

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

Council President Baldwin called the regular meeting to order at 6:30 p.m.

Deputy 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. Siebert, Mr. Baldwin

ABSENT: Ms. Fama, Mr. Pak

ALSO PRESENT: Doreen D'Annunzio, Deputy Borough Clerk

Brian Nelson, Director of Law

Vito Perillo, Mayor

Michael Skudera, Borough Administrator

Thomas Fallon, Director of Finance

Thomas Neff, Borough Engineer

EXECUTIVE SESSION

Council President Baldwin asked Mr. Nelson to read the following Resolution:

R-18-055 - RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)
None
- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)
Clerk Interviews (ATOD February 2018)
- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)
None
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)
None

Mr. Manginelli offered the following Resolution and moved its adoption, seconded by Mr. Siebert.

ROLL CALL:

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

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

Council President Mr. Baldwin advised that at this time Council would move to Executive Session.
(Mr. Pak arrived at start of executive Session)

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Council President Baldwin advised that Council was back on the record at 7:34 pm and advised that the following was discussed in executive session but no formal action taken: Council met for the sole purpose of conducting interviews for the position of Borough Clerk vacated by Maureen Muttie.

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

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Doreen D'Annunzio, Deputy 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.

Council President Baldwin begins by introducing our new Administrator, Mr. Mike Skudera. Mr. Skudera thanked Mr. Baldwin and the Council for their support.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Vito Perillo

Mayor Perillo states that he is happy to have his Borough Administrator with him tonight.

Engineer's Report – Thomas Neff

Mr. Neff states that under the Consent Agenda, we have a number of performance guarantees reductions, releases, and denials. By way of explanation, Mr. Neff states there are a large number of these at this time of the year, a lot of contractors and developers are wrapping up work in the fall and now they are putting everything on hold for the winter.

In the next few weeks, Mr. Nelson will be working on some ordinance changes relating to the performance guarantee requirements that have come down from the state level. We will be proposing some ordinance changes simply to fall in line with the state requirement.

Mr. Neff gives a quick library update. He states that his team has been out to the library and performed some tests regarding some of the structural integrity issues of the building. We have found that there are a number of cracks in the beams in the crawl space area/basement area. Some floor beams have cracks. There are beams that are extended unsupported. There will need to be some structural repairs on the building. Regarding the mold, we did find some surface mold only in one area at this time. We are not counting the trailer, as we are under the impression that the trailer is going to be removed. We also conducted mold samples in the air and there were two locations that did come back hot for mold. One was in the children's reading room and the other was in the basement. We believe a lot of the mold problem is due to the issues relating to the HVAC system. There are air conditioning window units that are leaking and have not been maintained. The exhaust fans are actually installed backwards. There is a lot of humidity in the air as a result. The biggest expense is going to be upgrading the HVAC system. We are looking into the dollar amount of that endeavor and we will provide the dollar amounts as soon as we have them. Mr. Pak asks for some more clarification. Mr. Neff states that he would propose to remove all of the window units and install what is referred to as "split systems." Some of the a/c units would be mounted on the walls, some of them are ductless, some of them have ducts. The issue is that we cannot install just a traditional air conditioning system because there is no duct work system already in place in the building. It has an old radiator/boiler system. In order to decrease all of the humidity that is in the building, the recommendation is going to be to upgrade the HVAC. Mr. Pak refers to the mold issue and states all of the costs will have to be put together. Mr. Neff confirms that the worst of the mold is in the trailer as far as the clean-up goes. The actual clean-up of the mold itself in the main library building, should not be prohibitively expensive. The actual surface mold is only found in one area. The main cost is really going to be upgrading the HVAC so that it does not happen again. Mr. Pak asks if we can get some type of

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time frame where we put everything together to actually take the next step. Mr. Neff states that right now he has the draft reports of the structural issues, the mold and the HVAC. Mr. Neff states that he will be finalizing the numbers and hopes to have them by the end of the month. There has also been some additional testing that will need to be done for things like radon and lead-based paint. We do have some money left in the budget and I have talked with my team pertaining to performing those tests.

