

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:00pm.

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: Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

ABSENT: Ms. Fama

ALSO PRESENT: Melissa Hesler, Borough Clerk

Kevin Starkey, Esq.

Vito Perillo, Mayor

Michael Skudera, Borough Administrator

**EXECUTIVE SESSION**

Council President Baldwin asked Mr. Starkey to read the Executive Session Resolution:

**R-18-288 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.

**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)

Department of Audit Accounts and Control

3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)

None

4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)

None

*Mr. Siebert offered the following resolution and moved its adoption, seconded by Mr. Pak*

**ROLL CALL**

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

Council President Baldwin advised that at this time Council would move into Executive Session.

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Council President Baldwin advised that Council was back on the record at 7:33 for the Regular Meeting.

Council President Baldwin asked Mr. Starkey for a brief summary of the Executive Session.

Mr. Starkey advised that personnel matters regarding the Department of Audit Accounts and Control were discussed during tonight's Executive Session Meeting.

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

**ROLL CALL**

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

All present stood for Salute to Flag.

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**APPROVAL OF MINUTES**

*Mr. Manginelli offered a motion to approve the minutes of December 19, 2017, seconded by Mr. Pak*

**ROLL CALL**

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

*Mr. Siebert offered a motion to approve the minutes of July 10, 2018, seconded by Mr. Manginelli.*

**ROLL CALL**

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

*Mr. Siebert offered a motion to approve the Executive minutes of July 10, 2018, seconded by Mr. Manginelli.*

**ROLL CALL**

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

*Mr. Siebert offered motion to approve the minutes of August 7, 2018, seconded by Mr. Manginelli.*

**ROLL CALL**

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

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

Council President Baldwin explained that Mr. Thomas Fallon, CFO will be giving a report of Best Practices this evening.

**CFO Report- Best Practices**

Mr. Fallon discussed the annual 2018 Best Practice Inventory filed with the State of New Jersey on November 2, 2018. The report was certified for accuracy by Borough Administrator Skudera and the CFO. Mr. Fallon was pleased to report that the Borough answered 56 of the 61 questions and received a score of 92%. Mr. Fallon explained that over the last few years the Borough has addressed some of the concerns brought forth by the State thus improving our score. Mr. Fallon discussed the questions the Borough did not answer and explained that they were not applicable to the Borough.

**Director of Finance- Thomas Fallon**

Mr. Fallon reported on the Bond Anticipation Notes taken on October 23, 2018 and briefly discussed low bidder Amboy Bank. He was also happy to report that the Borough has received a \$250,000 County Open Space Grant for the Traditions purchase.

**Mayor's Report- Vito Perillo**

Mayor Perillo had no report.

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

**Borough Administrator- Michael Skudera**

Mr. Skudera reported that the Budget Hearings began today and will continue tomorrow, November 20, 2018. He discussed Ordinance No. 2018-1437 for the Walz property and stated that a walk through will take place next week with the Mayor, Engineer and Administrative staff.

**Director of Law- Kevin Starkey**

Mr. Starkey reported that Ordinance No. 2018-1434, a Zoning Ordinance regarding outdoor seating will be carried to the December 4, 2018 meeting for consideration at that time.

**Borough Clerk's Report- Melissa Hesler**

Ms. Hesler had no report.

**Council's Report**

Mr. Pak thanked Mr. Fallon and Mr. Neff for their excellent work acquiring the Open Space Grant. He also reported that the referendum for the high school passed on the November 6, 2018 General Election.

Mr. Siebert thanked employees and officials who attended the 2018 League of Municipalities Convention and briefly discussed the educational programs he attended. He also wished everyone a very Happy Thanksgiving.

Mr. Manginelli also wished everyone a very Happy Thanksgiving.

Mr. Baldwin thanked the Environmental Commission and DPW for organizing the Trash Pick-Up event at Seabrook Village.

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**ORDINANCES FOR INTRODUCTION-** None

**ORDINANCES FOR FINAL CONSIDERATION**

Ms. Hesler read Ordinance No. 2018-1437 entitled: **ORDINANCE AMENDING ORDINANCE NO.2017-1421 AUTHORIZING A FIRST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF CERTAIN REAL PROPERTY IDENTIFIED AS BLOCK 145, LOT 28.01 ON THE TAX MAP OF THE BOROUGH OF TINTON FALLS, COMMONLY KNOWN AS THE WALZ PROPERTY FOR THE PRESERVATION OF DEDICATED OPEN SPACE**

*Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2018-1437, seconded by Mr. Manginelli.*

**ROLL CALL**

AYES: All in Favor  
NAYS: None  
ABSENT: Ms. Fama  
ABSTAIN: None

**PUBLIC HEARING OPEN**

*Gerry Turning, 32 Periwinkle Circle-* Mr. Turning congratulated Council and Administration for the purchase of this property and is pleased to see the purchase finalized. He asked DPW Director Mark Shaffery to keep the track that was built around the lake open for it is a great place for people to walk and exercise.

*There being no further comments from the public, Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2018-1437, seconded by Mr. Pak.*

**ROLL CALL**

AYES: All in Favor  
NAYS: None  
ABSENT: Ms. Fama  
ABSTAIN: None

**PUBLIC HEARING CLOSED**

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

Mr. Siebert discussed the ways in which the community will benefit from this purchase and applauded Mr. Turning and the current Administration for their hard work in making this possible.

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

Mr. Pak echoed the words of Mr. Siebert.

*Mr. Siebert offered motion to adopt Ordinance No. 2018-1437, seconded by Mr. Pak.*

**ROLL CALL**

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

**PUBLIC DISCUSSION OPEN**

*Elizabeth Perez, 2 Harvest Lane-* Ms. Perez thanked Council for taking the time to review the minutes of December 19, 2017 so they can now be posted and made available to the public. Ms. Perez reported that she has filed a complaint with the GRC in response to being denied the written minutes of November 13, 2017. In the interest of transparency, Ms. Perez stated that Council minutes should be made readily available to the public. She explained that she filed another complaint with the GRC in regards to the denial of the December 27, 2017 written and audio minutes. She briefly discussed the agenda for the December 27, 2017 meeting and once again stressed the importance of completing the minutes in a timely fashion.

Mr. Starkey briefly clarified that Executive Sessions are not recorded by audio and are only available in the written format once they have been drafted.

*Gerry Turning, 32 Periwinkle Circle-* Mr. Turning stated that he had recently asked council if the executive minutes for the last 10 years could be reviewed and made available to the public. He stated that Executive Session minutes are required to be reviewed by legal and made available to the public. Mr. Turning inquired about Resolution R-18-292 and questioned whether or not it has anything to do with the Jumping Brook Pump Station. Mr. Skudera clarified that it is in regards to additional legal work for the project. Mr. Turning spoke briefly of the retirement of Mr. Jack Cunningham from the Tinton Falls Planning Board and stated that he will be greatly missed. Council President Baldwin stated that Mr. Cunningham has stepped down from his position on the Planning Board for personal health reasons. He explained that a proclamation has been prepared and will be presented to Mr. Cunningham at a Council Meeting and a Planning Board Meeting. Mr. Turning also addressed the retirement of Carol Rathyen and discussed her love and dedication to the Borough of Tinton Falls and wished her well in her retirement.

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

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

Mr. Pak asked Recreation Superintendent Sherri Eisele to discuss the upcoming Christmas tree and Menorah lighting ceremony.

**Sherri Eisele- Tinton Falls Recreation Superintendent**

Ms. Eisele announced that the Christmas tree and Menorah lighting will both take place this year on December 2, 2018 at Liberty Park. A Rabbi will be present to perform the ceremony and light the first candle of the Menorah at 4:30 PM. The Christmas tree lighting ceremony will follow, starting at 4:45 PM. Ms. Eisele also thanked those who participated in the Halloween Trunk or Treat and gave special thanks to the Department of Public Works for all their hard work.

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

Mr. Skudera briefly discussed the second walk-through of the Walz Property and explained that they plan on leaving the property in tact the way it already is.

**RESOLUTIONS-** None

**CONSENT AGENDA**

*Mr. Siebert offered a motion to approve the Consent Agenda, seconded by Mr. Manginelli.*

**ROLL CALL**

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

**R-18-289 RESOLUTION COMPENSATED ABSENCE-RETIREE**

WHEREAS, Carol Rathyen has been employed by the Borough of Tinton Falls since October 7, 1989, and;

WHEREAS, on December 1, 2018, Carol Rathyen will resign as Assistant Treasurer in the Finance Department with just over 29 years of service to the Borough, and the Division of Pensions and Benefits, and;

WHEREAS, Carol Rathyen will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$61,000.00.

The breakdown of this payment is \$53,368.00 for accrued vacation time, \$7,100.00 for accrued sick time, \$532.00 for accrued compensatory time, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Carol Rathyen receives the aforementioned compensated absence benefits.

**R-18-290 RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the transfers between the 2018 budget appropriations be made as follows:

<u>Current Budget Appropriation</u>	<u>From</u>	<u>To</u>
Group Insurance	\$ 50,000.00	
Division of Sanitation - S&W	40,000.00	
Division of Buildings and Grounds - S&W	10,000.00	
Division of Buildings and Grounds - O/E		\$ 10,000.00
Division of Central Maintenance - O/E		50,000.00
Landfill/Solid Waste Disposal Costs		20,000.00
Gasoline and Diesel Fuel		20,000.00
	_____	_____
	\$ <u>100,000.00</u>	\$ <u>100,000.00</u>

**R-18-291 RESOLUTION AUTHORIZING CANCELLATION OF BUDGET APPROPRIATIONS**

WHEREAS, the following Current Fund budget appropriation balance remains unexpended:

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

Improvements to Library

\$133,500

**WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the above listed of unexpended balances of Current Fund budget appropriations be canceled.

**R-18-292 RESOLUTION AMENDING RESOLUTION #R-18-097 CONTRACT PS #4-18 PROFESSIONAL SPECIAL COUNSEL SERVICES SPIRO / HARRISON**

**WHEREAS**, the Borough of Tinton Falls adopted Resolution R-18-097 on March 6, 2018 wherein Spiro/Harrison, 830 Morris Turnpike, Short Hills, NJ 07078 was awarded the above contract for an amount not to exceed \$10,000.00;

**WHEREAS**, due to unforeseen circumstances this contract is to be increased for an amount not to exceed \$10,000.00 for a total contract for Spiro / Harrison for Professional Special Counsel Services in the amount of \$20,000.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that Spiro / Harrison, 830 Morris Turnpike, Short Hills, NJ, is hereby authorized to provide Professional Special Counsel Services for an amount not to exceed \$20,000.00; 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: Legal \$10,000.00

**R-18-293 RESOLUTION AUTHORIZING EXECUTION OF STORMWATER, UTILITY, SANITARY SEWER, AND SHADE TREE EASEMENT AGREEMENTS IN CONJUNCTION WITH MAJOR SUBDIVISION APPROVAL GRANTED BY THE BOROUGH PLANNING BOARD TO U.S. HOME CORPORATION D/B/A/ LENNAR, (BLOCK 101, PART OF LOT 1 – KNOW AS PARCEL C-1 WITHIN THE FORT MONMOUTH ECONOMIC REDEVELOPMENT AREA)**

**WHEREAS**, on February 14, 2018, the Borough of Tinton Falls Planning Board granted Subdivision Approval to U.S. Home Corporation d/b/a Lennar (Block 101, Part of Lot 1) and in accordance with the Resolution for same, the property owner has prepared for the Borough's acceptance Stormwater, Utility, Sanitary Sewer, and Shade Tree Easement Agreements as further set forth in the Exhibits 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 the Stormwater, Utility, Sanitary Sewer, and Shade Tree Easement Agreements provided by Lennar are hereby accepted by the Borough of Tinton Falls.

**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, Borough Clerk and Director of Law are hereby authorized and directed to sign and take all necessary actions to execute and effectuate the recordation of the easements.

**R-18-294 RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR SONIC RESTAURANT DRIVE-IN BLOCK 25 – LOT 16**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Sonic Restaurant/Drive-In, Block 25 Lot 16; and

**WHEREAS**, by letter dated October 25, 2018 (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 Sonic Restaurant/Drive-In, Block 25 Lot 16.

**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-18-295 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR SQUANKUM PARTNERS, LLC SQUANKUM BENSON SUBDIVISION BLOCK 106.01 – LOT 7.02 BLOCK 106.02 – LOTS 1.01 & 16**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Squankum Partners, LLC -Squankum Benson Subdivision, Block 106.01 Lot 7.02; Block 106.02 Lots 1.01 & 16; and

**WHEREAS**, by letter dated October 10, 2018 (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 Squankum Partners, LLC - Squankum Benson Subdivision, Block 106.01 Lot 7.02; Block 106.02 Lots 1.01 & 16; and

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

**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-18-296 RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR B&Y REALTY - HOME TECH HOMES BLOCK 1.01 – LOT 2.01 CLINTON PLACE & NEWMANSPRINGS ROAD**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for B&Y Realty/Hometech Homes, Block 1.01 Lot 2.01, Clinton Place and Newman Springs Road; and

**WHEREAS**, by letter dated October 10, 2018 (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 B&Y Realty/Hometech Homes, Block 1.01 Lot 2.01, Clinton Place and Newman Springs Road; and

**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-18-297 RESOLUTION AUTHORIZING CHANGE ORDER #1 AND FINAL DECREASING CONTRACT #17-2 IN THE AMOUNT OF \$4,845.00 WATER STREET SANITARY SEWER IMPROVEMENTS**

**WHEREAS**, Contract #17-2 for the Water Street Sanitary Sewer Improvements was awarded to Messercola Excavating, Inc., by Resolution R-17-122 in the amount of \$83,360.95 at a Council Meeting held on August 8, 2017; and

**WHEREAS**, Change Order #1 & Final dated August 13, 2018 from T & M Associates, (annexed hereto and part hereof) reflects a decrease to the contract in the amount of \$4,845.00 and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that Change Order #1 & final decreasing Contract #17-2 in the amount of \$4,845.00 for a total contract in the amount of \$78,515.95 is hereby authorized for the above contract awarded to Messercola Excavating, Inc.

**R-18-298 RESOLUTION - REFUNDING TAX OVERPAYMENT TO BE APPLIED TO 2019 TAXES**

**WHEREAS**, overpayments of the 2018 taxes on the following properties have been made by the owners paying in the year 2017 and receiving a Homestead Benefit Credit

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)		

and,

**WHEREAS**, said payments have resulted in an overpayments of the 2018 taxes totaling \$874.46 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 \$874.46 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2019 taxes.

**R-18-299 RESOLUTION - REFUNDING TAX OVERPAYMENT FOR A TOTALLY DISABLED VETERAN**

**WHEREAS**, an overpayment of 2018 taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2018 (from January 16, 2018 through December 31, 2018).

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Brenda Jennings 16 Lincoln Court Tinton Falls, NJ 07712	124.51	296	\$4,879.78

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

and,

WHEREAS, said exemption has resulted in an overpayment of the 2018 taxes in the amount of \$4,879.78 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 \$4,879.78 is hereby approved for the aforementioned property for the year of 2018.

**R-18-300 RESOLUTION - REFUNDING TAX OVERPAYMENT FOR A TOTALLY DISABLED VETERAN**

WHEREAS, an overpayment of 2018 taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2018 (from January 16, 2018 through December 31, 2018).

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Edwin R. & Yolanda D. Henry 89 Cheyenne Street Tinton Falls, NJ 07712	124.61	2	\$6,425.89

and,

WHEREAS, said exemption has resulted in an overpayment of the 2018 taxes in the amount of \$6,425.89 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 \$6,425.89 is hereby approved for the aforementioned property for the year of 2018.

**R-18-301 RESOLUTION REFUNDING TAX OVERPAYMENT FOR A TOTALLY DISABLED VETERAN**

WHEREAS, an overpayment of the 2018 taxes has been made as a result of a 2015 Homestead Rebate credit being applied to the 2018 4<sup>th</sup> quarter taxes on a property that has been exempt due to a 100% Totally Disabled Veteran since May 17, 2018.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Ruben A. & Guillermina E. Price 11 Edison Avenue Tinton Falls, NJ 07724	53.01	2	\$317.61

and,

WHEREAS, said credit has resulted in an overpayment of the 2018 taxes in the amount of \$317.61 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 \$317.61 is hereby approved for the aforementioned property for the year of 2018.

**R-18-302 RESOLUTION REFUNDING TAX OVERPAYMENT FOR A TOTALLY DISABLED VETERAN**

WHEREAS, an overpayment of the 2018 taxes has been made as a result of a 2015 Homestead Rebate credit being applied to the 2018 4<sup>th</sup> quarter taxes on a property that has been exempt due to a 100% Totally Disabled Veteran since January 16, 2018.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kevin M. Dodig 132 Frontier Way Tinton Falls, NJ 07753	124.17	5	\$162.43

and,

WHEREAS, said credit has resulted in an overpayment of the 2018 taxes in the amount of \$162.43 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 \$162.43 is hereby approved for the aforementioned property for the year of 2018.



**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

**R-18-303 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2017 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lukoil North America LLC c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837 Re: LuKoil North America LLC 590 Shrewsbury Avenue	15.03	16.02	\$4,362.70

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2017 taxes by the property owner in the amount of \$4,362.70 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 \$4,362.70 is hereby approved for the aforementioned property.

**R-18-304 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2016 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2016 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lukoil North America LLC c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	15.03	16.02	\$2,081.21

Re: Lukoil North America LLC  
590 Shrewsbury Avenue

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$2,081.21 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 \$2,081.21 is hereby approved for the aforementioned property.

**R-18-305 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2018 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2018 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lukoil North America LLC c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	15.03	16.02	\$4,388.76

Re: Lukoil North America LLC  
590 Shrewsbury Avenue

and,

**WHEREAS**, said reduction has resulted in an overpayment of the 2018 taxes by the property owner in the amount of \$4,388.76 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 \$4,388.76 is hereby approved for the aforementioned property.

**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

**R-18-306 RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On 10/10/17, Beth Luhman, 108 Garrison Dr., Tinton Falls, NJ 07753, posted a \$250.00 street opening cash repair deposit for a driveway installation at 108 Garrison Dr., Tinton Falls, NJ 07753.

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

WHEREAS, Rock Masonry, 25 Memorial Parkway, Atlantic Highlands, NJ 07716, has completed the work described in Street Opening Permit 2017-10-002; 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.

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 Beth Luhman, 108 Garrison Dr., Tinton Falls, NJ 07753, be released.

**R-18-307 RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of October 2018 fees were paid by a resident of Tinton Falls for their child's participation in our Basketball Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of October 2018

WHEREAS, during the month of November 2018, the Recreation Superintendent was informed by the resident that the child, Maddie Pyndus will be withdrawing from the program. A refund in the amount of \$87.00 shall be issued, in which the \$10.00 processing fee has been applied.

Laura Pyndus	\$87.00
Total	\$87.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$87.00 be issued.

**R-18-308 RESOLUTION – APPROVAL OF BILLS – NOVEMBER 19, 2018**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending November 19, 2018; 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	262,611.95
SEWER UTILITY	51,381.49
ANIMAL TRUST	15.00
TRUST FUNDS	68,127.35
CAPITAL	36,134.95
GRANT FUND	1,234.99
ESCROW	56,457.32
ADDITIONS	6,755,909.49
	7,231,872.54

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**REGULAR MEETING  
NOVEMBER 19, 2018  
BOROUGH COUNCIL**

**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

TIME: 8:01PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON: December 18, 2018**