

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:30 PM.

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

ROLL CALL

PRESENT: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Baldwin
ABSENT: Mr. Roche
ALSO PRESENT: Maureen L. Muttie, Borough Clerk
 Brian Nelson, Director of Law
 Gerald Turning, Mayor
 Elizabeth Perez, Interim Borough Administrator
 Thomas Fallon, Director of Finance
 Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Pak offered a motion to approve the minutes of February 21, 2017, March 7, 2017, March 21, 2017, April 4, 2017 and July 11, 2017. seconded by Mr. Manginelli.

ROLL CALL

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

Ms. Fama offered a motion to approve the minutes of August 8, 2017, seconded by Mr. Manginelli.

ROLL CALL

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

Public Hearing – Open Space Grant Application – Hockhockson Park Synthetic Turf Baseball/Softball Field

Mr. Pak offered a motion to open the floor for the Open Space Grant Application Hearing, seconded by Ms. Fama.

ROLL CALL

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

Council President Mr. Baldwin turned the floor over to Borough Engineer Mr. Neff to summarize the application.

Mr. Neff explained the Borough can apply for a Monmouth County Municipal Open Space Grant and is requesting the maximum amount of \$250,000. There is a 50% match requirement for the Borough. The Borough is proposing to convert the existing Hockhockson Park Field #1 from natural grass to synthetic turf. The total cost for the project is estimated to be \$626,225. This includes grading, drainage pipes and stone, synthetic turf and infill, resetting the fences

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

and backstop, and sidewalks. The turf has a 10 year warranty. The cost to replace just the turf would be approximately \$200,000. The Little League has requested the improvements and is in support of the project.

The benefits of the project are that the turf is not impacted by rain and can be played on right after rain events, instead of waiting hours or days for the field to dry. Games will no longer have to be cancelled because of field conditions from weather. This will increase the usability of the field and allow additional boys and girls teams to play at the field. The turf will also drastically cut down on the labor and maintenance costs required for a natural grass field.

Mr. Baldwin opened the topic up to the public for discussion.

Denise Catalano, 11 Alpine Trail – Ms. Catalano questioned the value of installing an artificial turf baseball field for young players when she recently watched the Little League World Series games and noticed all the fields were grass and not artificial turf. Ms. Catalano also questioned the cost benefit analysis of installation and annual maintenance of the field over a ten year period versus DPW staff maintaining a grass field. She commented that the proposed new park at the southern end of town would be a project for which funds would be better spent than a single artificial turf baseball field. She also commented to keep in mind funding parity among all the sports organizations in the Borough.

Mr. Baldwin stated all costs for the project will be reviewed. Also, the timeline to develop another park at the southern end of town is not imminent but possible two to four years away.

Mayor Turning commented the Borough's involvement in maintaining the baseball fields is minimal such as DPW staff cutting the grass. The Little League Association manages the fields with their volunteers. The Borough is aware of drainage issues with the fields and have been discussing these issues with the League to provide solutions which they have offered to help fund.

Mr. Baldwin thanked Ms. Catalano for her comments and stated Council has not made a final decision on this project.

Ms. Fama had a few questions such as: if the Open Space Grant application is submitted for the turf baseball field for \$250,000 and the grant funds are approved, are the funds solely dedicated to that project? And, does the matching funds come from the Open Space Tax Fund for approximately \$350,000 or another revenue source? Ms. Fama also asked if approving the Open Space Grant application for the artificial turf at Hochhockson Park is the Council consenting to the project and can the grant application request be bifurcated and represent a natural grass option and/or turf field.

Mr. Neff replied the grant application funds need to be applied to the open space park project submitted and the matching grant fund amount will come from the Open Space Tax Fund. The grant application would need to specify either grass or turf field. Mr. Baldwin stated the Borough can accept or reject project funding.

Mr. Manginelli commented on the issue of Astroturf being a safe surface for young children to play on and suggested waiting for more information on the subject.

Mr. Neff stated there are many types of Astroturf and the products have greatly improved over the years.

Mr. Pak stated having been involved in Little League over the years; he is well versed in the safety issues concerning Astroturf versus grass fields. His concerns were more financial and do the benefits to a group of our taxpayers outweigh the cost of this project. He stated for every good reason to move forward with the turf field there is an opposing reason not to, so for now he is reserving his opinion on the matter.

Mr. Neff added that part of the grant approval process is to demonstrate the designated land can pass environmental concerns and this particular piece of land in Hockhockson Park would meet that approval.

Mr. Baldwin stated the ability to regain DPW resources and assign those resources elsewhere in the Borough is valuable. He understands a group of taxpayers have requested this for the park in order to increase the usability of the field but thinks the price is high and Council should discuss this further.

Mr. Neff stated the deadline date for application submission is September 20th and the application would include an approved resolution. Council's next meeting is September 19th.

Council agreed to pull the resolution from the consent agenda tonight.

There were no other questions or comments from the public.

Mr. Pak offered a motion to close the floor for the Open Space Grant Application Hearing, seconded by Mr. Manginelli.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Gerald M. Turning, Sr.

Mayor Turning expressed his appreciation for the DPW staff who has been working very hard at the Jumping Brook Pumping Sewage station for the past three weeks.

Engineer's Report – Thomas Neff

Mr. Neff stated the next grant application is the NJDOT Municipal Aid Grant for road paving. He suggested Water Street for this grant which is due October 6th. He has a meeting tomorrow with the County regarding the Hance Avenue and Sycamore traffic signal study. The Water Street sewage project will be starting on Monday and the road will be closed for approximately one week from Tinton Avenue to Rutgers Drive. Also, on tonight's agenda is a resolution to upgrade the Tinton Avenue pump station.

Finance Director – Thomas Fallon

Mr. Fallon stated the Borough has been awarded an additional \$550,000 in Green Acres Acquisition Grant Funds. The Borough will be able to draw \$400,000 of the funds towards the Traditions acquisition for a total funding of \$1.1 million of the Traditions acquisition. The funds will be received this year and be placed in the Borough's Open Space Trust Fund and an enabling resolution will be placed on the next meeting's agenda.

Mayor Turning commented on the history of the Traditions acquisition and complimented Mr. Fallon and everyone involved in reaching a positive outcome.

Interim Borough Administrator – Elizabeth Perez

Ms. Perez stated the Tinton Falls Library has been closed for several weeks due to mold issues in two areas. She has been working with the Borough's Joint Insurance Fund "JIF" and remediation companies who are providing quotes to fix the mold issue. During the month of September the Municipal Court is participating in an "Access & Fairness Survey" which will be available to all visitors to the municipal court to participate. On September 12, 2017 the Municipal Division Manager and his staff will be available to encourage visitors to complete the survey. Also, Monmouth Regional High School for the first time will have varsity soccer night games at the Sycamore Turf Field. She announced new Recreation programs such as painting classes for kids and adults and *StoryWalk* a joint project with the Library which displays large laminated pages from a children's book along an outdoor path located at Sycamore Park. The soccer program starts this Saturday for Kindergarten through Second Grade.

Director of Law – Michael Supko for Brian Nelson

Mr. Supko had no report.

Borough Clerk's Report – Maureen L. Muttie

Ms. Muttie had no report.

Council's Report

Ms. Fama had no report.

Mr. Manginelli reported on the efforts of the Navesink River Municipalities Committee who are looking to have the surrounding towns approve a resolution in support of their actions to keep the waterways clean which he would like to see on the next agenda.

Mr. Pak reported that Community Day is October 8th from 3PM to 7PM and explained all the fun events for the day.

Mr. Baldwin had no report.

ORDINANCES FOR INTRODUCTION

Ms. Muttie read Ordinance No. 2017-1418 entitled: **ORDINANCE OF THE BOROUGH OF TINTON FALLS TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF BENSON STREET**

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

WHEREAS, the Borough Council of the Borough of Tinton Falls in the County of Monmouth is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights, which said Borough may have in and to the following described portion of Benson Street.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey, as follows:

1. The public rights and interests of a portion of Benson Street particularly described as follows are hereby vacated, abandoned and released:

A. DESCRIPTION OF PARCEL "A" – NORTHWESTERLY PORTION OF BENSON STREET.

All that northwesterly half or portion of Benson Street, being more particularly described as follows:

BEGINNING at a point on the existing southerly right-of-way (R.O.W.) line of New Jersey State Highway Route No. 18, where said line intersects with the centerline of Benson Street located between Lot 7.01 in Block 106.04 and Lot 1 in Block 157, and running thence;

1. Southwesterly, along the centerline of Benson Street, a distance of 295 feet more or less to a point where said line intersects with the common property boundary line of Lot 7.01 in Block 106.04 with Lot 4 in Block 106.03, being hereby established, thence
2. Northwesterly, along the common property boundary line of Lot 7.01 in Block 106.04 with Lot 4 in Block 106.03 being hereby established, a distance of 27 feet more or less to a point where said line intersects the existing northwesterly R.O.W. line of Benson Street, thence;
3. Northeasterly, along the existing northwesterly R.O.W. line of Benson Street, a distance of 280 feet more or less to a point where said line intersects with the existing southerly R.O.W. line of New Jersey State Highway No. 18, thence
4. Southeasterly, along the existing southerly R.O.W. line of New Jersey State Highway Route No. 18, a distance of 31 feet more or less to the point of place of BEGINNING.

Containing an area of 7,790 square feet more or less (0.179 acre).

The above description is and is intended to be all that northwesterly half or portion of Benson Street to be vacated being located along the southeasterly frontage of Lot 7.01 in Block 106.01. It is further intended that all rights of the public which may exist are to be vacated within the right-of-way described, reserved thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over and under the roadway being vacated including but not limited to gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

The above description has been prepared in accordance with a map entitled, "*MAP SHOWING BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY*" prepared by T&M Associates, dated August 1, 2017.

B. DESCRIPTION OF PARCEL "B" – SOUTHEASTERLY PORTION OF BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY.

All that southeasterly half or portion of Benson Street, being more particularly described as follows:

BEGINNING at a point on the existing southerly right-of-way (R.O.W.) line of New Jersey State Highway Route No. 18, where said line intersects with the centerline of Benson Street located between Lot 7.01 in Block 106.04 and Lot 1 in Block 157, and running thence;

1. Southeasterly, along the existing southerly R.O.W. line of New Jersey State Highway Route No. 18, a distance of 43 feet more or less to a point where said line intersects with the existing southeasterly R.O.W. line of Benson Street, thence
2. Southwesterly, along the existing southeasterly R.O.W. line of Benson Street, a distance of 612 feet more or less to a point where said line intersects with the centerline of Benson Street as extended, thence
3. Northwesterly along the centerline of Benson Street, a distance of 48 feet more or less to an angle-point in the centerline of Benson Street, thence

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

4. Northwesterly, along the centerline of Benson Street, a distance of 562 feet more or less to the point or place of BEGINNING.

Containing an area of 17,683 square feet more or less (0.406 acre).

The above description is and is intended to be all that southeasterly half or portion of Benson Street to be vacated being located along the northwesterly frontage of Lot 1 in Block 157. It is further intended that all rights of the public which may exist are to be vacated within the right-of-way described, reserved thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over and under the roadway being vacated including but not limited to gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

The above description has been prepared in accordance with a map entitled, "*MAP SHOWING BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY*" prepared by T&M Associates, dated August 1, 2017.

C. DESCRIPTION OF PARCEL "C" – EASTERLY AND NORTHWESTERLY PORTION OF BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY.

All that southeasterly and northwesterly half or portion of Benson Street, being more particularly described as follows:

BEGINNING at a point on the existing southerly right-of-way (R.O.W.) line of New Jersey State Highway Route No. 18, where said line intersects with the centerline of Benson Street located between Lot 17.03 in Block 106.07 and Lot 1.01 in Block 16.03, and running thence;

1. Southeasterly, along the existing southerly R.O.W. line of New Jersey State Highway Route No. 18, a distance of 41 feet more or less to a point where said line intersects with the existing easterly R.O.W. line of Benson Street, thence
2. Southwesterly, along the existing easterly R.O.W. line of Benson Street, a distance of 23 feet more or less to an angle point in the existing easterly R.O.W. line of Benson Street, thence
3. Southerly, continuing along the existing easterly R.O.W. line of Benson Street, a distance of 446 feet more or less to an angle-point in the existing easterly R.O.W. line of Benson Street, thence
4. Northeasterly, along the existing northwesterly R.O.W. line of Benson Street, a distance of 223 feet more or less to a point where said line intersects with the common property boundary line of Lot 4 with Lot 7.01 in Block 106.04 being hereby established, thence
5. Southeasterly, along the common property boundary line of Lot 4 with Lot 7.01 in Block 106.04 being hereby established, a distance of 27 feet more or less to a point on the centerline of Benson Street, thence
6. Southwesterly, along the centerline of Benson Street, a distance of 266 feet more or less to an angle-point, thence
7. Northwesterly, along the centerline of Benson Street, a distance of 519 feet more or less to the point or place of BEGINNING.

Containing an area of 15,417 square feet more or less (0.354 acre).

The above description is and is intended to be all that easterly half or portion of Benson Street to be vacated being located along the westerly frontage of Lots 1.01 and 3.01 in Block 106.03 and Lots 1.01, 1, 2, 3 and 4 in Block 106.04 and the northwesterly half or portion of Benson Street to be vacated being along the southeasterly frontage of Lot 4 in Block 106.04. It is further intended that all rights of the public which may exist are to be vacated within the right-of-way described, reserved thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over and under the roadway being vacated including but not limited to gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

The above description has been prepared in accordance with a map entitled, "*MAP SHOWING BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY*" prepared by T&M Associates, dated August 1, 2017.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

D. DESCRIPTION OF PARCEL "D" – WESTERLY PORTION OF BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY.

All that westerly half or portion of Benson Street, being more particularly described as follows:

BEGINNING at a point on the existing southerly right-of-way (R.O.W.) line of New Jersey State Highway Route No. 18, where said line intersects with the centerline of Benson Street located between Lot 17.03 in Block 106.07 and Lot 1.01 in Block 16.03, and running thence;

1. Southeasterly, along the centerline of Benson Street, a distance of 566 feet to a point on the existing southerly R.O.W. line of Benson Street, thence
2. Southwesterly, along the existing southerly R.O.W. line of Benson Street, a distance of 10 feet more or less to an angle-point, thence
3. Westerly, continuing along the southerly R.O.W. line of Benson Street, a distance of 10 feet more or less to a point where the existing southerly R.O.W. line of Benson Street intersects the northerly R.O.W. line of Lands of State of New Jersey Department of Transportation (Formerly Conrail), thence
4. Northerly along the existing westerly R.O.W. line of Benson Street, a distance of 579 feet more or less to the point or place of BEGINNING.

Containing an area of 10,050 square feet more or less (0.231 acre).

The above description is and is intended to be all that westerly half or portion of Benson Street to be vacated being located along the easterly frontage of Lot 17.03 in Block 106.07. It is further intended that all rights of the public which

may exist are to be vacated within the right-of-way described, reserved thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over and under the roadway being vacated including but not limited to gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

The above description has been prepared in accordance with a map entitled, "MAP SHOWING BENSON STREET TO BE VACATED, BOROUGH OF TINTON FALLS, MONMOUTH COUNTY, NEW JERSEY" prepared by T&M Associates, dated August 1, 2017.

2. Expressly reserved and excepted from this vacation are all rights and privileges now possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the "Cable Television Act" P.L. 1972, c. 186 (C.48:5A-1, *et seq.*) to maintain, repair and replace their existing facilities in, adjacent to, over or under Benson Street.

3. This ordinance shall become effective twenty (20) days after final passage and publication and according to law.

Mr. Pak offered a motion to introduce Ordinance No. 2017-1418, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Roche

ABSTAIN: None

Public Hearing/Adoption will be held on September 19, 2017.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Muttie read Ordinance No. 2017-1415 entitled: **ORDINANCE PROHIBITING AND REGULATING THE PLANTING AND GROWTH OF INVASIVE PLANTS**

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1415, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Roche
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. 2017-1415, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

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

Mr. Pak offered a motion to adopt Ordinance No. 2017-1415, seconded by Ms. Fama.

ROLL CALL

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

Ms. Muttie read Ordinance No. 2017-1416 entitled: **ORDINANCE AMENDING TOWING FEE SCHEDULE AND REGULATIONS**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1416, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Roche
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. 2017-1416, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC HEARING CLOSED

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

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

Ms. Fama offered a motion to adopt Ordinance No. 2017-1416, seconded by Mr. Pak.

ROLL CALL

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

Ms. Muttie read Ordinance No. 2017-1417 entitled: **ORDINANCE PROHIBITING PARKING ON PORTION OF SPRINGDALE AVENUE**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1417, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING OPEN

Ms. Ines Hennesy, 115 Peach Street – Ms. Hennesy expressed her frustrations with the current parking situation on Springdale Avenue. There are signs missing, local business’s employees park on that street and it is nearly impossible for cars to get through. She is concerned that on several occasions she was nearly hit head on. Now that school is opening she is concerned about school buses and being able to get through. Ms. Hennesy also wants to understand what took the Borough of Tinton Falls so long to address this situation. Although the ordinance is a step in the right direction, she asked when the enforcement starts taking place.

Mayor Turning assured Ms. Hennesy that once the ordinance is effective, he will see that the police department enforces the new parking regulations.

There being no further comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1417, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

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

Mr. Pak offered a motion to adopt Ordinance No. 2017-1417, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC DISCUSSION

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

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Joyce Gray, 119 Apple Orchard Drive – Ms. Gray expressed her concerns about the mold in the Library and she is also upset that the staff is on furlough while the building is being fixed. These are very loyal employees and she is ashamed that the employees are not being paid and wants to know why. These loyal employees will have to look for other jobs as they have bills to pay.

Ms. Perez commented the employees referenced are not employed by the Borough but the Tinton Falls Library Association. Mr. Fallon commented the Borough budget appropriates an approximate amount of \$340,000 annually to the Library and recommended her concerns be brought to the attention of the Library Board.

Susan Leanza – Wellington Drive – Library Employee for 25 Years – Ms. Leanza wants to know what happened to the money budgeted for salaries through the end of the year and why can't the employees continue to be paid until then. Ms. Leanza commented that employees can't make it on unemployment and will have to look for other jobs – this means possibly losing very loyal employees.

Betty Gass – On the Library Board – Treasurer – Ms. Gass reported the employees have been getting paid since August 16th and will be paid through September 9th. After that, the employees will be eligible to apply for unemployment. Ms. Gass also commented that last year during renovations, the employees were paid for several months without having to work. She also commented that once the library is fixed, everything in the basement will have to be thrown out and the library will need the money to replace those items.

Council President Baldwin commented that the Council has no control over how the money is spent by the Library Board. Mr. Baldwin asked Gary Gebele, Director of DPW, to give an update on the status of mold testing.

Mr. Gebele reported that a full evaluation is being conducted. He further explains the process takes time especially waiting for laboratory results. He reported that current testing shows that this is more of an allergen mold and not toxic mold. Right now, everything is in the hands of the adjuster who will have a recommendation on how to proceed.

Bruce Gray - 119 Apple Orchard Drive – Mr. Gray commented to Ms. Gass that he doesn't understand the logic of the decision to furlough the employees of the library when you will need those employees once the repairs are done to reorganize the library.

Council President Baldwin commented that this is not an issue that concerns this council and administration. He respectfully ask Mr. Gray to please take this issue up with the Library Board in a separate environment.

Ruth Santulli, 9 St. John Court – Thank the members of the council and administration for the way they are handling the Library's mold situation and for the code red messages. She asked that the website continue to be updated as well. She asked if the rest of the Library will be tested.

Mr. Gebele commented that the entire building will be tested.

Brock Siebert, 24 Leland Terrace – Mr. Siebert asked the Clerk if petitions were filed. Ms. Muttie replied that two candidates are running for Mayor (Gerald Turning and Vito Perillo) and two candidates are running for Councilmember-at-Large (John Manginelli and Brock Siebert).

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS

CONSENT AGENDA

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

ROLL CALL (to approve Consent Agenda)

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

NAYS: None

ABSENT: Mr. Roche

ABSTAIN: None

**R-17-141 - RESOLUTION OF AWARD CONTRACT #17-4
TINTON AVENUE PUMP STATION UPGRADES**

WHEREAS, two (2) bids were received on Tuesday, August 22, 2017 for Contract #17-4 for the Tinton Avenue Pump Station Upgrades; and

WHEREAS, T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 submitted the lowest responsible bid for a total amount of \$83,635.00 for the above contract; and

WHEREAS, the Director of Law has found the bid to be in order, and Thomas P. Neff, P.E., P.P., C.M.E., of T&M Associates, recommends award in his bid report attached dated August 23, 2017.

NOW, THEREFORE BE IT RESOLVED that T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 be awarded a contract in the amount of \$83,635.00 for the Tinton Avenue Pump Station Upgrades.

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

**R-17-142 - RESOLUTION AUTHORIZING CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES
SITE INVESTIGATION FOR WALZ PROPERTY ACQUISITION**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Site Investigation for the Walz Property Acquisition; and

WHEREAS, T&M Associates is the Borough Engineer as approved by Resolution R-16-289 adopted on December 20, 2016; and

WHEREAS, these services will be described in proposal attached dated August 28, 2017; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$22,700.00.

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 28, 2017 for an amount not to exceed \$22,700.00.

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

**R-17-143 - RESOLUTION APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVES
TO THE COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE**

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Elizabeth Perez is hereby appointed to serve as the Borough's

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

Representative to the Monmouth County Community Development Program, and Thomas Neff shall serve as the Borough's Alternate Representative for a term expiring December 31, 2017.

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-17-144 - RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL
CERTIFICATE OF SALE #3036**

WHEREAS, Tax Sale Certificate #3036 was issued to the Borough of Tinton Falls for delinquent sewer charges on Block 3 Lot 23 (93 William Street), assessed to Tracey M. Cansler, at a tax sale held on December 21, 2016; and

WHEREAS, Seterus Mortgage, has redeemed Certificate #3036 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 #3036 for cancellation.

**R-17-145 - RESOLUTION REFUNDING CONSTRUCTION PERMIT FEES
TO TOLL NJ IV LP**

WHEREAS, permit fees in the amount of \$3,397.00 were paid by Toll Brothers, Inc. on May 26, 2017, for the construction of a new two-story single family dwelling at 33 Sunset Drive, Permit Number 17-421; and

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 since decided upon a one-story single family dwelling, in which a permit has been received for the same address; and

WHEREAS, a refund in the amount of **\$2,593.00** (\$3,397.00 minus the non-refundable State surcharge fee of \$156.00 and the 20% non-refundable plan review fee of \$648.00) 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 \$2,593.00 be issued to Toll NJ IV LP, 2050 Wayside Road, Tinton Falls, New Jersey 07724.

R-17-146 - RESOLUTION REFUNDING RECREATION FEES

WHEREAS, during the month of June/July 2017 fees were paid by a residents of Tinton Falls for their participation in our Fall Soccer Program for 5/6th Grade Girls; and

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

WHEREAS, during the month of August 2017, the Recreation Superintendent informed the residents that due to low enrollment the program would be cancelled and a full refund would be issued to each resident.

William Katcher	\$ 90.00
Brenda Kiefer	\$ 90.00
Rh Thomas	\$ 90.00

Total	\$270.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$270.00 be issued.

R-17-147 - RESOLUTION REFUNDING RECREATION FEES

WHEREAS, during the month of June 2017 fees totaling \$224.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program; and

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

WHEREAS, during the month of August 2017, the Recreation Superintendent was informed by the resident that their child Haruomi Mancinelli would not be able to participate in our summer camp program due to a family obligation. Amount paid was \$224.00. Refund amount shall be \$179.00 in which \$10.00 processing fee has been deducted along with a \$35.00 nonrefundable trip fee.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$179.00 be issued.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

R-17-148 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Nicola Cameron 60 William Street Tinton Falls, NJ 07724	3	12	\$1,040.06

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$1,040.06, 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 \$1,040.06 is hereby approved for the aforementioned property.

R-17-149 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
East Coast Title Agency Attn: Erna Levine 202 Route 18 North East Brunswick, NJ 08816	16	1.78	\$2,746.64

Re: Santoro from Marra
3 Mineral Springs Lane

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$2,746.64, 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 \$2,746.64 is hereby approved for the aforementioned property.

R-17-150 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company paying an estimated amount; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Rosario & Mariana DiMaria 70 Cloverdale Circle Tinton Falls, NJ 07724	48.04	15.01	\$506.72

Re: DiMaria from Donato

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$506.72, 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 \$506.72 is hereby approved for the aforementioned property.

R-17-151 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company paying an estimated amount; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael & Nicole Vidal 23 Sire Stakes Drive Tinton Falls, NJ 07724	62.01	23	\$457.04

Re: Vidal from Jones

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$457.04, as certified by the Borough Tax Collector.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$457.04 is hereby approved for the aforementioned property.

R-17-152 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company paying an estimated amount; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Robert Ross 319 Water Street Tinton Falls, NJ 07724 Re: Ross from Ramsey Consulting, Inc.	68.01	1	\$423.78

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$423.78, 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 \$423.78 is hereby approved for the aforementioned property.

R-17-153 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
CoreLogic 3001 Hackberry Road Irving, TX 75063	83	22	\$3,215.07

Re: Powell from Brimshan/Makovoc
1 Shea Lane

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$3,215.07, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$3,215.07 is hereby approved for the aforementioned property.

R-17-154 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Stewart Title Co. 2022 Highway #71 Suite 203 Spring Lake, NJ 07762	117	53	\$2,070.88

Re: Serghis/Moloughney
11 Okros Road

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$2,070.88, 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 \$2,070.88 is hereby approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

R-17-155 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and Homeowner; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Anthony A. Di Nardi 70 Kyle Drive Tinton Falls, NJ 07712	120.05	60	\$1,890.21

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$1,890.21, 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 \$1,890.21 is hereby approved for the aforementioned property.

R-17-156 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
First Integrity Title Agency 27 Mechanic Street Red Bank, NJ 07701	124.06	1	\$1,286.90

Re: Wilson from Gaertner
40 Pewter Drive

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$1,286.90, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,286.90 is hereby approved for the aforementioned property.

R-17-157- RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michelle Kuchta 14 Topeka Court Tinton Falls, NJ 07712	124.50	314	\$1,544.90

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$1,544.90, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,544.90 is hereby approved for the aforementioned property.

R-17-158 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
All Ahead Title Agency, LLC 407 Pine Street Red Bank, NJ 07701	129.06	14	\$1,217.90

Re: John & Susan Parlatti
27 Tack Court

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$1,217.90, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,217.90 is hereby approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
SEPTEMBER 5, 2017
BOROUGH COUNCIL**

R-17-159 - RESOLUTION REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Forward Settlement Solutions, Inc. 1628 John F. Kennedy Blvd. 8 Penn Center - Suite 700 Philadelphia, PA 19103	129.14	30.02	\$1,400.88

Re: Leverone, Maribeth
3 Saratoga Court

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$1,400.88, 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 \$1,400.88 is hereby approved for the aforementioned property.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Roche

ABSTAIN: None

TIME: 8:51pm

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: September 19, 2017