

**REGULAR MEETING
MAY 16, 2017
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 6:35 PM.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting."

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Maureen L. Muttie, Borough Clerk
Brian Nelson, Director of Law
Gerald M. Turning, Mayor
Michael Muscillo, Borough Administrator

EXECUTIVE SESSION

Mr. Pak offered the following Resolution and moved its adoption, seconded by Mr. Manginelli.

R-17-076 - RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)
None
- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)
None
- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4)
Court Shared Service Agreement (ATOD June 2017)
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)
None

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

Council President Baldwin advised that Council was back on the record at 7:30pm and asked Mr. Nelson for a summary of the executive session.

Mr. Nelson advised that the following was discussed in executive session but no formal action taken:
Court Shared Service Agreement.

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ROLL CALL

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

ABSENT: None

ALSO PRESENT: Maureen L. Muttie, Borough Clerk
 Brian M. Nelson, Director of Law
 Gerald Turning, Sr., Mayor
 Michael Muscillo, Administrator
 Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES - None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

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

Mayor Turning reported he attended the 20 Year Anniversary and Ribbon Cutting Ceremony for AASKI Technology's new Headquarters on Fort Monmouth. Mayor Turning mentioned that AASKI Technology is very happy to be in Tinton Falls.

The Board of Education of Tinton Falls will be at a hearing in Trenton on Thursday morning in reference to the contract they have with Naval Weapons Station Earle to educate Navy children living at Earle. Mayor Turning and Council President Baldwin will be attending this hearing.

Engineer's Report – Thomas Neff

Mr. Neff reported two projects have been closed and completed under the contracted price. They were the Hance Park and Hockhockson Park Improvement Project and Riveredge Road and Woodland Manor Pump Station. He stated several projects will be starting next week which include the Parmly Road Outfall Repairs, Tractor Supply and Essex Road Sidewalk Repair Project.

Borough Administrator – Mike Muscillo

Mr. Muscillo had no report.

Director of Law – Brian Nelson

Mr. Nelson had no report.

Borough Clerk's Report – Maureen L. Muttie

Ms. Muttie commented that due to Election Day on June 6th, the next Council Meeting will be June 13th.

Council's Report

Councilwoman Fama had no report.

Councilman Manginelli had no report.

Councilman Roche commented that the Tinton Falls Police Department food drive was a success.

Councilman Pak had no report.

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

ORDINANCES FOR INTRODUCTION - None

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ORDINANCES FOR FINAL CONSIDERATION

Ms. Muttie read Ordinance No. 2017-1413 entitled: **ORDINANCE AMENDING SECTION 2-12.1g3(f) OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF TINTON FALLS GOVERNING OFF DUTY POLICE RATES FOR OUT OF TOWN ASSIGNMENTS**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1413, seconded by Mr. Roche.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1413, seconded by Mr. Roche.

ROLL CALL

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

PUBLIC HEARING CLOSED

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

Mr. Pak offered a motion to adopt Ordinance No. 2017-1413, seconded by Mr. Roche.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

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

ROLL CALL

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

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PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS

CONSENT AGENDA

Ms. Fama offered a motion to approve the Consent Agenda, seconded by Mr. Manginelli.

ROLL CALL (to approve Consent Agenda)

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-17-077 - RESOLUTION AUTHORIZING SUBMISSION AND RECORDATION OF
REVISED RECREATION AND OPEN SPACE INVENTORY
AND DECLARATION OF ENCUMBRANCE**

WHEREAS, the Borough Engineer has prepared an updated Recreation and Open Space Inventory (ROSI) for submission to Green Acres; and

WHEREAS, the Borough Engineer has analyzed all available information and records to determine what the current conditions and status of each site indicated on prior ROSIs is to develop a comprehensive and uniform inventory.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey, that the Mayor and Director of Law are hereby authorized and directed to take necessary and appropriate actions to execute, file and record the updated ROSI prepared by the Borough Engineer, last revised May 9, 2017, along with a Declaration of Encumbrance for same.

**R-17-078 - RESOLUTION RELEASING PERFORMANCE BOND AND
FINAL PAYMENT WITH CHANGE ORDER #1 UPON POSTING OF MAINTENANCE BOND
CONTRACT #16-4
HANCE PARK & HOCKHOCKSON PARK IMPROVMENTS**

WHEREAS, Precise Construction, Inc. 1016 Highway 33, Freehold, NJ 07728, has completed the above contract as indicated in the letter attached from Thomas P. Neff, P.E., P.P., C.M.E., dated April 21, 2017; and

WHEREAS, Change Order #1 dated April 21, 2017 from T&M Associates (annexed hereto and part hereof) requests a decrease in the amount of \$12,052.68 for reasons described therein, for a total contract in the amount of \$380,872.32;

WHEREAS, Precise Construction, Inc. has posted the required 2 year Maintenance Bond (attached) in the amount of \$95,218.08; and

WHEREAS, the Maintenance Bond has been approved by Brian Nelson, Director of Law; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Tinton Falls authorizes change order #1 decreasing Contract #16-4 in the amount of \$12,052.68, for a total contract in the amount of \$380,872.32 as well as releasing the Performance Bond posted by Precise Construction, Inc., and final payment in the amount of \$59,624.30 be made to Precise Construction, Inc.

