

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

Council President Buckley called the Workshop Meeting to order at 7:00 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: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley

ABSENT: Vito Perillo, Mayor

ALSO PRESENT: Melissa A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

WORKSHOP MEETING

UNFINISHED BUSINESS- None

NEW BUSINESS

1. *Refunding Bond Ordinance and Related Resolution*

Mr. Fallon discussed the Refunding Bond Ordinance on the Agenda for introduction this evening. He explained that because of current interest rates, the Borough has an opportunity to refund the 2010 refunding bonds. This Ordinance will authorize the issuance of up to \$4 million dollars in refunding bonds and noted that these bonds have been refunded once before. Regulations allow that these bonds can be refunded twice can only refund bonds up to 90 days prior to their call date. These bonds are callable on July 1, 2020. This Ordinance also authorizes the payment of the issuance cost relating to the refunding bonds. The Borough expects to save in excess of \$500,000 in interest at this time. Mr. Fallon explained that the Council will be adopting a related Resolution at a future meeting that will provide for the forms, maturities and other details of the refunding bonds. Along with this Ordinance, the Borough will also be applying to Moody's for an update in the Borough's bond rating. The Borough will also have to prepare an official statement, which will include various financial and general information about the Borough of Tinton Falls.

2. *Library Grant Application*

Mr. Fallon gave an explanation about a Resolution on the agenda which authorizes a dual grant application of the Borough and the Tinton Falls Library. The library improvement project will cost approximately \$435,000 and the grant will cover 50% of that cost totaling \$217,500. Mr. Fallon discussed the remaining cost of the project and stated the Borough has appropriated \$150,000 in the 2020 budget and the library will be supplementing that with \$67,500 of their own funds. This Resolution authorizes the dual application of the Borough of Tinton Falls and the Tinton Falls Library and is a requirement of the grant application. Borough Engineer Tom Neff stated that the Library's architect, Settembrino Architects, has taken the lead on this project and created the concept plan. Mr. Neff stated there is meeting scheduled with Brian Perry of the Library Board and Kevin Settembrino to discuss the scope of the project and the estimated timeline. The application is on track at this time and is due in April.

3. *Firearm Discharge Ordinance*

Councilman Nesci led the discussion regarding the Borough's Discharge of Firearms Ordinance. He explained that two residents have recently brought to light the issue of hunting and discharging firearms in a residential area of the Borough. Mr. Nesci explained that this concern prompted him to meet with and discuss this with Councilman Manginelli, Police Chief Scrivanic and Officer Mauer, the Borough's firearms liaison to discuss changes that should be made to the Borough's Ordinance which has not been updated for several years. Mr. Nesci recapped some of the points made during the meeting which included revising the current map to provide a clearer description of the portions of the Borough covered by the ordinance, prohibiting firearm discharge except during hunting season, following the proper firearm and hunting regulations and revising the section in which "no person shall discharge a firearm within 500 feet of any dwelling", to read "500 feet from any property line". Councilman Manginelli voiced his concerns and stated that he is opposed to the use of a rifle throughout the Borough even during hunting season, he suggests only allowing shotgun hunting. Mr. Neff discussed his concerns about changing the language regarding in the current ordinance from 500 feet of a structure to 500 feet of a property line. He agreed that it is a good change however, enforcement could be an issue because it is often difficult to know where the property line begins. Councilman Nesci briefly discussed a farm owner's right to discharge a firearm on their property. Mr. Starkey advised that the Borough would need to consider some possible exemptions and exceptions, such as the gun club, and farm property which is addressed in the Right to Farm Act allowing farmers to use weapons to maintain their crops and keep animals/pests away. Mr. Starkey inquired about how the Borough would like to proceed and suggested an amendment to the current

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

Ordinance and offered to create a working draft to amend the current ordinance to include some of the ideas and suggestions discussed this evening. Discussion followed regarding changing the discharge of firearms map. Mr. Starkey suggested making the map part of the Ordinance to be published in the Code Book and on the Borough website and discussed some of the difficulties the Borough faces with enforcing the ordinance. The draft Ordinance should be presented to the Police for input into enforceability. Mr. Manginelli stated that he thinks the Ordinance will be easier to enforce if the wording remains 500 ft from any dwelling or structure. Mr. Siebert noted that the New Jersey Fish and Game code uses the wording "from structure." Discussion ensued regarding differentiating between bow and firearm hunting, and Mr. Starkey referenced the State law. Mr. Nesci clarified that this discussion is not meant to infringe upon a person's right to fish or hunt, this is to protect the safety of the Borough's residents. Mr. Starkey stated that he will begin working on a draft to be reviewed by the Council and Police Department.

ADJOURNMENT TO REGULAR MEETING

Mr. Siebert offered a motion to adjourn the Workshop Meeting, seconded by Mr. Manginelli.

ROLL CALL

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

TIME: 7:25 PM

Council President Buckley advised that Council will take a five-minute break and reconvene at 7:30 PM for the start of the Regular Meeting.

Council President Buckley called the Regular Meeting to order at 7:33 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: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley
ABSENT: None
ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Thomas Fallon, Acting Borough Administrator/Director of Finance
Thomas Neff, Borough Engineer

All present stood for salute to flag.

APPROVAL OF MINUTES

Mr. Siebert offered a motion to approve the Regular Meeting Minutes of February 4, 2020, seconded by Mr. Manginelli.

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley
NAYS: None
ABSENT: None
ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer- Thomas Neff

Mr. Neff reported that he recently reached out to the Monmouth County traffic engineer for an update on the Hance/Sycamore intersection project which should commence in the next few weeks, he will advise when there is a definitive date. He stated that the Hope Road railroad crossing between Pinebrook and Corregidor Road is scheduled for replacement on Wednesday, March 18, 2020 and will last 3 days. This will most likely result in a full-road closure with a detour. Mr. Neff advised that the Water Street sewer upgrades is scheduled to start next week.

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon gave a brief summary of this evening's workshop discussion, stating there is a Refund Bond Ordinance for introduction this evening which is authorizing the issuance of \$4 million to refund the 2010 bonds. He discussed Resolution R-20-061 which authorizes the submission of a dual grant application with the Borough and the Borough of Tinton Falls Library and gave a breakdown of the cost of the project. At this time Mr. Fallon introduced Health Officer David Henry from the Monmouth County Regional Health Commission and Deputy OEM Director Dave Boehning who will provide an update on the Coronavirus.

Update on Coronavirus-David Henry, Monmouth Regional Health Commission and Dave Boehning, Deputy OEM Director.

Mr. Boehning reported that the Tinton Falls Office of Emergency Management has been actively monitoring the Coronavirus outbreak and keeping up with constant updates from the Center for Disease Control (CDC.) He advised that this information has been disseminated to the Borough's emergency service agencies such as: Fire, Police, EMS, and DPW. Mark Shaffery and the Department of Public Works have been proactive working with OEM to ensure the Borough maintains the highest standards of cleanliness and sanitation. Mr. Shaffery and his staff have procured various sanitation supplies and have installed hand-sanitizer dispensers at all entrances in Borough Hall and DPW as an added precaution. The Office of Emergency Management has been in contact with both Tinton Falls Schools and Monmouth Regional High School to ensure an open line of communication. OEM has shared pertinent information from the CDC and experts monitoring the Coronavirus on their social media pages to ensure the distribution of factual and the up-to-date information. More information can be found at [CDC.gov/coronavirus](https://www.cdc.gov/coronavirus) and www.nj.gov/health. At this time

Mr. Boehning introduced David Henry, Health Officer from the Monmouth County Regional Health Commission. Mr. Henry advised that the Health Commission has been working closely with Mr. Boehning and the Office of Emergency Management as well as various public health officials at the State level monitoring the Coronavirus. The State Health Department has been providing updates to local municipalities daily from the CDC. The Health Commission has been monitoring 11 people who have recently traveled to China and currently have 2 people left under observation to see if they have signs or symptoms of Coronavirus. Fortunately, there are no current cases of Coronavirus in NJ as recently reported. The people under self-monitoring for 14 days are at extremely low risk. He discussed a recent situation in which a medical facility believed to have a potential Coronavirus patient in which the Health Commission and the State Health Department worked to evaluate the situation. He explained that the MCRHC recently obtained a \$95,000 Communicable Disease Grant from the State in which they have hired about 5 people to help work on the Coronavirus and help answer any questions the public may have. Council President Buckley thanked both Mr. Henry and Mr. Boehning for their tremendous work monitoring this situation. Mr. Henry advised that since this is an evolving situation, the MCRHC will begin having weekly conference calls with local Mayors and Administrators to ensure they have the latest and most up to date information. Mr. Manginelli inquired about the recent situation at Bayshore Hospital and the current reporting system for Coronavirus. Mr. Henry explained that they are usually alerted by a Doctor that a patient has recently traveled to a certain area of the world and appear to be symptomatic. In this situation hospitals will conduct an evaluation in conjunction with the State Health Department and in this particular case the patient tested negative for coronavirus.

Mayor's Report-Vito Perillo

Mayor Perillo stated that he was sorry to hear of the passing of Wayne A. White, the first Chief of Police in the Borough of Tinton Falls. Wayne joined the Tinton Falls Police Department in 1969 as a Patrolman and moved up the ranks to Detective and Chief, retiring in 1994. His memory will live on within the Tinton Falls Police Department and we thank him for his many years of dedicated service to the Borough. Mayor Perillo sadly announced the passing of Claude M. Campbell a dedicated and cherished member of the Tinton Falls community. Mr. Campbell dedicated countless hours of volunteerism to the community, serving on both the Planning and Zoning Boards as well as the webmaster for the Tinton Falls website. He was often seen with a camera in hand capturing moments at various Borough events, he will be truly missed.

Director of Law-Kevin Starkey

Mr. Starkey reported that he and Mr. Fallon met last week with members of the Monmouth County Administration to discuss the Host Benefit Agreement for the Monmouth County Reclamation Center. It was a very productive meeting and there is another meeting scheduled in the upcoming weeks. Mr. Starkey is hopeful that they will be able to present something to Council for their consideration and conclude this agreement in the near future.

Borough Clerk's Report-Melissa Hesler

Ms. Hesler had no report.

Council's Report

Mrs. Clay reported that she recently attended the Board of Education Meeting where there was some discussion of issues with transportation of students, however the Board of Ed seemed to be working on this issue diligently.

Mr. Manginelli had no report.

Mr. Nesci had no report.

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

Mr. Siebert thanked Council for their support on the grant application for the library and reported the recent Library Fashion Show Fundraiser was a great success and thanked all who supported the event.

Ms. Buckley congratulated everyone on the Library Grant and stated she is very happy to see this moving forward. She thanked everyone who made the Library fundraiser a success this past weekend. She announced that the Earth Day celebration will take place on May 2nd from 11 A.M to 4 P.M at Sycamore Park.

ORDINANCES FOR INTRODUCTION

Ms. Hesler read Ordinance 2020-1458 entitled: **REFUNDING BOND ORDINANCE OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL OBLIGATION REFUNDING BONDS DATED NOVEMBER 16, 2010, APPROPRIATING AN AMOUNT NOT EXCEEDING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF TINTON FALLS FOR FINANCING THE COST THEREOF.**

Mrs. Clay offered a motion to introduce Ordinance No. 2020-1458, seconded by Mr. Manginelli.

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley

NAYS: None

ABSENT: None

ABSTAIN: None

REFUNDING BOND ORDINANCE NO. 2020-1458

REFUNDING BOND ORDINANCE OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL OBLIGATION REFUNDING BONDS DATED NOVEMBER 16, 2010, APPROPRIATING AN AMOUNT NOT EXCEEDING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF TINTON FALLS FOR FINANCING THE COST THEREOF

WHEREAS, pursuant to the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), the Borough of Tinton Falls, in the County of Monmouth, New Jersey (the "Borough") has heretofore issued \$6,660,000 aggregate principal amount of its General Obligation Refunding Bonds, consisting of \$5,753,000 General Improvement Refunding Bonds, Series 2010, and \$907,000 Open Space Refunding Bonds, dated November 16, 2010 (the "Series 2010 Bonds") providing for the financing of certain capital improvements of the Borough; and

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough to refund all or a portion of the outstanding Series 2010 Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Borough is hereby authorized (A) to refund all or part of the Series 2010 Bonds (collectively, the "Bonds to Be Refunded"), and (B) to provide for the payment of the costs of issuing the refunding bonds (including printing, advertising, accounting, financial and legal services, and further including bond insurance premium (if any) and underwriting compensation).

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, one or more series of negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued from time to time in the principal amount not to exceed \$4,000,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purposes for which the Refunding Bonds are to be issued are (i) refunding the Bonds to Be Refunded and (ii) to provide for the payment of the costs of issuing the refunding bonds (including printing, advertising, accounting, financial and legal services, and further including bond insurance premium (if any) and underwriting compensation).

Section 5. Further provisions as to the terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the refunding bonds, and any matters in connection therewith, shall be determined by resolution of the Borough Council of the Borough adopted prior to the issuance of the refunding bonds.

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

Section 6. All other matters relating to the refunding bonds shall be performed or determined by subsequent resolution of the Borough Council of the Borough, or the performance or determination thereof shall be delegated by resolution of the Borough Council of the Borough to the Chief Financial Officer of the Borough.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that, except for refunding bonds issued in accordance with N.J.S.A. 40A:2-51(c), this refunding bond ordinance shall not be effective as to any refunding bonds unless the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

ORDINANCES FOR FINAL CONSIDERATION- None

PUBLIC DISCUSSION

Mr. Manginelli 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

Stacey Slowinski, 755 Tinton Avenue- Historical Preservation Commission Chair- Ms. Slowinski reported that a Girl Scout Troop recently held an overnight sleepover at the Crawford House and had a wonderful time. She thanked Mr. Fallon for making this event possible and presented him with a framed token of appreciation. Ms. Slowinski reported that a local author Rick Geffken will be speaking at the Crawford House on Sunday, March 29, at 2PM to discuss his new book *The Hidden History of Monmouth County*.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg expressed her enthusiasm for the recent Library Fashion Show Fundraiser that was overwhelmingly successful. She received positive feedback from everyone involved and who attended. She thanked the Council for their support and Mr. Siebert for all of his help ensuring the event was successful and smooth. She thanked Mr. Nesci and Ms. Buckley for their donations and Mrs. Clay for attending and showing her support. Mr. Siebert congratulated Ms. Goldberg on a successful and event and thanked her for all her countless hours of dedication.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning thanked Mayor Perillo for recognizing the passing of former Chief of Police Wayne White. He congratulated Mrs. Clay on her husband's recent retirement. Mr. Turning briefly discussed the recent issues with hunting and the discharge of firearms, he suggested having a representative from the NJDEP Division of Fish and Wildlife come and speak to the Borough.

There being no further comments from the public, Mr. Siebert 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

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER–

Mr. Siebert thanked the Borough’s State Representatives for their support of the Library Grant Application.

RESOLUTIONS- None

CONSENT AGENDA

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

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley

NAYS: None

ABSENT: None

ABSTAIN: None

R-20-060 RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY BY TWO (2) PUBLIC ONLINE AUCTIONS

WHEREAS, the Borough of Tinton Falls Police Department and Department of Public Works have enough surplus vehicles and other equipment to hold two (2) public ON-LINE auctions during 2020, dates and times will be advertised in the Asbury Park Press; and

WHEREAS, Stephan J. Miranti, US Gov Bid/Auction Liquidation Services, 1 Industrial Way West, Building A, Eatontown, NJ 07724 will conduct the on-line auction at a commission rate of 6.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of sale of said property via the adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold, or \$6,000.00; and

WHEREAS, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days, nor later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment, Borough vehicles and any other miscellaneous items received prior to, through the process of two (2) Public ON-LINE auctions dates to be determined.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract of US Gov Bid/Auction Liquidation Services for the Borough of Tinton Falls as specified herein above.

R-20-061 RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION UNDER THE NEW JERSEY LIBRARY CONSTRUCTION BOND ACT FOR IMPROVEMENTS TO THE TINTON FALLS LIBRARY

WHEREAS, the New Jersey State Library, has solicited grant applications under the New Jersey State Library Construction Bond Act P.L. 2017, c.149 and N.J.A.C. 15:24-1 et seq. (hereinafter the “Bond Act”); and

WHEREAS, the Mayor and Borough Council now desire to approve a dual application of the Borough of Tinton Falls and the Tinton Falls Public Library under the Bond Act and authorize the appropriation of \$150,000 as the Borough’s match to this Project;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Tinton Falls that a dual grant application of the Borough of Tinton Falls and the Tinton Falls Public Library for Improvements to the Tinton Falls Library, as per attached Exhibit B, under the Bond Act be formally approved.

BE IT FURTHER RESOLVED that the Borough will appropriate the Borough’s share of the match to the grant of \$150,000 in the 2020 Municipal Budget.

BE IT FURTHER RESOLVED that the Acting Business Administrator, Thomas P. Fallon, is authorized to execute such dual grant application on behalf of the Borough.

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

R-20-062 RESOLUTION RELEASING PERFORMANCE GUARANTEE AND WAIVING MAINTENANCE GUARANTEE – APPLE FOOD SERVICE OF TINTON FALLS, INC. BLOCK 114.01 LOT 22

WHEREAS, the developer has requested the release of Performance Guarantee posted for Apple Food Service of Tinton Falls, Inc., 14 Park Road, Block 114.01 Lot 22.

WHEREAS, by letter dated February 13, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all items have been completed and recommends the release of the guarantees for Apple Food Service of Tinton Falls, Inc.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Apple Food Service of Tinton Falls, Inc. be released subject to the payment of any and all outstanding engineering and inspection fees and the posting of a Maintenance Bond be and hereby waived.

R-20-063 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – BOULDER AT SHARK RIVER – BLOCK 147 LOT 10

WHEREAS, the developer has requested the release of the reduced Performance Guarantee posted for Boulder at Shark River, Block 147 Lot 10; and

WHEREAS, by letter February 24, 2020, 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 the reduced Performance Guarantee and remaining engineering escrow fees for Boulder at Shark River, Block 147 Lot 10, be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-20-064 RESOLUTION-COMPENSATED ABSENCE

WHEREAS, Colleen Connolly has been employed by the Borough of Tinton Falls Recording Secretary in Planning and Zoning since September 28, 2015, and;

WHEREAS, on February 28, 2020, Colleen Connolly resigned and will transfer her service to the Borough of Eatontown with over 4 years of service to the Borough and with the Division of Pensions and Benefits, and;

WHEREAS, Colleen Connolly will be entitled to compensated absence benefits in accordance with the Agreement between the Borough and Teamsters Local 177 (Clerical). The benefits are estimated to be a total of \$6,700.00. The breakdown of this payment is \$3,816.00 for accrued vacation time, \$1,275.00 for sick time, and \$1,609.00 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 Colleen Connolly receives the compensated absence benefits.

R-20-065 RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, there was an emergency condition in front of 683 Tinton Avenue requiring immediate emergency attention due to a collapse of a sewer manhole as described in memorandum attached in the amount of \$8,936.72; and

WHEREAS, provisions of NJSA 40A: 11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, Lucas Construction Group, Inc., P.O. Box 8939, NJ 07701 was called in to repair the damage;

WHEREAS, Mark Shaffery, Director of Public Works has described the situation and declared this situation an emergency condition in memo dated January 29, 2020 attached;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award the contract for the repairs necessary to the sewer manhole in front of 683 Tinton Avenue.

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

R-20-066 RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, there was an emergency condition in front of 841 Shrewsbury Avenue requiring immediate emergency attention due to a collapse of a sewer manhole as described in memorandum attached in the amount of \$8,703.90; and

WHEREAS, provisions of NJSA 40A: 11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, Lucas Construction Group, Inc., P.O. Box 8939, NJ 07701 was called in to repair the damage;

WHEREAS, Mark Shaffery, Director of Public Works has described the situation and declared this situation an emergency condition in memo dated January 29, 2020 attached;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award the contract for the repairs necessary to the sewer manhole in front of 841 Shrewsbury Avenue.

R-20-067 RESOLUTION AUTHORIZING ADOPTION OF TESTING POLICY FOR CONTROLLED SUBSTANCES AND ALCOHOL USE FOR EMPLOYEES WITH A COMMERCIAL DRIVERS LICENSE

WHEREAS, the Federal regulations require the Borough to adopt a policy for the testing for controlled substances and alcohol use for employees with a commercial drivers license; and

WHEREAS, the Mayor and Borough Council desire to adopt the testing policy attached to this Resolution, upon recommendation of the Borough Administrator and Director of Law;

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 testing policy attached to this Resolution, entitled "Borough of Tinton Falls, Commercial Drivers License, Controlled Substances , Alcohol Use and Testing Policy," is hereby authorized to be adopted and implemented in the Borough.

R-20-068 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, 2020 4th quarter Sewers on the following properties have been paid in the year of 2019, in an amount exceeding the amount due by the homeowner.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724			(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)
and,			

WHEREAS, said payments have resulted in overpayments of the 2020 sewers in the amount of \$89.89, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$89.89 is hereby approved for the aforementioned properties. Said overpayments shall be applied to 2021 sewers.

BOROUGH OF TINTON FALLS - 2020 SEWER OVERPAYMENTS TO BE APPLIED TO 2021 SEWER						R-20-068
BLOCK	LOT	NAME	ZIP	PROPERTY LOCATION		
26	49	HENDERSON, MARY E 69 BEAUMONT COURT TINTON FALLS, NJ	07724	69 BEAUMONT COURT		49.67
124.16	48	GIBSON, DOUGLAS M JR. 125 MILL LANE TINTON FALLS, NJ	07753	125 MILL LANE		40.22
						89.89

**WORKSHOP/REGULAR MEETING
MARCH 3, 2020
BOROUGH COUNCIL**

R-20-069 RESOLUTION – APPROVAL OF BILLS – March 3, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 3, 2020; 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	3,861,255.48
SEWER UTILITY	33,005.51
CAPITAL FUND	4,538.28
GRANT FUND	4,646.00
TRUST FUNDS	10,475.97
DOG TRUST FUND	2,709.00
ESCROW	8,253.69
TOTAL	<u>3,924,883.93</u>

ADJOURNMENT

Mr. Siebert offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:02 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: