

**REGULAR MEETING
DECEMBER 17, 2019
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. Siebert, Mr. Baldwin

ABSENT: Mr. Pak

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

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Siebert offered a motion to approve the Regular/Workshop Meeting minutes for November 12, 2019, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

Mr. Siebert offered a motion to approve the Executive Session Minutes for December 3, 2019, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

Mr. Siebert offered a motion to approve the Regular/Workshop Meeting minutes for December 3, 2019, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council's Report

Council President Baldwin began by acknowledging the three Councilmembers whose terms are ending this year. He stated that Councilman Pak is not present this evening, however his term on Council is coming to an end along with Councilwoman Fama and his own term. Council President Baldwin reflected on his twelve and a half years as a Councilmember and stated that it has been an absolute pleasure to represent the residents of the Borough of Tinton Falls. During his tenure, he served under four Mayors and worked with quite a few Councilmembers, all who shared the same ambition of making Tinton Falls a great place to live. Mr. Baldwin stated that he has always strived to represent the residents of the Borough of Tinton Falls to the best of his ability and that he is happy to be leaving Tinton Falls in good-shape for the next generation. Council President Baldwin recognized his colleagues on the dais for their dedication to the Borough of Tinton Falls. He thanked them for their continued support throughout his tenure and

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

stated that he will miss them all dearly. He wished the incoming Councilmembers luck in their new positions and encouraged them to always work together.

Councilwoman Fama thanked Council President Baldwin for his countless years of leadership and dedication to the Borough of Tinton Falls. She reflected on her 10 ½ years on Council and thanked her amazing family for their constant support and love. She served under three administrations, Mike Skudera, Gerry Turning, and beloved Mayor Vito Perillo. She highlighted some of Council's accomplishments during her tenure which included implementing the Noise Ordinance, the Road Program, the Trap, Neuter, Release Program (TNR), and saving the Tinton Falls Library. Ms. Fama stated that Tinton Falls was the first town to have businesses open on its Fort Monmouth property, at the foresight of the Council and Administration. They also brought one of the largest solar farms in the State into Tinton Falls. Other major accomplishments include implementing a preliminary budget process and preserving the largest open space parcels within the municipality. Ms. Fama stated that this Council preserved the character of the Borough by sending the Hance/Sycamore plan back to the County and implementing change without property encroachment. Over the past ten years Borough residents have seen moderate increases to their taxes, because Council and Administration were able to work together cooperatively. Councilwoman Fama welcomed the new Councilmembers and wished them all the best of luck in their new roles. She stated that she is proud to have been a part in making Tinton Falls one of the safest towns in the State to live, and she thanked the Police Department, DPW, and Borough employees for their service. It has been her honor and pleasure to serve on this Council for 10 ½ years.

Councilman Siebert reported that he attended the Shop with a Cop event this evening at the Jersey Shore Outlets. It was wonderful to see the smiles on the kids' faces who were able to get toys and clothing for Christmas. He thanked the Tinton Falls Police Department and all of the sponsors and donors for making this event a success. He was happy to hear that the Borough recycling calendar was out and on time. He recognized his fellow Councilmembers who are leaving after many years of dedicated service. They all created a legacy that is seen in so many things in this Borough and will live on for future generations to come.

Councilman Manginelli had no report this evening, however he stated that he is honored to have been asked to present gifts in recognition of the departing Councilmembers.

Presentation of Gifts to Outgoing Councilmembers

Councilman Manginelli began by recognizing the three Councilmembers whose term will conclude at the end of this year. He commended Councilman Pak, who has always listened to the concerns of the Borough residents and worked diligently to make Tinton Falls a great municipality to live. He praised Councilwoman Fama for her strong attention to detail, which has always helped Council make the right decision on important issues. Finally, he honored Council President Baldwin whose steady hand, fairness and perfect diction have guided this Council through many ups and downs. On behalf of Council and Administration he would like to offer these awards to Councilman Pak, Councilwoman Fama, and Council President Baldwin.

Mayor Perillo thanked the three Councilmembers for their years of service and stated that he has enjoyed working with each of them and wishes them all the best of luck in their future endeavors.

Council President Baldwin thanked all the families who have supported their loved ones that have served on Council for all of these years. He also thanked the Clerk's office for their continuous support and hard work.

