

**REGULAR/WORKSHOP MEETING
APRIL 2, 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: Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin
ABSENT: Ms. Fama
ALSO PRESENT: Melissa A. Hesler, Borough Clerk
 Brian Nelson, Director of Law
 Vito Perillo, Mayor
 Michael Skudera, Borough Administrator
 Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Pak offered a motion to approve the Regular Meeting minutes for February 19, 2019, seconded by Mr. Siebert.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Vito Perillo
Mayor Perillo had no report.

Engineer's Report- Thomas Neff

Mr. Neff stated that he has been working with DPW, Recreation, and the Tinton Falls Little League for improvements to Hockhockson park, which is part of the Borough's five-year Recreation Master Plan. He discussed the various improvements that will take place over the next few weeks. He gave a brief report on the Road Improvement Program and explained that Earle has been working on Water Street and will also start working on Wayside Road and Tinton Avenue. Mr. Neff addressed the Bump Outs at Heritage Boulevard and explained the history of trying to calm traffic and stop speeding. The Borough looked at several different options to control this issue and stated that this is an approved method from the Federal Highway Administration. Mr. Baldwin commented on the NJDOT Grant the Borough received and recognized the efforts of Mr. Neff and the grant writers at T&M on a job well-done.

Director of Finance- Thomas Fallon

Mr. Fallon had no report.

Borough Administrator- Michael Skudera

Mr. Skudera announced that Tinton Falls Little League will hold their opening day Saturday, April 13, 2019 at 9:00AM.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk's Report- Melissa Hesler

Ms. Hesler had no report.

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Council's Report

Councilman Pak reported that he recently spoke with the Senator's office and stated the landfill is currently taking bids for reusable energy.

Councilman Siebert commended the Tinton Falls Police Department for their efforts in promoting April as Autism Awareness Month. He thanked Captain Turning for being an advocate and promoting special training and awareness.

Councilman Manginelli had no report.

Council President Baldwin had no report.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance 2019-1443 entitled: **AN ORDINANCE OF THE BOROUGH OF TINTON FALLS TO IMPLEMENT THE BOROUGH'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF TINTON FALLS AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015), THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.**

Ms. Hesler announced that this Ordinance will be carried to the April 16, 2019 meeting for public hearing.

Mr. Pak offered a motion to carry Ordinance 2019-1443 to the April 16, 2019 meeting, seconded by Mr. Siebert.

ROLL CALL

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

Director of Law Kevin Starkey announced the public hearing for this Ordinance will take place on April 16, 2019 at the Council Meeting held in this court room and no new notice will be published.

Ms. Hesler read Ordinance No. 2019-1444 entitled: **AN ORDINANCE AMENDING CHAPTER XXIII (DEVELOPMENT FEES) AND DELETING CHAPTER 39 OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS AMENDING THE MANDATORY DEVELOPMENT FEES AND OTHERWISE UPDATING THE BOROUGH CODE TO ENSURE CONSISTENCY WITH THE BOROUGH'S SETTLEMENT IN ITS MT. LAUREL LITIGATION, THE FAIR HOUSING ACT AND COAH'S REGULATIONS**

Ms. Hesler announced that Ordinance 2019-1444 will be carried to the April 16, 2019 meeting for public hearing.

Mr. Pak offered a motion to carry Ordinance 2019-1444 to the April 16, 2019 meeting, seconded by Mr. Manginelli.

ROLL CALL

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

Director of Law Kevin Starkey announced the public hearing for this Ordinance will take place on April 16, 2019 at the Council Meeting held in this court room and no new notice will be published.

Ms. Hesler read Ordinance No. 2019-1445 entitled: **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2019-1445, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Ms. Fama
ABSTAIN: None

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PUBLIC HEARING OPEN

There being no comments from the public, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2019-1445, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Ms. Fama
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1445, seconded by Mr. Pak.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Ms. Fama
ABSTAIN: None

Mr. Fallon left the meeting at 7:45 PM.

