

**REGULAR/WORKSHOP MEETING
MARCH 6, 2018
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:30 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. Siebert, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Brian Nelson, 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

None

SWEARING IN

Presentation to Maureen L. Muttie, former Borough Clerk of Tinton Falls:

Council President Gary Baldwin and Mayor Vito Perillo invited Maureen L. Muttie to come forward to receive a presentation for her years of service to the Borough of Tinton Falls as Municipal Clerk. Mr. Baldwin commended Ms. Muttie for her nearly ten years of dedicated service to the borough stating she will be missed dearly. The Clerk's office is a very busy place and Maureen has gone above and beyond in performing her duties. Mayor Perillo thanked Ms. Muttie for all of her help as he came on board as Mayor.

Swearing in of Borough Clerk Melissa A. Hesler

Council President Gary Baldwin invited Melissa A. Hesler to come forward to be sworn in as the new Borough Clerk. Ms. Hesler was chosen to fill this position after Council interviewed three qualified candidates. Ms. Hesler was chosen to fill this position, coming to us after serving many years as Deputy Clerk in Middletown Township. Her qualifications and experience in that capacity interested us very much. Deputy Clerk Doreen D'Annunzio administered the oath of office.

Council President Baldwin invited the other members of Council to extend their best wishes to Ms. Muttie on her service. Councilwoman Fama thanked Maureen for her dedication to Tinton Falls and commended her on modernizing the office by changing processes and ultimately bringing the borough into the 21st century. Ms. Fama stated that Maureen was the consummate professional who will be greatly missed and wished her the best of luck. Councilman Pak thanked Maureen for her professionalism, dedication and close working relationship with the council, he stated she will be missed. Councilman Siebert complimented Maureen on her organizational skills, work ethic, and professionalism and wished Maureen good luck. Councilman Manginelli stated that Maureen will be missed and that she handled the job with professionalism and precision, he wished her the best of luck in her future endeavors.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Vito Perillo

Mayor Perillo commented he would keep his comments brief due to the impending winter storm and state of emergency and wished everyone safe travels home.

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Engineer’s Report – Thomas Neff

Mr. Neff discussed the meeting held this afternoon with the County Engineers and Traffic Consultants Stantec, regarding the Hance Avenue Traffic Study. Stantec reviewed the property and tried to get some fresh ideas and will have multiple options. A draft presentation will be fine-tuned and eventually presented to the Council and Public. Mr. Baldwin explained that after the trial run and after public presentation, the Council will consider the options at a workshop meeting. Mr. Neff gave a brief update on the recent library findings and report and stated additional testing will delay the final report. Once field tests have been completed, the results will be tallied and the report can be finalized and presented. Councilman Pak asked about the pump station project with Neptune. Mr. Neff discussed the appointment of special counsel by resolution and the upcoming meeting scheduled with Monmouth County and the need to educate the county of the impact this situation has had on the Borough. Councilwoman Fama inquired about the Library report and the remediation of the Library. Mr. Neff discussed the various areas of concern, the HVAC upgrades, the costs based on prevailing wage for capital improvement work, and the bidding laws.

Finance Director – Thomas Fallon

Absent

Borough Administrator – Michael Skudera

Mr. Skudera thanked Maureen Muttie for her services as Borough Clerk and congratulated Melissa Hesler on her new position as Tinton Falls Borough Clerk. Mr. Skudera discussed the recent meeting with Monmouth County officials and Earle officials, Tom Neff and Councilman Seibert to discuss a traffic light on Hockhockson/Normandy Road. Discussion was held regarding possibly having a shared service and the need to have this intersection targeted first. Mr. Skudera commended the expertise of the Public Works Department, Police and OEM in managing the most recent snow event and public works ongoing pothole management process. Mr. Skudera discussed the finalization of the budget and the upcoming presentation and introduction at the next council meeting.

Director of Law – Brian Nelson

Brian Nelson welcomed the new Borough Clerk Melissa Hesler, and stated he worked with Melissa for a number of years in Middletown and knows she will serve the borough well. Mr. Nelson extended his best wishes to Maureen Muttie and wished her well in her new position in Shrewsbury Borough. Mr. Nelson stated that he anticipates this being his last evening as Director of Law but looks forward to continue to serve the borough as Special Borough Counsel and assist Mr. Starkey, the Mayor and Borough Council going forward. He stated that he will see everyone from time to time when he fills in for the director of law.

Borough Clerk’s Report – Melissa Hesler

Ms. Hesler thanked the Council for the opportunity to serve Tinton Falls as Borough Clerk and stated she looks forward to working with everyone for many years to come.

Council’s Report

Ms. Fama had no report but welcomed the new Borough Clerk to Tinton Falls.

Mr. Pak reported on the retirement of John Russo as Grammar School Superintendent after eleven years of service, and hoped to honor him for his service at an upcoming Council meeting.

Mr. Seibert reported on the traffic light issues on Normandy Road and the recent meeting with the county to possibly work with Earle to maintain and service the lights. Mr. Neff stated that the County welcomed any comments and encouraged correspondence with the engineering department of the county.

Mr. Manginelli wished everyone a Happy St. Patrick’s day.

Mr. Baldwin reported on the Planning Board approval of family housing development in partial C1 on the fort property with the second phase approval for construction of an additional 243 townhouses and 71,000 square feet of retail across from the borough hall. The Planning Board approval was a courtesy review of a plan that had already been developed by the FMERA, it was a cursory review. Mr. Pak reinforced that this was a courtesy review.

ORDINANCES FOR INTRODUCTION - None

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ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance No. 2018-1425 entitled: **ORDINANCE AMENDING § 2-9.2 OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH GOVERNING THE APPOINTMENT OF SPECIAL COUNSEL TO THE BOROUGH**

Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2018-1425, seconded by Mr. Pak.

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. 2018-1425, seconded by Mr. Seibert.

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. 2018-1425, seconded by Mr. Manginelli.

ROLL CALL

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

Ms. Hesler read Ordinance No. 2018-1426 entitled: **ORDINANCE AMENDING SALARIES FOR THE BOROUGH CLERK AND DEPARTMENT OF LAW**

Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2018-1426, seconded by Mr. Pak.

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. 2018-1426, seconded by Mr. Manginelli.

ROLL CALL

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

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PUBLIC HEARING CLOSED**

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

Mr. Manginelli offered a motion to adopt Ordinance No. 2018-1426, seconded by Mr. Pak.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Seibert, 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

Frank Matoula, 43 Lennox Drive commented on a plan for repairing cracks in the roadways, having a maintenance plan and keep up with continuous repairs. He stated his roadway was repaired a while ago and is again in need of repair.

Mr. Skudera, Borough Administrator stated he will forward this information on to DPW Director Mark Shaffrey.

Mr. Neff, Borough Engineer addressed the repair for cracks stating that Tinton Fall is one of the better towns in keeping up with maintenance and potholes and repairs are done correctly.

Council President Baldwin discussed the previous actions taken to keep up with the road program with continued preventive maintenance.

There being no other 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

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RESOLUTIONS

Council President Baldwin stated that a request has been made to remove resolution R-18-095 for a separate vote. Ms. Hesler read the resolution by title

Mr. Pak offered a motion to approve Resolution R-18-095, seconded by Mr. Seibert.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-095 RESOLUTION CONSENTING TO APPOINTMENT OF DIRECTOR OF LAW

WHEREAS, pursuant to § 2-9.1 of the General Revised Ordinances of the Borough of Tinton Falls the Department of Law shall be headed by a Director of Law; and

WHEREAS, the Mayor hereby appoints Kevin N. Starkey, Esq. to be Director of the Department of Law subject to the advice and consent of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby provides advice and consent to the appointment of Kevin N. Starkey, Esq. of the law firm of Starkey, Kelly, Kenneally, Cunningham & Turnbach to serve as the Director of Law of the Borough of Tinton Falls.

BE IT FURTHER RESOLVED that the law firm of Starkey, Kelly, Kenneally, Cunningham & Turnbach shall be compensated for the services of Kevin N. Starkey, Esq., or associated attorneys in his firm, in the amount specified in the Borough's salary ordinance, as amended by Ordinance No. 2018-1426, effective April 1, 2018.

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-094 RESOLUTION CONSENTING TO APPOINTMENT OF SPECIAL COUNSEL TO THE BOROUGH

WHEREAS, pursuant to § 2-9.2 of the General Revised Ordinances of the Borough of Tinton Falls, as amended by Ordinance No. 2018-1425, there may be a Special Counsel to the Borough appointed by the Mayor with the advice and consent of the Borough Council; and

WHEREAS, the Mayor hereby appoints Brian M. Nelson, Esq. to be Special Counsel to the Borough subject to the advice and consent of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby provides advice and consent to the appointment of Brian M. Nelson, Esq. of the law firm of Archer & Greiner to serve as Special Counsel to the Borough of Tinton Falls.

BE IT FURTHER RESOLVED that the law firm of Archer & Greiner shall be compensated for the services of Brian M. Nelson, Esq., or associated attorneys in his firm, in the amount specified in the Borough's salary ordinance, as amended by Ordinance No. 2018-1426, effective April 1, 2018.