Mr. Baldwin asks if Councilwoman Fama has any questions. Ms. Fama stated it sounds to her that maybe it is a better story than we originally may have thought. It is sounding that this may be a project that could be financially reasonable or is it too premature to know yet. Mr. Neff stated that he cannot give a number right now. Mr. Neff stated that it is not going to be cheap to make these upgrades based upon the age of the building and the limited HVAC that is there now. It is going to be a significant dollar amount to install all of the new units that are necessary.

Mr. Manginelli asks Mr. Neff if we are assuming the structural integrity of the building is good. Mr. Neff states that his team has looked at that. Mr. Neff reiterates that some of the floor beams have cracks in them. There are some that are cantilevered out more than typically permitted, so we would need to add some supports. Some of the foundation wall needs to be reinforced. A very rough number for that is approximately \$10,000.

Mr. Baldwin stated that the trailer will have to be hauled away and disposed of properly due to the extent of the mold. Then it must be decided what will need to be done with the space that is left. Will another trailer be needed to be installed? If so, then all of the adjustments that were made to the previous trailer will need to be performed on this one. Mr. Neff stated that there will be a void in the library building wall where the trailer was attached, and that will need to be addressed as well.

Mr. Baldwin asks if council has any more questions for Mr. Neff regarding the library. None heard.

Mr. Manginelli asks Mr. Neff if there is an update on the Hance Avenue traffic light. Mr. Neff states that he is going to be reaching out to the County again now that we have our new Administrator. A meeting will be set up.

Mr. Siebert stated that there have been numerous comments with regard to the traffic issues in the south end of town specifically Heritage and Cannonball Drives. He is wondering if we could look into infrastructure upgrades that could possibly be made to increase the safety of pedestrians and motorists. Mr. Neff states that there have been a few ideas discussed. For instance, a three-way stop and possible striping. Mr. Neff does not recommend speed bumps.

Finance Director – Thomas Fallon

Mr. Fallon had no report.

Administrator – Michael Skudera

Mr. Skudera states that he has scheduled a meeting with the Department of Public Works and all department heads to discuss efficiency as we wind up the budget for the year. We are looking into how to improve communication as well.

Director of Law – Brian Nelson

Mr. Nelson reports that at the next meeting, we should have an agreement regarding the fair share housing prepared for public presentation.

Deputy Borough Clerk – Doreen D’Annunzio

Ms. D’Annunzio had no report.

Council’s Report

Councilwoman Fama had no report.

Councilman Manginelli had no report.

Councilman Siebert had no report.

Councilman Pak states that he has had an opportunity to speak with the School Superintendent, Mr. Daniels with regard to some paving projects this summer. The access in and out of the middle school is going to be closed during the paving project.

Council President Baldwin reported there was a Planning Board Meeting this month and approved an application in the south end of Essex Road to sub-divide a very large and irregular piece of property. It is a company that does warehousing and approval was granted for a subdivision and to build a 75,600 sq. ft. warehouse. By way of reference, this property is located across the street from the outlet mall.

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Mr. Baldwin also wishes to take a moment to recognize the Pop Warner football cheer organization. This organization has had another great season and they are going to have their annual awards banquet coming up. This organization is an all-volunteer organization. Thank you to all the parents and friends who give the amount of time to the youth in order to make this organization such a great success.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION

Ms. D'Annunzio read Ordinance No. 2018-1424 entitled: **ORDINANCE SETTING SALARIES FOR DEPARTMENT HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL.**

Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2018-1424, seconded by Mr. Siebert.

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. 2018-1424, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Pak offered a motion to adopt Ordinance No. 2018-1424, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

Paul Abrams, 23 Taylors Run - Mr. Abrams stated that he is one of the people that has been appointed to the Mayor's Committee at the January 2, 2018 Borough Council Meeting. Mr. Abrams stated that he feels very strongly that a no social media policy should be instituted for the Mayor's Committee and discusses his reasons for this belief. He stated that if there isn't an official policy regarding social media regarding Borough employees, Board

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members, committee members, then there should be. If there is one, it should be enforced. He states the amount of negativity generated by Facebook is troublesome and upsetting. Mr. Abrams stated that there is also a Facebook page entitled "Tinton Falls Supports Mayor Perillo." There has been a lot of allegations made on this website that are counterproductive to moving forward. Mr. Abrams believes it has gotten out of hand and urges the Mayor to reconsider his advisory committee.

Michael Laffey, 38 Neville Street - Mr. Laffey stated that he is one of the founders of "Tinton Falls Supports Mayor Perillo" website. Mr. Laffey stated that he wants to put his concerns on the record before this Council. He stated that he wanted to speak as to the first matter that is listed on the Consent Agenda which is a resolution *Overriding and Disapproving of the Removal of the Director of Law*. Mr. Laffey details his understanding of the events that have taken place regarding Mayor Perillo wishing to appoint his choice of attorney, Mr. Starkey. Mr. Laffey strongly stated his disappointment of this chain of events. Mr. Laffey stated that he believes there is a lack of support and cooperation regarding the newly-elected mayor and wants it corrected.

Ron Battista, 521 Tinton Avenue - Mr. Battista stated that he is the Vice-Chairman of the Zoning Board. Mr. Battista says that he is tired of all of the negativity and divisiveness that Facebook/social media has been a conduit for recently. Mr. Battista stated that he posted on Facebook about the FMERA property across the street and it has taken off in a negative direction. Mr. Battista says that he is a little worried about the impact that his posts will have at the Planning Board meeting next week. Mr. Battista reiterates that he is tired of all the negativity and just wants to move forward.

Peter Karavites, 74 Sycamore Avenue - Mr. Karavites commented on the possible traffic light on Sycamore/Hance. Mr. Karavites requested that the residents that this light would affect be notified when this matter is going to be discussed. Mr. Neff states that he will look at the tax map for that area and compile a list of addresses so that the homeowners may be contacted with meeting information.

Heather Kimball, 79 Clearview Drive - Ms. Kimball stated that she was at a meeting last night reviewing the new parkway entrance at 109. There is going to be a new north entrance which is going to affect Hance Avenue. Ms. Kimball would like precautions taken, if at all possible, from allowing Newman Springs Road being allowed to add extra lanes. Mr. Baldwin discussed what he remembers from looking at the plans and his recollection is that the turning lanes would be widened. Ms. Kimball is asking Council to be mindful of the traffic impact these proposed changes will have upon roads in Tinton Falls.

Jerry Spumberg, 11 Alpine Trail - Mr. Spumberg stated that he and his wife attended many council meetings. Mr. Spumberg wants to thank the Mayor and Council for working for the town. He stated he has never seen a bunch of people work so hard for a town than the people on that dais.

Leo Lomangino, 93 Cornell Drive - Mr. Lomangino stated that he has attended meetings for years and he is happy that changes are being made. He stated that there are a lot of good people in this town and peoples' hearts are in the right place. There are a lot of big projects coming up in this town and I thank you for doing such a great job.

PUBLIC DISCUSSION CLOSED

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

ROLL CALL

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

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CONSENT AGENDA

Mr. Baldwin asks if there is anything on the Consent Agenda that anyone wishes to move separately.

Mr. Pak wished to comment that Mr. Laffey brought up R-18-056. Mr. Pak stated that at the beginning, things could have been handled a little differently but we are at the stage right now that we need to start healing. He commends Mr. Battista for his statements. With all that is going on, there has been some splintering in the community. We now need to bring the community back together. I have sat down with Mayor Perillo and the attorneys Mr. Starkey and Mr. Nelson. We are trying to come to a solution that our Mayor gets what he would like and to do the right thing. It was a productive meeting. There is progress being made.

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

ROLL CALL (to approve Consent Agenda)

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-056 RESOLUTION OVERRIDING AND DISAPPROVING OF THE REMOVAL OF THE DIRECTOR OF LAW

WHEREAS, by letter dated February 2, 2018, Mayor Vito Perillo notified the Borough Council of his intent to remove the Borough's current Director of Law; and

WHEREAS, pursuant to N.J.S.A. 40:69A-43(c) "[p]rior to removal the mayor shall first file written notice of his intention with the council, and such removal shall become effective on the 20th day after the filing of such notice unless the council shall prior thereto have adopted a resolution by a two-thirds vote of the whole number of the council, disapproving the removal"; and

WHEREAS, section 2-7.2(b) of the General Revised Ordinances of the Borough mirror the applicable provisions of the Faulkner Act (N.J.S.A. 40:69A-43(c)); and

WHEREAS, within 20 days of the above-referenced notice's effective date, the Borough Council disapproves of the Mayor's removal of the current Director of Law and encourages the Mayor to consider his reappointment.

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 pursuant to N.J.S.A. 40:69A-43(c) and section 2-7.2(b) of the General Revised Ordinances of the Borough, the Borough Council hereby overrides and disapproves of the Mayor's removal of Brian M. Nelson, Esq. as Director of Law of the Borough of Tinton Falls who shall holdover in such position pursuant to law.

R-18-057 RESOLUTION - REDUCING PERFORMANCE GUARANTEES CAPELLI SPORT COMPLEX PHASE 2 BLOCK 111, LOTS 10.01, 11 & 12.01 BLOCK 113.01, LOTS 16.01, 17-29, & 31

WHEREAS, the developer for Capelli Sport Complex – Phase 2 has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated January 11, 2018 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Capelli Sport Complex be reduced in accordance with said letter from the Borough Engineer.

R-18-058 RESOLUTION - REDUCING PERFORMANCE GUARANTEES 5 S REALTY LLC - TRACTOR SUPPLY – BLOCK 120, LOT 21.02

WHEREAS, the developer for 5 S Realty LLC – Tractor Supply, Block 120 Lot 21.02 has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated January 18, 2018 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for 5 S Realty LLC – Tractor Supply be reduced in accordance with said letter from the Borough Engineer.

R-18-059 RESOLUTION - REDUCING PERFORMANCE GUARANTEES REGENCY AT TROTTER'S POINTE – BLOCKS 76.01 & 85, LOTS 1.01 & 1, 2, 3.01 & 4 (PHASE 6)

WHEREAS, the developer for Regency at Trotter's Pointe – Block 76.01& 85, Lots 1.01 & 1, 2, 3.01 & 4, has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated January 30, 2018 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Regency at Trotter's Pointe be reduced in accordance with said letter from the Borough Engineer.

R-18-060 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – RADAR PROPERTIES, LLC BLOCK 101.03 LOT 4

WHEREAS, the developer has requested the release of Performance Guarantee posted for Radar Properties, LLC –Block 101.03, Lot 4; and

WHEREAS, by letter dated January 25, 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 Radar Properties, LLC – Block 101.03, Lot 4 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-18-061 RESOLUTION – RELEASING PERFORMANCE GUARANTEE AND WAIVING MAINTENANCE BOND FOR TRINITY HALL - PHASE 1 – BLOCK 101.02 LOT 2

WHEREAS, the developer has requested the release of Performance Guarantees for Trinity Hall Phase 1– Block 101.02 Lot 2; and

WHEREAS, by letter dated January 25, 2018 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all items have been completed and recommends the release of the guarantees for Trinity Hall - Phase 1.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees and the posting of a Maintenance Bond be and hereby is waived.

R-18-062 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR TF ASSOCIATES – 44 APPLE STREET BLOCK 15 – LOT 3.01

WHEREAS, a request has been made for the release of Maintenance Guarantees for TF Associates – 44 Apple Street, Block 15 Lot 3.01; and

WHEREAS, by letter dated January 26, 2018 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition and recommends the release of the guarantees for TF Associates, Block 15 Lot 3.01.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

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R-18-063 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES MARTELLI AT TINTON FALLS BLOCK 14.04 LOT 55.01

WHEREAS, the developer has requested the release of Performance Guarantees for Martelli at Tinton Falls –Block 14.04 Lot 55.01; and

WHEREAS, by letter dated January 26, 2018 (said letter hereby attached and made part of this Resolution) the Engineer, T&M Associates, has outlined the items which need to be addressed prior to the release of performance guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer’s letter of January 26, 2018, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

R-18-064 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES FOXCHASE IV PHASE II – SECTION 4 BLOCK 129.15 LOT 33.01

WHEREAS, the developer has requested the release of Maintenance Guarantees for Foxchase IV Phase II – Section 4 –Block 129.15 Lot 33.01; and

WHEREAS, by letter dated January 26, 2018 (said letter hereby attached and made part of this Resolution) the Engineer, T&M Associates, has outlined the items which need to be addressed prior to the release of maintenance guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer’s letter of January 26, 2018, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

R-18-065 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Police Department is in need of three (3) 2018 Chevrolet Tahoe’s, 4X4 pursuit vehicles; and

WHEREAS, Day Chevrolet, 1600 Golden Mile Highway, Monroeville, PA 15146 has a valid NJ State Contract #A89938 for three (3) 2018 Chevrolet Tahoe’s, 4X4 pursuit vehicles with options for a total purchase price in the amount of \$108,180.03 ; and

WHEREAS, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Chief John Scrivanic recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid 2018 NJ State Contract:

Three (3) 2018 Chevrolet Tahoe’s, 4X4 pursuit vehicles with options: \$108,180.03.

R-18-066 RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY BY TWO (2) PUBLIC ONLINE AUCTIONS

WHEREAS, the Borough of Tinton Falls Police Department and Department of Public Works have enough surplus vehicles and other equipment to hold two (2) public ON-LINE auctions during 2018, dates and times will be advertised in the Asbury Park Press; and

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

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

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

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

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

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

R-18-067 RESOLUTION - COMPENSATED ABSENCE – RETIREE – MAUREEN L. MUTTIE

WHEREAS, Maureen L. Muttie has been employed by the Borough of Tinton Falls since January 5, 2009, and as Borough Clerk since November 1, 2010, and;

WHEREAS, on February 1, 2018, Maureen L. Muttie will resign with 9 years of service to the Borough, and with the Division of Pensions and Benefits, and;

WHEREAS, Maureen L. Muttie 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 \$26,000.00. The breakdown of this payment is \$18,700. 00 for accrued vacation time, \$1,500.00 for accrued sick time, \$5,800.00 for accrued compensatory time, and;

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

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

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

R-18-068 RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF TINTON FALLS

WHEREAS, The Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Tinton Falls is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

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- a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
- b. Such operations will be performed in compliance with applicable Federal and State regulations, and
- c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

R-18-069 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

WHEREAS, the terms of Elizabeth Perez and Thomas Neff as the Borough's Community Development Representative and Alternate Representative, respectively, will expire on December 31, 2017, with new designations being required for 2018.

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 extending from January 1, 2018 through December 31, 2018.

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

R-18-070 RESOLUTION – REFUNDING ESCROW – Herbert Boyd

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 Planning Board Secretary, Deanna Keefer, 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:

Herbert Boyd BOY4879cu \$81.91

R-18-071 RESOLUTION – REFUNDING ESCROW – Trinity Hall

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 Planning Board Secretary, Deanna Keefer, 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:

Trinity Hall TRI4507CO **\$414.31**

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

R-18-072 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of December 2017 fees were paid by a resident of Tinton Falls for their child's participation in our Basketball Program; and

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of December 2017; and

WHEREAS, during the month of January 2018, the Recreation Superintendent was informed by the resident Kelli and James Nulle that their daughter, Payton, due to scheduling conflicts will not be participating in the basketball program this season and a refund in the amount of \$41.00 shall be issued. The \$10.00 processing fee has been applied.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$41.00 be issued Kelli and James Nulle.

**R-18-073 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEES (PARTIAL)
FOR 121 MILL LANE**

WHEREAS, permit fees in the amount of \$163.00 were paid by the homeowner at 121 Mill Lane on January 16, 2018, for the replacement of a gas furnace and central a/c unit, Permit Number 18-027.

WHEREAS, said monies were deposited in January 2018 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, the homeowner has advised that she only had the gas furnace replaced and did not have her a/c unit replaced and has therefore requested a refund for the a/c portion of the permit; and

WHEREAS, a refund in the amount of \$35.00 for the a/c portion of the construction permit (amount includes a/c portion of permit fees after minimum fee met per the UCC Fee Schedule) shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$35.00 be issued to Barbara Maggs, 121 Mill Lane, Tinton Falls, New Jersey 07753.

R-18-074 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEES TO TOLL NJ IV LP

WHEREAS, permit fees in the amount of \$3,841.00 were paid Toll Brothers, Inc. on May 18, 2017, for the construction of a new two-story single family dwelling at 114 Sunset Drive, Permit Number 17-395.

WHEREAS, said monies were deposited in May, 2017 by the Borough of Tinton Falls in accordance with law, and

WHEREAS, the developer has requested a refund as the buyer has backed out of purchasing this home; and

WHEREAS, a refund in the amount of \$2,918.00 (\$3,841.00 minus the non-refundable State surcharge fee of \$206.00 and the 20% non-refundable plan review fee of \$727.00) shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,918.00 be issued to Toll NJ IV LP, 2050 Wayside Road, Tinton Falls, New Jersey 07724.

R-18-075 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 4th quarter taxes on the following property has been paid in error creating an overpayment by the seller's Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Premium Title Services Attn: Molly Milbury 1000 Abernathy Road Bldg. 400 Ste. 200 Atlanta, GA 30328	32.01	99	\$2,215.10

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Re: Michael Napolitano to Riyazali & Anisha Hassam
184 Riveredge Road

and,

WHEREAS, said error has resulted in an overpayment of 2017 4th quarter taxes in the amount of \$2,215.10, 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 \$2,215.10 is hereby approved for the aforementioned property.

R-18-076 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company paying on an incorrect property.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
CoreLogic Real Estate Tax Service Attn: Tax Refunds 3001 Hackberry Road Irving, TX 75063	75	68	\$1,187.08

Re: Lucinda Cioffi
2 Rambling Meadows Court

and,

WHEREAS, said error has resulted in an overpayment of 2017 4th quarter taxes paid in the amount of \$1,187.08, 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 \$1,187.08 is hereby approved for the aforementioned property.

R-18-077 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 4th quarter taxes on the following property has been paid in error creating an overpayment by the seller's Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
All Ahead Title Agency, LLC 407 Pine Street Red Bank, NJ 07701	124.51	144	\$1,211.30

Re: Holstein from Sims
50 Phoenix Court

and,

WHEREAS, said error has resulted in an overpayment of 2017 4th quarter taxes in the amount of \$1,211.30, 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 \$1,211.30 is hereby approved for the aforementioned property.

R-18-078 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 6, 2018

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 6, 2018; and

**REGULAR/WORKSHOP MEETING
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BOROUGH COUNCIL**

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	\$ 6,030,741.64
SEWER UTILITY	485,933.40
CAPITAL	8,632.72
GRANT FUND	17,656.90
TRUST FUNDS	97,524.25
DOG TRUST	2,559.00
ESCROW	37,748.07
ADDITIONS	320,460.53
	<hr/>
	7,001,256.51

ADJOURNMENT

There being no items for workshop, Mr. Pak offered a motion to adjourn, seconded by Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:28

Respectfully Submitted,

Doreen D'Annunzio, Deputy Borough Clerk

APPROVED AT A MEETING HELD ON: June 12, 2018