Borough Clerk's Report – Melissa Hesler

Ms. Hesler thanked Mr. Baldwin, Mr. Pak, and Ms. Fama for their support and for choosing her to serve as the Borough Clerk. They have served this Borough honorably, and their legacies will continue to live on for generations to come. It has been an absolute pleasure to work with each of them and she will miss them all dearly.

Mayor's Report – Vito Perillo

Mayor Perillo had no report.

Engineer's Report – Thomas Neff

Mr. Neff thanked Mr. Baldwin, Ms. Fama, and Mr. Pak for their constant support and help in getting important projects accomplished. It has been a pleasure to work alongside them, and he wished them all the best in their future endeavors. He briefly discussed Resolution R-19-209 which is a change order for the 2019 Road Improvement Program and R-19-210 which is an award of contract for the Rutgers Drive and Nutmeg Court pump station improvements.

Director of Finance – Thomas Fallon

Mr. Fallon thanked Councilwoman Fama, Councilman Pak, and Council President Baldwin for their years of service, stating it was a pleasure to work with each of them. He wished them all the best and hopes they stay in touch.

Borough Administrator- Michael Skudera

Mr. Skudera congratulated Councilman Pak, Councilwoman Fama, and Council President Baldwin for all they have accomplished while serving on Council, it was a pleasure to work alongside them. He reported that the Borough calendar is out and is in the process of being mailed. This year's calendar is a hometown heroes edition which features photographs of the Borough's first responders. Mr. Skudera briefly discussed Resolutions R-19-214 and R-19-215.

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

Director of Law – Kevin Starkey

Mr. Starkey thanked Councilman Pak, Councilwoman Fama, and Council President Baldwin for the opportunity to serve as the Borough Attorney and work alongside them. He commended the Tinton Falls Borough Council for their professionalism and their determination to work together as a team. He reported that there are three Ordinances on tonight for second reading and are scheduled for public hearing this evening.

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance 2019-1455 entitled: **ORDINANCE AMENDING CHAPTER VII OF THE BOROUGH CODE, ENTITLED “TRAFFIC”, TO PROHIBIT PARKING ON ESSEX ROAD**

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2019-1455, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2019-1455

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1455, seconded by Mr. Manginelli.

ROLL CALL

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

Ms. Hesler read Ordinance 2019-1456 entitled: **ORDINANCE AMENDING CHAPTER 14 OF THE BOROUGH CODE ENTITLED “FIRE PREVENTION”**

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2019-1456, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2019-1456, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING CLOSED

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1456, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

Ms. Hesler read Ordinance 2019-1457 entitled: **ORDINANCE AMENDING CHAPTER 11 OF THE BOROUGH CODE, ENTITLED “BUILDING AND HOUSING”**

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2019-1457, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments from the public Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2019-1457, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1457, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Denise Catalano, 11 Alpine Trail- Ms. Catalano thanked Councilwoman Fama, Councilman Pak, and Council President Baldwin for their years of dedicated service to the Borough of Tinton Falls.

Joe Fama, 36 Gallant Fox Drive- Mr. Fama reflected on Mr. Starkey’s comments earlier this evening about this Council working together in harmony. He stated it has been refreshing to see this Council work together to make things happen for the Borough without revealing their political affiliations. He hopes that future Councilmembers will remain non-partisan and always do what is best for the residents of Tinton Falls. He commended Council President Baldwin for his leadership and absolute dedication to the Borough. He recognized the countless hours that all Councilmembers dedicate to the position, especially his wife, Councilwoman Fama. Mr. Fama addressed the new Councilmembers and wished them luck in their new roles, he encouraged them to turn to Councilman Siebert and Manginelli for guidance.

Jerry Spumberg, 11 Alpine Trail- Mr. Spumberg inquired about recent issues at the Neptune pumping station and asked for an update on what is to be done. Mr. Neff explained that this issue is being addressed by the County as part of the ongoing landfill improvements. He stated that the leachate coming through the system has been the main cause of this issue and is now currently being pumped out. Mr. Spumberg addressed the outgoing Councilmembers and thanked them for all of their hardworking and making Tinton Falls a great place to live.

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

Kerry Morgenthaler, 25 Thistledown Street- Ms. Morgenthaler briefly explained how she got involved with the Borough, stating that she reached out to Councilman Pak with concern over potential puppy mills and puppy stores. She praised Councilman Pak for his dedicated efforts in passing an Ordinance banning puppy mills in Tinton Falls. She discussed the Trap, Neuter, Release program (TNR) stating she is thrilled to witness its success and serve as the program liaison. Council President Baldwin praised Ms. Morgenthaler and her determination to solve the cat colony issue in Tinton Falls. Nearly 100 cats have been either spayed and released or adopted, Mr. Baldwin congratulated Ms. Morgenthaler on a tremendous job.

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: Mr. Pak

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

R-19-207 RESOLUTION DESIGNATING THE PUBLIC AGENCY COMPLIANCE OFFICER FOR 2020

WHEREAS, in accordance with N.J.A.C. 17:27-3.2, each public agency shall designate an individual by January 10th of each year to serve as its Public Agency Compliance Officer; and

WHEREAS, Shanon Rathyen, QPA, is the appropriate employee of the Borough to serve as the Public Agency Compliance Officer;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Shanon Rathyen, QPA be, and is hereby designated to serve as the Public Agency Compliance Officer on behalf of the Borough of Tinton Falls.

R-19-208 RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND WAIVER OF MAINTENANCE GUARANTEE FOR NJRC AQUATIC FITNESS CENTER, BLOCK 144, LOT 2.03

WHEREAS, a performance guarantee was posted for the completion of public improvements for the project known as NJRC Aquatic Fitness Center, Building No. 3, 3092 Shafto Road, Block 144, Lot 2.03; and

WHEREAS, the Borough Council approved, through the adoption of Resolution 19-165 on October 1, 2019, the release of the performance guarantee, at the recommendation of the municipal engineer, conditioned on the posting of a two-year maintenance guarantee in the amount of \$2,969.25; and

WHEREAS, the Borough has since determined that the developer of the project filed for bankruptcy and is therefore unable to post the maintenance guarantee; and

WHEREAS, the municipal engineer has noted that all work was substantially complete at the site in December of 2017, and that the site improvements involved with this project were minor, and that nearly two years has passed since the project was completed, and so has recommended that the maintenance guarantee for the project be waived; and

WHEREAS, the Bankruptcy Court presiding over the bankruptcy case of the developer, captioned as In Re NJRC Center, LLC, Case No. 15-19221-MBK (USBC, DNJ), entered an Order on July 30, 2019, directing that the performance guarantee funds held by the Borough be released directly to the Trustee in the Bankruptcy Case, Trustee Bunce D. Atkinson, of the firm Atkinson & DeBartolo; and

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

WHEREAS, the Director of Law has recommended the release of the performance guarantee funds in accordance with the Order of the Bankruptcy Court;

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 two-year maintenance guarantee for the project known as NJRC Aquatic Fitness Center, Building No. 3, 3092 Shafto Road, Block 144, Lot 2.03, is hereby waived; and that the performance guarantee funds shall be released directly to Trustee Bunce D. Atkinson, of the firm Atkinson & DeBartolo.

R-19-209 RESOLUTION AUTHORIZING CHANGE ORDER #3 INCREASING CONTRACT #18-4 IN THE AMOUNT OF \$115,931.39 2018 ROAD IMPROVEMENT PROGRAM

WHEREAS, Contract #18-4 for the 2018 Road Improvement Program was awarded to Earle Asphalt Co., P.O. Box 556, Farmingdale, NJ 07727, by Resolution R-18-252 in the amount of \$2,126,913.13 at a Council Meeting held on September 18, 2018; and

WHEREAS, Change Order #1 dated April 22, 2019 required a quantity change resulting in a zero (0) net change to the total contract amount; this was approved by Resolution #R-19-078 on May 7, 2019;

WHEREAS, Change Order #2 dated June 27, 2019, was a decrease in the amount of \$50,103.78 for reasons described therein, for a total contract in the amount of \$2,076,809.35; this was approved by Resolution #R-19-111 on July 16, 2019;

WHEREAS, Change Order #3 dated December 9, 2019 from T & M Associates (annexed hereto and part hereof) request an increase in the amount of \$115,931.39 for reasons described therein, for a total contract in the amount of \$2,192,740.74;

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Tinton Falls authorizes Change Order #3 increasing Contract #18-4 in the amount of \$115,931.39 for a total contract in the amount of \$2,192,740.74 is hereby authorized for the above contract awarded to Earle Asphalt Co.;

R-19-210 RESOLUTION OF AWARD CONTRACT #19-1 RUTGERS DRIVE AND NUTMEG COURT PUMP STATION IMPROVEMENTS

WHEREAS, five (5) bids were received on Thursday, December 5, 2019 for Contract #19-1 for the Rutgers Drive and Nutmeg Court Pump Station Improvements project; and

WHEREAS, T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 submitted the lowest responsible bid in the amount of \$415,000.00 for the above contract; and

WHEREAS, the Director of Law has found the bid to be in order and the Borough Engineer, Thomas P. Neff, P.E., P.P., C.M.E., T&M Associates recommends award in his bid report attached dated December 6, 2019; and

NOW, THEREFORE BE IT RESOLVED that T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 be awarded a contract in the amount of \$415,000.00 for the Rutgers Drive and Nutmeg Court Pump Station Improvements project;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

R-19-211 RESOLUTION APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVES TO THE COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE

WHEREAS, the Borough of Tinton Falls is a participant in the Monmouth County Community Development Program; and

WHEREAS, annual appointments must be made designating representatives of the Borough to attend and participate in meetings and vote on the matters before the County Community Development program; and

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 Michael Skudera is hereby appointed to serve as the Borough's Representative to the Monmouth County Community Development Program, and Thomas Neff shall serve as the Borough's Alternate Representative for a term of January 1, 2020 and expiring December 31, 2020.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the offices of the Monmouth County Office of Community Development, Hall of Records Annex, One East Main Street, Freehold, NJ 07728.

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

R-19-212 RESOLUTION AMENDING #R-19-29 NON-FAIR AND OPEN CONTRACT FOR PS #2-19 PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATION SERVICES

WHEREAS, the Borough of Tinton Falls adopted Resolution R-19-29 on February 5, 2019 wherein CME Associates, 1460 Route 9 South, Howell, NJ 07731 was awarded the above contract for an amount not to exceed \$25,000; and

WHEREAS, this contract is to be increased for an additional amount not to exceed \$9,000 for a total contract for CME Associates, Professional Affordable Housing Administration Services in the amount of \$34,000; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that CME Associates, 1460 Route 9 South, Howell, NJ 07731, is hereby authorized to provide professional Affordable Housing Administration Services for an amount not to exceed \$34,000; and

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

R-19-213

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the transfers between the 2019 budget appropriations be made as follows:

<u>Current Budget Appropriation</u>	<u>From</u>	<u>To</u>
Group Health Insurance	\$ 37,200.00	
Recreation - O/E	10,000.00	
Human Resources - S&W		\$ 700.00
Emergency Management - S&W		2,500.00
Emergency Management - O/E		12,000.00
Recreation - S&W		10,000.00
Water		2,000.00
Gasoline and Diesel Fuel		10,000.00
Landfill and Solid Waste Disposal Costs		10,000.00
	\$ 47,200.00	\$ 47,200.00

R-19-214 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Borough of Tinton Falls (“Borough”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 (the “Litigation”) following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on (the “Settlement Agreement”) establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing and entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households and it thereafter further issued a Final Judgment of Repose and Compliance on ; and

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to endorse the Housing Element and Fair Share Plan approved by the Planning Board of the Borough of Tinton Falls on March 13, 2019;

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

WHEREAS, the Borough Council believes it is in the best interest of the Borough to comply with the Court’s Order so as to maintain its final judgment of repose and compliance and immunity from builder’s remedy litigation through July 1, 2025 by complying with the Court Order;

WHEREAS, the Planning Board of the Borough of Tinton Falls, State of New Jersey, adopted the Housing Plan Element of the Master Plan on March 13, 2019; and

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, Monmouth County, State of New Jersey, hereby endorses the Housing Plan Element and Fair Share Plan as adopted by the Borough of Tinton Falls Planning Board; and

R-19-215 RESOLUTION OF INTENT TO FUND AFFORDABLE HOUSING PROGRAMS

WHEREAS, the Borough of Tinton Falls (“Borough”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 (the “Litigation”) following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on (the “Settlement Agreement”) establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing and entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households and it thereafter further issued a Final Judgment of Repose and Compliance on ; and

WHEREAS, the Borough had established an Affordable Housing Trust Fund to which it development fees are paid pursuant to the Borough’s approved development fee ordinance and the Borough intends to fund affordable housing programs by relying upon the Affordable Housing Trust Fund which are monies paid by developer contributions in accordance with state law to the Borough; and

WHEREAS, in the highly unlikely event that there are insufficient funds in the Affordable Housing Trust Fund to complete the affordable housing programs included in the Borough’s Housing Element and Fair Share Plan, the Court Order approving the Settlement Agreement requires the Borough to provide a potential backstop funding mechanism to address any funding shortfall.

