

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:30pm.

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 Turning, Sr., Mayor
Elizabeth Perez, Interim Borough Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for salute to the flag.

APPROVAL OF MINUTES- None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Gerald Turning- No report

Engineer's Report – Thomas Neff – Mr. Neff stated that the resolution releasing bonds to Greenbriar Falls, has been removed from tonight's agenda. Mr. Neff gave an update on the County's road paving project, noting that Swimming River Road and Wayside Road South are completed, and Asbury Avenue was pushed back to the spring. Mr. Neff indicated that the Borough will begin upgrades to the Tinton Avenue pump station and that the Borough was awarded a grant in the amount of \$142,486 from the County for Hope Road paving improvements. Mr. Neff gave an update on the Tinton Falls library, stating that the work was put on hold due to potential litigation, but can now move forward if the Borough sees fit. He stated that he has submitted a proposal to the Council for an overall investigation and evaluation of the library. He discussed the proposal which included an overall structural evaluation of the building; HVAC system evaluation; and mold investigation.

Ms. Fama asked what a reasonable estimate of time would be to be able to get a preliminary report, noting that the library has approximately \$40,000 left in their annual budget. Mr. Neff indicated that a full report could take up to forty-five (45) days. Mr. Pak asked that Ms. Fama put together some alternative sites for a library. Ms. Fama indicated that the library board has already been actively looking into other sites, and agreed that a committee is a good idea.

Finance Director – Thomas Fallon- Mr. Fallon gave a report on the issuance of bond anticipation notes in the amount of \$3,469,000, bids were open on November 21st and the Borough received four (4) excellent bids ultimately awarding contract to Two Rivers Community Bank at 1.4%. Mr. Fallon spoke about Resolution R-17-227, which allows the Borough to establish a trust account for donations to the Tinton Falls Police Youth Programs.

Administrator – Elizabeth Perez- Ms. Perez indicated that the Borough's annual tree lighting was moved to Liberty Park, and thanked Gary Gebele, as well as the Recreation Department for their help with this event. Ms. Perez also advised of future holiday events in the Borough, including Santa appearances and a Menorah lighting. Ms. Perez advised of upcoming programs in the Recreation Department, including The Storybook Walk and the Basketball program.

Director of Law – Brian Nelson- Mr. Nelson spoke about the Ordinances that are on tonight's agenda for introduction. Mr. Nelson indicated that Ordinance 2017-1421 authorizes the acquisition of a property commonly known as the Walz property off of Shark River Road. Mr. Nelson noted that Ordinance 2017-1422 replaces the Planning and Zoning Board fee schedule, which has been updated to be sure that costs that are incurred are covered in association with said fee schedule. Mr. Nelson indicated that Ordinance 2017-1423 authorizes a 14 year Tax Exemption for Charles Wood Properties Urban Renewal, LLC.

Borough Clerk's Report – Maureen L. Muttie- No report

Council's Report

Ms. Fama stated that she had the pleasure of attending the library social this past weekend and had a very nice time.

Mr. Manginelli had no report.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Mr. Roche had no report.

Mr. Pak acknowledged that Mr. Karavites, long time President of the Board of Education is retiring, and encouraged Council to attend the final meeting of the year.

Mr. Baldwin advised that Trinity Hall will be coming before the Planning Board next Wednesday for its proposed addition.

ORDINANCES FOR INTRODUCTION

Ms. Muttie read Ordinance No. 2017-1421 entitled: **ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IDENTIFIED AS BLOCK 145, LOT 28.01 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF TINTON FALLS, COMMONLY KNOWN AS THE WALZ PROPERTY OFF OF SHARK RIVER ROAD, FOR THE PRESERVATION OF OPEN SPACE.**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. authorizes public entities to acquire real property for the public purpose of preserving open space; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of an interest in real property by municipalities be accomplished by ordinance; and

WHEREAS, the Borough of Tinton Falls (“Borough”) desires to acquire certain property identified on the Official Tax Map as Block 145, Lot 28.01, commonly known as the Walz Property off of Shark River Road, as further set forth in Schedule A attached hereto (the “Property”); and

WHEREAS, the Property consists of approximately 60 acres, a portion of which is desirable for residential development or other commercial uses, while only currently generating nominal farmland assessed tax payments; and

WHEREAS, the Borough desires to enter into an Agreement for the Purchase and Sale of Real Property (“Agreement”) for the Property, which sets forth the rights, duties and obligations of the parties; and

WHEREAS, the acquisition of the Property for the agreed price of Nine Hundred and Seventy Thousand Dollars (\$970,000) is to be funded entirely through the Borough’s Open Space Trust Fund with no borrowing; and

WHEREAS, the Property is to be conveyed free and clear of any liens, judgments and encumbrances; and

WHEREAS, the Property has already undergone a preliminary environmental assessment conducted by the Borough Engineer last year and is currently undergoing an additional level two assessment anticipated to be completed by year end; and

WHEREAS, the Borough desires to authorize the acquisition of the Property, the expenditure of the funds, and the acceptance of the conveyance of the Property, subject to certain conditions, upon fulfillment of the provisions set forth in the Agreement negotiated between the parties over the last year.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, as follows:

Section 1.

The Borough Council hereby authorizes the acquisition of Block 145, Lot 28.01, commonly known as the Walz Property off of Shark River Road, as further set forth in Schedule A attached hereto and made part hereof consisting of approximately 60 acres for the total sum of Nine Hundred and Seventy Thousand Dollars (\$970,000).

Section 2.

The Borough Council approves the terms and conditions of the Agreement for the Sale and Purchase of Real Property attached hereto as Schedule B by and between the Borough the property owner, a copy of which is filed in the Office of the Borough Clerk, subject to minor revisions thereto approved by the Borough Administrator as recommended by the Director of Law that do not substantially modify the terms and conditions of the Agreement, provided that the total consideration paid under the Agreement is not increased.

Section 3.

The Borough Council hereby authorizes the expenditure of an aggregate of up to Nine Hundred and Seventy Thousand Dollars (\$970,000) from its Municipal Open Space Trust Fund without any borrowing.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Section 4.

The Mayor, Borough Clerk and Director of Law are hereby authorized and directed to execute all documents required for the acquisition of the Property, including, but not limited to, the Agreement and other conveyance documents and are hereby authorized and directed to take all action necessary to effectuate the purposes of this Ordinance.

Section 5.

All ordinances of the Borough of Tinton Falls which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 6.

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

Section 7.

This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

Mr. Pak offered a motion to introduce Ordinance No. 2017-1421, seconded by Mr. Roche.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Ordinance No. 2017-1422 entitled: **ORDINANCE REPEALING AND REPLACING PLANNING AND ZONING BOARD FEE SCHEDULE**

WHEREAS, the current planning and zoning fee schedule has not been updated in nearly seven years; and

WHEREAS, the current fee schedule is not currently covering the Borough's costs associated with the review of applications; and

WHEREAS, other amendments have been recommended to clarify and simplify the various fees required to be paid.

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 repeals and replaces, in its entirety, Schedule F contained under section 40-7 of the General Revised Ordinances of the Borough as follows:

SECTION 1. Replacement for Schedule F Under Section 40-7

**Schedule F – Borough of Tinton Falls
Planning and Zoning Board Fee Schedule**

(Section 40-7)

APPLICATION TYPE	ADMINISTRATIVE FEE	ESCROW/PROFESSIONAL FEE
Informal Hearing/Concept Plan Review		
Minor Subdivision	\$250	\$750
All Others	\$250	\$1,500
Appeals & Interpretations	\$300 plus any other costs incurred by Board during review process	\$1,500
Certificate of Non-Conforming Use		
From the Administrative Officer	\$50	N.F.
From the Zoning Board of Adjustment	\$250	\$350 per review required by the Borough agency of legal, engineering, planning, etc.
Capital Review	\$150	\$350 per review required by the Borough agency of legal, engineering, planning, etc.
Architectural Review		
Residential	\$150	\$350 per review required by the Borough agency of legal, engineering, planning, etc.
Non-residential	\$300	\$350 per review required by the Borough agency of legal, engineering, planning, etc.
Subdivision		
Minor	\$500	\$3,500
Preliminary	\$500 + \$50 per lot	\$4,000 + \$115 per lot
Final	\$250 + \$50 per lot	\$2,500 + \$75 per lot

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Site Plan Minor		\$500	\$3,500
Residential	Preliminary	\$500 + \$50 per dwelling unit	\$1,000 per acre of disturbance (Minimum \$5,000)
	Final	50% of Preliminary Fee	N.F.
Non-residential	Preliminary	\$1,000 + \$50 per acre of disturbance + \$0.05 per SF of proposed building area	\$100 per 1,000 SF of disturbance (Minimum \$5,000)
	Final	50% of Preliminary Fee	N.F.
Conditional Use		\$300 plus fees as designated under site plan	\$2,000
Waiver (Submittal Requirement or Design Waiver)		N.F.	\$500
Bulk "C" Variance		\$300 for 1 + \$50 for each additional variance	\$750 for single-family residential \$1,000 for all other residential & non-residential
Use "D" Variance			
Single Family		\$300	\$1,500
All other Residential & Non-residential		\$600 plus fees as designated under Site Plan	\$4,500
General Development Plan			
Initial Submission		\$500	\$100 per 1,000 SF of disturbance (Minimum \$5,000)
Administrative Change Determined to be Minor by Borough Engineer		\$150	\$350
Plan Amendment		\$250	\$100 per 1,000 SF of disturbance (Minimum \$5,000)
Timing Schedule Amendment		\$250	\$350 per review required by the Borough agency of legal, engineering, planning, etc.
Amendment of Approvals			
Administrative change, determined by Borough Engineer to be minor		\$150	\$750
Amendment of preliminary or final plat or site plan previously approved, determined to be minor by Borough Engineer or Agency		\$250	\$750 per review required by the Borough agency of legal, engineering, planning, etc.
Amendment of preliminary or final plat or site plan previously approved, determined to be substantial by Borough Engineer or Agency		Full fees as required by this section	75% of the full fees as required by this section
Application for extension of time of site plan or subdivision approval pursuant to MLUL		\$500 plus any other costs incurred by the Board during review process	\$350 per review required by the Borough agency of legal, engineering, planning, etc.
Application for signs requiring Board approval		\$150 plus any other costs incurred by the Board during review process	\$750
Tax Map Revision Fee			N.F.
Single Family Lots	1-2 lots	\$200	Note: Tax Map Revision Fee to be submitted as a separate check.
	3-10 lots	\$500	
	11-25 lots	\$1,000	
	26-100 lots	\$2,000	
	101 lots plus	\$2,500	
Condominiums and/or Singly Family New Sheet (Up to 200 Units)		\$2,500 per sheet	
Condominiums only New Sheet (Over 200 Units)		\$3,500 per sheet	

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Commercial		
Revision to Existing Sheet	\$250	
New Tax Map Sheet	\$1,500	
G.I.S. Fees		
Zoning Board Variance, non-development application	\$13 per variance	N.F.
Planning or Zoning Board, development application	\$56 per application plus \$13 per variance	N.F.
Publication Fee		
Single Family	\$20 per decision rendered	N. F.
All other Residential & Non-residential	\$30 per decision rendered	N. F.
Certified List of Property Owners	\$10 or \$0.25 per name, whichever is greater	N. F.
Special Meetings	\$1,750 per special meeting	N. F.
Tree Removal	\$150 (no fee with subdivision or site plan approval)	N. F.
Fire Prevention (Site Plan or Major Subdivision)	\$100	N. F.
Zoning Permit		
Residential New Home	\$125	N. F.
Grading New Home	\$125	N. F.
Revised Grading New Home	\$75	N. F.
Residential Property Addition	\$75	N. F.
Non-residential New Building Use	\$350	N. F.
Site Plan	\$500	N. F.
Non-residential Minor Addition	\$100	N. F.
Pool Grading	\$100	N. F.
CCO	\$75	N. F.
Sign (commercial)	\$50 per sign	N. F.

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. 2017-1422, seconded by Mr. Roche.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Ordinance No. 2017-1423 entitled: **ORDINANCE AUTHORIZING 14 YEAR TAX EXEMPTION FOR CHARLES WOOD PROPERTIES URBAN RENEWAL LLC, AN URBAN RENEWAL ENTITY, THAT IS A CONDOMINIUM FROM RADAR PROPERTIES URBAN RENEWAL, LLC'S PROJECT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW**

WHEREAS, Charles Wood Properties Urban Renewal, LLC (“the Entity”), is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.); and

WHEREAS, on March 6, 2012, the Borough adopted Resolution No. R-12-089 designating the entirety of the former Fort Monmouth property located within the Borough (“Redevelopment Area”) as an “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“Redevelopment Law”); and

WHEREAS, on May 15, 2012, the Borough adopted Ordinance No. 12-1344 adopting the Fort Monmouth Reuse and Redevelopment Plan (“Redevelopment Plan”), which governs the redevelopment of the Redevelopment Area consistent with the Redevelopment Law; and

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

WHEREAS, Radar Properties Urban Renewal, LLC, a New Jersey limited liability company qualified to do business under the provisions of the Exemption Law (“Radar”), was the original owner of certain real property located in the Redevelopment Area, commonly known as the site of “Building 2525” in the former Fort Monmouth, formerly identified as a portion of Block 101, Lot 1, currently identified as Lot 4.01X in Block 101.03 on the Borough’s official tax map (“Property”); and

WHEREAS, pursuant to Resolution No. R-16-088, the Borough’s Council (“Council”) appointed Radar as the “redeveloper” of the Property in accordance with the Redevelopment Law; and

WHEREAS, pursuant to Ordinance No. 2016-1397, the Council approved the Application and a Financial Agreement memorializing the long-term exemption granted to Radar; and

WHEREAS, following receipt of the foregoing approval, Radar and Borough executed a Financial Agreement, dated September 30, 2016 (“Original Financial Agreement”); and

WHEREAS, on May 3, 2017, a Master Deed was recorded in Monmouth County in respect of the Property, and as a result the Property is currently comprised of Unit 1 and Unit 2, each representing approximately fifty percent (50%) of the Property; and

WHEREAS, Sections 11 and 18 of the Original Financial Agreement explicitly permitted Radar to sell, dispose of or otherwise transfer a portion of the Project to another qualified urban renewal entity, subject to the terms and conditions contained in the Original Financial Agreement; and

WHEREAS, Radar sold property located at 1 Radar Way, Block 101.03, Lot 4, Unit 2 (now identified as Block 101.03, Lot 4.02 Qualifier: X) to the Entity pursuant to that certain Purchase and Sale Agreement, dated February 12, 2016, which transaction closed on July 7, 2017; and

WHEREAS, in connection with the sale of Block 101.03, Lot 4.02 Qualifier: X to the Entity and the applicability of the Original Financial Agreement to Entity’s ownership and use of the Property, Borough’s counsel has requested that Entity and Borough enter a separate Financial Agreement consistent with the terms and conditions contained in the Original Financial Agreement; and

WHEREAS, the Borough and the Entity acknowledge that the mutual promises contained in this Agreement are good and valuable consideration for the binding execution of this Agreement.

WHEREAS, the Borough hereby determines that the relative benefits of the Project outweigh the costs of the tax exemption, for the following reasons:

the 2016 real estate taxes generated zero revenue, whereas, the 2018 Annual Service Charge for Block 101.03, Lot 4.02 Qualifier: X will generate revenue to the Borough of approximately \$45,562 in year one to of the exempt period;

it is expected that the Project consisting of a \$3,250,000 capital investment in the Borough will generate approximately 100 permanent professional jobs along with dozens of temporary construction jobs;

the project should stabilize and contribute to the economic growth and restoration of jobs upon the former Fort Monmouth property, assist existing local businesses and lead to the creation of new business, that serves the entire Borough;

the Project will further the redevelopment objectives of the Redevelopment Plan on the former Fort Monmouth property and the Borough Master Plan;

the Borough’s fiscal impact analysis indicates that the benefits of the Project greatly outweigh the projected costs to the Borough; and

WHEREAS, the Borough hereby determines that the tax exemption is important in obtaining development of the Project and influenced the locational decision of the Entity for the following reasons:

1. the relative stability and predictability of the annual service charges will make the Project more attractive to investors and lenders needed to finance the Project; and
2. the relative stability and predictability of the annual service charges will allow the owner to stabilize its operating budget and rents while allowing for a high level of maintenance to the building over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area; and

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

WHEREAS, through negotiations the Borough and the Entity have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute a Financial Agreement reflecting the same.

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:

1. The request of Charles Wood Properties Urban Renewal, LLC, an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.) for Block 101.03, Lot 4.02 Qualifier: X, more commonly known as Unit 2 of Building 2525 on the former Fort Monmouth property, is hereby accepted and approved as specifically authorized under Sections 11 and 18 of the Original Financial Agreement with Radar Properties Urban Renewal, LLC.
2. The Mayor is hereby authorized and directed to execute a Financial Agreement substantially in the form attached hereto and made part hereof, for a term of 14 years upon the Project's substantial completion pursuant to the following principal terms paying the Borough:
 - a. 10% of the Annual Gross Revenue from year 1 through year 10;
 - b. the greater of 10% of the Annual Gross Revenue, or 20% of the amount of the taxes otherwise due for year 11;
 - c. the greater of 10% of the Annual Gross Revenue, or 40% of the amount of the taxes otherwise due for year 12;
 - d. the greater of 10% of the Annual Gross Revenue, or 60% of the amount of the taxes otherwise due for year 13;
 - e. the greater of 10% of the Annual Gross Revenue, or 80% of the amount of the taxes otherwise due for year 14; and
 - f. an administrative fee equal to 2% of the prior year's Annual Service Charge.
3. All ordinances, or parts of ordinances inconsistent herewith, are hereby repealed to the extent of such inconsistencies.
4. This Ordinance shall take effect immediately upon final passage and publication pursuant to law.

Mr. Pak offered a motion to introduce Ordinance No. 2017-1423, seconded by Mr. Roche.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Vito Perillo, 30 Clearview Drive, Tinton Falls- Mr. Baldwin acknowledged Mr. Perillo as Mayor Elect of the Borough. Mr. Perillo urged the administration to not make any personnel changes until he takes office on January 2, 2018. Mr. Perillo stated that he had made this same request at an earlier date, and noted that he feels that making appointments prior is in direct opposition to his request.

Kevin Starkey, resident of Brielle, and attorney for Mr. Perillo- Mr. Starkey discussed the resolution appointing a permanent Borough Administrator and the legal authority of the Council to do so. Mr. Starkey stated that the Borough Code allows interim appointments for a 90 day period however, the code allows for a longer interim appointment time for the Administrator position. Mr. Starkey stated that in his experience, the request made by Mr. Perillo is a common request that is usually accepted by Council which would allow him as incoming Mayor to make the choices and bring the people he wants to effect changes that he wants to make. Mr. Starkey urged that the Council reconsider and grant Mr. Perillo his request not to make an appointment permanent until the Mayor takes office.

Borough Attorney Nelson asked Mr. Starkey if he was aware of a recent press release and asked if he authored the release. Mr. Starkey stated that he has assisted Mayor Elect Perillo, advised and supported him in his role as Mayor-Elect. Mr. Nelson discussed the misrepresentations that were made in the press release and read 2-7.3 of the Borough Code that specifically discusses interim appointments. Mr. Nelson discussed that the intent of appointing the administrator to a permanent position would allow for a smooth transition for the incoming administration so that there may be an Administrator in place until such time a new one is appointed. Mr. Nelson discussed the advertising for the Borough Administrator's position as requested by the mayor is underway and the interviewing process will follow. Mr. Nelson stated that he firmly believes that with a little cooperation, trust and understanding this will be worked out in due course. Mr. Starkey thanked Mr. Nelson for his comments and clarified his stand on what the issue which is whether Mayor Elect Perillo has the right to request that this appointment not be made tonight.

Mr. Baldwin advised why it would not be possible to have a new, qualified Administrator in position on January 2nd. He reviewed the process, which includes interviews and discussion by the council in private session, and a prepared Resolution. He stated that if they do not make the Interim Administrator permanent, the Borough will not have an Administrator until which time the Mayor appoints, and the Council consents to such appointment.

Vito Perillo, 30 Clearview Drive, Tinton Falls- Mr. Perillo indicated that he had submitted a candidate for Borough Administrator to Council. Mr. Baldwin replied that the Council asked that Mr. Perillo submit two or three candidates at once, making it more convenient to have one Executive Session to discuss all candidates.

Kevin Starkey, resident of Brielle, and attorney for Mr. Perillo- Mr. Starkey acknowledged that having an Administrator in the position as the new Mayor takes office is a valid concern, however Mr. Perillo feels confident that he can have someone qualified by that time. Mr. Nelson stated that he did advise that candidates begin to be interviewed and vetted through Council so that there be a smooth transition during the re-organization meeting in January.

Ms. Fama addressed Mayor-Elect Perillo stating that the Council are honorable people who have worked very hard for the benefit of the Borough. She further stated that they intend to continue in the same fashion with him at the helm, however they will not be a rubber stamp. Ms. Fama stated that the Council cannot appoint an unknown person and have the Mayor-Elect come in as an inexperienced Municipal leader. Ms. Fama stated that the current Interim Administrator has experience and information that would benefit the newly elected Mayor. Ms. Fama discussed the interview process that was used in appointing previous administrators, and stated that the same process will be used to interview the incoming administrator. This process will assure continuity in government and good governance.

Wayne Van Lew, 21 Sam Drive, Tinton Falls- Mr. Van Lew discussed nepotism and appointments in local government that creates mistrust. He stated that is a problem in local government. Mr. Van Lew stated he keeps hearing Council wants to hire a qualified person for the role of Administrator and discussed his findings through an OPRA request as to the current Interim Administrator's qualifications. Mr. Van Lew stated that he felt that those qualifications were not sufficient for the position. Mr. Baldwin stated that the current Interim Administrator has experience and is a person who can be helpful until a more qualified candidate is appointed.

Rosemary Kochman, 38 Knollwood Drive, Tinton Falls- Ms. Kochman introduced Judy Tolchin, Director of the Monmouth County Library. Ms. Tolchin expressed the importance of having the Tinton Falls Library re-opened, and spoke about some resources that may be available to assist the Borough in doing so. Mr. Nelson indicated that one of the ideas that Council and Administration have been working through is a partnership with the Monmouth County Library System, and other possible sites for the library.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

Andrew Yetman, 199 Cloverdale Circle, Tinton Falls- Mr. Yetman inquired about the resolution to appoint a permanent Borough Administrator. Mr. Baldwin clarified said resolution, explaining that the position merely allows the Administrator to continue in the position into the New Year. Discussion ensued regarding the salary of the Borough Administrator, and the qualifications of the job.

Lori Learn, 16 Reeds Road, Tinton Falls- Ms. Learn read a statement in support of Ms. Perez, noting her dedication to the Borough of Tinton Falls and her experience working for the Borough. She continued that the public should be mindful and respectful of this when making comments. Ms. Learn stated that keeping Ms. Perez on will be beneficial to Mr. Perillo as she has an extensive knowledge of the Borough. She further stated Ms. Perez attends all Council meetings and is extensively involved in all Community events, even when it is not required of her, and stated that Ms. Perez deeply and genuinely cares about the welfare of Tinton Falls and its residents.

Charles Lomangino, 3 Helena Street, Tinton Falls- Mr. Lomangino expressed that he does not see a problem with Ms. Perez being made permanent, as the Mayor-Elect can make the changes he sees fit when he takes office.

Lawrence Brody, 44 Partridge Lane, Tinton Falls- Mr. Brody asked if there was any policy dictating the qualifications for the Borough Administrator. Mr. Nelson replied that there is nothing outlined stating that the Administrator must meet certain requirements, noting that it can be anyone that the Mayor appoints, with consent of the Council. Discussion continued regarding Ms. Perez's potential length of employment as Administrator.

Lauren Mayer, 46 Sam Drive, Tinton Falls- Ms. Mayer indicated that the Planning Board has had a vacant seat for over a year, which is required to be filled by a member of the Environmental Commission, and asked why that seat has not been filled. Discussion ensued regarding same.

Nancy Britton, 158 Cloverdale Circle, Tinton Falls- Ms. Britton expressed her disapproval with the way our community has been handling grievances and negativity that are posted to social media. She stated these statements are uncalled for.

Michael Laffey, 38 Devon Street, Tinton Falls- Mr. Laffey stated that Mr. Perillo saw something wrong with the way the town was being run, and the people agreed and elected him. He stated that the people are concerned that the Council will stand in the way of the Mayor-Elect appointing his Administrator of choice. He further stated that the people who voted for Mr. Perillo will stand with him to ensure the Council stands true to what they are claiming.

Jerry Spumberg, 11 Alpine Trail, Tinton Falls- Mr. Spumberg stated that he has been coming to Council meetings since Michael Skudera was Mayor. He further discussed the condition the town was in at that time, and the efforts that that Administration has made to improve these conditions, including attracting new businesses and improving the roads.

Carl Bowles, 46 Diane Drive Tinton Falls- Mr. Bowles stated that Tinton Falls is a great town, noting that he was born and raised here as well as being a former employee. He further stated that we should give the new Administration what they want.

Steven Schertz, 13 Harvard Drive, Tinton Falls- Mr. Schertz acknowledged the great work Mayor Turning has done for the town. He continued that tonight is about the Council working with the Mayor-Elect on his Administration, noting that multiple Council members have committed to working with the Mayor-Elect. Mr. Schertz addressed the public, stating that the Council are good, trustworthy people with integrity, who care about the town, and we should give them the space and time to bring the town into 2018.

Allen Lewis, 141 Cherry Street- Mr. Lewis read a definition of a Borough Administrator, stating that it is quite an important job. Mr. Lewis asked about the benefits Ms. Perez will be eligible for upon termination, and discussion ensued regarding same.

Ellen Goldberg, 90, Glenwood Drive- Ms. Goldberg advised of her full support of the library, stating that she is hopeful for a new site. Ms. Goldberg asked about the Director of Public Safety Position, Mr. Baldwin explained that the Borough has combined this position with the Administrator position to save on salaries. Mr. Nelson confirmed that happened in 2009. Ms. Goldberg asked if there would be financial ramifications to the Borough for hiring a new Administrator, discussion ensued regarding same.

Leo Lomangino, 93 Colonial Drive, Tinton Falls- Mr. Lomangino expressed appreciation for the great service Mayor Turning has done for the Borough. He further urged the Council to transition the Mayor-elect as smoothly as possible.

Gina Gundel, 629 Green Grove Road- Ms. Gundel asked if it would be possible to keep the Borough Administrator as interim until a new one can be hired. Mr. Baldwin explained that the Borough is required to follow the ordinance and code, which states that an interim position ends with the Mayor that appointed them, or after 90 days. Ms. Gundel inquired about the library and asked what would be done if asbestos was found. Borough Engineer, Tom Neff advised if asbestos was found it would have to be removed. Ms. Gundel spoke about the Resolution regarding Open Space on tonight's agenda. Mayor Turning expressed his excitement for acquiring this property with the intent of keeping it Open Space.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

A Borough Resident, Squankum Road- Inquired about the historical documents that have been stored in the library. Mr. Gebele ensured that the Department of Public Works is taking measures to protect the historical documents. She also asked Mr. Neff about possibly installing a shoulder stripe on Hockhockson Road, Mr. Neff indicated he would look into same.

Mayor Turning spoke about Mr. Gebele's service to the Borough, as he will be retiring in the March of 2018.

Linda Clayton, 1 Tracy Place, Tinton Falls- Ms. Clayton asked about there being some changes to the capacity of the Reclamation Center. Mayor Turning discussed the negotiations between the Borough and the County regarding the center, and advised of where to direct grievances.

Jessica Noe, 2 Sam Drive, Tinton Falls- Ms. Noe stated that the public does have a right to know the qualifications of an employee in the public sector. She did commend the Council and employees for having to withstand criticism. Mr. Baldwin thanked Ms. Noe for her comments and stated that he enjoyed that so many people are interested in the Council Meetings recently.

Will Dunn, 23 Little Rock Lane, Tinton Falls- Mr. Dunn indicated that he has been waiting for two years for someone to address the speeding on Heritage Blvd. Chief of Police John Scrivanic addressed this complaint by stating his Sgt. of Traffic Safety has been instructed to monitor the area. He further stated that every traffic patrol in the area for a select period had been documented, and a report had been forwarded to Mayor Turning. Further discussion ensued regarding the issue.

Rita Kondoleon, 23 Columbia Drive, Tinton Falls- Ms. Kondoleon spoke about a shooting that occurred about six weeks ago in her neighborhood. She discussed her frustration with the way the children were dismissed from Tinton Falls Middle School, and escorted home, while the parents were to stay outside of the police line.

Ms. Fama offered a motion to close the Public Discussion, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

RESOLUTIONS R-17-225- RESOLUTION CONSENTING TO PERMANENT APPOINTMENT OF ELIZABETH PEREZ AS BOROUGH ADMINISTRATOR AND DIRECTOR OF PUBLIC SAFETY

WHEREAS, on July 11, 2017, pursuant to Resolution No. R-17-105, Elizabeth Perez was appointed as Interim Borough Administrator serving as the Director of the Department of Administration; and

WHEREAS, since this interim appointment has existed for more than ninety days, the Mayor has determined to permanently appoint Elizabeth Perez Borough as Administrator and Director of the Department of Public Safety at a salary of \$125,000 on an annualized basis, which is far less than authorized for the Borough Administrator's position under the 2017 salary ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby grants advice and consent to the Mayor's permanent appointment of Elizabeth Perez as Borough Administrator and Director of the Department of Public Safety at a salary of \$125,000 on an annualized basis.

Ms. Fama offered a motion to approve Resolution R-17-225, seconded by Mr. Roche.

ROLL CALL

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

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

CONSENT AGENDA

Mr. Baldwin noted that he removed Resolution R-17-228 from the Consent Agenda.

Mr. Manginelli 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

R-18-226 RESOLUTION DESIGNATING MEETINGS OF THE BOROUGH COUNCIL FOR THE YEAR 2018

WHEREAS, the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-8a, et seq.) requires the governing body of a municipality to designate and disseminate schedules, meeting dates, times and location.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following dates are hereby designated as scheduled meetings of the Borough Council for the Year 2018 to be held at the Borough of Tinton Falls Municipal Court Room, 556 Tinton Avenue, Tinton Falls, NJ 07724:

Meetings of Borough Council for 2018 (Where Formal Action May Be Taken)

Tuesday	January 2, 2018	7:30 P.M. (Reorganization/Regular)
Tuesday	January 16, 2018	7:30 P.M. (Regular)
Tuesday	February 6, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	February 20, 2018	7:30 P.M. (Regular)
Tuesday	March 6, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	March 20, 2018	7:30 P.M. (Regular)
Tuesday	April 3, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	April 17, 2018	7:30 P.M. (Regular)
Tuesday	May 1, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	May 15, 2018	7:30 P.M. (Regular)
Tuesday	June 12, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	July 10, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	August 7, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	September 4, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	September 18, 2018	7:30 P.M. (Regular)
Tuesday	October 2, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	October 16, 2018	7:30 P.M. (Regular)
Monday	November 19, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	December 4, 2018	7:30 P.M. (Regular/Workshop)
Tuesday	December 18, 2018	7:30 P.M. (Regular)

BE IT FURTHER RESOLVED, that as needed, all executive sessions of the Borough Council shall be held at 6:30 p.m. as noticed by 4:30 p.m. the Friday before the meeting week and convene with the public reading of a Resolution onto the record prior to the Borough Council's vote to enter into executive session pursuant to the OPMA. When an executive session is held, the executive session Resolution shall be re-read onto the record at the beginning of the public portion of any applicable workshop, regular or special meeting so the public will know what issues were addressed during the executive session without having to be present for the earlier public reading of the Resolution. When necessary, executive sessions may be continued upon the adjournment of the public portion of any meeting with the reading of the Resolution for entry into executive session reciting the issues to be continued for executive session deliberations.

BE IT FURTHER RESOLVED that this Resolution shall supersede any and all Resolutions previously adopted by the Borough specifying meetings of the Borough Council.

BE IT FURTHER RESOLVED, that the Borough Clerk shall post a copy of this Resolution in Borough Hall and that copies of this Resolution shall be forwarded by the Borough Clerk to the official newspapers, The Asbury Park Press, The Coaster and the Newark Star Ledger as previously designated by the Borough and to individuals requesting same under the New Jersey Open Public Meetings Act.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

R-17-227 REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF THE LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS TO THE TINTON FALLS POLICE YOUTH PROGRAMS PURSUANT TO N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Tinton Falls, County of Monmouth, State of New Jersey as follows:

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39 for the exclusive purpose of depositing and expending funds donated for the Tinton Falls Police Youth Programs.
2. The municipal clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

R-17-228 was removed from the agenda

R-17-229 RESOLUTION AUTHORIZING SEWER SERVICE AGREEMENT FOR 421 GREEN GROVE ROAD

WHEREAS, pursuant to Resolution No. R-10-118, the Borough of Tinton Falls (“Borough”) entered into a multi-party sewer service agreement for seven residences along Green Grove Road to be provided sewer service through the Township of Ocean Sewerage Authority (“TOSA”) despite being located within the Township of Neptune Sewerage Authority’s (“TNSA”)’s sewer service area due to a lack of viable alternatives for the treatment of such wastewaters; and

WHEREAS, the Borough has requested to enter another Service Agreement to include 421 Green Grove Road due the continued lack of viable alternative means of transporting wastewater for treatment in the area; and

WHEREAS, the TNSA does not object and TOSA is willing to provide sewer transmission and treatment services to 421 Green Grove Road.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to execute the Service Agreement attached hereto and made part hereof to include 421 Green Grove Road under the multi-party agreement entered into between the Borough, TOSA, TNSA and the Township of Ocean pursuant to the terms and conditions contained therein.

R-17-230 RESOLUTION - REFUNDING TAXES DUE TO A 100% TOTALLY DISABLED VETERAN EXEMPTION

WHEREAS, an overpayment of 2017 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2017 (from January 18, 2017 through December 31, 2017); and

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO HOMEOWNER</u>	<u>REFUND TO TAX TITLE LIEN</u>	<u>REFUND TO SEWER DEPT.</u>
<u>TOTAL</u>					
Kevin W. & Jona H. Stead \$13,753.11 5 Daniel Court Tinton Falls, NJ 07724	105	42.03	\$12,392.80	\$1,264.09	\$96.22

WHEREAS, said exemption resulted in an overpayment of the 2017 taxes in the amount of \$13,753.11 as certified by the Borough Tax Collector.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund to the homeowner in the amount of \$12,392.80 and a refund to the Borough Tax Title Lien Account of \$1,264.09 for the redemption of Tax Sale Certificate #2995 and a refund to the Borough in the amount of \$96.22 (to be applied to the outstanding 2017 sewer balance and interest) are hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$13,753.11.

R-17-231 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 taxes on the following property has been paid in error by the Homeowner; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kent D. Mosier & Nancy Perkins c/o Polloway & Polloway, LLP 130 Maple Avenue Red Bank, NJ 07701	47.03	24	\$4,020.51

Re: Mosier & Perkins to Woods
17 Timothy Lane

WHEREAS, said error has resulted in an overpayment of 2018 taxes paid in the amount of \$4,020.51, 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 \$4,020.51 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$4,020.51.

R-17-232 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of November 2017 fees were paid by a resident of Tinton Falls for their child's participation in our Basketball Program; and

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of November 2017; and

WHEREAS, during the month of November 2017, the Recreation Superintendent was informed by the resident Jacqueline McLaughlin that their son Matthew due to scheduling conflicts will not be participating in the basketball program this season. Therefore, a refund in the amount of \$87.00 shall be issued in which the \$10.00 processing fee has been applied.

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 to Jacqueline McLaughlin.

R-17-233 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of November 2017 fees were paid by a resident of Tinton Falls for their child's participation in our Basketball Program; and

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of November 2017; and

WHEREAS, during the month of November 2017, the Recreation Superintendent was informed by the resident Eileen Wassman that their daughter, will not be playing this season and a refund in the amount of \$97.00 shall be issued. The \$10.00 processing fee does not apply.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$97.00 be issued to Eileen Wassman.

**REGULAR/ WORKSHOP MEETING
DECEMBER 5, 2017
BOROUGH COUNCIL**

R-17-234 RESOLUTION – APPROVAL OF BILLS – DECEMBER 5, 2017

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 5, 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	\$ 2,990,764.73
SEWER UTILITY	81,589.77
CAPITAL	13,800.00
GRANT FUND	404.00
TRUST FUNDS	65,440.23
DOG TRUST	2,559.00
ESCROW	5,123.23
ADDITIONS	1,360.31
	<hr/>
	3,161,041.27

EXECUTIVE SESSION – Not Needed

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: 9:52 p.m.

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: September 4, 2018