

**REGULAR/WORKSHOP MEETING  
SEPTEMBER 3, 2019  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:32 PM.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting."

**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk  
Kevin Starkey, Esq., 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.

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**APPROVAL OF MINUTES**

*Mr. Siebert offered a motion to approve the executive session minutes of June 18, 2019 seconded by Mr. Manginelli.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: Ms. Fama, Mr. Pak

**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Public Hearing - Open Space Grant Application - Proposed Recreation Facilities at Traditions Park**

A Public Hearing was conducted on September 3, 2019 for the Borough's 2019 Municipal Open Space Grant Program through Monmouth County. The hearing was conducted as part of the regularly scheduled Council meeting at 7:30 pm. The Public Hearing was advertised in the Asbury Park Press on August 23, 2019.

Borough Administrator Mike Skudera and Borough Engineer Tom Neff showed a brief power point presentation showing the proposed improvements to the property known as Traditions Park. Mr. Skudera explained that the proposal correlates partly from the Park and Recreation Master Plan and the acquisition of the Traditions property by the Borough several years ago. He explained that the property is heavily wooded, and the proposed park improvements would be beneficial to the residents.

Borough Engineer Tom Neff gave background on the grant, the Monmouth County Municipal Open Space Grant Program is an annual grant through the County's Recreation Department. Mr. Neff explained that the County allocates two million dollars with up to \$250,000 maximum award. A 50% matching grant is required from the Borough.

Mr. Neff explained the various options the Borough could consider when applying for this grant including renovations to an existing park, acquisition of a new parcel or construction of new playground or park/recreation facilities at an existing park. Mr. Neff stated that the Borough previously received a grant for purchase of the Traditions property as well as the Waltz Property. He explained that most of the open space in the Borough has been acquired and after discussion with various Borough officials, the Borough would submit a grant application to start developing the Traditions Park site which is located in the Southern portion of Town consisting of 40 to 45 acres and develop the portion closest to Wardell Road. Mr. Neff presented a concept plan showing some of the proposed improvements, which would include tennis courts, pickleball courts, a basketball court, a tot lot with a playground and a swing set and a parking lot.

Councilmember Pak asked how much of the property would be developed. Mr. Neff stated about 2 acres of the property would be developed, and further explained the terrain of the property which is partial wetlands and some steep slopes and ravines. Mr. Pak inquired about lighting. Mr. Neff stated they could look into some low key lighting to be installed keeping in mind the surrounding residential neighborhoods.

Mr. Neff explained the timeline, the grant application is due September 19<sup>th</sup>, awards announced in December and if there are no objections a resolution of support would need to be prepared for consideration at the next council meeting.

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The estimated construction costs would be a rough estimate of \$500,000.00 which would include drainage improvements.

Councilman Manginelli asked if there are any future plans for the wooded part of the property. Mr. Neff stated that a walking trail was considered initially however a walk through of the property revealed the property is extremely wet and the only way to create a walking trail would be with an elevated boardwalk which proves to be very costly.

Mayor Perillo asked if the borough receives the grant does the grant money have to be used in this facility, or can it be used in another park. Mr. Neff stated this application is site specific.

Councilman Siebert inquired about the Fox Chase tennis courts and asked if they were in disrepair. Mr. Neff explained that the tennis courts in facilities such as Fox Chase are available to residents in that community exclusively.

Council President Baldwin asked Mr. Neff to give an overview of the project improvements that have been put in place this year from the open space fund. Mr. Neff explained that a small tax is collected from each taxpayer that goes into an open space fund and can only be used for parks and recreation type projects. He explained that some of the improvements this year were at various parks in the borough, improvements included upgrades to baseball fields, drainage improvements, new playground equipment, to name a few.

A motion was made by Mr. Pak, seconded by Mr. Manginelli to open the meeting to the public for comments on the grant application.

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

*Denise Catalano, 11 Alpine Trail-* Ms. Catalano thanked the Council for keeping the tennis courts in mind and stated that there is a demand for tennis space and would like to see 4 courts. She inquired about the size of the property and the size of the portion that will be developed. Mr. Neff explained the terrain and buildable portion being approximately 2 acres. Ms. Catalano suggested that there be fencing between the tennis courts and the pickle ball courts. Mr. Neff reminded the public that this is a concept plan and assured her that he would look into the fencing.

