

**REORGANIZATION/REGULAR MEETING
JANUARY 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 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.

COUNCIL REORGANIZATION

Appointment of Council President

Mr. Pak offered a motion to open the nominations for the appointment of Council President, seconded by Mr. Manginelli.

Mr. Pak offered a nomination of Gary Baldwin for Council President, seconded by Ms. Fama.

There being no further nominations, Mr. Pak offered a motion to close the nominations, seconded by Mr. Roche.

ROLL CALL (to appoint Gary Baldwin as Council President)

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

NAYS: None

ABSENT: None

ABSTAIN: None

Appointment of Deputy Council President

Mr. Pak offered a motion to open the nominations for the appointment of Deputy Council President, seconded by Mr. Roche.

Mr. Baldwin offered a nomination of Christopher Pak for Deputy Council President, seconded by Mr. Roche.

There being no further nominations, Ms. Fama offered a motion to close the nominations, seconded by Mr. Roche.

ROLL CALL (to appoint Christopher Pak as Deputy Council President)

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

NAYS: None

ABSENT: None

ABSTAIN: None

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MAYOR'S APPOINTMENTS TO PLANNING BOARD

Mayor Turning announced his appointments to the Planning Board:

Daniel Romanov	Class II	1 Year Term: 01/01/2017 to 12/31/2017
Sean Collins	Class IV	4 Year Term: 01/01/2017 to 12/31/2020
Joseph A. Mirarchi	Alt. #1	1 Year Term: 01/01/2017 to 12/31/2018

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Gerald Turning, Sr.

Mayor Turning reported he attended the swearing in of the line officers for the Fire Departments and EMS Squads. He thanked them for their support and volunteering in our community. He announced that he along with Mr. Baldwin and Ms. Paone will be attending a presentation by Monmouth County called their Value Fill Project. This project involves an area of landfill in the Monmouth County Reclamation Center. Also, Mayor Turning, Mr. Baldwin and Mr. Neff attended the December 21, 2016 FMERA meeting whereby the Lennar Project was discussed.

Mr. Neff explained the FMERA meeting was a Land Use Board meeting to discuss Parcel "C" located across from Borough Hall. Lennar needed to present their concept plans since they were seeking variance approvals for their project. Mr. Neff explained the various approvals requested by Lennar from FMERA Board. Once approved by FMERA they will appear before the Tinton Falls Planning Board for approval.

Mayor Turning and Mr. Baldwin discussed the limited roles of the Planning Board and the Borough since the project and property is still under FMERA's authority. The Borough will only have input regarding emergency safety issues and traffic concerns on this project. They will both attend the future FMERA meetings regarding the approval process of this project and update Council.

Mayor Turning expressed his delight at the completion of Heritage Boulevard and Asbury Avenue intersection project.

Engineer's Report – Thomas Neff

Mr. Neff had no report.

Finance Director – Thomas Fallon

Mr. Fallon reported he is working with the Administrator to continue to prepare the budget. Department meetings have been completed and their budgets set. He is preparing the financial statements and announced the budget calendar dates to the Council.

Administrator's Report – Michael Muscillo

Mr. Muscillo had no report.

Director of Law – Brian Nelson

Mr. Nelson report the Mayor signed the Green Acres agreement which will be sent to the State for finalization. Also, no decision from the Supreme Court regarding the "gap" issue in the Affordable Housing matter.

Borough Clerk's Report – Ms. Muttie

Ms. Muttie reported the Monmouth Health Commission will be holding a free rabies clinic at the Borough's DPW building on January 7th from 10:00am to 12:00 noon. New this year will be the participation of the Clerk's Office. Residents will be able to register and pay for their dog licenses.

Council's Report

Ms. Fama had no report.

Mr. Manginelli had no report.

Mr. Roche commended Officer Ryan Daly who started a new program called "Shop with a Cop". He worked with local businesses that helped fund the project and the Tinton Falls Schools who recommended the students who would get to shop at the local toy store with a set amount of the donated funds. There were thirty students who benefitted from this program with fifteen cops participating in the holiday shopping event with the students. The program was a great success and Officer Daly is hoping Toys R Us will agree to close the store next year for the hour shopping event.

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Mayor Turning commented on the generosity of the community and the efforts of Officer Daly.

Mr. Pak had no report.

Mr. Baldwin had no report.

ORDINANCES FOR INTRODUCTION

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

WHEREAS, in 1961, the Borough conveyed a property currently known as 67 Apple Street (Block 14.03, Lot 29.01) (“the Property”) to the Hance Avenue Civic Association containing a deed restriction that the property be used for non-profit recreational uses only, but it was never placed on the Borough’s Recreation and Open Space Inventory (“ROSI”); and

WHEREAS, it is not clear what purpose this conveyance served other than possibly for the development of a public park that never occurred, which may have become moot with the development of Hance Park nearby; and

WHEREAS, the Property has never been used for such public purposes, has been taxed as if unrestricted for a number of years, and is currently located in the NC zone that allows for various commercial, office and retail uses; and

WHEREAS, the Property has changed hands between private parties many times over 50 plus years and is currently approved for the development of modern office space; and

WHEREAS, maintaining the property for a public park use is completely impractical and unsafe due to the current zoning, objectives of the Borough’s Master Plan for the zone, and traffic patterns along Apple Street; and

WHEREAS, no public purpose is served by maintaining this restriction, which would inhibit the future planned and approved development of the Property that will add to the Borough’s tax base that would otherwise only be of nominal taxable value if the restriction is maintained.

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 it hereby releases the Property from its 1961 restriction of use in accordance with the Deed of Conveyance attached hereto and made part hereof, which the Mayor is hereby authorized and directed to execute upon adoption of this ordinance pursuant to law.

Mr. Pak offered a motion to introduce Ordinance No. 2017-1408, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing and possible adoption scheduled for January 17, 2017.

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

WHEREAS, pursuant to a 1999 Developer’s Agreement between the Borough and the Monmouth Ocean Educational Services Commission (“MOESC”), it dedicated a certain open field portion of its property for use by the Borough for a period of 10 years for youth recreational purposes; and

WHEREAS, this condition of the Developer’s Agreement expired in 2009 along with the Agreement itself, but because it was never recorded at the time, fails to clearly release this encumbrance to title on Block 116, Lot 1 (“the Property”); and

WHEREAS, the Property is not currently used by the Borough for any public purposes.

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 it hereby releases the MOESC from the conditions contained in paragraph 1 of its 1999 Developer’s Agreement with the Borough in accordance with the Deed attached hereto and

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made part hereof, which the Mayor is hereby authorized and directed to execute upon adoption of this ordinance pursuant to law.

Mr. Pak offered a motion to introduce 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

Public Hearing and possible adoption scheduled for January 17, 2017.

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Mr. Jason Sansone, 20 Iris Court – Mr. Sansone asked if the minutes of the FMERA meetings can be made public. Mayor Turning, who is a FMERA Board Member, stated the meetings are open to the public, provided what days they meet and the FMERA website address. Mayor Turning gave a brief explanation of the FMERA properties that have already been developed in the Borough.

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS

Ms. Muttie read the resolution title: R-17-001 – Resolution Appointing Class III Member to Planning Board

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Mr. Pak offered a motion for Resolution R-17-001, seconded by Mr. Roche.

R-17-001 - RESOLUTION APPOINTING CLASS III MEMBER TO PLANNING BOARD

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Gary A. Baldwin is hereby appointed as the Borough Council's appointment to the Planning Board as a Class III Member. Term to expire December 31, 2017.

ROLL CALL (to appoint Gary Baldwin, Class III Member of the Planning Board)

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Resolution R-17-002:

R-17-002 - RESOLUTION APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following members be appointed to the Borough of Tinton Falls Zoning Board of Adjustment:

John Slazyk	Regular Member	Term to Expire 12/31/2020 (4-Year Term)
Steve Porzio	Regular Member	Term to Expire 12/31/2020 (4-Year Term)
Sheila Hatami	Alternate Member #2	Term to Expire 12/31/2018 (2-Year Term)

Mr. Roche offered a motion to approve Resolution R-17-002, 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 Resolution R-17-003:

R-17-003 - RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Lauren Mayer	Regular Member – Term 01/01/2017 – 12/31/2019
Ellen Goldberg	Regular Member – Term 01/01/2017 – 12/31/2019
James Wagner	Regular Member – Term 01/01/2017 – 12/31/2019
Robert Markoff	Regular Member – Term 01/01/2015 – 12/31/2017 (for the unexpired term)
Frank DeVita	Alt. Member #1 – Term 01/01/2017 – 12/31/2018
Vincent DeVita	Alt. Member #2 – Term 01/01/2016 – 12/31/2017 (for the unexpired term)

Mr. Pak offered a motion to approve Resolution R-17-003, seconded by Mr. Manginelli..

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Resolution R-17-004:

R-17-004 - RESOLUTION – APPOINTING MEMBERS OF HISTORIC COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

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Michael Lee	Class B Member	Term 01/01/2016 – 12/31/2019
Kerri Sullivan	Class C Member	Term 01/01/2014 – 12/31/2017 (for the unexpired term)
Linda Zucaro	Class C Member	Term 01/01/2014 – 12/31/2017 (for the unexpired term)
Kathleen DeAngelo	Alternate #1	Term 01/01/2017 – 12/31/2018

Ms. Fama offered a motion to approve Resolution R-17-004, seconded by Mr. Pak.

ROLL CALL

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

Ms. Muttie read Resolution R-17-005:

R-17-005 - RESOLUTION APPOINTING MEMBERS OF SHADE TREE COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Gina Gundel	Term 01/01/2017 – 12/31/2021
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Ms. Fama offered a motion to approve Resolution R-17-005, seconded by Mr. Manginelli.

ROLL CALL

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

Ms. Muttie read Resolution R-17-006:

R-17-006 - RESOLUTION APPOINTING COUNCIL LIAISONS

BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls appoints the following liaisons for a one-year term to expire December 31, 2016:

Board of Education Liaison	Councilman Christopher Pak
Environmental Commission Liaison	Councilman John Manginelli
Library Liaison	Councilwoman Nancyanne Fama

Mr. Manginelli offered a motion to approve Resolution R-17-006, seconded by Mr. Roche.

ROLL CALL

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

CONSENT AGENDA

Mr. Pak offered a motion to approve the Consent Agenda, seconded by Mr. Roche.

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-17-007 RESOLUTION – 2017 TEMPORARY MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40a:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2017 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2017; and

WHEREAS, the total appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$22,071,416 and \$4,600,300 for the General Budget and Sewer Utility Budget respectively; and

WHEREAS, 26.25% of the total appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2016 budget is the sum of \$5,793,747 and \$1,207,579 for the General Budget and Sewer Utility Budget respectively.

NOW, THEREFORE, BE IT RESOLVED that the following schedule of temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

R-17-008 - RESOLUTION - 2017 DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20th of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2016; and

WHEREAS, principal and interest will be due on various dates from January 1, 2017 to December 31, 2017, inclusive, on bonds issued and outstanding.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2017 to December 31, 2017 inclusive:

DEBT SERVICE – CURRENT FUND

Principal on Bonds	\$1,595,000
Interest on Bonds	659,813
Interest on Notes	37,128
Green Trust Loan – P & I	23,000
	\$2,314,941

R-17-009 - RESOLUTION AMENDING R-01-003 AUTHORIZING CASH MANAGEMENT PLAN

WHEREAS, R-01-003 Authorizing Cash Management Plan was adopted by the Borough Council of the Borough of Tinton Falls on January 2, 2001; and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Tinton Falls; and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

Kearny Federal Savings Bank
TD Bank
Two River Community Bank
Investors Savings Bank
N.J. Cash Management Fund

WHEREAS, the banks listed above with the exception of State of NJ Cash Management Fund have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A.19:44A-20.26 (P.L. 2005 c.271, s2). In addition, all banks are protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Resolution R-01-003 be and is hereby amended as stated above.

BE IT FURTHER RESOLVED, that the Chief Financial Officer and/or designated Borough Officials are hereby authorized to execute any documents and/or contracts as required by the individual depositories.

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BE IT FURTHER RESOLVED, that the Borough’s authorized signatories are the Mayor, Borough Administrator, Chief Financial Officer and Tax Collector.

R-17-010 - RESOLUTION AUTHORIZING PETTY CASH FUNDS

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that petty cash funds be the same are hereby established for the following Departments in the amounts specified:

Department of Audit, Accounts & Control (Administered by Tax Collector)	\$250.00
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R-17-011 - RESOLUTION – DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE BOROUGH OF TINTON FALLS

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Asbury Park Press, The Coaster and the Newark Star Ledger are hereby designated as the official newspapers for the Borough of Tinton Falls pursuant to N.J.S.A. 40:53-1.

R-17-012 - RESOLUTION – APPROVAL OF BILLS – JANUARY 3, 2017

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 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.

ADDITIONS TO THE 1/3/2017 BILL LIST

<u>DATE</u>	<u>CHECK</u>	<u>DESCRIPTION</u>	<u>Amt Paid</u>
12/21/16	78968	BOROUGH PURCHASE OF TSC’S	4,665.43
12/27/16	78969	BOROUGH SEWERS	18.10
12/27/16	78970	S. LASHER/TSC REDEMPTION	1,055.50
12/28/16	78971 –		
	79060	PAYMENTS MADE 12/28/16	171,422.01
12/28/16	79061	ADMIN PETTY CASH	102.67
			\$177,263.71

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: 8:06PM

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: May 2, 2017