R-18-096 RESOLUTION RATIFYING APPOINTMENT OF INTERIM DIRECTOR OF PUBLIC WORKS

WHEREAS, the Borough's Director of Public Works retired, therefore, leaving a vacancy in the position; and

WHEREAS, effective March 1, 2018, the Mayor appointed Mark Shaffery as the Interim Director of the Department of Public works on a temporary basis for 90 days, setting as salary of \$103,310, which is within the amount previously authorized by ordinance and budgeted for the former Director's salary.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby ratifies the Mayor's appointment of Mark Shaffery as the Borough's Interim Director of Public Works for a total salary to be set at \$103,310.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately, but automatically expire upon the Mayor making a permanent appointment ratified by the Borough Council.

R-18-097 RESOLUTION AUTHORIZING THE AWARD OF A "NON-FAIR AND OPEN" CONTRACT FOR PROFESSIONAL SPECIAL COUNSEL CONTRACT PS #4-18

WHEREAS, the Borough of Tinton Falls has a need for professional Special Counsel Services for matters involving claims by the Township of Neptune Sewerage Authority as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Spiro / Harrison, 830 Morris Turnpike, Short Hills, NJ 07078 is so recognized; and

WHEREAS, this contract is to be awarded for an hourly rate of \$195.00 per hour for an amount not to exceed \$10,000.00, plus miscellaneous reimbursables for professional Special Counsel Services; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Spiro / Harrison, 830 Morris Turnpike, Short Hills, NJ 07078 is hereby retained to provide professional Special Counsel Services for a rate of \$195.00 per hour for an amount not to exceed \$10,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2018;

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2018 Municipal Budget as follows: Sewer Operating Budget: Legal \$10,000.00

R-18-098 RESOLUTION DENYING RELEASE OF MAINTENANCE GUARANTEE FOR GREENBRIAR FALLS – PHASE 2A - BLOCK 16 LOT 1, BLOCK 19, LOT 11.02

WHEREAS, the maintenance guarantee is set to expire and for purposes of releasing the maintenance guarantee an inspection was conducted for Greenbriar Falls – Phase 2A – Block 16 Lot 1, Block 19, Lot 11.02; and,

WHEREAS, by letter dated February 21, 2018 (said copy hereby attached and made part of this resolution), the Borough Engineer, T&M Associates, has supplied the developer with a letter outlining items which need to be addressed prior to the release of Maintenance Guarantee.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in T&M Associates' letter of February 21, 2018, that any request for a release of the Maintenance Guarantee be and hereby is denied.

R-18-099 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 1st quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Stacy S. Womble 38 Steven Avenue Tinton Falls, NJ 07724	2.01	10	\$1,139.90

and,

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WHEREAS, said error has resulted in an overpayment of 2018 1st quarter taxes in the amount of \$1,139.90, 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 \$1,139.90 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 \$1,139.90.

R-18-100 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 1st quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Management Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
24 Asset Management Attn: Yiliant Hernandez 13155 SW 42 nd Street, Ste 200 Miami, FL 33175	26.01	107	\$1,238.71

Re: Ernest J. & Gloria V. Clark, 12 Secretariat Court

and,

WHEREAS, said error has resulted in an overpayment of 2018 1st 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.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,238.71.

R-18-101 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 1st quarter Added Assessment taxes on the following property has been paid in error creating an overpayment by the Mortgage Company paying twice.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Corelogic 3001 Hackberry Road Irving, TX 75063	32.09	59	\$652.15

Re: Patrick Lamano, 114 Riveredge Road
and,

WHEREAS, said error has resulted in an overpayment of 2018 1st quarter Added Assessment taxes in the amount of \$652.15, 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 \$652.15 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 \$652.15.

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R-18-102 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 1st quarter taxes on the following property has been paid in error creating an overpayment by the homeowner and by the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Amboy Bank Attn: Felicia Green 3590 US Hwy 9 Old Bridge, NJ 08857	61.01	29	\$1,861.07

Re: Frederick F. Reed, Jr., 490 Riverdale Avenue West

and,

WHEREAS, said error has resulted in an overpayment of 2018 1st quarter taxes in the amount of \$1,861.07, 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 \$1,861.07 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 \$1,861.07.

R-18-103 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 1st quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and by the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Corelogic Refund Department P.O. Box 9202 Coppel, TX 75019	124.52	22	\$2,077.69

Re: Mario Fiorentini
135 Augusta Street

and,

WHEREAS, said error has resulted in an overpayment of 2018 1st quarter taxes in the amount of \$2,077.69, 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 \$2,077.69 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 \$2,077.69.

R-18-104 RESOLUTION – APPROVAL OF BILLS – MARCH 6, 2018

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 6, 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.

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SUMMARY

GENERAL	\$ 3,029,781.31
SEWER UTILITY	9,532.25
CAPITAL	957.02
GRANT FUND	20,375.82
TRUST FUNDS	22,889.59
DOG TRUST	343.20
ESCROW	6,501.91
ADDITIONS	21,160.96
	<hr/>
	3,105,040.15

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:06 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: May 1, 2018