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

*There being no comments from the public, Mr. Roche 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**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

Ms. Muttie stated Executive Session Resolution number is 17-023.

Mayor Turning commented that Gary Gebele, Director of DPW, mother passed away and gave service details.

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**RESOLUTIONS**

**CONSENT AGENDA**

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

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

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-17-013 - RESOLUTION RATIFYING APPOINTMENT OF JUDGE OF THE MUNICIPAL COURT**

**WHEREAS**, pursuant to N.J.S.A. 2B:12-4, the term of the Borough's prior municipal court judge expired effective December 31, 2016, therefore, requiring a new appointment for a full three year term; and

**WHEREAS**, since October 2015, Susan Schroeder Clark, Esq. has been serving as the Acting Judge of the Municipal Court; and

**WHEREAS**, effective January 1, 2017, the Mayor appointed Susan Schroeder Clark, Esq. as Judge of the Municipal Court for a full three year term pursuant to N.J.S.A. 2B:12-4.

**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 ratifies the Mayor's appointment of Susan Schroeder Clark, Esq. as Judge of the Municipal Court of the Borough of Tinton Falls to serve for a full term.

**R-17-014 - RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HOPE ROAD IMPROVEMENTS – PHASE I PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of Tinton Falls formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Tinton Falls Borough-00180 to the New Jersey Department of Transportation on behalf of the Borough of Tinton Falls.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Tinton Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**R-17-015 - RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT**

**WHEREAS**, the Tinton Falls Police Department is in need of three (3) 2017 Chevrolet Tahoes, 4X4 pursuit vehicles; and

**WHEREAS**, Day Chevrolet, 1600 Golden Mile Highway, Monroeville, PA 15146 has valid State Contract #A89938 for three (3) 2017 Chevrolet Tahoes, 4X4 pursuit vehicles with options for a total purchase price in the amount of \$108,884.82; 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 following purchase under the valid 2017 State Contract:

Three (3) - 2017 Chevrolet Tahoes, 4X4 pursuit vehicles with options: \$108,884.82.

**R-17-016 - RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY BY TWO (2) PUBLIC ONLINE AUCTIONS**

**WHEREAS**, the Borough of Tinton Falls Police Department and Department of Public Works have enough surplus vehicles and other equipment to hold two (2) public ON-LINE auctions during 2017, dates and times will be advertised in the Asbury Park Press; and

**WHEREAS**, Stephan J. Miranti, US Gov Bid/Auction Liquidation Services, 1 Industrial Way West, Building A, Eatontown, NJ 07724 will conduct the on-line auction at a commission rate of 6.5% of the gross selling price; and

**WHEREAS**, Local Public Contracts Law NJSA 40A:11-36 requires authorization of sale of said property via the adoption of a Resolution; and

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**WHEREAS**, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold, or \$6,000.00; and

**WHEREAS**, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days, nor later than 7 days prior to said auction;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment, Borough vehicles and any other miscellaneous items received prior to, through the process of two (2) Public ON-LINE auctions dates to be determined.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute the contract of US Gov Bid/Auction Liquidation Services for the Borough of Tinton Falls as specified herein above.

**R-17-017 - RESOLUTION REFUNDING CONSTRUCTION PERMIT FEES TO  
GOLD MEDAL PLUMBING HEATING COOLING ELCTRIC, INC.**

**WHEREAS**, permit fees in the amount of \$204.00 were paid by Gold Medal Plumbing Heating Cooling Electric, Inc. on August 17, 2015, for the replacement of a gas furnace and central air conditioning unit at 34 Pegasus Drive, Permit Number 15-709; and

**WHEREAS**, said monies were deposited in August, 2015 by the Borough of Tinton Falls in accordance with law; and

**WHEREAS**, the applicant has requested a refund as the homeowner has canceled the job; and

**WHEREAS**, a refund in the amount of **\$148.00** (\$204.00 minus the non-refundable State surcharge fee of \$19.00 and the 20% non-refundable plan review fee of \$37.00) 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 \$148.00 be issued to Gold Medal Heating Cooling Electric, Inc., 11 Cotters Lane, East Brunswick, New Jersey 08816.

**R-17-018 - RESOLUTION REFUNDING CONSTRUCTION PERMIT FEES TO  
SOLARCITY CORPORATION**

**WHEREAS**, permit fees in the amount of \$246.00 were paid by SolarCity Corporation on March 28, 2016, for the installation of roof mounted solar panels at 13 Cranberry Drive, Permit Number 16-249; and

**WHEREAS**, said monies were deposited in March 2016 by the Borough of Tinton Falls in accordance with law; and

**WHEREAS**, the applicant has requested a refund as the homeowner has canceled the job; and

**WHEREAS**, a refund in the amount of **\$176.00** (\$246.00 minus the non-refundable State surcharge fee of \$26.00 and the 20% non-refundable plan review fee of \$44.00) 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 \$176.00 be issued to SolarCity Corporation, 9 Corporate Drive, Cranbury, New Jersey 08512.

**R-17-019 - RESOLUTION CANCELING 2016 TAXES**

**WHEREAS**, an overbilling of 2016 added assessment taxes has been made as a result of a County Board Judgement reducing the prorated time period from 3 months to 1 month to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
David & Helene Miller 20 Abbey Road Tinton Falls, NJ 07753	147	10.50	\$1,635.58

**AND WHEREAS**, said County Board Judgement has resulted in the cancellation of the 2016 taxes in the amount of \$1,635.58, as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$1,635.58 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$1,635.58.

**R-17-020 - RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2016 taxes has been made as a result of a Disabled Person's deduction for the year 2016 to property known as:

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<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Mary E. Menser 13 Jockey Lane Tinton Falls, NJ 07753	129.10	108	\$250.00

**AND WHEREAS**, said deduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$250.00, 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 \$250.00 is approved for the aforementioned property.  
I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$250.00.

**R-17-021 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2016 taxes has been made as a result of a Veteran's deduction for the year 2016 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
George Hoffmann 14 Santa Rosa Lane Tinton Falls, NJ 07753	129.15	33.07	\$250.00

**AND WHEREAS**, said deduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$250.00, 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 \$250.00 is approved for the aforementioned property.  
I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$250.00.

**R-17-022 - RESOLUTION – APPROVAL OF BILLS – JANUARY 17, 2017**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 17, 2017; 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	\$110,737.65
SEWER UTILITY	4,140.69
TRUST FUNDS	50,627.96
GRANT FUND	6,516.73
DOG TRUST	1.20
ESCROW FUND	1,549.50
ADDITIONS	1,691,747.82
	1,865,321.55

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**ADJOURNMENT TO EXECUTIVE SESSION**

*Mr. Pak offered the following Resolution and moved its adoption, seconded by Mr. Manginelli.*

**R-17-023 - RESOLUTION TO ENTER EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

**WHEREAS**, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

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**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) Potential Property Acquisitions or Sales – N.J.S.A. 10:4-12(b)(5)  
None
- 2) Personnel Matters – N.J.S.A. 10:4-12(b)(8)  
None
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)  
Court Shared Service Agreement (ATOD February 2017)  
T-Mobile Tower Ground Lease (ATOD April 2017)
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)  
None

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

Council President Mr. Baldwin advised that at this time Council would adjourn into Executive Session and at this point there will be no further action taken by council after executive session.

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**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:26

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

**APPROVED AT A MEETING HELD ON: June 13, 2017**