*Gerry Turning 32 Periwinkle Circle-* Mr. Turning asked how much money is in the open space account at this time. Director of Finance Tom Fallon stated about 1.1 million dollars at this time however payments will come out of that before year end and that there is some outstanding debt against open space properties payable over the next 10 years. Mr. Turning stated that the improvements should include bathrooms and didn't feel it wise to improve the park without bathroom facilities. He also suggested that a survey be done to see if there is a demand for tennis courts in the borough.

Council President Baldwin stated that pickle ball is a fast-growing activity for the senior population. Mr. Baldwin invited Sherri Eisele, Recreation Director to comment on the proposed park improvements. Ms. Eisele stated that the improvements are a great addition to the parks we have and concurred that pickle ball and tennis are both growing sports. She stated that the courts would be an asset to the town and a great addition and concurred that the bathrooms would be a great idea.

*Denise Catalano, 11 Alpine Trail-* Ms. Catalano stated that she plays tennis at one of the County parks and court time is hard to schedule. She stated tennis courts would be a great addition to the community.

*Frank Matula, 43 Lennox Drive-* Mr. Matula asked if the Recreation department would be able to utilize the courts for instructional classes during the summer. He added that bathrooms are a necessity

There being no further comments, a motion was made by Mr. Pak, seconded by Mr. Siebert to close the meeting to the public for comments on the grant application.

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**Mayor's Report- Vito Perillo**

Mayor Perillo recognized the importance of volunteers in the community and stated that it is very difficult to get people to volunteer. Mayor Perillo extended his sincere thanks to those present at this evenings meeting and commended them for volunteering their time.

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**Engineer's Report- Thomas Neff**

Mr. Neff had no report

**Director of Finance- Thomas Fallon**

Mr. Fallon briefly discussed agenda item R-19-147 a resolution certifying to the State review of the 2018 audit by Council members. Mr. Fallon stated that it was an excellent audit with a clean opinion and no comments or recommendations by the auditor as well as no financial adjustments. Mr. Fallon stated that this report is a great testament to the borough employees and staff. Mr. Fallon also discussed agenda item 2019-1451 which will be introduced this evening for a bond ordinance for the 2019 road improvement program with public hearing to be held on September 17, 2019. He stated this ordinance is consistent with the Borough's capital ordinance and budget. Council President Baldwin stated that he has been on Council for over 10 years and each year the audit report comes out on top of the pile with glowing reports on a consistent basis. He thanked everyone involved for the tremendous job.

**Borough Administrator- Michael Skudera**

Mr. Skudera stated there is a storm anticipated Thursday into Friday and our Police, OEM, DPW, EMS, FIRE and all departments are on alert and standby for anticipated storm issues.

**Director of Law- Kevin Starkey**

Mr. Starkey had no report

**Borough Clerk's Report- Melissa Hesler**

Ms. Hesler had no report.

**Council's Report**

Councilwoman Fama had no report.

Mr. Pak had no report

Mr. Siebert reminded everyone as school will be starting at the end of the week, he cautioned everyone to give themselves a few extra minutes to get to their destination and to drive safely.

Mr. Manginelli had no report.

Mr. Baldwin had no report.

**ORDINANCES FOR INTRODUCTION**

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Ms. Hesler read Ordinance 2019-1515 entitled: **Bond Ordinance Providing For 2019 Road Improvement Program, By And In The Borough Of Tinton Falls, In The County Of Monmouth, State Of New Jersey; Appropriating \$2,700,000 Therefor (Including A Grant From The New Jersey Department Of Transportation In The Amount Of \$325,000) And Authorizing The Issuance Of \$2,225,000 Bonds Or Notes Of The Borough To Finance Part Of The Cost Thereof**

*Mr. Siebert offered a motion to introduce Ordinance No. 2019-1451, seconded by Ms. Fama.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ORDINANCE NO. 2019-1451**

**BOND ORDINANCE PROVIDING FOR 2019 ROAD IMPROVEMENT PROGRAM, BY AND IN THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,700,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$325,000) AND AUTHORIZING THE ISSUANCE OF \$2,225,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is

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hereby appropriated the sum of \$2,700,000, which sum includes a \$325,000 Grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$150,000 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement proposes or by monies actually held by the Borough.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,700,000 appropriation not provided for by application hereunder of the Grant and down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,225,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$2,225,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purpose for the financing of which said bonds or notes are to be issued are for the 2019 Road Improvement Program for improvements to various roads, including, but not limited to, Hope Road, Alden Lane, Wayside Terrace, Edison Avenue, Wyckham Road, Danbury Road, Plum Street, Squankum Road, Holly Drive, Sylvan Drive and Hartford Drive, various drainage improvements to Pinebrook Road and various sidewalk improvements to Wayside Road; which improvements shall include, but not be limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, resetting of utility castings, drainage work, and associated sidewalk, driveway and curb ramp improvements and aesthetic improvements, and shall also include, but not be limited to, as applicable, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,225,000.

(c) The estimated cost of said improvements or purposes is \$2,700,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$325,000 and the down payment for said purpose in the amount of \$150,000.

**SECTION 4.** Except for the Grant expected to be received from the New Jersey Department of Transportation, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. Except for the Grant expected to be received from the New Jersey Department of Transportation, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

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(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,225,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ORDINANCES FOR FINAL CONSIDERATION** – None

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**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: None

ABSTAIN: None

**PUBLIC DISCUSSION OPEN**

*Frank Matula, 43 Lennox Drive-* Mr. Matula inquired about the Bond Ordinance that was introduced this evening for Road Improvements. He asked for consideration to repair or repave older roads, stating that Lennox Drive is in need of a lot of work and had been paved over 18 years ago. Council President Baldwin asked the Engineer to take a look into Mr. Matula's request. Borough Engineer Tom Neff explained the process that is used to determine which roads are a priority for the road improvement program and stated that the Public Works Department continuously works on maintaining the roadways throughout the year.

*Ellen Goldberg, 90 Glenwood Drive-* Ms. Goldberg stated that she is a member of the Environmental Commission and asked if Council would consider banning single use plastic bags in Tinton Falls. She stated that she is very proud of the Borough for their forward-thinking attitude on important issues. Ms. Goldberg stated that having the landfill here in Tinton Falls, we should be well-aware that the future is to reduce, reuse and recycle. Councilwoman Fama thanked Mrs. Goldberg for her input and explained that small businesses are financially impacted by having to eliminate using plastic bags, and further explained that it is expected by year end that a State law will be passed banning plastic bags. Ms. Fama stated that rather than having all towns create their own ordinances that they wait for

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the state legislation to pass. Ms. Fama explained the logistics and financial implications that would come along with individual ordinances. Ms. Goldberg stated that she understood and if it does not become State law, then each town would have to implement their own ordinance. Ms. Fama concurred.

*Gerry Turning 32 Periwinkle Circle*- inquired if Hope Road paving would be finished this year, stating he does not want to have to go through another winter with the project being incomplete. Borough Engineer Tom Neff stated that he hopes that it is complete and further explained that the project is under Ocean Township's jurisdiction. Mr. Turning asked if someone could reach out to find out more details about the completion of the project. Mr. Neff stated he would reach out and find out more details. Mr. Turning asked about the Walz property environmental cleanup and if it has been completed. Mr. Neff stated it is in progress but not yet complete, he stated that the delineation has been completed and the next step would be remediation of the property. Mr. Turning inquired about the newly implemented website and inquired why comments are not showing up on the site when some were showing up previously. Mr. Turning stated that he didn't think a government website could censor comments. Borough Administrator Mike Skudera clarified if Mr. Turning was talking about the Facebook site. Mr. Turning confirmed that it is the Facebook page. Director of Law Kevin Starkey explained that if a public government website allows comments, they cannot be edited, deleted or modified. Mr. Turning stated that he is familiar with the law and stated there were comments on the site and something has changed so that a comments cannot be made or seen. Mr. Skudera stated that he will take a look at the site and stated the intent was to be for information only. Further discussion followed regarding settings and parameters that Facebook allows as well as consistency in settings for all Borough Facebook pages. Mr. Turning asked if the Borough could look into a sprinkler system at Hance Park. Borough Engineer Tom Neff stated that it is on the list for park improvements.

*Henry Kearney, 1900 Wayside Road*- Mr. Kearney inquired about the Master Plan Re-examination report with concern about change affecting his property. Director of Law Kevin Starkey explained the process of the re-examination of the master plan, the review process, hearing, recommendations to the Council for ordinance preparation, introduction and adoption. The Borough Engineer Tom Neff stated he is familiar with the report and assured Mr. Kearney that the change does not affect his property and it remains without change. Mr. Kearney stated he would like to have something in writing setting forth that information.

*Nancy Britton, 158 Cloverdale Circle*- Ms. Britton thanked Mr. Fallon for the great audit report. She inquired who was responsible for setting up the Tinton Falls Facebook Page. She explained that she is familiar with what Facebook settings that are available because she set one up in another municipality. Ms. Britton stated that from her experience there is no setting that allows you to turn comments completely off, it only allows certain words to be blocked to prevent vulgarity. Ms. Britton pressed to find out who set up the page. Borough Administrator Mike Skudera stated that the IT department set it up. Further discussion followed about blocking and visibility of comments as well as the legality of hiding or blocking of comments.

*Gerry Turning 32 Periwinkle Circle*- Mr. Turning read from a publication produced from the ACLU pertaining to government agencies and actors with respect to social media sites as to visibility, blocking, removal and restriction of viewpoints and comments to a government site. Mr. Turning strongly suggested that the Borough have a policy that is consistent for all government agencies pertaining to social media sites.

*David Elko, 692 Tinton Avenue*- Mr. Elko thanked the Council members whose terms expire at the end of the year for their service. Mr. Elko inquired about an ongoing sidewalk issue at 682 Tinton Avenue and the need for residents to trim back shrubs and bushes so the sidewalks are passable. Borough Engineer Tom Neff stated that it has been determined that the issue is a dry well and that he is working with the Board of Education to have the issue fixed but it will have to wait until the spring.

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

Councilwoman Fama addressed the Mayor and Administration stating that back in June the Council had asked for updates on the security plan proposed by Administration for the municipal offices. She stated she is extremely disappointed that as to date there has not been one update given as to the status of the Chief's recommendations. Ms. Fama stated that she fully understands that security measures cannot be discussed at a public forum. Ms. Fama stated

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that in light of the daily shootings across this country that it is unconscionable that nothing has been done in this timeframe to secure this building and the citizens of this town and the employees of this building. I am requesting through the Council President that we get a report from Administration. Ms. Fama stressed that she wants to see some movement on the security plan before the end of her term this year and stated that in her opinion this is not a lame duck council.

Council President Baldwin confirmed that a memo was sent to the Administrator requesting written updates, at least twice a month, on the general movement toward a safer environment, not necessarily the details. Mr. Baldwin stated he has not seen anything about the security since the request was made for updates. Mr. Baldwin stated that he felt strongly, with all due respect, that the statement by Administration that they could not discuss security issues with the Council is not accurate.

Borough Administrator Mike Skudera stated that without getting into details about the security plans, budgetary funding is in progress and working, there was no security in place before, this is a plan that was a group effort with the Chief being part of the planning process along with Administration. Mr. Skudera stated that this is a work in progress that has been discussed by Administration and funding put in place by Council is being put in place and is in progress. Ms. Fama stated that she does not understand what has taken place in the past 3 months and that is the purpose of the requested updates. Mr. Skudera stated that the interviews and the structural changes are in progress and the updates will be reviewed and distributed by the Director of Law as needed. Councilman Siebert requested that this be discussed further in an executive session so that Council and Administration could speak freely about the security topic. Director of Law Starkey stated that this is a topic that could be discussed in an executive session.

Councilman Siebert inquired about the status of the new website. Borough Administrator Skudera explained that the website is being constructed behind the scenes and some of the pieces have been put in place, like the Recreation portal, and that it is a work in progress. Councilman Siebert asked about the status of the Monmouth County host agreement discussions. Director of Law Starkey stated another session is upcoming and an update will be available after that meeting.

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**CONSENT AGENDA**

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

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-19-147 RESOLUTION - CERTIFICATION TO LOCAL FINANCE BOARD OF REVIEW OF 2018 ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by Resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit from the Governing Body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the Annual Audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

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date R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a  
Local fixed for compliance, fails or refuses to obey an order of the director (Director of  
Government Services), under the provisions of this Article, shall be guilty of a  
misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00)  
or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Tinton Falls, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**R-19-148 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
– NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$15,000, which is now available from State of New Jersey DEP – Electric Vehicle Charging Grant.

BE IT FURTHER RESOLVED, that the like sum of \$15,000 is hereby appropriated under the caption of State of New Jersey DEP – Electric Vehicle Charging Grant; and

BE IT FURTHER RESOLVED, that the electronic special item of revenue resolution submittal form be filed with the Division of Local Government Services.

**R-19-149 RESOLUTION TO URGE VOTERS TO SUPPORT THE REFERENDUM ON THE ELECTION  
BALLOT IN NOVEMBER, SO THAT VETERANS OR WIDOWED SPOUSES OF VETERANS WHO  
RESIDE IN CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) WILL BE ELIGIBLE FOR  
PROPERTY TAX DEDUCTION**

WHEREAS, the State Constitution for New Jersey authorizes veterans and widowed spouses of veterans who served in active duty during war and other times of emergency to receive a property tax deduction, in the amount of \$250 per year, in well-deserved recognition of their service to our country; and

WHEREAS, veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities (CCRC) have been unfairly denied eligibility for the \$250 property tax deduction because they do not own their units, even though they instead contribute to property taxes through a monthly payment, and even though they have made the same sacrifices as all veterans in our great country; and

WHEREAS, there are twenty-five CCRCs in the State which collectively house approximately 2,500 veterans or widowed spouses who are being denied the property tax deduction, including Seabrook Village in Tinton Falls; and

WHEREAS, Senator Vin Gopal has sponsored legislation (S1331), that has been approved by the Senate and General Assembly, to extend the deduction to veterans and their widowed spouses in CCRCs;

WHEREAS, the extension of the deduction, because it requires an amendment to the State Constitution, must be approved by the voters at the ballot in November before it will become valid and effective; and

WHEREAS, the Mayor and Borough Council now desire to memorialize their support of the referendum on the ballot in November, and to urge the voters of this State to vote in favor of the property tax deduction for veterans and widowed spouses of veterans who reside in CCRCs;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of Tinton Falls urges voters to support the referendum on the ballot in November 2019, so that veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities ("CCRC") will be eligible for the \$250 property tax deduction.

**BE IT FURTHER RESOLVED** that the Borough Council believes that this small benefit to our veterans and widowed spouses of veterans who reside CCRCs is a proper and warranted acknowledgment of the tremendous sacrifices that veterans have given to protect and serve our great nation.

**REGULAR/WORKSHOP MEETING  
SEPTEMBER 3, 2019  
BOROUGH COUNCIL**

**R-19-150 RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER, BOROUGH ADMINISTRATOR AND DIRECTOR OF LAW TO PURCHASE TAX SALE CERTIFICATE(S) FROM THE BOROUGH'S TAX SALE WITH RESPECT TO AFFORDABLE HOUSING UNITS**

**WHEREAS**, the Tax Collector of the Borough of Tinton Falls has advertised a tax sale to be held on October 16, 2019 for unpaid taxes and sewer fees which include affordable housing units; and

**WHEREAS**, the sale of tax sale certificates to third parties could jeopardize the Borough's Affordability controls that are included as part of the Borough's Fair Share Plan pending substantive certification before the Council On Affordable Housing ("COAH"); and

**WHEREAS**, persons so designated to bid on the referenced tax sales are the Borough Administrator, Chief Financial Officer, Financial Assistant and Director of Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Chief Financial Officer, Financial Assistant, Borough Administrator, & the Director of Law be and are hereby authorized to purchase the tax sale certificate(s) for any affordable housing units listed in the Borough's Tax Sale Notice at the Tax Sale to be held in the Borough on October 16, 2019. Funds for said purchase will be provided for from the Borough's Affordable Housing Trust Fund.

**R-19-151 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES RUTGERS DRIVE AND NUTMEG DRIVE PUMP STATION UPGRADES**

**WHEREAS**, the Borough of Tinton Falls has a need for professional engineering services for the Rutgers Drive and Nutmeg Drive Pump Station Upgrades; and

**WHEREAS**, T & M Associates is the Borough Engineer as approved by Resolution R-19-013 adopted on January 8, 2019; and

**WHEREAS**, these services will be described in proposal attached dated August 27, 2019; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$136,450.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated August 27, 2019 for an amount not to exceed \$136,450.00; and

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

I hereby certify funds are available from: Sewer Operating Budget – Capital Outlay

\_\_\_\_\_  
Thomas P. Fallon, Chief Financial Officer

**R-19-152 RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A 100% TOTALLY DISABLED VETERAN EXEMPTION**

**WHEREAS**, an overbilling and an overpayment of 2019 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2019 (from April 15, 2019 through December 31, 2019).

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
Nicholas J. & Jessica Costa 79 Plum Street Tinton Falls, NJ 07724	10.02	31	\$2,884.59	\$1,115.50	\$4,000.09

and,

**WHEREAS**, said exemption resulted in an overbilling and an overpayment of the 2019 taxes in the amount of \$4,000.09 as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$2,884.59, be cancelled for the year 2019 and that a refund in the amount of \$1,115.50 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overbilling to be \$2,884.59 and the amount of overpayment to be \$1,115.50.

**REGULAR/WORKSHOP MEETING  
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BOROUGH COUNCIL**

**R-19-153 RESOLUTION - REFUNDING SEWER OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 and 2018 sewer on the following property has been paid in error creating an overpayment by the former owner paying after the property had been sold

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Year</u>
Peter Kane	47.02	42	\$ 94.75	2017
23 Wallace St., Unit 402			<u>284.25</u>	2018
Red Bank, NJ 07701			\$379.00	Total

Re: Peter Kane to Martin Araujo  
65 Edgebrook Court  
and,

**WHEREAS**, said error has resulted in an overpayment of 2017 and 2018 sewer in the amount of \$379.00, 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 \$379.00 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$379.00.

**R-19-154 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2019 3<sup>rd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Owner paying twice.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Stavola	111	4.01 T01	\$1,210.30
Attn: Karen Dunn			
PO Box 482			
Red Bank, NJ 07701			

Re: Stavola Realty Company  
175 Drift Road

and,

**WHEREAS**, said error has resulted in an overpayment of 2019 3<sup>rd</sup> quarter taxes in the amount of \$1,210.30, 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 \$1,210.30 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,210.30.

**R-19-155 RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS**, Tax Sale Certificate #2952 was issued to the Borough of Tinton Falls for delinquent property tax and sewer charges on Block 129.09 Lot 49 (9 Fennec Court), assessed to Lois M. Duff, at a tax sale held on September 3, 2014; and

**WHEREAS**, Fortune Title Agency has redeemed Certificate #2952 by paying the full amount of the delinquency.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2952 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #2952 was redeemed on August 12, 2019.

**R-19-156 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 3, 2019**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 3, 2019; and

**WHEREAS**, the Borough Council has reviewed said claims.

**REGULAR/WORKSHOP MEETING  
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**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**

<b>GENERAL</b>	<b>3,415,886.82</b>
<b>SEWER UTILITY</b>	<b>10,617.94</b>
<b>TRUST FUNDS</b>	<b>60,872.43</b>
<b>GENERAL CAPITAL</b>	<b>3,923.25</b>
<b>GRANT FUND</b>	<b>7,392.54</b>
<b>DOG TRUST</b>	<b>2,864.10</b>
<b>ESCROW</b>	<b>13,695.07</b>
<b>TOTAL</b>	<b><u>3,515,252.15</u></b>

**ADJOURNMENT:**

*Mr. Siebert offered a motion to adjourn, seconded by Mr. Manginelli at 9:02 PM*

Respectfully Submitted,

Melissa A. Hesler  
Borough Clerk

**APPROVED AT A MEETING HELD ON: OCTOBER 1, 2019**