WHEREAS, the Borough Council believes it is in the best interest of the Borough to comply with the Court’s Order so as to obtain and maintain its final judgment of repose and compliance and immunity from builder’s remedy litigation through July 1, 2025.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise in the highly unlikely event there are insufficient funds in the Borough’s Affordable Housing Trust Fund for such obligations.

R-19-216 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2019 Taxes have been made as a result of duplicate payments for the year 2019 to properties known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
-------------	--------------	------------	---------------

(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2019 taxes by property owners, title companies and mortgage companies in the total amount of \$6,338.24 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$6,338.24 are approved for the attached properties.

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

R-19-216 BOROUGH OF TINTON FALLS - 2019 TAX OVERPAYMENTS DUE TO DUPLICATE PAYMENTS						
				TOTAL TAXES	FIRST PAYMENT MADE BY	SECOND PAYMENT MADE BY
BLOCK	LOT	REFUND TO:	IN REFERENCE TO:	OVERPAID		
117	48	MELINE ASADOURIAN & IAN MCFARLAND	ASADOURIAN, MELINE & MCFARLAND, IAN	2,655.03	MORTGAGE COMPANY	ATTORNEY
		24 OKROS ROAD	24 OKROS ROAD			
		TINTON FALLS, NJ 07712				
124.56	16	FOUNDATION TITLE, LLC	FRANCALANCIA TO DOUGHERTY & DESPOTOVICH	2,041.11	TITLE COMPANY	MORTGAGE COMPANY
		234 INDUSTRIAL WAY W.	55 AUGUSTA STREET			
		BUILDING A, 2ND FLOOR				
		EATONTOWN, NJ 07724				
129.05	10	ALL AHEAD TITLE AGENCY, LLC	GAINES, TENISHIA	1,146.60	TITLE COMPANY	MORTGAGE COMPANY
		407 PINE STREET	20 TERRIER COURT			
		RED BANK, NJ 07701				
144	3.02	STAVOLA TINTON FALLS I, LLC	STAVOLA TO MASSARO REALTY, LLC	495.50	OWNER	TITLE COMPANY
		175 DRIFT ROAD	3176 SHAFTO ROAD			
		TINTON FALLS, NJ 07724				
				6,338.24		

R-19-217 RESOLUTION- REFUNDING TAX OVERPAYMENT FOR A TOTALLY DISABLED VETERAN

WHEREAS, an overpayment of the 2019 taxes has been made as a result of a 2016 Homestead Rebate credit being applied to the 2019 4th quarter taxes on a property that has been exempt due to a 100% Totally Disabled Veteran since March 7, 2019.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Terrence E. Donaghue 35 Hope Road Tinton Falls, NJ 07724	27	9	\$244.76

and,

WHEREAS, said credit has resulted in an overpayment of the 2019 taxes in the amount of \$244.76 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 \$244.76 is hereby approved for the aforementioned property for the year of 2019.

**REGULAR MEETING
DECEMBER 17, 2019
BOROUGH COUNCIL**

R-19-218 RESOLUTION – APPROVAL OF BILLS – December 17, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 17, 2019; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL	92,744.46
SEWER UTILITY	232,480.87
CAPITAL FUND	174,882.32
TRUST FUNDS	9,650.79
DOG TRUST FUND	2,821.50
ESCROW	316.91
ADDITIONS	<u>1,668,914.79</u>
TOTAL	2,181,811.64

Mr. Siebert noted that although he voted affirmatively on the consent agenda which included approval of the bill list, he asked that his vote be cast as an abstention for the bill list as he had a conflict with one particular bill item. He asked that this be reflected in the minutes.

ADJOURNMENT

Ms. Fama offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

TIME: 8:11 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: