

**REGULAR/WORKSHOP MEETING
SEPTEMBER 4, 2018
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:35 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."

Council President Baldwin stated that Ms. Fama is attending the meeting via cell phone and it has been verified by Mr. Manginelli, Mr. Pak and Mr. Siebert that it is indeed Ms. Fama.

ROLL CALL

PRESENT: Ms. Fama (via phone) Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Michael Skudera, Borough Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the minutes of October 17, 2017 seconded by Mr. Pak.

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 minutes of December 5, 2017 seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING- OPEN SPACE GRANT APPLICATION- ACQUISITION OF WALZ PROPERTY

A Public Hearing was conducted on September 4, 2018 for the Borough's 2018 Municipal Open Space Grant Program through Monmouth County. The hearing was conducted as part of the regularly scheduled Borough Council meeting at 7:30pm. The Public Hearing was advertised in the Asbury Park Press on August 23, 2018.

The Borough Engineer, Thomas Neff, explained that the Borough is eligible to apply for a Monmouth County Municipal Open Space Grant. The goal of the program is to acquire lands for open space preservation and to improve land for parks and recreation purposes. The applications are due on September 20, 2018. The maximum grant award is \$250,000. A 50% funding match is required from the Borough.

Mr. Neff indicated that the Borough has the options of submitting a grant to renovate an existing park, build a new playground or other park/recreation facility, or to utilize grant funds to acquire a new open space parcel. Acquisition projects are typically favored over renovating existing facilities.

Mr. Neff recommended that, based on discussions with various Borough officials, the Borough submit a grant application for the acquisition of what is known at the Walz Property, which is an old farm consisting of approximately 59.8 acres and is known as Block 145, Lot 28.01. The site is located north of Shark River Road between Shafto Road and Wardell Road. It provides a buffer between the Mazza Recycling Center and the residential houses on Hart Terrace, Thresher Court, and Almar Road.

Mr. Neff states that at this time, the Borough has no intentions to develop the site into specific sports fields or playgrounds. The Borough would prefer to keep it as open space and only create walking trails throughout the fields and woods. The Borough may also create a dock or platform for fishing at the pond. There are also existing historic buildings that could be used for occasional tours.

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The Borough Council and Administration expressed their support for this application and indicated that sufficient funds are in place for the 50% match requirement.

The topic was then opened to the public in attendance at the meeting to solicit their input for this project or any other projects or ideas. Mr. Gerald Turning spoke about the proposed Walz Property acquisition. Mr. Turning questioned if this property would end up on the ROSI list. He is not in favor of the necessary requirements and restrictions for Green Acres properties. Mr. Neff stated that this grant program has similarities to NJDEP Green Acres, but not all of the same exact requirements. Mr. Turning questioned if there are any environmental concerns that would prohibit the Borough from taking this property. Mr. Neff stated that any environmental areas of concern would be addressed prior to the Borough accepting any potential grant funds. Mr. Turning stated he has been out to the property, and expressed that it is beautiful, and he recommends the Borough apply for the grant and pursue purchasing the land. No other members of the public spoke about the grant opportunity.

At 7:47 PM Mr. Neff closed the public session.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report- Vito Perillo

Mayor Perillo had no report.

Engineer's Report- Thomas Neff

Mr. Neff briefly discussed the status of the 2018 Road Program and announced the bid will open next Tuesday, September 11, 2018 and a contract will be awarded at the next Council Meeting.

Director of Finance- Thomas Fallon

Mr. Fallon briefly discussed Ordinance 2018-1436 for introduction on tonight's agenda. He explained that it is an Ordinance that would approve an amendment to the financial agreement with Commvault. He wants to clarify that it is not changing any of the financial terms of the agreement however they are amending it to add an additional parcel of land that was purchased by Commvault. They will not be extending the terms of the agreement and the annual service charge percentage will stay the same. Mr. Fallon discussed the 2017 Tax Reform and Job Act passed by the Federal Government and explained how it changed the State and local tax deduction. He stated that the Borough will continue to monitor any changes in legislation.

Borough Administrator- Michael Skudera

Mr. Skudera announced that the date for the 2018 Tinton Falls Day has changed to Saturday, October 6, 2018 with a rain date of October 7, 2018. Mr. Skudera asked any vendors or sponsors who are interested in participating in this event to please contact them via email at TFday@tintonfalls.com. He explained a fireworks display is being considered by resolution at the next Council meeting. Mr. Skudera also discussed the first All-Hands meeting he conducted with Borough employees and explained that different departments gave reports on any new or upcoming projects.

Director of Law- Kevin Starkey

Mr. Starkey briefly discussed Ordinance 2018-1435 on tonight's agenda for final consideration and explained its purpose.

Borough Clerk's Report- Melissa Hesler

Ms. Hesler had no report.

Council's Report

Ms. Fama had no report.

Mr. Pak reminded everyone that school is starting this week and to be mindful when driving. Mr. Pak reported that Chief Scrivanic's mother has sadly passed away and provided the details for her services.

Mr. Siebert extended his thanks to his fellow Council members for supporting Ordinance No. 2018-1435, prohibiting the intentional release of balloons.

Mr. Manginelli extended his sincere thanks to the Tinton Falls Police Department and EMS for responding quickly to a recent personal emergency.

Mr. Baldwin had no report.

ORDINANCES FOR INTRODUCTION

Ms. Hesler read Ordinance No. 2018-1436 entitled: **ORDINANCE APPROVING AMENDMENT TO FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW WITH COMMVault TINTON FALLS URBAN RENEWAL, LLC**

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WHEREAS, on December 18, 2012, the Borough Council of the Borough of Tinton Falls (the “Borough”) adopted an ordinance authorizing an 18-year tax exemption to CommVault Tinton Falls Urban Renewal, LLC (“CommVault”), pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (“LTTEL”); and

WHEREAS, pursuant to said ordinance, on January 29, 2013, the Borough entered into a financial agreement (the “Financial Agreement”) with CommVault for the provision of an 18-year tax exemption associated with the redevelopment of Block 101, Lot 1, with the property more fully described in the Financial Agreement (the “Property”); and

WHEREAS, on May 22, 2018, CommVault acquired an additional 4.0 acre parcel adjacent to the Property, commonly known as the Charles Wood Fire Station parcel (the “Fire Station Parcel”), from the Fort Monmouth Economic Revitalization Authority; and

WHEREAS, CommVault intends to incorporate the Fire Station Parcel as part of the CommVault corporate campus on the Property and develop it as part of the underlying redevelopment project; and

WHEREAS, CommVault has petitioned the Township to include the Fire Station Parcel as part of the Property for purposes of the Financial Agreement, to which the Borough hereby agrees; and

WHEREAS, consistent with the LTTEL, Section 16.6 of the Financial Agreement permits amendments to the same upon duly adopted ordinance.

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

1. The application of CommVault Tinton Falls Urban Renewal LLC, an urban renewal entity, requesting the amendment of the Financial Agreement to include the Fire Station Parcel as part of the Property, as defined in the same, is hereby accepted and approved.
2. The Mayor or Borough Administrator is hereby authorized and directed to execute an amendment to the Financial Agreement between the Borough of Tinton Falls and CommVault Tinton Falls Urban Renewal LLC, consistent with the foregoing, upon final terms acceptable to the Special Counsel to the Borough.
3. All ordinances, or parts of ordinances inconsistent herewith, are hereby repealed to the extent of such inconsistencies.
4. This ordinance shall take effect immediately upon final passage and publication pursuant to law.

FIRST AMENDMENT TO FINANCIAL AGREEMENT

**Re: 1 CommVault Way
Tinton Falls, New Jersey
Block 101.02, Lot 1**

This First Amendment (“Amendment”), made this ____ day of _____, 2018, by and between the Borough of Tinton Falls (the “Borough”) and CommVault Tinton Falls Urban Renewal, LLC (“CommVault”) (collectively, the “Parties”), is made to the financial agreement dated January 29, 2013 by and between the Parties (the “Financial Agreement”).

WITNESSETH:

WHEREAS, on January 29, 2013, the Borough entered into the Financial Agreement, pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (“LTTEL”) for the provision of a 15-year tax exemption for the redevelopment of Block 101.02, Lot 1 on the Tax Maps of the Borough of Tinton Falls, with the property more specifically described in the Financial Agreement (the “Property”); and

WHEREAS, on May 22, 2018, CommVault acquired an additional 4.0 acre parcel adjacent to the Property, commonly known as the Charles Wood Fire Station parcel, and more specifically described in Exhibit A attached hereto and incorporated by reference (“the Fire Station Parcel”); and

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WHEREAS, CommVault intends to incorporate the Fire Station Parcel as part of the CommVault corporate campus on the Property and develop it as part of the underlying redevelopment project; and

WHEREAS, CommVault has petitioned the Township to include the Fire Station Parcel as part of the Property, as defined in the Financial Agreement, to which the Borough hereby agrees; and

WHEREAS, on DATE, the Borough adopted Ordinance 2018-1426, approving the application of CommVault to include the Fire Station Parcel as part of the Property as defined under the Financial Agreement.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. The Financial Agreement is hereby amended to add the Fire Station Parcel to the definition of "Property" contained therein.
2. The Fire Station Parcel is hereby subject to any and all terms of the Financial Agreement, including but not limited to the inclusion of all gross revenues derived by CommVault from the same in the calculation of gross revenue subject to the annual service charge under the Financial Agreement.
3. CommVault hereby agrees to be bound by the terms and conditions and perform any and all obligations contained in the Financial Agreement with respect to the Fire Station Parcel.
4. This Amendment may be executed in any number of counterparts, each of which when executed and delivered shall be an original, but all such counterparts shall constitute one and the same instrument.
5. In all other respects, except as herein specifically amended, the Financial Agreement continues in full force and effect as originally executed.
6. This Amendment shall be effective as of the date hereof.

ALL OF THE ABOVE IS AGREED TO AND ACCEPTED and is effective as of the date of execution by all parties.

Mr. Pak offered a motion to introduce Ordinance No. 2018-1436, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance No. 2018-1433 entitled: **ORDINANCE AMENDING CHAPTER 9 OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF TINTON FALLS ENTITLED "PERSONNEL POLICIES" TO IMPLEMENT A MANDATORY DIRECT DEPOSIT POLICY**

Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2018-1433, seconded by Mr. Pak

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

Nancy Britton, 158 Cloverdale Circle- Ms. Britton voiced her concern with this policy and explained that many of the young adults who work for recreation are under 18 and may not have their own bank account. She questioned how this would work for these employees. Borough Attorney Starkey explained that temporary or seasonal employees can be exempt from this policy and receive a physical paycheck.

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There being no further comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2018-1433, seconded by Mr. Manginelli.

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. 2018-1433, seconded by Mr. Manginelli.

ROLL CALL

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

Ms. Hesler read Ordinance No. 2018-1435 entitled: **ORDINANCE PROHIBITING THE INTENTIONAL RELEASE OF BALLOONS INFLATED WITH LIGHTER THAN AIR GASES**

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2018-1435, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2018-1435, seconded by Mr. Siebert.

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. Siebert offered a motion to adopt Ordinance No. 2018-1435, seconded by Mr. Pak.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

David McKinney, 335 Hance Avenue- Mr. McKinney stated that he attended a very informative meeting of the Monmouth County Freeholders last month at Borough Hall regarding the Hance-Sycamore intersection. He asked Council to consider possible solutions to the issue such as not installing a left hand turn sign at the end of Hance

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Avenue. Mr. McKinney discussed several feasible improvements to the intersection that would also benefit neighboring traffic. He stated he also made these suggestions to the County Freeholders and asked for the Borough Council's help and consideration with this matter.

Ellen Goldberg, 90 Glenwood Drive- Speaking on behalf of the Tinton Falls Environmental Commission, Ms. Goldberg extended her sincere thanks to Council for adopting Ordinance No. 2018-1435, banning the intentional release of balloons. Ms. Goldberg also commended Councilman Siebert for his support and enthusiasm towards the Environmental Commission

Denise Catalano, 11 Alpine Trail- Ms. Catalano inquired about the backlog of Council Meeting minutes and why there are so many outstanding sets to be completed. Council President Baldwin stated that audio copies of the Council Meetings are available for review for anyone who is interested. He explained that the Borough Clerk's Office has a tremendous amount of time sensitive work that must take precedence over meeting minutes and they are currently working on getting the minutes up to date.

Jenny Scanapicco, 77 Hope Road- Ms. Scanapicco thanked the Borough Council and the Tinton Falls Police Department for using electronic signage to enforce the weight limit on Hope Road in the month of July. However, she explained that since the signs have come down traffic of heavy weight trucks has increased once again. She inquired about possible solutions to this issue and how the weight and speed limit can be enforced once again. Borough Engineer Neff stated that the Borough will look into this matter to ensure speed and weight limit are enforced.

There being no further 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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER: None

RESOLUTIONS

Councilman Pak briefly explained why Resolution 18-237 will be voted on separately this evening. Council wants to ensure that the County Freeholders are working in the best interest of the Borough with this matter.

Mr. Pak offered a motion to approve Resolution R-18-237, seconded by Mr. Manginelli.

ROLL CALL

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

R-18-237 RESOLUTION TO THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS REGARDING THE PROPOSED IMPROVEMENTS TO THE HANCE AVENUE/SYCAMORE AVENUE/HOPE ROAD INTERSECTIONS

WHEREAS, the Borough of Tinton Falls recognizes the need for improvements to the intersection at Hance Avenue and Sycamore Avenue and the intersection at Hope Road and Sycamore Avenue, due to the unusually high number of traffic accidents and consequent public safety concerns at those two intersections; and

WHEREAS, the county engineer has presented several proposals for improvements at the intersections, with the goal of increasing public safety at the intersections; and

WHEREAS, the Borough has solicited, and has received, written comments from residents on the proposed improvements, which comments have been transmitted to the county engineer for consideration; and

WHEREAS, the Borough Council has conducted several public meetings where the county engineer has provided details of the proposed improvements and has heard concerns of residents that were voiced in the public forum; and

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WHEREAS, the County Freeholders held a public meeting on August 1, 2018 in the Tinton Falls Borough Hall to discuss the concerns at the two intersections and to hear input from the residents about the proposed improvements; and

WHEREAS, the Borough desires to work with the County Freeholders and the County Engineer to ensure improvements that increase public safety at the intersections, but that also minimize the taking of private property and preserve the small-town roots of Tinton Falls and do not encourage additional traffic congestion; and

WHEREAS, the County has indicated an intention to remove Hope Road from the County's Master Plan for future acquisition; and

WHEREAS, the county engineer has made a commitment to the Borough to evaluate all of its proposals with the expressed concerns of the Borough and its residents, and in particular to evaluate a proposal for a traffic signal at the intersection and to review the potential for lowering of the speed limits on the roadway; and

WHEREAS, the Borough Council desires to express its concerns to the County Board of Freeholders in the form of this Resolution and to emphasize the Borough's willingness to continue to work with the county engineer to find a proposal that addresses all concerns of the county, the Borough and its residents in the most effective way possible;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Borough Council hereby expresses its resolve to the Monmouth County Board of Freeholders and the County Engineer to continue to work together and to receive the forthcoming evaluations of the proposals, including an evaluation of a traffic signal and a potential lowering of the speed limit, so as to increase public safety at the two intersections, with a minimum amount of private property taking and a minimal effect on increased traffic congestion and volume.

BE IT FURTHER RESOLVED that the Borough formally requests that the County remove Hope Road from the County's Master Plan as a roadway for future acquisition.

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-231 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – 5S REALTY, LLC – TRACTOR SUPPLY_BLOCK 120 LOT 21.01

WHEREAS, the developer has requested the release of Performance Guarantee posted for 5S Realty, LLC, Tractor Supply, Block 120 Lot 21.01; and

WHEREAS, by letter dated July 19, 2018, 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 5S Realty, LLC, Tractor Supply, Block 120 Lot 21.01, be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-18-232 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – ROSE GLEN DEVELOPMENT – PHASES 1 THROUGH 5_BLOCK 120 LOTS 37.06

WHEREAS, the developer has requested the release of Performance Guarantee posted for Rose Glen Development – Phases 1 through 5 Block 120 Lots 37.06 ; and

WHEREAS, by letter dated August 9, 2018, 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.

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee and remaining engineering escrow fees for Rose Glen Development – Phases 1 through 5 Block 120 Lots 37.06 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-18-233 RESOLUTION – AUTHORIZING THE EXECUTION OF A COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the creation of the Monmouth County Commodity Resale System; and

WHEREAS, it would be in the best interest of the Borough of Tinton Falls to become a member of the Monmouth County Commodity Resale System.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified copy of this Resolution, along with the executed Commodity Resale Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728.

R-18-234 RESOLUTION – AUTHORIZING THE EXECUTION OF A MUNICIPAL ASSISTANCE/SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C. 40A:65-1, et seq.) authorizes local units such as this Municipality to enter into shared service agreements with other local units; and

WHEREAS, the County of Monmouth, a local unit, has offered to provide municipal assistance/shared services to this Municipality; and

WHEREAS, it is in the best interest of the Borough of Tinton Falls to enter into the proposed Municipal Assistance/Shared Services Agreement with the County of Monmouth.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Municipal Assistance/Shared Services Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified copy of this Resolution, along with the executed Municipal Assistance/Shared Services Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728.

R-18-235 RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT THROUGH A PORTION OF THE MUNICIPAL COMPLEX PROPERTY, BLOCK 100, LOT 1, FOR THE INSTALLATION AND MAINTENANCE OF A NATURAL GAS PIPELINE

WHEREAS, the Borough of Tinton Falls is the owner of property designated on the municipal tax maps as Block 100, Lot 1, also known as the Borough Municipal Complex; and

WHEREAS, New Jersey Natural Gas Company (“NJNG”) requires a permanent easement for the installation and maintenance of a natural gas line or lines on the property, for the transportation of gas transportable by pipeline or for other purposes; and

WHEREAS, the Easement will provide for an easement and a right-of-way ten feet in width and five feet on each side of the centerline of the natural gas line; and

WHEREAS, the Borough Council desires to authorize the Mayor to execute, and the Borough Clerk to attest, to the Easement on behalf of the Borough of Tinton Falls, in the form attached hereto;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor is authorized to execute, and the Borough Clerk to attest, to the Easement in favor of NJNG, on property designated as Block 100, Lot 1, for the installation and maintenance of a natural gas line, in the form of easement attached hereto.

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R-18-236 RESOLUTION AUTHORIZING MONMOUTH COUNTY OPEN SPACE GRANT APPLICATION

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Tinton Falls desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the Walz Property Acquisition (Block 145, Lot 28.01 on the Official Tax Map of the Borough of Tinton Falls) and

WHEREAS, the total cost of the project including all matching funds is \$970,000.00; and **WHEREAS**, the Borough of Tinton Falls will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF TINTON FALLS THAT:

1. Michael Skudera, Borough Administrator or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Tinton Falls is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael Skudera, Borough Administrator or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

R-18-237 (VOTED ON SEPARATELY) RESOLUTION TO THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS REGARDING THE PROPOSED IMPROVEMENTS TO THE HANCE AVENUE/SYCAMORE AVENUE/HOPE ROAD INTERSECTIONS

R-18-238 RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A_100% TOTALLY DISABLED VETERAN EXEMPTION

WHEREAS, an overbilling and an overpayment of 2018 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2018 (from July 1, 2018 through December 31, 2018).

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
Peter B. & Eileen Murphy 509 Green Grove Road Tinton Falls, NJ 07712 and,	123	43.02	\$1,686.43	\$2,274.93	\$3,961.36

WHEREAS, said exemption resulted in an overbilling and an overpayment of the 2018 taxes in the amount of \$3,961.36 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$1,686.43, be cancelled for the year 2018 and that a refund in the amount of \$2,274.93 is hereby approved for the aforementioned property.

R-18-239 RESOLUTION - CANCELLING TAXES FOR A VETERAN'S DEDUCTION

WHEREAS, an overbilling of 2018 taxes has been made as a result of a Veteran's deduction for the year 2018 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Joseph R. & Linda R. LaBato 68 Sunset Drive Tinton Falls, NJ 07724	76.02	68	\$250.00

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and

WHEREAS, said deduction has resulted in an cancellation of the 2018 taxes in the amount of \$250.00, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$250.00 is hereby approved as a result of the cancellation of the taxes for the aforementioned property for the year 2018.

R-18-240 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and by the new homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
All Ahead Title 407 Pine Street Red Bank, NJ 07701	76.02	52	\$429.24

Re: Barbara & William Hill from Toll Bros.
21 Northcrest Drive

and,

WHEREAS, said error has resulted in an overpayment of 2018 3rd quarter taxes in the amount of \$429.24, 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 \$429.24 is hereby approved for the aforementioned property.

R-18-241 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Corelogic Refund Department P.O. Box 9202 Coppel, TX 75019-9978	26.01	107	\$1,238.71

Re: Ernest Clark, 12 Secretariat Court

and,

WHEREAS, said error has resulted in an overpayment of 2018 2nd quarter taxes in the amount of \$1,238.71, 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 \$1,238.71 is hereby approved for the aforementioned property.

R-18-242 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Alexis Marie Cavezza 76 Frontier Way Tinton Falls, NJ 07753	124.16	4	\$968.65

and

WHEREAS, said error has resulted in an overpayment of 2018 3rd quarter taxes in the amount of \$968.65, 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 \$968.65 is hereby approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 4, 2018
BOROUGH COUNCIL**

R-18-243 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2018 fees were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2018

WHEREAS, during the month of July 2018, the Recreation Superintendent informed the resident that an overpayment in the amount of \$160.00 was made and accepted for program not age appropriate. A refund in the amount of \$160.00 shall be issued.

Catherine and or John Boccino	\$160.00
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Total	\$160.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$160.00 be issued.

R-18-244 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of June 2018 fees were paid by a resident of Tinton Falls for their child's participation in our Fall Soccer Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of June 2018

WHEREAS, during the month of August 2018, the Recreation Superintendent was informed by the resident that the child, Alyssa will be withdrawing from the program. A refund in the amount of \$80.00 shall be issued, in which the \$10.00 processing fee has been applied.

Jennifer Fredericks	\$80.00
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Total	\$80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

R-18-245 RESOLUTION – REFUNDING ESCROW – 53 Hope Road

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

WHEREAS, the Zoning Board Secretary, has certified the applicant's account is deemed closed and no additional funds for consultants will be required,

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

Kloman, David T. – KLO 5488 CU - \$102.53

R-18-246 RESOLUTION REFUNDING STREET OPENING BOND

WHEREAS, On 6/21/17, American Residential Services, LLC, 1162 Pine Brook Road, Tinton Falls, NJ 07724, posted a \$720.00 street opening cash repair deposit for sewer repair 32 Augusta Street, Tinton Falls, NJ 07712.

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

WHEREAS, American Residential Services, LLC, 1162 Pine Brook Road, Tinton Falls, NJ 07724, has completed the work described in Street Opening Permit 2017-06-002; 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 \$720.00 posted by American Residential Services, LLC, 1162 Pine Brook Road, Tinton Falls, NJ 07724, be released.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 4, 2018
BOROUGH COUNCIL**

**R-18-247 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS
AUTHORIZING IN REM FORECLOSURE**

WHEREAS, N.J.S.A. 54:5-104.35 provides the Borough Council of the Borough of Tinton Falls is authorized to proceed with the *In Rem* Foreclosure process on those municipal tax sale certificates held for more than six months from the date of the Tax Sale; and

WHEREAS, as certified by the Tax Collector, the Borough of Tinton Falls holds a certain tax sales certificate for the property identified in the attached certification and tax sale list which is a deed restricted affordable housing unit in accordance with the *Mt. Laurel* doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq.; and

WHEREAS, the Borough is desirous of foreclosing on the tax lien, by way of an *In Rem* Foreclosure proceeding in accordance with New Jersey law in order to preserve the property and the housing unit affordable to low and moderate income households; and

WHEREAS, the foreclosure proceeding requires the filing of a Complaint in the Superior Court of New Jersey, and authorization must be given to the Borough's Special Affordable Housing Counsel to institute said action.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, hereby authorizes the Borough's Special Affordable Housing Counsel to proceed with an *In Rem* Foreclosure by filing a Complaint with the Superior Court of New Jersey and by servicing a copy of same to the Attorney General of the State of New Jersey, for the property appearing on the attached Tax Foreclosure list, which was prepared and certified by the Tax Collector.

**R-18-248 RESOLUTION AUTHORIZING THE PURCHASE OF AFFORDABLE HOUSING UNIT BY
THE BOROUGH OF TINTON FALLS – BLOCK 26.01, LOT 199**

WHEREAS, as part of its Affordable Housing Program, Tinton Falls has the option to purchase affordable housing units which are a part of the Affordable Housing Program in order to maintain the affordability controls on the property; and

WHEREAS, in order to extend the affordability controls on property located at 15 Citation Court, also known as Lot 199, Block 26.01, the Borough desires to purchase the unit for the sum of \$107,314.00; and

WHEREAS, the Borough has negotiated a contract for the purchase, which is attached hereto as Exhibit A; and

WHEREAS, the Borough's Chief Financial Officer has certified the availability of funds sufficient to complete the purchase; and

WHEREAS, the Mayor and Council desire to authorize the purchase and the attached contract.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that:

1. The Borough Council authorizes the purchase of the affordable housing unit known as 15 Citation Court, also known as Lot 199, Block 26.01, for the purchase price of \$107,314.00.
2. The Mayor, Borough Attorney and Borough Clerk are hereby authorized to execute any and all documents necessary to complete the purchase of the unit.
3. A certified true copy of this resolution shall be furnished by the Borough Clerk to the Borough CFO upon its adoption.

R-18-249 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 4, 2018

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 4, 2018; 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.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 4, 2018
BOROUGH COUNCIL**

SUMMARY

GENERAL	3,207,383.64
SEWER UTILITY	55,803.41
TRUST FUNDS	39,010.18
CAPITAL FUND	139,327.04
DOG TRUST	2,585.40
ESCROW	27,474.54
ADDITIONS	1,272,820.05
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	4,744,404.26

ADJOURNMENT

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

ROLL CALL

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

TIME: 8:23 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: December 4, 2018