

**REGULAR/WORKSHOP MEETING  
OCTOBER 3, 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  
Brian Nelson, Director of Law  
Gerald M. Turning, Mayor  
Elizabeth Perez, Interim Borough Administrator  
Thomas Fallon, Director of Finance  
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

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Mr. Baldwin introduced the Mayor who read a proclamation for a non-profit organization and he explained why this was so important to him and his family having experienced a personal tragedy. Mayor Turning read the following proclamation:

***Proclamation Recognizing October as Pregnancy and Infant Loss Awareness Month***

*WHEREAS, The TEARS Foundation is a non-profit organization that wants to lift the financial and emotional burdens from families who have lost a baby. Generous donations from the community offer supportive programs to newly bereaved families; and*

*WHEREAS since inception, the foundation has helped thousands of families, both financially and emotionally, providing support services as well as compassionately lifting a financial burden from families by providing funds to assist with the cost of burial or cremation services, believing every parent should have access to bereavement support, in the form of grief support groups, peer memorialized in accordance with the grieving parents' wishes; and*

*WHEREAS, in 1988, President Regan designated October as National Pregnancy and Infant Loss Awareness Month; and*

*WHEREAS, to pursue this mission to bring support for hurting families, the New Jersey Chapter of TEARS Foundation has announced the #BreakTheSilence campaign to attain this important goal.*

*NOW, THEREFORE, I, Mayor and Council of Tinton Falls, do hereby honor the TEARS Foundation for instilling generosity, love and support in the surrounding communities. We proclaim this month, October, 2017 as "Pregnancy & Infant Loss Awareness Month" Mayor Gerald M. Turning*

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Mr. Baldwin and Councilmembers took this opportunity to compliment the Borough Clerk, Maureen L. Muttie, for her recent professional accomplishment of attaining Certified Municipal Clerk from the International IMC. He stated a letter congratulating Mrs. Muttie on her accomplishment will be put in her personnel folder.

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

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

Mayor had no report.

**Engineer's Report – Thomas Neff**

Mr. Neff reported the County will be paving Wayside Road South to Green Grove Road at night this week. The sewer project on Water Street will be completed tomorrow and the roadway will be reopened. Contractor will be back in the spring to mill and pave the trench. Hance Park improvement is being reviewed for a tot lot playground for this year.

**Director of Finance – Thomas Fallon**

Mr. Fallon had no report.

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**Interim Borough Administrator – Elizabeth Perez**

Ms. Perez reported the Police Department is participating in National Coffee with a Cop Day tomorrow in Dunkin Donuts at Falls Village. They have announced a new program Explorers Club Program for high school students from 9<sup>th</sup> to 12<sup>th</sup> grade with a scheduled meeting date. She attended the quarterly OEM meeting and announced several Recreation programs and events.

**Director of Law – Brian Nelson**

Mr. Nelson had no report.

**Borough Clerk’s Report – Maureen L. Muttie**

Ms. Muttie had no report.

Councilwoman Fama asked for a moment of silence for the shooting victims in Las Vegas and complimented the Hanna Duffy playground design. She asked about the tree plantings at Society Hill which Mayor Turning stated are scheduled for planting at the end of October.

Councilman Manginelli announced that Clean Up Day is scheduled for October 14<sup>th</sup> starting at 9:00am at 537 Tinton Avenue in which Public Works and Environmental Commission will be participating and all volunteers are welcome.

Councilman Roche had no report.

Councilman Pak reported the school referendum passed. He reminded everyone Community Day is this weekend and thanked Gary Gebele, DPW Director and Captain David Scrivanic for all their hard work.

Council President Baldwin reported there will be a Planning Board Meeting this Wednesday night with one applicant on the agenda.

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**ORDINANCES FOR INTRODUCTION**

Ms. Muttie read Ordinance No. 2017-1419 entitled: **ORDINANCE AMENDING TOWING DEFINITIONS**

**WHEREAS**, the Tinton Falls Police Department recently made recommendations for amendments to the Borough’s towing fee regulations that also require certain definitional change.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Section 5-8.2 of the Revised General Ordinances of the Borough of Tinton Falls be and are hereby amended and supplemented as follows:

**SECTION 1. Amendments to Section 5-8.2.**

**5-8.2 Definitions.**

As used in this section:

**“Abandoned Vehicle” shall mean a vehicle or vessel partially dismantled, not readily capable of operation under its own power, not currently used for transportation, not currently licensed, wrecked, or junked.**

**“Absorbents” shall mean products used to soak up spills or vehicle fluids.**

**“Administrative Charge” shall mean charges for services including but not limited to removal of personal items, copying of forms, inspection, telephone and/or emails, and any additional paperwork.**

**“Cruising”** shall mean the driving of a wrecker to and fro along any Borough street for the purpose of soliciting business within the Borough of Tinton Falls.

**“Debris Clean-up” shall mean the amount of debris at the scene of a motor vehicle accident from the point of impact, the final resting point of the vehicle and the associated debris field.**

**“Flatbed”** shall mean a special wrecker for removal of special vehicles which could not be lifted by a normal wrecker without causing undue damage

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**“Garage”** shall mean a building in which motorcars can be sheltered, stored, repaired and made ready for use. It is specifically intended not to include within the meaning of this definition, a gasoline service station used principally for furnishing gasoline, oil, lubrication service, and minor service for automobiles.

**“Gross Vehicle Weight”** shall mean the registration weight, the manufacturer's gross vehicle weight rating or actual weight.

**“Heavy Duty Wrecker”** shall mean a wrecker with a minimum lifting capacity of twenty-five (25) tons on a tandem truck chassis.

**“Operator”** shall mean owner or agent of servicing garages

**“Person”** shall mean individuals, partnerships, corporations, companies, and any other similar association of person or persons engaged in business.

**“Response Time”** shall mean the time the operator receives the telephone call from the Tinton Falls Police Department until the time the operator arrives on the scene.

**“Service Call”** shall mean a response to a motorist to provide aid for the changing of flat tires and/or providing fuel/jump start.

**“Storage Fees”** shall mean the maximum allowable amount to be charged by an operator for a 24 hour period. Storage includes vehicles taken to the police department or licensee yard as a result of a motor vehicle crash, impound, or disabled vehicle.

**“Towing”** shall mean removal of a vehicle by taking the same in tow or placing it on a flatbed

**“Towing Operators Rotational List”** shall mean a schedule prepared by the Traffic Safety Unit of towing operators that were approved by the Borough, to be called by the Police Department for vehicle assistance.

**“Uprighting”** shall mean returning of a vehicle to its proper position on all four (4) wheels or under carriage.

**“Wrecker”** shall mean a public vehicle employed for the purpose of towing, transporting, and/or conveying or removing vehicles which are unable to be and/or actually not operating under their own power, from the place they were disabled to some other place and a service fee is exacted.

**“Winching”** shall mean the process of moving a motor vehicle by the use of chains, nylon slings from a position that is not accessible for direct hook up for towing a motor vehicle. Winching includes recovering a motor vehicle not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

**“Waiting Time”** shall mean the time a licensee has equipment and personnel waiting at a scene to perform a towing operation.

**SECTION 2. Repealer.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3. Severability.**

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 4. Effective Date.**

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

*Mr. Pak offered a motion to introduce Ordinance No. 2017-1419, seconded by Mr. Roche.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**ORDINANCES FOR FINAL CONSIDERATION** - None

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

*Ryan Hager, 22 Orla Court – Serves on the Board of Education K-8, Thanked Mayor and Council for their support on the Earle Naval Base issue and the special election school referendum.*

*John Ostocovich, Co-Chapter Leader, NJ TEARS Foundation – Thanked Mayor and Council for support of the Foundation.*

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

**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**

**CONSENT AGENDA**

*Mr. Pak 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-17-179 - RESOLUTION AUTHORIZING PURCHASE UNDER  
NATIONAL JOINT POWERS ALLIANCE**

**WHEREAS**, the Tinton Falls Department of Public Works is in need of one (1) 2018, 7400 SFA 4 x 2 (SA525) Recycling Truck; and

**WHEREAS**, the Borough of Tinton Falls is a current member of the National Joint Power Alliance as approved by Resolution #R-16-123; and

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**WHEREAS**, Mid-Atlantic Truck Centre, 525 Linden Avenue, West, Linden, NJ 07036 is a valid vendor on the National Joint Powers Alliance, for the purchase of a 2018, 7400 SFA 4 x 2 (SA525) Recycling Truck for a total purchase price in the amount of \$143,845.59 ; and

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

**WHEREAS**, Gary Gebele, Director of Public Works recommends this purchase.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council authorizes the following purchase under the valid National Joint Powers Alliance:

**2018, 7400 SFA 4 x 2 (SA525) Recycling Truck**

I hereby certify funds are available from: Recycling Tonnage Grant

**R-17-180 - RESOLUTION AUTHORIZING PURCHASE UNDER  
NATIONAL JOINT POWERS ALLIANCE**

**WHEREAS**, the Tinton Falls Department of Public Works is in need of one (1) 2018, Hx515 6 x 4 (HX51F) Roll Off Truck; and

**WHEREAS**, the Borough of Tinton Falls is a current member of the National Joint Power Alliance as approved by Resolution #R-16-123; and

**WHEREAS**, Mid-Atlantic Truck Centre, 525 Linden Avenue, West, Linden, NJ 07036 is a valid vendor on the National Joint Powers Alliance, for the purchase of a 2018, Hx515 6 x 4 (HX51F) Roll Off Truck for a total purchase price in the amount of \$196,786.70 ; and

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

**WHEREAS**, Gary Gebele, Director of Public Works recommends this purchase.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council authorizes the following purchase under the valid National Joint Powers Alliance:

**2018, Hx515 6 x 4 (HX51F) Roll Off Truck**

I hereby certify funds are available from: Capital Improvements O/S Acquisition Roll-Off Truck - \$185,000.00  
Recycling Trust - \$11,786.70

**R-17-181- RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, On April 4, 2016, A and H Building and Remodeling, LLC, PO Box 85, Farmingdale, NJ 07727, posted a \$360.00 street opening cash repair deposit for a sewer connection at 59 Clinton Place.

**WHEREAS**, said funds were deposited by the by the Borough of Tinton Falls; and

**WHEREAS**, A and H Building and Remodeling, LLC, Inc. has completed the work described in Street Opening Permit 2016-04-001; and

**WHEREAS**, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$360.00 posted by A and H Building and Remodeling, LLC, be released.

**R-17-182 - RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, On May 14, 2015, David Tirado, 249 Alpern Avenue, Long Branch, NJ 07740, posted a \$250.00 street opening cash repair deposit for driveway widening at 14 Cranberry Drive.

**WHEREAS**, said funds were deposited by the by the Borough of Tinton Falls; and

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**WHEREAS**, Seacoast Construction, has completed the work described in Street Opening Permit 2015-05-006; and

**WHEREAS**, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by David Tirado, be released.

**R-17-183 - RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, On July 24, 2015, F W Jordan Corporation, PO Box 645, Manasquan, NJ 08736-0659 posted a \$250.00 street opening cash repair deposit for cable installation on Alpine Trail.

**WHEREAS**, said funds were deposited by the by the Borough of Tinton Falls; and

**WHEREAS**, F W Jordan Corporation has completed the work described in Street Opening Permit 2015-07-004; and

**WHEREAS**, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by F W Jordan Corporation be released.

**R-17-184 - RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, On July 31, 2015, F W Jordan Corporation, PO Box 645, Manasquan, NJ 08736-0659 posted a \$440.00 street opening cash repair deposit for cable installation at 4 Jonathan Drive, 6 Jonathan Drive, 8 Jonathan Drive and 10 Jonathan Drive.

**WHEREAS**, said funds were deposited by the by the Borough of Tinton Falls; and

**WHEREAS**, F W Jordan Corporation has completed the work described in Street Opening Permit 2015-07-006; and

**WHEREAS**, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$440.00 posted by F W Jordan Corporation be released.

**R-17-185 - RESOLUTION REFUNDING STREET OPENING BOND**

**WHEREAS**, On July 24, 2015, F W Jordan Corporation, PO Box 645, Manasquan, NJ 08736-0659 posted a \$785.00 street opening cash repair deposit for cable installation at Augusta Street and Little Rock Lane.

**WHEREAS**, said funds were deposited by the by the Borough of Tinton Falls; and

**WHEREAS**, F W Jordan Corporation has completed the work described in Street Opening Permit 2015-07-005; and

**WHEREAS**, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$785.00 posted by F W Jordan Corporation be released.

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**R-17-186 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On June 21, 2016, Gary R. Gebele, 811 Scott Avenue, Brick, NJ 08724 posted a \$400.00 street opening cash repair deposit for a new sanitary line installation at 1967 Jumping Brook Road, Tinton Falls, NJ 07753.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Gary R. Gebele, has completed the work described in Street Opening Permit 2016-06-001; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$400.00 posted by Gary R. Gebele, 811 Scott Avenue, Brick, NJ 08724 be released.

**R-17-187 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On May 08, 2015, G4S Technology, LLC, 910 Oak Tree Road, Suite L, South Plainfield, NJ 07080, posted a \$250.00 street opening cash repair deposit for cable installation on Essex Road.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, G4S Technology, LLC, has completed the work described in Street Opening Permit 2015-05-004; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by G4S Technology, LLC, be released.

**R-17-188 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On April 22, 2016, Gold Medal PHCE 608814570 Permit Account, 11 Cotters Lane, East Brunswick, NJ 08816 posted a \$250.00 street opening cash repair deposit for a sewer lateral repair at 23 Apple Orchard Drive.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Gold Medal PHCE 608814570 Permit Account has completed the work described in Street Opening Permit 2016-04-010; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Gold Medal PHCE 608814570 Permit Account be released.

**R-17-189 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On April 12, 2016, JMT Builders, Inc., 10 Phipps Pl, Tinton Falls, NJ 07724 posted a \$250.00 street opening cash repair deposit for a sewer connection at 38 Peach Street.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, JMT Builders, Inc. has completed the work described in Street Opening Permit 2016-04-002; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by JMT Builders, Inc. be released.

**R-17-190 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On April 12, 2016, JMT Builders, Inc., 10 Phipps Pl, Tinton Falls, NJ 07724 posted a \$250.00 street opening cash repair deposit for a sewer connection at 44 Peach Street.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, JMT Builders, Inc. has completed the work described in Street Opening Permit 2016-04-003; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by JMT Builders, Inc. be released.

**R-17-191 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On April 18, 2016, JMT Builders, Inc., 10 Phipps Pl, Tinton Falls, NJ 07724 posted a \$250.00 street opening cash repair deposit for a sump pump connection at 10 Silvercrest Drive.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, JMT Builders, Inc. has completed the work described in Street Opening Permit 2016-04-009; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by JMT Builders, Inc. be released.

**R-17-192 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On January 21, 2015, KKD/Roto Rooter, 3300 Shafto Road, Tinton Falls, NJ 07753, posted a \$320.00 street opening cash repair deposit for sewer line repair at 18 Sam Drive.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, KKD/Roto Rooter., has completed the work described in Street Opening Permit 2015-01-012; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$320.00 posted by KKD/Roto Rooter, be released.

**R-17-193 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On April 14, 2015, KKD/Roto Rooter, 3300 Shafto Road, Tinton Falls, NJ 07753, posted a \$300.00 street opening cash repair deposit for sewer line installation at 119 Water Street.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, KKD/Roto Rooter., has completed the work described in Street Opening Permit 2015-04-004; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.



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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$300.00 posted by KKD/Roto Rooter, be released.

**R-17-194 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On July 11, 2014, Natural Systems Utilities, 2 Clerico Lane, Bldg. 1, Hillsborough, NJ 08844, posted a \$6,000.00 street opening cash repair deposit for sewer force main installation on Wardell Road and Mount Run.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Natural Systems Utilities, has completed the work described in Street Opening Permit 2014-07-010; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$6,000.00 posted by Natural Systems Utilities be released.

**R-17-195 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On July 21, 2016, Sudler Construction Co. Inc., 245 Village Road, P.O. Box 39, Chatham, NJ 07928-0039 posted a \$26,400.00 street opening cash repair deposit for sidewalk installation at 56 Park Road; and

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Sudler Construction Co. Inc., 245 Village Road, P.O. Box 39, Chatham, NJ 07928-0039 has completed the work described in Street Opening Permit 2016-07-013; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$26,400.00 posted by Sudler Construction Co. Inc., 245 Village Road, P.O. Box 39, Chatham, NJ 07928-0039 be released.

**R-17-196 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On July 21, 2016, Sudler Construction Co. Inc., 245 Village Road, P.O. Box 39, Chatham, NJ 07928-0039 posted a \$400.00 street opening cash repair deposit for sidewalk installation at 46 Park Road; and

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Sudler Construction Co. Inc., 245 Village Road, P.O. Box 39, Chatham, NJ 07928-0039 has completed the work described in Street Opening Permit 2016-07-012; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$400.00 posted by Sudler Construction Co. Inc., 245 Village Road, P.O. Box 39, Chatham, NJ 07928-0039 be released.

**R-17-197 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On May 1, 2015, Tele/Cable, Inc., 1511 New Market Avenue, South Plainfield, NJ 07080, posted a \$250.00 street opening cash repair deposit for cable installation on Palomino Place.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

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WHEREAS, Tele/Cable, Inc., has completed the work described in Street Opening Permit 2015-05-001; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Tele/Cable, Inc., be released.

**R-17-198 - RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On June 15, 2015, Tele/Cable, Inc., 1511 New Market Avenue, South Plainfield, NJ 07080, posted a \$940.00 street opening cash repair deposit for cable installation on Bermet Court.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Tele/Cable, Inc., has completed the work described in Street Opening Permit 2015-06-001; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$940.00 posted by Tele/Cable, Inc., be released.

**R-17-199 - RESOLUTION – APPROVAL OF BILLS – OCTOBER 3, 2017**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 3, 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	\$3,036,957.70
SEWER UTILITY	354,458.67
CAPITAL	41,529.00
GRANT FUND	597.00
TRUST FUNDS	76,051.62
DOG TRUST	2,559.00
ESCROW	4,282.94
ADDITIONS	85,068.50
	<hr/>
	3,601,504.43

Council recessed at 7:59pm before adjourning to workshop and back on record at 8:04pm

**ADJOURNMENT TO WORKSHOP**

**Unfinished Business**

None

**New Business**

*FMERA Plan Amendment #8:*

Council reviewed FMERA Plan Amendment #8 which only affected Eatontown Borough. There were no comments from the Engineer or Council. Mr. Baldwin stated he will inform FMERA.

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*Tinton Falls Library:*

Mr. Baldwin stated they are discussing the mold remediation bid for the library and the remediation contractors who will remove the mold. He posed the question, will the mold come back? The effort to remove the mold had been discussed but not the ability to keep the mold from reoccurring which was not included in the bid. The next process is to discuss what needs to be done to the building to keep the mold from reoccurring.

Mr. Gebele, DPW Director was asked to provide an update. Mr. Gebele stated the remediation estimate prices ranged from \$17,000.00 to \$31,000.00. He stated the insurance carrier was hopefully calling this a covered loss with the maximum covered loss amount of \$25,000.00. This amount only covers the cost of cleaning up the building and does not cover items which improve the integrity of the building. The trailer section of the library was the most affected by the mold due to the water damage from the roof. He repeated the viable repair options from the previous meeting on this subject.

Ms. Fama stated that the Library Boards desire and hers would be to get the Library up and running quickly. The Library has been closed since August 16th. She would prefer Council provide some direction and get started with a plan. She asked for a library board member to speak regarding the library issues.

*Mr. Brian Perry, 29 Columbia Drive, Vice President Library Association* – Mr. Perry noted other board members were present in the audience. Mr. Perry stated they had a board meeting to discuss the status of the library remediation options. The consensus of the board was to get the library open and access to the public as soon as possible. He listed all the activities and services the library provides for the residents and characterized it more like a community center. The library board agreed the most cost effective option is to seal off the trailer and concentrate on the mold in the basement of the library building. This would be the best option toward achieving their goal of reopening the library to the public. He stated less usable space would curtail some of their programs for now and a future plan can be discussed on how to deal with the loss of the trailer space.

Ms. Fama agreed with the library board's assessment and felt sealing off the trailer and fixing the basement water issue would allow the library to reopen sooner while discussions on how to replace the lost space moving forward.

Mr. Pak asked Mr. Gebele for his assessment of this plan. Mr. Gebele's opinion was to disconnect and remove the trailer from the building for destruction and seal that connected section and examine what remediation issues need to be resolved. He mentioned the costs involved and what the insurance carrier may or may not cover. Also, they would have to assess the building for any needed improvements before the building was reopened.

Mr. Baldwin stated that the costs and effort involved in remediation of the library facility do not seem cost effective for our taxpaying residents. He suggested the groups who use the Tinton Falls Library could be moved to existing facilities possible the basement room at Borough Hall or the newly renovated Crawford House to run their programs. Also, he commented it is very rare we get to eliminate an expense that is not mandated by the State and we have the opportunity to decide whether to support the ongoing expense of having a library or to have another provider, such as the Monmouth County Library, now be the facility where residents go for similar programs. There is already mandated funding for the Monmouth County Library and he is in favor of saving Tinton Falls taxpayers money by having the residents utilize the Monmouth County Library programs. Also, suggested the property where the library is now can possible used by the school for their purposes.

The Mayor and Administrator are looking to cut costs and Mr. Baldwin stated to councilmembers we need to provide the Administration with a plan.

Mr. Pak asked about the expense of the library employees and moving programs to the Borough.

Mr. Perry stated historically it was a volunteer organization then over time the building was acquired and it evolved into a number of employees and the library association. The Borough funds pay for the library building and the association. The employees are members of the library association. Mr. Perry was not sure the Borough has the space to accommodate the programs.

Mr. Nelson clarified the funding cost stating by law the Borough pays \$570,000.00 to the eastern branch of the Monmouth County Library system. Mr. Fallon provided a more complete picture of the library expenses. In the 2017 budget the library presented a budget for \$153,000.00. The Borough contributed \$143,300.00 and the remaining funds could have been raised by the library. In addition, 2016 the Borough budgeted \$40,000.00 for new siding and windows and in 2017 \$30,000.00 was budgeted for capital improvement, repairs and maintenance. In addition, the Borough pays for some of the buildings utilities cost. Mr. Fallon further explained the \$570,000.00 is part of the County dedicated library tax the Borough collects from the taxpaying residents which is sent to the County.

Ms. Fama stated the remediation will need to happen and does not believe the Borough will leave a mold infested building standing. She disagrees with Mr. Baldwin's opinion and believes the library provides a community small town feel which is attractive to our residents and the budgeted funds are wisely spent. To help replenish the book stock, she is willing to donate her books to the library and believes there will be community assistance for this

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effort. Ms. Fama argued very strongly that Council consider the community impact before closing the library and to think about all the other things that are funded that do not produce the comradery and community involvement that this library generates. She commented it is worth getting the answers to how the remediation to the library building can progress.

Mr. Manginelli stated he was uncomfortable due to the uncertainty of how successful the remediation efforts will be in the library building structure. The structure is old and he would like to see a more complete cost estimate for the project. Mr. Nelson commented that the insurance company will pay for the remediation only if the Borough will pay to monitor the area to make sure the source of the mold does not return especially since children will be occupying the area. There were discussions of what library budget funds were left from the \$30,000.00 after appropriation and capital improvement expenditures.

*Betty Gass, 20 Cornell Court, Treasurer of Library Association* – Ms. Gass guesstimated there were approximately \$138,000.00 or \$158,000.00 left in their budget. The Monmouth County Library provides \$22,000.00 worth of media per year in addition to what is purchased by the Tinton Falls library; a children's librarian that comes once a week; computers; funds toward the cost of the internet and children's summertime programs.

*Jerry Spumberg, 11 Alpine Trail* – Mr. Spumberg has experience with remediation and explained how the trailer will need to be demolished and explained how to deal with mold spore conditions. He also offered to contact someone with current remediation expertise to come and speak to Mr. Gebele or Council.

Mr. Roach asked if Mr. Gebele had a cost for the removal of the trailer. Mr. Gebele did not at this time. There was more discussion regarding under what conditions and type of plan the insurance carrier would approve payment.

*Denise Catalano, 11 Alpine Trail* – Ms. Catalano wanted to know if the liability risks have been considered. She is in favor of utilizing the Monmouth County Library and other facilities since there are too many unknowns regarding remediation expenses.

*Racine Santulli, 9 St. John Court* – Ms. Santulli is an library employee and commented on where they could run programs from within the library building property if it were to reopen. Also, asked Council to consider a new structure to alleviate any mold concerns from either structure. She stated families like the small town feel of the library and they provide services a large library cannot. If Council is considering closing the library then make the residents aware of this decision. Also, other towns that have closed their libraries are members of Tinton Falls library which help increase revenue.

Mayor Turning stated his only concern is the health and safety of anyone entering the library. It will take a substantial amount of time to provide the costs of remediation and complete all associated tasks. He estimates a year to complete this project. He will not let anyone in the building unless it is safe due to many liability concerns. He will support Council by providing whatever guidance and cost estimates requested so they can make a decision on whether to remediate and keep or not keep the library.

Mr. Nelson commented that the liability issue is problematic since the mold can return and this would be a facility where children will be present. Even your homeowners insurance excludes covering mold issues.

Ms. Fama agreed no one should enter the library building unless it is deemed safe. Now that the Library Board has made their wishes known, Ms. Fama proposed to Council to get further information on the cost to demolish the trailer, seal the wall connection from the trailer and identify and fix the remaining moisture/mold problem in the office space previously identified. Once the costs on this request are understood Council can make a more informed decision about the future of the library.

Mr. Baldwin stated another unknown is the longer it takes for a decision, the mold grows in the trailer and it is possible that the insurance money may not be available.

Mr. Pak requested getting more facts before making a decision.

Mr. Manginelli also would like more facts before making a decision.

Mr. Nelson commented he can try to work with the insurance company to secure the funds for the Borough. He listed the options available to Council to resolve the library issue and what they can consider.

Ms. Perez stated what the insurance carrier would cover for the remediation and what steps would have to be taken for additional estimates.

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Ms. Fama stated since the trailer demolition is not covered by the insurance costs she would like to proceed with finding out that cost plus the costs associated with any construction necessary for the library building. Then deal with cost of the mold in the building.

Mr. Manginelli commented there is a cost to replace the empty space left by the demolished trailer.

Mayor Turning and Mr. Neff repeated the list of what Council wanted estimates on and looking to confirm what is on the list so they can proceed with their request.

Ms. Fama asked if the remaining funds left in the library board's budget can be used toward this project. Mr. Fallon stated their board would have to approve of the funds for this purpose.

There was a request to update the residents on what the Council is considering. Mayor Turning agreed to provide updates possible by website posting.

*Rosemary Kochman, 38 Knollwood Drive, Library Board of Trustees* – Ms. Kochman offered anyone with questions about the Library project to contact Ms. Kochman and she provided her contact information.

**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:46pm

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

**APPROVED AT A MEETING HELD ON: May 1, 2018**