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**R-17-079 - RESOLUTION RELEASING PERFORMANCE BOND AND
FINAL PAYMENT WITH CHANGE ORDER #1 UPON POSTING OF MAINTENANCE BOND
CONTRACT #15-5
WOODLAND MANOR PUMP STATION AND
RIVEREDGE ROAD PUMP STATION IMPROVEMENTS**

WHEREAS, T. R. Weniger, Inc. 1900 New Brunswick Avenue, Piscataway, NJ 08854, has completed the above contract as indicated in the letter attached from Thomas P. Neff, P.E., P.P., C.M.E., dated April 13, 2017; and

WHEREAS, Change Order #1 dated March 21, 2017 from T&M Associates (annexed hereto and part hereof) requests a decrease in the amount of \$3,765.21 for reasons described therein, for a total contract in the amount of \$316,084.79;

WHEREAS, T. R. Weniger, Inc. has posted the required 2 year Maintenance Bond (attached) in the amount of \$79,021.20; and

WHEREAS, the Maintenance Bond has been approved by Brian Nelson, Director of Law; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Tinton Falls authorizes change order #1 decreasing Contract #15-5 in the amount of \$3,765.21, for a total contract in the amount of \$316,084.79 as well as releasing the Performance Bond posted by T. R. Weniger, Inc., and final payment in the amount of \$15,077.79 be made to T. R. Weniger, Inc.

**R-17-080- RESOLUTION AUTHORIZING CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES
TINTON AVENUE PUMP STATION UPGRADES**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Tinton Avenue Pump Station Upgrade; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-16-289 adopted on December 20, 2016; and

WHEREAS, these services will be described in proposal attached dated May 8, 2017; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$20,900.00; 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 8, 2017 for an amount not to exceed \$20,900.00; 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-17-081 - RESOLUTION RELEASING PERFORMANCE GUARANTEE
UPON THE POSTING OF MAINTENANCE GUARANTEE
ALPINE WOODS AT TINTON FALLS - BLOCK 117 LOT 12.02**

WHEREAS, the developer has requested the release of Performance Guarantee posted for Alpine Woods at Tinton Falls –Block 117 Lot 12.02; and

WHEREAS, by letter dated May 8, 2017, the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee and remaining engineering escrow fees for Alpine Woods at Tinton Falls – Block 117 Lot 12.02 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

**R-17-082 - RESOLUTION REDUCING PERFORMANCE GUARANTEES
REGENCY AT TROTTER'S POINTE – BLOCKS 76.01 & 85, LOTS 1.01 & 1, 2, 3.01 & 4
(PHASES 2, 3, 4 & 5)**

WHEREAS, the developer for Regency at Trotter's Pointe – Block 76.01& 85, Lots 1.01 & 1, 2, 3.01 & 4, has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated May 8, 2017 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Regency at Trotter's Pointe be reduced in accordance with said letter from the Borough Engineer.

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R-17-083 - RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #2985 was issued to the Borough of Tinton Falls for delinquent sewer charges on Block 26 Lot 49 (69 Beaumont Court), assessed to Linda Rasmussen, at a tax sale held on November 19, 2015; and

WHEREAS, CoreLogic Tax Services, LLC, has redeemed Certificate #2985 by paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2985 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #2985 was redeemed on May 3, 2017.

R-17-084 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company paying twice; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Corelogic Attn: Refunds Department 3001 Hackberry Road Irving, TX 75063	40.02	51	\$2,477.21

Re: Andrea Caruso
29 Knollwood Drive

WHEREAS, said error has resulted in an overpayment of 2017 2nd quarter taxes paid in the amount of \$2,477.21 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,477.21 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 \$2,477.21.

R-17-085 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Philip & Tina Bird 68 Hope Road Tinton Falls, NJ 07724	47.02	62	\$2,458.33

WHEREAS, said error has resulted in an overpayment of 2017 2nd quarter taxes paid in the amount of \$2,458.33, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,458.33 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 \$2,458.33.

R-17-086 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Old Republic Title 530 S. Main Street - Ste 1031 Akron, OH 44311	48.07	2	\$2,308.85

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Re: Ryan Booth
20 Meadow Drive

WHEREAS, said error has resulted in an overpayment of 2017 2nd quarter taxes paid in the amount of \$2,308.85, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,308.85 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 \$2,308.85.

R-17-087 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
James & Sherry Eckstein c/o Counsellors Title Agency, Inc. 504 Hooper Avenue Toms River, NJ 08753	124.05	23	\$1,537.32

Re: 107 Garrison Drive

WHEREAS, said error has resulted in an overpayment of 2017 2nd quarter taxes paid in the amount of \$1,537.32, 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 \$1,537.32 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 \$1,537.32.

R-17-088 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
William Brooks c/o Keith Arcomano, Esq. P.O. Box 222 West Long Branch, NJ 07764	124.51	296	\$1,192.11

Re: Jennings from Brooks
16 Lincoln Court

WHEREAS, said error has resulted in an overpayment of 2017 2nd quarter taxes paid in the amount of \$1,192.11, 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 \$1,192.11 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 \$1,192.11.

R-17-089 - RESOLUTION – APPROVAL OF BILLS – MAY 16, 2017

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 16, 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.

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SUMMARY

GENERAL	\$78,347.62
SEWER UTILITY	31,961.92
CAPITAL	1,427.99
SEWER CAPITAL	15,077.79
GRANT FUND	1,352.82
TRUST FUNDS	85,870.56
DOG TRUST	2,611.00
ADDITIONS	275,244.74
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	491,894.44

ADJOURNMENT

Mr. Pak offered a motion to adjourn, seconded by Mr. Roche.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:37 PM

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: July 11, 2017