PUBLIC DISCUSSION OPEN

Denise Catalano, 11 Alpine Trail- Ms. Catalano introduced herself as the Chair Person of the Tinton Falls Community Gardens. She announced that the Borough's two locations are officially open and there are 8 plots available to use. Information regarding the Tinton Falls Community Gardens can be found on the Borough's website under "community." Council President Baldwin thanked Ms. Catalano for all her hard work.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning referenced Borough Administrator Skudera's 2019 Budget Presentation and asked him to clarify the difference between Municipal Gross Debt and Gross Net Debt and Mr. Skudera explained that the Gross Debt is simply more accurate. In regard to the Municipal Tax Rate, Mr. Turning inquired about the reduction in group insurance and if it is part of the net decrease. He also questioned the cost increase of the recently settled PBA Contract and asked if it was a driver in the budget. Mr. Skudera confirmed that it was. Mr. Turning discussed the importance of analyzing the budgets of previous years in order to prepare for future budgets and encouraged Council to do so.

David Elko, 692 Tinton Avenue- Mr. Elko inquired about the status of the Host Community Agreement and the contract with the Monmouth County Regional Health Commission. Mr. Skudera explained that the Host Agreement is currently in negotiation and he cannot discuss any details, however they have been meeting regularly to finish it up as soon as possible. Regarding the Monmouth County Regional Health Commission contract, the end date still remains April 29, 2019 and the Borough is looking to see what the County plans on doing. Mr. Skudera stated that he has attended several meetings with the County and the Regional Health Commission to voice the concerns of the Borough. Mr. Elko requested information about the Tinton Avenue sidewalk repairs and whether there are plans to repair sidewalks near his residence at 692 Tinton Ave. Mr. Neff briefly explained that the current plan is to fill in any missing gaps, not to replace any existing sidewalks. Mr. Elko stated that his sidewalks are in decent shape however, his neighbors at 682 Tinton Avenue is in disrepair. Mr. Neff will look into this and see what he can do.

Nancy Britton, 158 Cloverdale Circle- Ms. Britton had questions regarding the 2019 budget, however she will hold her questions to the public hearing on the budget next meeting. However, she briefly discussed the municipal tax rate decrease and stated that it is critical to analyze how this decrease will affect different appropriations and the CAP bank next fiscal year.

Leo Lomangino, 93 Colonial Drive- Mr. Lomangino discussed the Host Community Agreement and negotiations with the County Freeholders and inquired about the terms of the new agreement. Mr. Starkey explained that the previous contract was for 8 years and he anticipates the new contract to be around the same time frame. Mr. Lomangino inquired about the tax revenue from the solar farm and asked how the property is assessed and Mr. Skudera explained the formulas.

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Carl Bowles, 46 Diane Drive- Mr. Bowles discussed the bump outs at Heritage Boulevard and inquired about whether there will be any additional signage to warn drivers and Mr. Neff confirmed that they will be erecting warning signs and posting reflecting strips. Mr. Bowles referenced some negative comments about the project that he saw on Facebook and stated that residents should have been better informed. Mr. Neff explained this project was in compliance with standards set forth by the state and they did their best to notify residents of the changing traffic patterns with electric signs and posting on Facebook and the Borough website.

Barbara Turning, 32 Periwinkle Circle- Ms. Turning briefly discussed the bump outs on Heritage Boulevard and voiced her concerns about children riding their bicycles. She suggested making the gap wider to allow them to stay out of the road and clear of traffic; Mr. Neff stated that he will look into it. Ms. Turning discussed the Borough's recycling calendar that she and her neighbors never received. She inquired about the resident list that was used to mail this year's calendar; Mr. Skudera explained that they used an updated version of last year's list. Ms. Turning stated that she would like a copy of the calendar mailed to her home.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning explained that his mailing address is connected to the Asbury Park Post Office which did not receive any Borough calendars to distribute. Mr. Turning inquired about the cost of premiums under chapter 78 and stated he would like to speak to Mr. Fallon about this.

Alan Antell, 292 Green Grove Road, Ocean Twp.- Mr. Antell lives on the Ocean Township side of Green Grove Road and discussed an issue with large trucks driving over a raised manhole on the Tinton Falls side of the road which results in a large crashing sound. Mr. Neff stated that this is the first he has heard of this issue and he will certainly look into the sewer/manhole that is the cause of this disturbance.

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Ms. Fama
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

CONSENT AGENDA

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

ROLL CALL

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

R-19-064 RESOLUTION COMPENSATED ABSENCE-RETIREE

WHEREAS, Katherina Bowles has been employed by the Borough of Tinton Falls as a Assistant Bookkeeper since April 25, 1994, and;

WHEREAS, on May 1, 2019, Katherina Bowles will retire with 25 years of service to the Borough, and;

WHEREAS, Katherina Bowles will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$8,500.00. The breakdown of this payment is \$7,850.00 for accrued vacation time, \$650.00 for accrued compensatory time, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

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NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Katherina Bowles receives the aforementioned compensated absence benefits.

R-19-065 RESOLUTION AUTHORIZING SEWER SERVICE AGREEMENT FOR 501 GREEN GROVE ROAD

WHEREAS, pursuant to Resolution No. R-10-118, and R-17-229 of the Borough of Tinton Falls (“Borough”) entered into a multi-party sewer service agreement for a total of eight residences along Green Grove Road to be provided sewer service through the Township of Ocean Sewerage Authority (“TOSA”) despite being located within the Township of Neptune Sewerage Authority’s (“TNSA”)’s sewer service area due to a lack of viable alternatives for the treatment of such wastewaters; and

WHEREAS, the Borough has requested to enter another Service Agreement to include 501 Green Grove Road due the continued lack of viable alternative means of transporting wastewater for treatment in the area; and

WHEREAS, the TNSA does not object and TOSA is willing to provide sewer transmission and treatment services to 501 Green Grove Road.

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 authorizes and directs the Mayor to execute the Service Agreement attached hereto and made part hereof to include 501 Green Grove Road under the multi-party agreement entered into between the Borough, TOSA, TNSA and the Township of Ocean pursuant to the terms and conditions contained therein.

R-19-066 RESOLUTION AUTHORIZING MEMBERSHIP IN THE PASSAIC VALLEY SEWERAGE COMMISSION NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

WHEREAS, the Borough of Tinton Falls desires to become a member of the North Jersey Wastewater Cooperative Pricing System, such membership shall be for the period of five (5) Years and each renewal, thereafter of the system, unless the Borough of Tinton Falls elects to formally withdraw from the system;

Now, therefore, be it resolved, that Vito Perillo, Mayor and Melissa A. Hesler, Borough Clerk are hereby authorized to execute the attached agreement for such membership.

R-19-067 RESOLUTION – REFUNDING ESCROW – 101 Tornillo Way

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:

Junior Athletes Inc. – JUN 5629 CU \$4,501.52

R-19-068 RESOLUTION – APPROVAL OF BILLS – April 2, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 2, 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	3,100,266.96
SEWER UTILITY	746,492.48
TRUST FUNDS	13,402.25
GENERAL CAPITAL	107,580.50
DOG TRUST	105.00
ESCROW	499.23
ADDITIONS	<u>1,241.00</u>
TOTAL	3,969,587.42

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ADJOURNMENT TO WORKSHOP

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

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

TIME: 8:20 PM.

NEW BUSINESS:

Discussion- Ban of Single Use Plastic Bags

Council President Baldwin called the workshop meeting to order and asked Mr. Siebert to lead tonight's discussion as the liaison to the Environmental Commission. Mr. Siebert explained that this topic has been discussed at several Environmental meetings and thought it was appropriate to discuss being that the Borough is the host of the Monmouth County Reclamation Center. The purpose of tonight's workshop is to discuss possible campaigns to reduce waste and plastics that are not environmentally friendly. Mr. Siebert mentioned other towns that have passed Ordinances to reduce the use of plastic bags and eliminate harmful waste. Councilman Pak asked for some clarification as to what items would be included in this ban. Mr. Siebert referenced the Borough of Monmouth Beach who recently banned the use of single use plastic bags, forks, knives, straws as well as styrofoam and plastic take-out containers. Councilman Manginelli asked Mr. Siebert to define the term "single use" and Mr. Siebert elucidated that "single use" refers to the plastic bags consumers would use to carry items home from a retail store. Council President Baldwin stated that perhaps the Borough can control the use of retail and grocery store bags, however there must be a distinction between the retail stores and household items. He stated that he believes the community can do a better job at using the reusable shopping bags to eliminate plastic waste, however he is not in favor of forcing retailers to use paper bags as he understands that would be costly. Council President Baldwin voiced his concerns about banning plastic bags all together before a decision is made at the State level, might be a little aggressive. Mr. Pak suggested bringing the community together to bring awareness and education about the dangers of plastic bags, perhaps dedicate a day where the Borough does not use any plastic. Mr. Siebert mentioned that the Environmental Commission has reached out to local restaurants to educate them on the use of plastic straws and some have made the conscious effort to change to paper straws. Mayor Perillo explained that when he grocery shops, he makes a conscious effort to use paper bags over plastic. He discussed the need for public education on this issue and bringing the community together for the greater good of the environment. Borough Administrator Skudera referenced the Borough recycling calendar that contains information about proper recycling, he also stated that there is some information on the Borough website. He also announced that Mark Shaffery and the DPW staff are putting together an Earth Day celebration event on Saturday, May 4, 2019 at Sycamore Recreation Complex, this will be a great opportunity for the community to come together. Director of Law, Kevin Starkey stated that while the Borough can take some type of legal action, he agrees that the first step would be to educate local businesses and restaurants on ways to be more environmentally conscious. Mr. Starkey explained that he does have some concerns on passing an Ordinance for it will create confusion among consumers and businesses as well as issues with enforcement. He believes this topic would be best addressed at the State level, he mentioned states like California and Delaware who have adopted different approaches to the issue. He suggested passing a Resolution encouraging the State to act, as well as reaching out to Senator Gopal would be an effective approach. Councilman Pak agreed that pressing the State Legislature to act as well as promoting public education and awareness would be a good start. Council President Baldwin asked if there were any members of the public that would like to speak about this topic.

David Elko, 692 Tinton Avenue- Mr. Elko voiced his support on educating the public and encouraging them to stop trashing our local parks and environment. He stated that the garbage trucks and vehicles driving along Shafto Road to the landfill continuously drop trash that scatters along the roadway.

Carl Bowles, 46 Diane Drive- Mr. Bowles suggested that the manufacturing industry should look into making recyclable, environmentally friendly bags and products.

Leo Lomangino, 93 Colonial Drive- Mr. Lomangino discussed the need for fast food restaurants to have outdoor trash receptacles to prevent littering. Mr. Neff explained that this is not a requirement however it is something to bring up to the planning board to make the change.

Bill Keasler, 71 Edgebrook Court- Mr. Keasler urged the Borough Council not to pursue a ban on plastic bags he stated if the Borough does decide to ban plastic bags the Ordinance must focus on the retail stores and not the local residents.

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Denise Catalano, 11 Alpine Trail- Ms. Catalano discussed the need to public awareness and cooperation, encouraging residents to reuse their shopping bags, and stated that the Borough Council should not be getting involved in this. Borough Administrator Skudera noted that if a resident brings in a certain number of plastic bags to DPW they will provide residents with two reusable bags.

Nancy Britton, 158 Cloverdale Circle- Ms. Britton referenced the ban that Monmouth Beach citing the differences in size compared to Tinton Falls. She stated that this simply would not work in the Borough. She also supports the education of the public as well as passing a Resolution supporting the issue.

Gerry Turning, 32 Periwinkle Circle- Mr. Turing discussed the issues with enforcement the Borough would have if they pass an Ordinance like this, the Borough simply does not have the manpower to control the use of plastic bags.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

TIME: 8:45 PM.

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: