

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:32pm.

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. Siebert, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk
Kevin Starkey, Esq.
Vito Perillo, Mayor
Michael Skudera, Borough Administrator
Thomas Neff, Borough Engineer

All present stood for a salute to the flag

APPROVAL OF MINUTES

Mr. Pak offered a motion to approve the Executive Session Minutes of March 19, 2019, seconded by Mr. Siebert.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Pak offered a motion to approve the Regular Meeting Minutes of April 16, 2019, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Pak offered a motion to approve the Executive Session Minutes of May 7, 2019, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-19-056 ADOPTION OF THE 2019 MUNICIPAL BUDGET

Ms. Hesler read Resolution R-19-056 by title:

Mr. Pak offered a motion to approve Resolution R-19-056, seconded by Mr. Manginelli

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

**SECTION 2 - UPON ADOPTION FOR YEAR 2019
(Only to be Included in the Budget as Finally Adopted)**

RESOLUTION R-19-056

Be it Resolved by the Borough Council _____ of the Borough _____ of _____ County of _____ Monmouth _____ that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) 15,867,962.95 (Item 2 below) for municipal purposes, and"
- (b) _____ (Item 3 below) For School Purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) 757,196.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) _____ (Item 5 below) Minimum Library Tax

Offered: Mr. Pak Second: Mr. Manginelli

RECORDED VOTE
(insert last name)

Ayes {

Nays {

Abstained {

Absent {

Ms. Fama
Mr. Manginelli

Mr. Pak
Mr. Stebert
Mr. Baldwin

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	08-100	3,870,000.00
Miscellaneous Revenues Anticipated	13-099	6,132,085.58
Receipts from Delinquent Taxes	15-499	600,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	15,867,962.95
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:		
Item 6, Sheet 42	07-195	
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)	07-191	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)	07-191	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	07-192	
Total Revenues	40000-00	26,470,048.53

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS		
Within "CAPS"	XXXXXXX	XXXXXXXXXXXXXXXXXXXX
	XXXXXXX	XXXXXXXXXXXXXXXXXXXX
(a&b) Operations Including Contingent	34-201	18,669,517.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	2,864,790.00
(g) Cash Deficit	46-885	
Excluded from "CAPS"	XXXXXXX	XXXXXXXXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	735,052.58
(c) Capital Improvements	44-999	851,500.00
(d) Municipal Debt Service	45-999	2,631,710.00
(e) Deferred Charges - Municipal	46-999	
(f) Judgements	37-480	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	
(g) Cash Deficit	46-885	
(k) For Local District School Purposes	29-410	
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	717,478.95
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	07-195	
Total Appropriations	37-499	26,470,048.53

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 21st day of May _____, 2019. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2019 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 21st day of May _____, 2019 _____

Clerk

Sheet 42

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Proclamation- June 7, 2019 National Gun Violence Awareness Day

Council President Baldwin announced that the Borough Council will be presenting a proclamation in recognition of National Gun Violence Awareness Day. Mr. Baldwin introduced Jim Turner, Ellen Crimi, Lois Lyons, and Lisa Von Pier who will be accepting the proclamation tonight. Lois discussed the proclamation and thanked Mayor, Council, and Administration for their support. She asked everyone to kindly wear orange on Friday, June 7, 2019 in support of gun safety.

Council President Baldwin read the following proclamation- *National Gun Violence Awareness Day. June 7, 2019.*

Proclamation Declaring the First Friday of June to be National Gun Violence Awareness Day

WHEREAS, to help honor the hundreds of Americans whose lives were cut short and the countless survivors a national coalition has designated the first Friday in June as National Gun Violence Awareness Day; and

WHEREAS, mayors and law enforcement officers know their communities best, and are most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsibility gun ownership to help keep our children safe; and

WHEREAS, by wearing orange on June 7th 2019, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

NOW, THEREFORE BE IT RESOLVED, that Mayor Perillo of Tinton Falls declares June 7th 2019 to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Mayor's Report – Vito Perillo

Mayor Perillo thanked Mr. Fallon, Mr. Skudera and all who played a part in the 2019 Budget. He encouraged anyone who may have any questions regarding the budget to see him.

Engineer's Report – Thomas Neff

Mr. Neff reported that the Road Program is still in progress with work being done on Water Street as well as the sidewalk on Wayside Road and Tinton Avenue. He stated that the Borough also has a preconstruction meeting with Ocean Township for the joint project for the southern section of Hope Road. He mentioned that there is a Resolution on tonight's Consent Agenda for Professional Engineering Services for the Water Street Sanitary Sewer Improvements.

Director of Finance- Thomas Fallon

Mr. Fallon stated that he had to leave the last meeting early and wanted to clarify any confusion regarding the State statute that would allow municipalities to defer a portion of school taxes. Mr. Fallon explained this process and how the State allows the municipalities to take money off the books as surplus, he called this practice fiscally irresponsible. He reported that between the years 2010-2013 the Borough deferred about \$7 million in school taxes to help balance the budget. A plan was put into place in 2014 to reduce deferral and stop reliance on school taxes.

Borough Administrator- Michael Skudera

Mr. Skudera reported that he attended a technology and innovation summit in Trenton along with the IT Director, he stated it was a well-attended event. Mr. Skudera stated that starting May 31, 2019 the Borough will be participating in a wellness campaign lead by Mayor Perillo. Mr. Skudera thanked Councilmen Baldwin and Siebert for attending the promotional meeting in support of the 6 week challenge.

Director of Law- Kevin Starkey

Mr. Starkey discussed Ordinance 2019-1446 on tonight's agenda, he recommends carrying this Ordinance to the June 18, 2019 meeting for legal purposes.

Borough Clerk's Report- Melissa Hesler

Ms. Hesler had no report.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

Council's Report

Councilwoman Fama reported that the Tinton Falls Library will be holding a fundraiser on Saturday, June 1, 2019 at the Atchison school. Children will be modeling GAP clothing, any questions about the event should be directed to Ellen Goldberg. Ms. Fama completed the Police Department and Administration for their work on the "No Knock Ordinance." She inquired about how to inform Borough Residents about this Ordinance and suggested using the Code Red System or the Borough website to promote it. Mr. Skudera stated that he will look into sending an alert to residents. Council President Baldwin also commented on the importance of this Ordinance and discussed the sticker residents will receive to display on their door indicating they are a no-knock residence.

Councilman Pak discussed a recent summary of the Trap, Neuter, Release Activity Report and stated the program is running smoothly. He acknowledged attendance of a group of Borough in the audience this evening. Mr. Pak commended Mr. Fallon for his hard work on the budget and thanked him for clarifying questions earlier.

Councilman Siebert discussed the Lead Graduation he attended and complemented the Tinton Falls Police Department for steering children in the right direction. He also thanked DPW for their hard work preparing the parks for the summer season and commended them on a job well done.

Councilman Manginelli echoed the comments of Mr. Siebert and thanked the Police Department for supporting the community.

Council President Baldwin acknowledge the employees in attendance echoed the comments of his fellow council members regarding the Lead Graduation and the No Knock Ordinance implementation.

Mr. Skudera reminded everyone of the Memorial Day Service that will take place on Monday, May 27th.

ORDINANCES FOR INTRODUCTION

Ms. Hesler read Ordinance No. 2019-1447 entitled: ORDINANCE AMENDING THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF TINTON FALLS IN CHAPTER XIV ENTITLED "FIRE PREVENTION" TO UPDATE THE PROVISIONS OF THE BOROUGH FIRE CODE

Mr. Pak offered a motion to introduce Ordinance No. 2019-1447, seconded by Ms. Fama

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing/Adoption will be held on June 18, 2019.

ORDINANCE AMENDING THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF TINTON FALLS IN CHAPTER XIV ENTITLED "FIRE PREVENTION" TO UPDATE THE PROVISIONS OF THE BOROUGH FIRE CODE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Chapter XIV of the General Revised Ordinances of the Borough of Tinton Falls, entitled "Fire Prevention," be and is hereby amended and supplemented as follows:

SECTION 1. Amendments to Chapter XIV, "Fire Prevention"

The existing provisions of Chapter XIV, "Fire Prevention," shall be deleted in their entirety and replaced with the attached Exhibit A, with changes to the current Chapter XIV identified by underlined provisions (for new provisions) and by stricken provisions (for deleted provisions). All other provisions shall remain unchanged.

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.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

“Exhibit A”

CHAPTER XIV FIRE PREVENTION

14-1 UNIFORM FIRE CODE ENFORCEMENT AGENCY.

14-1.1 Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the following shall be locally enforced in the Borough of Tinton Falls: the New Jersey Uniform Fire Code, the ~~2006~~**2015** International Fire Code, ~~2006~~**2015** International Mechanical Code and ~~2006~~**2015** International Building Code and all amendments and supplements thereto, the National Fire Protection Association Code and all amendments and supplements thereto, all of which are hereby adopted and wherein a higher or more restrictive standard is set forth or wherein such may supplement the Uniform Fire Safety Act, all of which are referred to in this chapter as the Act. (1982 Code §94-12; Ord. #599; Ord. #95-894, §1; Ord. #09-1273)

14-1.2 Enforcement Agency Designated.

The local enforcing agency shall be the Division of Fire Prevention/Fire Marshal's Office in the Department of Building and Development of the Borough of Tinton Falls. (1982 Code §94-13; Ord. #599; Ord. #95-894, §2; Ord. #09-1273)

14-1.3 Duties of Enforcement Agency.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the Borough, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. (1982 Code §94-14; Ord. #599; Ord. #09-1273)

14-1.4 Life-Hazard Uses.

The local enforcing agency established by subsection 14-1.2 shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs. (1982 Code §94-15; Ord. #599; Ord. #09-1273)

14-1.4 (A) Fees

In addition to the registration fees required by The State of New Jersey, a minimum \$60.00 business registration fee shall be paid to the Local Enforcing Agency per calendar year.

14-1.5 Organization.

The local enforcing agency established by subsection 14-1.2 shall be a part of the Department of Building and Development and shall be made under the direct supervision and control of the Director, Department of Building and Development. (1982 Code §94-16; Ord. #599; Ord. #95-894, §2; Ord. #09-1273)

14-1.6 Fire Official; Inspectors and Employees.

a. The local enforcing agency shall be under the supervision of a Fire Official who shall be appointed by the Director, Department of Building and Development and who shall serve as the chief administrator of the agency, its fire inspectors and other personnel as may be necessary to enforce all applicable laws, codes and regulations.

b. The Fire Official shall serve at term of two (2) years. Any vacancy shall be filled for the unexpired term. The Fire Official shall serve until any successor is appointed and qualified.

c. Fire Official, inspectors and other employees of the enforcing agency shall be subject to removal at any time in accordance with the provisions of the Charter and the Borough Personnel Policies. Each Fire Official Inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

(1982 Code §94-17; Ord. #599; Ord. #95-894, §3; Ord. #09-1273)

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

14-1.7 Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Monmouth County. (1982 Code §94-18; Ord. #599; Ord. #09-1273)

14-1.8 Non-Life Hazard Use Registration.

In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Fire Prevention Bureau. These uses shall pay ~~an annual~~ fee per calendar year as set forth below:

The fee shall be paid by each tenant or business owner of the use per location or non-contiguous space.

a. *All Uses Other Than Residential.*

<i>Size of Space</i>	<i>Fee</i>
Less than 3,000 sq. ft.	\$ 55.00 <u>60.00</u>
3,000 sq. ft. to less than 6,000 sq. ft.	\$ 80.00 <u>85.00</u>
6,000 sq. ft. to less than 12,000 sq. ft.	\$ 100.00 <u>105.00</u>
12,000 sq. ft. to less than 15,000 sq. ft.	\$ 105.00 <u>120.00</u>
15,000 sq. ft. to less than 25,000 sq. ft.	\$ 130.00 <u>135.00</u>
25,000 sq. ft. to less than 35,000 sq. ft.	\$ 180.00 <u>185.00</u>
35,000 sq. ft. to less than 50,000 sq. ft.	\$ 200.00 <u>205.00</u>
50,000 sq. ft. to less than 75,000 sq. ft.	\$ 225.00 <u>230.00</u>
75,000 sq. ft. to less than 100,000 sq. ft.	\$ 240.00 <u>245.00</u>

Over 100,000 sq. ft. \$300.00 plus correlating amount above for sq. ft. over 100,000 sq. ft. (ex: 104,000 sq. ft. — \$365.00)

b. *Residential Common Areas (Each Building).*

1, 2 & 3 story buildings 0-8,999	
sq. ft. per floor	\$ 50.00 <u>55.00</u> per floor
1, 2 & 3 story buildings 9,000-17,999	
sq. ft. per floor	\$ 65.00 <u>70.00</u> per floor
1, 2 & 3 story buildings 18,000+	
sq. ft. per floor	\$ 90.00 <u>95.00</u> per floor
4-7 story buildings 0-8,999	
sq. ft. per floor	\$ 65.00 <u>70.00</u> per floor
4-7 story buildings 9,000-17,999	
sq. ft. per floor	\$ 90.00 <u>95.00</u> per floor
4-7 story buildings 18,000+ sq. ft.	\$ 115.00 <u>120.00</u> per floor

(1982 Code §94-19; Ord. #599; Ord. #95-894, §4; Ord. #04-1116, §I; Ord. #09-1273)

14-1.9 Reserved.*

***Editor's Note:** Former subsection 14-1.9, Permits, previously codified herein and containing portions of 1982 Code §94-20 and Ordinance No. 599, was repealed in its entirety by Ordinance No. 95-894.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

14-1.10 Smoke Detector and Carbon Monoxide Alarm Application Fee.

Before any structure is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance (CSMCDAC), evidencing compliance with N.J.A.C. 5:70-4.19 from the appropriate enforcing agency.

The online application fee for a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance shall be in accordance with the fee set forth in the New Jersey Uniform Fire Code 5:70-2.9(d) as amended and revised from time to time.

(Ord. #04-1116, §I; Ord. #09-1273)

- a. After the initial inspection, there shall be an additional reinspection fee of \$35.00 per re-inspection. All fees shall be paid prior to inspection.
- b. CSMCDAC shall expire ninety (90) days after issuance. If change of occupancy has not occurred, a new application and inspection shall be required.
- c. Applications not submitted online shall have an additional fee of \$15.00.

14-1.11 Inspections.

a. Non-Life Hazard uses will be inspected ~~annually~~ every three years, with the exception of Jersey Shore Premium Outlets which shall be inspected annually.

b. Any special inspection request, which is not covered in this chapter or by Code shall be a minimum fee of thirty-five (\$35.00) dollars for residential and fifty (\$50.00) dollars for nonresidential.

(Ord. #04-1116, §I; Ord. #09-1273)

14-1.12 Certificate and Miscellaneous Fees.

The fee for a Certificate CO for change of occupancy or change of ownership of building/ use in the event of land lease or land owner, fee shall be \$100. This is in addition to all registration fees for each tenant or use.

The fee for the issuance of a Certificate of Fire Code Status shall be thirty-five (\$35.00) dollars.

The fee for the fire reports shall be five (\$5.00) dollars.

The fee for photographs shall be five (\$5.00) dollars per photograph.

The fee for digital copy shall be fifteen (\$15.00) dollars per disk.

The fee for site plan reviews and subdivision reviews shall be one hundred fifty (\$150.00) dollars residential and non-residential.

The fee for Certificate For Re-Sale Only With No Permitted Occupancy shall be \$50.00.

The fee for review of Fire Plans and Emergency Evacuation Plans shall be one hundred fifty (\$150.00) dollars. (Ord. #04-1116, §I; Ord. #09-1273)

~~14-1.13 Geographic Information System (G.I.S.) Escrow Fees.*~~

~~Five (\$5.00) dollars per Fire Safety Nonresidential Registration.~~

~~Five (\$5.00) dollars per N.J. Uniform Fire Code Certification of Inspection (Smoke Detector and Carbon Monoxide Alarm Inspection). (Executive Order 2004-6-2; Ord. #09-1273)~~

~~*Editor's Note: G.I.S. fees may be amended from time to time by Executive Order of the Mayor of the Borough of Tinton Falls.~~

14-1.14 Penalties.

a. All penalties and enforcement procedures set forth in N.J.A.C. 5:70-2.11 and 2.12 are adopted herein as amended and revised from time to time.

b. Exception. Failure to pay the required Annual Registration Fee when due shall result in a penalty in an amount equal to the annual fee, but not less than two hundred (\$200.00) dollars.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

c. In the event that a tenant or lessee fails to pay Annual Fees, the building owner shall be responsible for payment of fees, including all penalties.

(Ord. #04-1116, §I; Ord. #09-1273)

14-1.15 Residential Fire Extinguisher.

Before any structure is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall provide the structure with a portable fire extinguisher, in addition to the requirements for smoke and carbon monoxide detectors in order to receive a certificate of occupancy.

a. *Extinguisher Requirements.*

1. At least one (1) portable fire extinguisher shall be installed within all residential dwellings at the time of change of occupancy.

Exceptions. Apartments in buildings with common enclosed corridors that are provided with mounted fire extinguishers as approved by the Fire Prevention Bureau.

2. The extinguisher shall be listed, labeled, serviced, charged and operable.

3. The extinguisher owner's manual or written information regarding the operation, inspection and maintenance of the extinguisher must be kept for the life of the extinguisher and be made available upon the inspector's request.

Exceptions. New fire extinguishers are not required to be serviced and tagged, as long as the seller or agent can provide proof of purchase or receipt confirming the purchase within one (1) year prior to the inspection.

4. The size shall be no smaller than as specified in 2A: 10B:C, rated for residential use and weigh no more than ten (10) pounds.

b. *Extinguisher Placement.*

1. The hangers or brackets supplied by the manufacturer must be used.

2. The extinguisher must be located within ten (10') feet of the kitchen.

3. The extinguisher must be near a room exit or travel path that provides an escape route to the exterior.

4. The top of the extinguisher must not be more than five (5') feet above the floor.

5. The extinguisher must be visible and in a readily accessible location, free from being blocked by furniture, storage or other items. The extinguisher cannot be behind a door or in a cabinet

6. The extinguisher shall have operating instructions printed on the front of the cylinder. When installed, the operating instructions must be clearly visible.

(Ord. #09-1273)

14-1.16 Fire Lanes and Fire Zones.

a. *Designation of Fire Lanes and Fire Zones.*

1. Certain areas shall be designated as fire lanes to provide clear access to buildings for the firefighting and emergency response equipment in the event of an emergency. Fire hydrants and water connection devices located on local, County, State and private roads and parking lots shall be designated as fire zones. Whenever it is deemed necessary for public safety, the Bureau and/or their designated agents may require the owners or operators of any uses in businesses, all life-hazard uses or other similar uses, to designate fire zones at entrances, loading doors or access ways to said premises and fire lanes in driveways leading from the street to the fire zones, as well as drafting locations. The size of the fire zone, fire lanes and/or drafting locations shall be set at the discretion of the Bureau and/or its designated agents based upon the size of property and such other facts as the Bureau deems necessary. A diagram demonstrating the proper manner of painting and lettering fire zones and fire lanes shall be made available by the Bureau and/or its designated agents. All line striping and lettering shall be legible at all times. A metal fire zone or fire lane sign shall be provided, erected and maintained by the owner or operator of the property and shall be placed and directed by the Bureau and/or its designated agents. A diagram of a fire zone or fire lane signs shall be made available by the Bureau and/or its designated agents.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

2. Fire lanes/fire zones may be located on public or private property.
 3. Fire lanes/fire zones shall be established by the Borough Fire Official. Property owner or agent shall supply drawings of properties delineating fire lanes/fire zones and a copy shall be kept on file in the Fire Prevention Bureau. All requirements herein shall be adhered to as written or as approved by the Fire Prevention Bureau.
- b. *Notice to Affected Property Owners.*
1. Notice that a property requires the posting of signs or painting of fire lanes/fire zones shall be sent to the property owner by the Fire Prevention Bureau whether by personal delivery or certified mail.
 2. Within thirty (30) days of receipt of notice, said property owner shall install required signs and paint required stripes.
 3. In the event that said designated fire lane, fire zone or fire area has been previously approved and marked accordingly and properly documented as existing, said area shall be deemed as having met the intent of the Code and shall be subject to penalties if otherwise not maintained or obstructed.
- c. *Intervention by the Borough for Failure to Comply.*
1. In the event that a property owner fails to comply with the requirements of this section, the Fire Prevention Bureau may arrange to have signs installed and pavement painted at the expense of the property owner, said amount to be assessed against the property affected and collected through the Borough of Tinton Falls Tax Collector's Office.
- d. *Parking, Stopping or Standing of Vehicles Prohibited.*
1. No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any designated fire lane or fire zone or obstruct any designated fire lane or fire zone. For parking enforcement purposes, fire lanes and fire zones shall be designated by any one of the marking and signing components defined herein.
- (a) Exceptions.
- (1) Approved emergency vehicles.
 - (2) A school's fire lane may be approved for driver attended school bus vehicles at scheduled student drop off and pick up times.
2. No person shall park, stop or leave standing any vehicle, whether attended or unattended, within fifteen (15') feet of a fire hydrant or other Fire Department water connection device.
- (a) Exceptions.
- (1) Approved emergency vehicles.
- e. *Restrictions for Loading Zones.*
1. In loading zones designated herein, attended vehicles may stop solely for the purpose of loading or unloading and only for the period of time necessary to accomplish such loading or unloading.
- f. *Installation of Signs, Painting of Lines.*
1. Marking of Fire Lane: The owner shall, within thirty (30) days of being given notice to do so by the Fire Official, mark the lanes as follows:
 - (a) Existing or proposed curb face and top shall be painted yellow or a four (4") inch yellow line painted no more than one (1') foot from edge of driving surface closest to structure. The fire lane shall be at least twenty (20') feet wide, or as approved by the Bureau. To complete the definition of the fire lane, a second four (4") inch yellow line shall be painted parallel to curb or line.
 - (b) The lettering to be painted in yellow on the driving surface within the fire lane lines shall read: NO PARKING FIRE LANE. The letters shall be at least two (2') feet in height and one (1') foot in width, with the exception of the letter "I" which shall be at least three (3") inches in width. All lettering shall be upper case. The distance between each phrase of lettering shall not exceed one hundred (100') feet without repeating the required painted lettering on the driving surface. Repeated painted lettering shall alternate direction for two-directional traffic.
 - (c) All painted lettering, lining and curbing shall be Type I Pure Drying Yellow Traffic Paint.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

2. Signing of Fire Lane: The owner shall, within thirty (30) days of being given notice to do so by the Fire Official, mark the lanes as follows:

(a) Signs, with minimum dimensions of twelve inches by eighteen (12"x18") inches constructed of metal with red letters of a minimum of two (2") inches in size on a white background with red border shall be posted at a level of at least six (6') feet above grade, unless otherwise approved by the Fire Official. Sign shall depict the words, "NO PARKING FIRE LANE" or depict a no parking symbol preceded by the words "FIRE LANE".

(b) Spacing of signs shall be even with a minimum of one (1) sign for every one hundred (100') feet of fire lane or part thereof, or as ordered by the Fire Official. All signs and markings must be unobstructed and visible for a distance of at least one hundred (100') feet when viewed from a position approximately five (5') feet above the ground while in the fire lane.

3. Marking of Fire Zone: The owner shall, within thirty (30) days of being given notice to do so by the Fire Official, mark the lanes as follows:

(a) Fire zones associated with egress discharge, fire hydrants and fire department connection device shall be identified with yellow paint extending fifteen (15') feet in both directions on the curb and/or driving surface where possible. Required clearances for fire apparatus operation, as determined by the Fire Prevention Bureau.

(b) Existing or proposed curb face and top shall be painted yellow or a four (4") inch yellow line painted no more than one (1') foot from edge of driving surface closest to area of prohibited obstruction. The fire zone markings shall extend three (3') feet from the edge of driving surface closest to area of prohibited obstruction, where a second four (4") inch yellow line shall be painted parallel to curb or line. Between the two (2) lines, horizontal four (4") inch yellow lines shall be painted at twelve (12") inch parallel spacing.

(c) The lettering to be painted in yellow on the driving surface within the fire zone lines shall read: NO PARKING FIRE ZONE. The letters shall be at least two (2') feet in height and one (1') foot in width, with the exception of the letter "I" which shall be at least three (3") inches in width. All lettering shall be upper case.

(d) All painted lettering, lining and curbing shall be yellow traffic paint.

4. Signing of Fire Zone: The owner shall, within thirty (30) days of being given notice to do so by the Fire Official, mark the lanes as follows:

(a) Signs, with minimum dimensions of twelve inches by eighteen (12"x18") inches constructed of metal with red letters of a minimum of two (2") inches in size on a white background with red border shall be posted at a level of at least six (6') feet above grade, unless otherwise approved by the Fire Official. Sign shall depict the words, "NO PARKING FIRE ZONE" or depict a no parking symbol preceded by the words "FIRE ZONE".

(b) At least one (1) sign shall be erected within the fire zone, unless otherwise specified by the Fire Official.

g. *Enforcement for the Parking in Fire Lanes/Fire Zones.*

1. For parking enforcement purposes, fire lanes and fire zones shall be designated by any one of the marking and signing components defined herein.

h. *Enforcement Agencies for the Parking in Fire Lanes/Fire Zones.*

1. The Tinton Falls Bureau of Fire Prevention and the Tinton Falls Police Department shall have concurrent jurisdiction in policing and issuing parking summons within Fire Lanes and Fire Zones.

i. *Penalties.*

1. Property owners failing to install signs or paint pavement within thirty (30) days of receipt of notice shall be subject to a fine not to exceed five hundred (\$500.00) dollars in accordance with the New Jersey Uniform Fire Code.

2. Property owners failing to keep fire lane and fire zones clear of all obstructions may also be subject to an issuance of violation in accordance with the New Jersey Uniform Fire Code.

3. Violators who park illegally in a fire lane or fire zone shall be subject to a fine of seventy-five (\$75.00) dollars. This penalty shall be in addition to any court costs. Said fine shall be imposed on complaint and conviction in the municipal court of the Borough of Tinton Falls.

4. For any summons issued by the Bureau of Fire Prevention, said fines shall be dedicated to the Bureau of Fire Prevention.

j. *Towing of Vehicles.*

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

1. The Tinton Falls Bureau of Fire Prevention and the Tinton Falls Police Department shall be authorized to have motor vehicles and all obstructions towed and removed from any fire lane or fire zone. The cost of removal and storage shall be paid by vehicle or obstruction owner prior to the release.

(Ord. #09-1273)

14-1.17 Board Up Procedures.

The Fire Prevention Bureau shall order property owner or agent to secure those buildings or structures, residential or commercial, that have been damaged by fire, impact or natural weather force or have become dilapidated or deteriorated. These procedures are intended to protect buildings or structures, that are temporarily vacant pending demolition or rehabilitation and use, as not to become: an attractive nuisance to children; a temporary shelter for the homeless; a harbor for criminals or dangerous persons; or as to enable persons to resort thereto for the purpose of committing unlawful acts, including arson. The U.S. Fire Administration Board Up Procedures shall be followed, as listed herein, unless otherwise approved by the Fire Prevention Bureau.

a. *Disconnect All Utilities at the Street.*

1. Turn off water at the street and drain the system to its lowest point. Leave faucets open and put anti-freeze in all traps containing water.

2. Have the utility company disconnect electricity at the street and remove and cap meters.

3. Shut off LNG supply at the street. Disconnect and remove LPG and heating oil tanks.

b. *Remove All Flammables and Combustibles from Inside and Outside the Building.*

1. Remove all upholstered furniture, combustible materials and trash from the building, including the basement and attic.

2. Remove trash and trash containers and combustible furniture from exterior stairwells, porches, fire escapes and outbuildings.

3. Remove shrubbery and vegetation that could support or spread a fire.

c. *Secure the Building to Prevent Entry.*

1. Search the entire building to ensure that it is unoccupied.

2. Remove doors and storm windows and place in storage.

d. *Determining How Much Protection is Needed.*

1. Openings in the basement, first floor doors and windows and any point of entry accessible from a porch, fire escape or other potential climbing point require additional security measures. These openings should be barricaded with plywood, 2x4s, bolts and nails.

2. Openings that are at least ten (10') feet from ground level which are not accessible from a porch, fire escape, roof, or other climbing point can be secured with nails in each brace, and every twelve (12") inches around the perimeter. For these openings the plywood should be fitted so that it rests snugly against the exterior frame, butting up to the siding on wood frame buildings and up to the brickwork on brick buildings. It may be necessary to remove the staff bead so this fit can be flush and tight.

e. *Boarding Up.*

1. Cut plywood to fit over the window and door openings, flush with outside of the molding.

Note: For buildings with metal door and window frames the alternative is to cut the plywood and 2x4s to fit the inside of the door frame butted up against the band molding.

2. Cut the 2x4s to fit the horizontal dimension of the plywood. You will need two (2) 2x4 exterior and two (2) interior braces for each window and three (3) sets for each door.

Note: For buildings with metal doors and window frames the 2x4s for the outside will be cut to the dimensions of the plywood, fitting inside the door frame, against the band molding. For the inside the 2x4s will be cut to the outside dimension of the door or window frame.

3. Pre-drill three-eighth (3/8th) inch holes in the plywood and the braces.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

4. The holes will be placed approximately one-third (1/3) of the length of the brace from each outside edge of the door and window jamb.
5. The two (2) window braces will be placed one-third (1/3) of the distance from the top and the bottom of the window.
6. The three (3) door braces will be placed; one (1) in the center of the doorway, and one-half (1/2) the distance from the center to the top and to the bottom of the doorway.
7. Place the plywood over the exterior opening and nail to the frame.

Note: For metal frames place the plywood and braces inside the frame against the band molding.

8. Place the 2x4 braces over the interior and exterior of the door or window.
9. Place the larger washer over the carriage bolt and place the bolt through the holes.
10. Place washer and nut inside and tighten securely. Torque the nut so that it slightly compresses the interior 2x4.
11. After all entrances are secured, the interior worker should exit the building, using a ladder, through a window, if such exists, at least ten (10') feet above the ground. Nail or screw a plywood sheet over the worker's exit. Patrol the building periodically to check the security.

(Ord. #09-1273)

14-1.18 Fire Alarm.

- a. *Fire Alarms.* The Fire Official or designated Fire Inspector shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector or fire protection system occurring within the jurisdiction to determine the cause for such activation and determine if the device and/or equipment have been properly restored to full service.
- b. *Failure to Report.* It shall be a violation for any person or persons, having knowledge of same, to fail to report to the Fire Department and/or the Fire Official the activation of any fire protection system or device or to fail to report the occurrence of any fire or attempted arson or to fail to report the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material immediately upon gaining such knowledge.
- c. *Define Fire Alarms; False Alarms; Nuisance Alarm.*
 1. Fire alarm shall be defined as the giving, signaling or transmission to any public fire station, or company or to an officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling, or transmitting such information.
 2. False alarm shall be defined as the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.
 3. Nuisance alarm shall be defined as an alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.
 4. Penalty. Any person who maintains or permits to be maintained, any mechanical or electronic fire alarm device which transmits more than three (3) false or nuisance fire alarms (excluding line-trouble signals) within any consecutive twelve (12) month period, ~~after written notification by the Fire Prevention Bureau,~~ shall be punished by a fine of one hundred (\$100.00) dollars for the fourth (4th) offense, one hundred fifty (\$150.00) dollars for the fifth (5th), two hundred (\$200.00) dollars for the sixth (6th) and fifty (\$50.00) dollars progressively for each additional offense. In no event, however, shall the fine exceed five hundred (\$500.00) dollars for any one occurrence. All penalties shall be in addition to any court costs that may be required.

(Ord. #09-1273)

14-1.19 Dwelling Unit Violations.

Violations of this chapter that occur within owner-occupied, detached one- and two-family dwellings used exclusively for dwelling purposes, shall not be subject to administrative penalty actions. Violations involving any dwelling unit shall be subject to the issuance of a summons to appear in Municipal Court. (Ord. #09-1273)

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

14-1.20 Fire Insurance Proceeds.

No insurance company shall pay to any claimant any claim in excess of two thousand five hundred (\$2,500.00) dollars for fire damages on any real property located within the Borough of Tinton Falls, pursuant to any fire insurance policy issued or renewed after the adoption of this chapter and after the filing of this chapter with the State Commissioner of Insurance, until such time as any anticipated demolition costs and all taxes and assessments and all other municipal liens or charges due and payable, appearing on the official certificate of search, shall have been paid by either the owner of the real property or by the insurance property. (Ord. #09-1273)

14-1.21 Installment Payments.

The Borough Council may enter into an agreement with the owner of any fire-damaged property to pay in full all delinquent taxes, assessments or other municipal liens by installments, if the Borough Council is satisfied that the claim for fire damages is to be used to restore or improve the fire-damaged property. A certified copy of any resolution of agreement shall be provided to the insurance company that has insured the property for fire damage. (Ord. #09-1273)

14-1.22 Premises Identification.

- a. *Definitions.* For the purposes of this section, the following terms shall have their assigned meanings:
1. *Commercial or Industrial Structure* shall mean any building, structure, premises, or establishment used for commercial, industrial, or business enterprises as opposed to residential purposes.
 2. *Family* shall mean one (1) or more persons occupying residential premises and living as one (1) housekeeping unit.
 3. *Multiple-family dwelling* shall mean a building or portion thereof designed for or occupied by two (2) or more families living independently of each other, and doing their own cooking in separate kitchens. It shall also include residential dwellings which are grouped or clustered on a single parcel of land such as a townhouse, rowhouse, or condominium development. The term multiple-family dwelling shall include but not be limited to apartments, apartment buildings, condominiums, duplexes and patio homes.
 4. *Single-family dwelling* shall mean a detached building designed for or occupied exclusively by one (1) family.
- b. *Display of Street Address Number.* All residential, commercial, and industrial property located in the Borough of Tinton Falls, shall conspicuously display the appropriate street address number as described herein or as otherwise approved by the Fire Prevention Bureau.
1. **Single-Family Dwellings.**
 - (a) All street address numbers for single-family dwellings shall comply with the following requirements, except as explicitly set forth herein. Numbers always must be clearly visible to vehicles traveling in either direction on the nearest fronting road, in addition to all of the following:
 - (1) **Form.**
 - [a] Standard Arabic numerals (numbers shall not be written out);
 - [b] In a color distinguishable from its background;
 - [c] At least four (4") inches in height.
 - (2) **Placement.**
 - [a] Free and clear of any obstructions hindering clear visibility;
 - [b] Placed at, on, or about the front of the dwelling; however, numbers which are painted only on the road curb do not comply with this requirement.
 - [c] When affixed to a mailbox or free-standing sign at the street the numbers may be minimum of three (3") inches in height and permanently affixed to both sides.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

2. Multiple-Family Dwellings.

(a) All street address numbers for multiple-family dwellings shall comply with the following requirements, except as explicitly set forth herein. Numbers always must be clearly visible to vehicles traveling in either direction on the nearest fronting road, in addition to all of the following:

(1) Form.

- [a] Standard Arabic numeral form;
- [b] In a color distinguishable from its background;
- [c] At least six (6") inches in height with regard to street address/building numbers, and four (4") inches in height with regard to individual unit numbers in buildings with street address/building numbers also posted.

(2) Placement.

- [a] Free and clear of any obstructions hindering clear visibility;
- [b] Placed at, on, or about the front of the dwelling; however, numbers which are painted only on the road curb do not comply with this requirement; and
- [c] In the event that a structure is more than one hundred (100) feet from the nearest fronting road or is otherwise not clearly visible from the nearest fronting road, the owner of such structure shall use a system of street address identification, approved by the Fire Prevention Bureau.

3. Commercial or Industrial Structures.

(a) The street address number shall be placed at, on, or about the front of each individual commercial or industrial structure so it is clearly visible to vehicles traveling in either direction on the nearest fronting road or parking area and in order to insure prompt identification of the location of each separate building. The address shall be kept free and clear of any obstructions hindering clear visibility to vehicles traveling in either direction on the nearest fronting road or parking area.

(b) After the effective date of this chapter, the street address numbers for all commercial or industrial structures shall be in standard Arabic form of a size at least six (6") inches in height or larger so as to be clearly visible to vehicles traveling in either direction on the nearest fronting road or parking area, and the street address number shall be in a color distinguishable from its background.

(c) In the event that a commercial or industrial structure is more than one hundred (100') feet from the nearest fronting road or is otherwise not clearly visible from the nearest fronting road, the owner of such structure shall use a system of street address identification, approved by the Fire Prevention Bureau, that is reasonably calculated to readily identify the structure to emergency and public safety personnel.

(Ord. #09-1273)

14-1.23 Fire Apparatus Access Roads.

Appendix D of the 2006 ~~2015~~ International Fire Code shall be herein adopted. (Ord. #09-1273)

14-1.24 Plans.

Nonresidential occupancies shall be required to provide the Fire Official with to-scale plans of the site and interior floor plans with detail as required by the Fire Official, such as: Exterior drives, fire lanes, exterior fire-protection equipment, doorways, corridors, aisles, use of rooms, high-hazard materials, utility controls and fire-protection equipment. Submittals shall include ten (10') feet to the inch to forty (40') feet to the inch scale drawings, both full-size and reduced to sheets of eight and one-half by eleven (8" x 11") inches. Plans shall be submitted within one hundred eighty (180) days of receiving a notice from the Fire Official and shall not be required to be sealed. (Ord. #09-1273)

~~14-1.25 Fire Service Elevator Key.~~

~~Existing elevators that are equipped with fire service function and that do not utilize Yale 3502 key shall have twelve (12) months from the adoption of this chapter to be retrofitted to utilize the Yale 3502 key. Owners may request an extension or waiver from the Fire Official, if it is technically unfeasible to do so. (Ord. #09-1273)~~

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

14-1.26 Fire Watch.

a. No fire alarm or fire sprinkler system shall remain out of service for any period of time without notification of the Fire Official/Fire Marshal, Fire Prevention Bureau/Fire Marshal's Office. The Fire Official shall determine whether a fire watch is deemed necessary. In no case shall a required and/or installed fire alarm or fire sprinkler system be rendered inoperable in an attempt to eliminate preventable alarms without the written consent of the Fire Official. In the event consent to terminate an alarm system, provisions for a constantly attending fire watch shall be posted in the building or premises on which the alarm is located. Any alarm found to be out of service without the written consent of the Fire Official shall be subject to penalties described in the New Jersey Uniform Fire Code.

b. *Fire Watch Defined.* A Fire Watch is a physical inspection conducted when a building's fire alarm, sprinkler or other suppression systems, are temporarily out of service. Posting of a Fire Watch is the responsibility of the building owner or their designated representative, which may include tenants or construction superintendents. Fire Watch personnel are required to continually patrol the facility for evidence of smoke, fire, or any abnormal conditions. Whenever a life-threatening situation is discovered, the fire watch personnel must immediately contact emergency personnel, and then alert the occupants and assist in the orderly evacuation of the facility.

c. *Fire Watch Personnel.* Competent, responsible, and able-bodied individuals shall be selected to conduct Fire Watches, as approved by the Fire Official. Typically, hired security guards, or maintenance personnel and managers who are familiar with the building make excellent choices. Fire Watch personnel shall have that sole duty and not perform any other duty other than Fire Watch. In the absence of a representative of the structure to perform a Fire Watch, a representative of the Tinton Falls Fire Service or New Jersey State Certified Firefighter(s) or Federally Certified Firefighter(s), as approved by the Fire Official, shall be provided to perform a fire watch at the cost listed in the paragraph entitled, Fire Watch Fees Established of this subsection (subsection 14-1.26h.). Fire Watch shall continue to be conducted by a Fire Department representative until a representative of the structure officially assumes the responsibility, as approved by the Fire Official. Where special circumstances exist, such as the presence of exceptional hazards or large areas, additional Fire Watch personnel may be required by the Fire Official. The Tinton Falls Fire Service shall include, fire personnel of Tinton Falls Fire District #1 and Tinton Falls Fire District #2.

d. *Fire Watch Log.* A separate log identifying each building, area, under the Fire Watch by name and address shall be kept. Log entries shall be made hourly at the completion of each round. Log entries shall consist of the date, the time the round was completed, a summary of what was observed, and the name and signature of the individual conducting the fire watch. The Fire Watch Log shall be kept readily accessible for review by the Fire Marshal/Official.

e. *Duties for Fire Watch Personnel.* Individuals who are selected for Fire Watch details shall be briefed so as to have a thorough understanding of the purpose and responsibilities of their assignment. Procedures and instructions shall also have a basic understanding of the location, function, and normal status of the fire alarm and sprinkler systems, including fire pumps. Fire Watch personnel shall conduct hourly rounds by walking throughout the entire building or affected area, looking for evidence of smoke, fire, or any abnormal conditions. The specific route shall be laid out so that the Fire Watch person is required to pass through the entire area to be covered. Where special circumstances exist, such as the presence of exceptional hazards or large areas, additional patrols may be required by the Fire Official. Individuals selected shall know the location and operation of all portable fire extinguishers on site.

f. *Emergency Communications.* The individual conducting the Fire Watch shall be equipped with a cell phone for prompt notification of emergency forces (via 911) in the case of an emergency. Alternate methods of communication (radios to security/command centers with the means to immediately dial 911) may be approved by a Borough Fire Chief upon request.

g. *Written Notification.* Written notification of intention to post a Fire Watch when planned, or the actual posting of a Fire Watch necessitated by an unplanned event, shall be forwarded to Fire Chief having jurisdiction as well as the Fire Official/Fire Marshal. This correspondence shall be put on the official letterhead of the business, general contractor, or subcontractor assuming responsibility for the detail. The letter shall specify the business name and address; the buildings or portions thereof affected; the purpose of the Fire Watch (i.e. fire alarm, sprinkler, or other suppression systems out of service); the dates and times these systems will be nonfunctional and the Fire Watch will be in effect; the qualifications of the individual(s) selected; and the specific type of communication device they will have immediately available (i.e. cell phone or portable radio).

h. *Fire Watch Fees Established.* When a representative of the Tinton Falls Fire Service or a New Jersey State Certified Firefighter or a Federally Certified Firefighter is used for the Fire Watch, the following fee schedule shall be enforced. The owner of the structure shall pay directly to the individual(s) conducting the Fire Watch **or the Fire District**, the amount established by these fees.

1. Hourly rate for each individual up to twelve (12) hours: thirty (\$30.00) dollars per hour or fraction thereof.
2. Hourly rate for each individual beyond twelve (12) hours: fifty (\$50.00) dollars per hour or fraction thereof.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

3. Hourly rate for apparatus required shall be determined by the current FEMA SCHEDULE OF EQUIPMENT RATES as maintained by the DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY RECOVERY DIRECTORATE.

~~3-4.~~ Minimum hourly rate shall be four (4) hours. *This shall apply to manpower and equipment.*

(Ord. #09-1273)

14-1.27 Prohibited Acts.

It shall be a violation of this chapter for any person, firm or corporation to:

- a. Obstruct, hinder, delay or interfere by force or otherwise with the Fire Prevention Bureau in the exercise of any power or the discharge of any function or duty under the provisions of this chapter;
- b. Prepare, utter, or render any false statement pertaining to reports, documents, plans or specifications permitted or required under the provisions of this chapter;
- c. Render ineffective or inoperative, or fail to properly maintain any protective equipment or system installed, or intended to be installed, in a building or structure;
- d. Refuse or fail to comply with a lawful ruling, action, order or notice of the Fire Prevention Bureau;
- e. Violate, or cause to be violated, any of the provisions of this chapter;
- f. Refuse to provide identification and/or vehicle registration information;
- g. Prior to the closing of any street, notification shall be made to the Fire Official and the fire company in whose area the street is located. Such notice shall include why the street is to be closed, when the street is to be closed and how long such closing shall last. Notification shall also be made upon the reopening of the street.

(Ord. #09-1273)

14-1.28 Summons.

The Fire Official and/or Fire Inspector(s) shall be empowered to issue a Municipal Court Summons for violations of this chapter. All violations issued on a municipal summons shall be adjudicated in Municipal Court. (Ord. #09-1273)

14-1.29 Violations and Penalties.

Any person, firm or corporation found guilty in the Municipal Court for a violation of the provisions of this chapter shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both. Each and every day a violation continues shall be a separate offense. Such penalty shall not relieve the violator of the duty to take corrective actions. These penalties shall be in addition to any court costs. All monies that are recovered as a result of the assessment of penalties shall be paid into the designated Fire Prevention Trust Account, except as may be otherwise provided herein. (Ord. #09-1273)

14-1.30 Relief From Personal Responsibility.

- a. The Fire Official or employee charged with the enforcement of this Code shall not be rendered liable personally, and is hereby relieved from all personal liability for any damage accrued to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provision of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Fire Official, or other employee as designated by the Borough Administrator, or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any agent acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in connection with the performance of official duties.
- b. *Jurisdictional Liability.* The jurisdiction shall not be liable under this Code for any damage to persons or property, by reason of the inspection or reinspection of structures or equipment authorized herein.

(Ord. #09-1273)

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

14-1.31 Outside Agencies or Special Resources

These agencies which provide assistance to the Borough of Tinton Falls or Fire Districts which incur costs may recuperate their costs from the property owners or responsible party of the incident. At no time shall the Borough of Tinton Falls or Fire Districts be responsible for such costs.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance 2019-1446 entitled: **ORDINANCE VACATING PORTIONS OF THREE (3) PAPER STREETS LOCATED IN SHARK RIVER PARK IN THE BOROUGH OF TINTON FALLS AND KNOWN AS OVERBROOK DRIVE, MONTEREY ROAD, AND BERKELY ROAD.**

Ms. Hesler announced that this Ordinance will be carried to the June 18, 2019 meeting for public hearing and adoption.

Mr. Siebert offered a motion to carry Ordinance 2019-1446 to the June 18, 2019 meeting, seconded by Mr. Pak.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Director of Law Kevin Starkey announced the public hearing for this Ordinance will take place on June 18, 2019 at the Council Meeting held in this court room and no new notice will be published.

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Denise Catalano, 11 Alpine Trail- Ms. Catalano discussed the recent road work and closures at water street and encouraged Administration to update the Borough website with any information regarding road closures to properly inform residents. She inquired about the TNR program and the two invoices Mr. Pak mentioned during his report, he explained the process in which part of the cost is supplemented by the county. Ms. Catalano questioned the budget process and when the public hearing was held, Mr. Fallon stated the hearing took place on April 16, 2019.

Gerry Turning, 32 Periwinkle Circle- In response to the passing of the budget, Mr. Turning inquired if there were any changes made to the budget since it was introduced, and Mr. Fallon confirmed that no changes have been made. Council President Baldwin stated that the delay in the budget was for clarification purposes. Mr. Turning discussed the school deferral process and explained why it was done in the past. Discussion ensued regarding the process and Mr. Fallon explained that the Borough does not owe debt after reversing the deferral. Mr. Turning discussed the increase in surplus over the years and stated his main concern is what could happen in the future.

Nancy Britton, 158 Cloverdale Circle- Ms. Britton inquired about the open public meeting hosted by Freeholder Arnone in regard to the Monmouth County Reclamation Center and asked Council to share their thoughts and comments on the meeting. Council President Baldwin called it an excellent meeting where all questions were answered. Freeholder Arnone also published a detailed report that was posted to their website containing the information that was discussed at the meeting. Discussion ensued regarding the public meeting and Council agreed that it was an informative meeting and improvements continue to be made. Council was impressed by Freeholder Arnone's leadership and his desire to make positive improvements at the landfill.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Mr. Pak inquired about the status of the union contract and Mr. Starkey stated that the Labor Council is in active discussion with Borough officials and union representatives.

RESOLUTIONS

Councilwoman Fama asked to remove Resolution R-19-085 Resolution for Compensated Absence-Reitree Lorianne Paone from the Consent Agenda and asked for some clarification before it is voted on.

Mr. Pak offered a motion to remove R-19-085 from the Consent Agenda, seconded by Ms. Fama.

ROLL CALL

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

Ms. Fama inquired about the CAP payout of \$15,000 for unused time. Mr. Fallon explained that the CAP payout only pertains to accrued sick time, not vacation time. She questioned how the Borough allowed \$44,000 of vacation time to be accrued and Mr. Fallon explained the breakdown of the time accrued over a period of 33 years.

Mr. Pak offered a motion to approve resolution R-19-08, seconded by Mr. Siebert

ROLL CALL

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

R-19-085 RESOLUTION COMPENSATED ABSENCE-RETIREE

WHEREAS, Lorianne Paone has been employed by the Borough of Tinton Falls as Administrative Analyst in Code/Housing since April 20, 1987, and since December 1, 1986, with the Division of Pensions, and;

WHEREAS, on June 1, 2019, Lorianne Paone will retire with over 33 years of dedicated service to the Borough, and;

WHEREAS, Lorianne Paone 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 \$44,800.00. The breakdown of this payment is \$41,193.00 for accrued vacation time, \$2,913.00 for sick time, and \$694.00 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 Lorianne Paone receives the aforementioned compensated absence benefits.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-19-086 RESOLUTION – RESOLUTION IN SUPPORT OF PATH TO PROGRESS
RECOMMENDATIONS MADE BY NEW JERSEY ECONOMIC AND FISCAL POLICY WORKSHOP**

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers and;

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion- four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum- level benefits that they provide to their employees; and

WHEREAS, the State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunset of Chapter 78 relief and the 2% arbitration cap; and

WHEREAS, the State must bring pension and health care costs under control in order to hold down property taxes.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Tinton Falls expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Joann Downey and Eric Houghtaling, Assembly Representatives, and Vin Gopal, State Senator. Senate President Sweeny, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of State of New Jersey, the New Jersey Association of Counties, and the New Jersey State League of Municipalities.

R-19-087 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES WATER STREET SANITARY SEWER IMPROVEMENTS – PHASE 2

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Water Street Sanitary Sewer Improvements, Phase 2; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-19-013 adopted on January 8, 2019; and

WHEREAS, these services will be described in proposal attached dated May 14, 2019; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$26,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated May 14, 2019 for an amount not to exceed \$26,000.00; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

R-19-088 RESOLUTION REFUNDING STREET OPENING BOND

WHEREAS, On 6/5/18, William Kuzmin, 7 Harvest Lane, Tinton Falls, NJ 07724, posted a \$400.00 street opening cash repair deposit for a driveway installation at 7 Harvest Ln, Tinton Falls, NJ 07724.

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**

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

WHEREAS, William Kuzmin, 7 Harvest Lane, Tinton Falls, NJ 07724 has completed the work described in Street Opening Permit 2018-05-002; 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 \$400.00 posted by William Kuzmin, Tinton Falls, NJ 07724, be released.

R-19-089RESOLUTION – APPROVAL OF BILLS – May 21, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 21, 2019; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	3,057,097.03
SEWER UTILITY	48,176.44
TRUST FUNDS	337,675.95
GRANT FUND	7,948.61
DOG TRUST	2,658.60
ESCROW	<u>11,548.15</u>
TOTAL	3,465,104.78

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: 8:25

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON:

**REGULAR MEETING
MAY 21, 2019
BOROUGH COUNCIL**