

**REGULAR MEETING
APRIL 21, 2020
BOROUGH COUNCIL**

Council President Buckley called the Regular Meeting to order at 7:30 PM. The meeting was held via remote means using the Webex Meeting Platform under rules established under NJSA 10:4-8(b) which allows meetings to be held digitally during a State of Emergency.

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: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Thomas Fallon, Acting Borough Administrator/Director of Finance
Thomas Neff, Borough Engineer
John Scrivanic, Police Chief
David Boehning, Deputy Director of Emergency Management
Mark Shaffery, Director of Public Works

SALUTE TO THE FLAG: Council President Buckley invited everyone attending the remote meeting to join in saying the Pledge of Allegiance.

Council President's Introduction

Good Evening everyone, I am Council President Tracy Buckley. We are holding this meeting remotely utilizing the Webex platform. Joining me remotely are my fellow Councilmembers Risa Clay, John Manginelli, Mike Nesci and Brock Siebert, as well as Mayor Vito Perillo, CFO and Interim Borough Administrator Tom Fallon, Borough Clerk Melissa Hesler, Director of Law Kevin Starkey and Borough Engineer Tom Neff, Tinton Falls Office of Emergency Management Deputy Coordinator Dave Boehning, Police Chief John Scrivanic, Tinton Falls Department of Public Works Director Mark Shaffrey, and IT Director Dan Romanov.

I would like to give special thanks to Tinton Falls OEM Deputy Coordinator Dave Boehning for his participation this evening, as well as to IT Director Dan Romanov for setting up this Webex meeting and managing the technical aspects of utilizing the Webex platform.

This is a live digital Council Meeting that we are holding under the rules established under NJSA 10:4-8(b), which allows this meeting to be held digitally during a State of Emergency with the proviso that only essential business be conducted. As you may know, this form of remote meeting will be the way we conduct borough business for the foreseeable future. For those not familiar with the Webex platform, it allows members of the public to dial in from their computer, utilizing the Webex app, or from a regular phone utilizing a dial in number and meeting passcode. If you wish to be heard at either public comments portion of the meeting, please use the "Raise Your Hand" function on the Webex platform and we will call upon you one at a time. For those dialed in via phone only, I will open the floor up to phone comments during the public comments sections as well. You will be asked to state your name and address for the record and observe a time limit of three minutes.

We would like to commend our Borough municipal employees from every department for all of their hard work in keeping the Borough functioning during this difficult time.

Moreover, we would like to commend our Tinton Falls Office of Emergency Management, Tinton Falls Police Department, Tinton Falls Emergency Medical Services, Tinton Falls Fire Companies and Tinton Falls Dept of Public Works for your work on the front lines of this pandemic and for keeping us safe.

In these challenging times, the best we can do is to be kind to one another and remember courtesy is also contagious.

APPROVAL OF MINUTES- None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

2020 Budget Presentation

Council President Buckley stated at this time there will be a budget presentation given by Tom Fallon CFO and Acting Administrator and Borough Engineer Tom Neff. The presentation that will be shown has been posted to the home page of the website for the convenience of callers that may not be able to follow along through the Webex platform. Council President Buckley reminded the public that there will be no public comment period tonight on the budget as it is just being introduced. There will be a time for the public to comment at the Public Hearing of the budget, scheduled for May 19th.

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Thomas Fallon, CFO and Acting Administrator welcomed all of the attendees and stated that he is happy to be able to present an overview of the 2020 budget. He stated that overall the budget is a fiscally sound and responsible plan, that contains no gimmicks or structural issues. The budget provides necessary funding for all municipal services, continued capital investment in the Borough's infrastructure, parks, and equipment and it allows for the regeneration of surplus. Mr. Fallon reviewed the slides explaining the distribution of the municipal portion of the tax dollars and gave an overview of the essential services including infrastructure and roadways, police and public safety, garbage and recycling as well as services provided by other municipal departments and quality of life services such as recreation, parks, summer camps, open space acquisition and maintenance. Mr. Fallon gave a snapshot of the 2019 operating budget and the available cash and reserves, which he explained adds to the borough's ability to stabilize the tax rate and weather economic downturns. He discussed the 2020 budget structure, the summary of revenues, the 2020 and the anticipated budget revenue. Mr. Fallon gave an overview of the shared service agreements for the courts and tax utility, he discussed the borough's debt services, statutory expenditures and bond credit rating and statutory expenditures. Mr. Fallon stated that the introduced budget and the budget presentation will all be posted to the website. He turned the meeting over to the Borough Engineer to discuss the capital improvement projects.

Borough Engineer, Tom Neff stated that there is no roadwork budgeted this year because the appropriations were set in the 2019 road program. He stated this year there will be improvements to 11 roads including the repaving of Hope Road between Sycamore and Tinton Avenues and improvements to the Shrewsbury Avenue and Tinton Avenue Pump stations. Mr. Neff discussed the continuation of the capital sidewalk projects on Wayside Road and surrounding areas. He stated that the bulk of capital work is budgeted for the park program. Mr. Neff stated that the 2020 Park Improvement Program includes development of Traditions Park and improvements to Sycamore Recreation Area, Hockhockson Park, Riverdale West Park, Liberty Park and Walz Farm Park. Mr. Neff gave an overview of the improvements planned for each park. Mr. Neff stated additional capital items include purchase of vehicles and equipment for the Police Department and Public Works Department and improvements to the Library.

Mr. Fallon concluded the presentation stating the budget is slated for introduction on April 21, followed by publication in summary, and public hearing on May 19th at which time the public will be given an opportunity to comment. Council President Buckley thanked Mr. Fallon and Mr. Neff for the informative presentation.

CONTINUATION OF REPORTS:

-Mr. Neff – Borough Engineer reported that Water Street will be closed tomorrow to complete some final sewer work related to the recent sewer installation program. He stated the work should only take a day to complete.

-Mr. Fallon – CFO and Acting Business Administrator stated that the Borough is fully functioning and thanked the employees for their dedication and work and residents for the patience and understanding.

-Mayor Perillo – Mayor Perillo also commended the employees and residents during this Health Crisis. Mayor Perillo urged that everyone keep following state directives, social distancing and masking. He thanked and commended Mr. Fallon and Mr. Neff on their excellent presentation of the budget.

-Mr. Starkey – Director of Law explained that there were two ordinances for introduction at the last meeting, but only one on this for this evening for public hearing because it was discovered that the Pine Street ordinance was already complete in 2019. Mr. Starkey stated that it is his recommendation to withdraw this ordinance which requires no formal action at this time.

-Mrs. Hesler – Borough Clerk - no report

-Dave Boehning – Deputy Director of the Office of Emergency Management gave a synopsis of the timeline of events over the past weeks beginning with the onset of the Coronavirus outbreak and the March 13th declaration of a federal emergency. Mr. Boehning discussed the status of obtaining and distribution of the personal protective equipment (PPE) closing of the passive recreation areas with some of the trails being left open for walking. Mr. Boehning gave a recap of monitoring the health care facilities within the Borough and distribution of the PPE to the facilities. He explained that the Monmouth County Department of Health and Monmouth County Regional Health Commission are in touch with these facilities on a daily basis and are monitoring them for safety and to be sure they are abiding by regulations. In addition, he stated that he has been in touch with each administrator of Health Care facilities to be sure their needs are met. Mr. Boehning stated that his office has been in touch with the School Administrators as the decisions are being made regarding reopening the schools with the date of May 15th as possible opening. This Health Crisis is a Federally declared disaster and as the Borough is planning for reopening, we are capturing all expenses for the costs of this pandemic. The Borough will follow FEMA guidelines and are waiting for direction. Mr. Boehning commended Jill Pegosh, Administrative Assistant in the Department of Public Works for doing a great job at tracking these expenses so that the Borough can receive federal grant money to recover from this pandemic. He commended EMS and all Volunteers for being on the front line every day. Council President Buckley thanked Mr. Boehning for the update. She stated the Emergency Management Office posts all updates to the municipal website.

Council's Report:

Mrs. Clay thanked Mr. Fallon and Mr. Neff for the budget presentation and thanked the the first responders for all they do.

Mr. Manginelli stated that he echoes the comments of his fellow Councilmembers regarding our first responders. And thanked Mr. Fallon and Neff for the budget presentation.

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Mr. Nesci thanked everyone for attending the virtual meeting and extended his thanks to Tom Fallon and Tom Neff for their straight-forward and clear budget presentation.

Mr. Siebert stated he had no report but also wanted to thank Mr. Fallon and Neff for the budget presentation.

Ms. Buckley stated that she wanted to report that the Environmental Commission is having their first digital meeting on Thursday on WEBEX and the notice has been posted to the website. Ms. Buckley thanked Mr. Fallon and Mr. Neff for the excellent presentation, it was detailed and clear. She also extended her gratitude to Dave Boehning, the EMS and First responders during this time.

ORDINANCES FOR INTRODUCTION-

Ms. Hesler read Ordinance 2020-1461 entitled: **CALENDER YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Mr. Nesci offered a motion to introduce Ordinance No. 2020-1461 seconded by Mr. Siebert.

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE NO. 2020-1461

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

CALENDER YEAR 2020

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Tinton Falls in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$215,343.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Tinton Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$753,700.75 and that the CY 2020 municipal budget for the Borough of Tinton Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

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ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance No. 2020-1460 entitled: **2020-1460 Ordinance Authorizing the Acceptance of Roadway Dedication from the New Jersey Turnpike Authority for Property Commonly Known as Essex Road in the Borough of Tinton Falls, County of Monmouth, State of New Jersey**

Council President Buckley explained that they would systematically recognize anyone that has dialed into this remote meeting via phone or via Webex platform to comment on this ordinance.

Mr. Nesci offered a motion to open the Public Hearing on Ordinance 2020-1460, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Nesci offered a motion to close the Public Hearing on Ordinance No. 2020-1460, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Nesci offered a motion to adopt Ordinance 2020-1460, seconded by Mr. Siebert.

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Seibert, Ms. Buckley
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION

Council President Buckley explained that they would systematically recognize anyone that has dialed into this remote meeting via phone or via Webex platform to comment on any matter of their choice.

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Michele Fineman, Madison Court- Ms. Fineman thanked Administration, OEM, EMS, Police, Fire, First Responders, EMT's the Administrative Staff, Mayor Perillo and the Borough Council for keeping the community apprised of all that is going on. She stated that she is very grateful and extended her thanks again to everyone.

Craig Gately, 10 Polo Club Drive- Mr. Gately stated that within the past month hundreds of people lost jobs, most are homeowners and they have a property tax payments coming up May 1st. Mr. Gately stated he heard the State is not offering a reprieve to make this payment. He asked if Council has a plan for anyone who cannot make their payment by May 1.

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Council President Buckley asked CFO, Tom Fallon to address Mr. Gaitly's question. Mr. Fallon stated that unfortunately the State Legislature would have to pass legislation to allow the Borough to extend the due date. He explained that the Borough collects tax payments not only for the Borough but also for the County and Schools. The Borough distributes the tax dollars to the other entities for them to continue operations. We are tied by what the State can or will do.

Director of Law, Kevin Starkey further explained that the due date of May 1st is set by the State, not by the Borough of Tinton Falls. This deadline is a requirement of every Municipality in the State. Mr. Starkey stated that as much as the Mayor and Council would like to provide relief to the residents, they cannot change that because the law doesn't allow them to. Mr. Starkey explained that there was a bill passed in the State Assembly to provide relief, however it was not approved by the State Senate or Governor. So far that has not happened and it doesn't look likely that it will.

Councilman Siebert asked if the interest payment and late fee payments are a local decision? Mr. Starkey explained that the ten day grace period is a local decision and it is not within the Council or Mayor's discretion to allow a lower interest rate or no interest rate after that date. This is guided by State law.

Council President Buckley thanked Mr. Gaitly for his question and stated that we are all sympathetic but have not been given the ability to provide relief without the State legislation.

Rita Kondoleon, 23 Columbia Drive- Ms. Kondoleon inquired where the two new parks are located as discussed on the budget presentation. Tom Neff stated that Traditions Park is off Wardell Road near the Fox Chase Development and the other property is the Walz Farm Park which is at south end of town near Shark River Road.

Councilman Siebert stated that a comment was presented regarding the Ordinance on for Public Hearing in the earlier part of the meeting. He asked if someone could give a brief overview of the ordinance. Borough Engineer, Tom Neff explained that the portion of Essex Road was created when the parkway was built, and the road should have been turned over to the municipality at that time as a local road. It was recently discovered that the property was never turned over to the borough and belongs to the Turnpike Authority. The Borough subsequently has maintained and made improvements to the road for decades. This is a formality to clean that up so that it becomes Borough right of way.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER –

Mr. Siebert thanked Council President Buckley and everyone who helped in setting up this meeting. He commended everyone for all of the adaptations being made on a daily basis.

Council President Buckley echoed Mr. Siebert's comments.

RESOLUTIONS

Ms. Hesler read Resolution R-20-087 Introduction of 2020 Municipal Budget

Mr. Nesci offered a motion to approve the Resolution R-20-087, seconded by Mr. Siebert.

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley
NAYS: None
ABSENT: None
ABSTAIN: None

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	R-20-087			
MUNICIPAL BUDGET NOTICE				
Section 1.				
Municipal Budget of the <u>BOROUGH</u> of <u>TINTON FALLS</u> , County of <u>MONMOUTH</u> for the Fiscal Year 2020				
Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020;				
Be it Further Resolved, that said Budget be published in the <u>COASTER</u>				
in the issue of <u>APRIL 30</u> , 2020				
The Governing Body of the <u>BOROUGH</u> of <u>TINTON FALLS</u> does hereby approve the following as the Budget for the year 2020:				
<p>RECORDED VOTE (Insert last name)</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;"> <p>Ayes</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Mrs. Clay Mr. Manginelli Mr. Nesci Mr. Siebert Ms. Buckley</p> </div> </td> <td style="width: 40%; border: none;"> <p>Nays</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> </td> <td style="width: 30%; border: none;"> <p>Abstained</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Absent</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> </td> </tr> </table>	<p>Ayes</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Mrs. Clay Mr. Manginelli Mr. Nesci Mr. Siebert Ms. Buckley</p> </div>	<p>Nays</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<p>Abstained</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Absent</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<p>Ayes</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Mrs. Clay Mr. Manginelli Mr. Nesci Mr. Siebert Ms. Buckley</p> </div>	<p>Nays</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<p>Abstained</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Absent</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
Notice is hereby given that the Budget and Tax Resolution was approved by the <u>COUNCIL MEMBERS</u> of the <u>BOROUGH</u>				
of <u>TINTON FALLS</u> , County of <u>MONMOUTH</u> , on <u>APRIL 21</u> , 2020.				
A Hearing on the Budget and Tax Resolution will be held at <u>BOROUGH OF TINTON FALLS</u> , on <u>MAY 19</u> , 2020 at				
<u>7:30</u> o'clock <u>PM</u> at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.				
Melissa A. Hesler, Borough Clerk				

CONSENT AGENDA

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

ROLL CALL

AYES: Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert, Ms. Buckley

NAYS: None

ABSENT: None

ABSTAIN: None

R-20-088 Resolution Certifying Compliance with United States Equal Employment Opportunity Commission’s Guidance on the Consideration of Arrest and Conviction Records

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183
OF COMPLIANCE WITH THE UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION’S**

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions
Under Title VII of the Civil Rights Act of 1964”**

**GROUP AFFIDAVIT FORM FOR
THE BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

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STATE OF NEW JERSEY

COUNTY OF MONMOUTH

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We, members of the governing body of the Borough of Tinton Falls being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the governing body of the Borough of Tinton Falls in the County of Monmouth;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history; and
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

Vito Perillo, Mayor

Tracy Buckley, Council President

Risa Clay, Deputy Council President

John J. Manginelli, Councilman

Michael J. Nesci, Councilman

Brock Siebert, Councilman

R-20-089 Resolution Releasing Maintenance Guarantees For Radar Properties, LLC Block 101.03 Lot 4

WHEREAS, a request has been made for the release of Maintenance Guarantees for Radar Properties, LLC, Block 101.03, Lot 4; and

WHEREAS, by letter dated April 10, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees for Radar Properties, LLC, Block 101.03, Lot 4; and

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.

R-20-090 Resolution Releasing Performance Guarantee and Waiving Maintenance Bond for Radar Properties, LLC – Water Tower - Block 101.03 Lot 4

WHEREAS, the developer has requested the release of Performance Guarantees for Radar Properties, LLC, Water Tower, Block 101.03 Lot 4; and

WHEREAS, by letter dated April 10, 2020 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the water tower and all associated structures have been properly demolished and the areas stabilized and recommends the release of the guarantees for Radar Properties, LLC.

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-20-091 Resolution Releasing Performance Guarantee Upon the Posting of Maintenance Guarantee – Greenbriar Falls – Phase 2A Detention Basin Block 16, Lot 1 & Block 19, Lot 11.02

WHEREAS, the developer has requested the release of Performance Guarantee posted for Greenbriar Falls – Phase 2A – Block 16, Lot 1 & Block 19, Lot 11.02; and

WHEREAS, by letter dated April 13, 2020, 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

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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 Greenbriar Falls – Phase 2A – Block 16, Lot 1 & Block 19, Lot 11.02 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-20-092 Resolution Approving the Sale of Avalon Bay from Avalonbay Communities, Inc. to LACINYC Corp.

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

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about April 20, 2018 establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Settlement Agreement included a project known as Avalon Bay located at 100 Autumn Drive, designated as Block 155, Lot 1.01 on the Borough’s Tax Map (the “Avalon Bay Project”), which includes thirty-three (33) rental affordable housing units for low and moderate income households (the “Affordable Housing Units”) for a period of at least thirty years and for which the Borough received sixty-six (66) affordable housing credits towards its overall Third Round affordable housing obligation of five-hundred ninety seven (597) units; and

WHEREAS, the Court entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households subject to the conditions imposed by the Special Master; and

WHEREAS, the Borough satisfied the conditions of the Special Master Report, including the adoption and endorsement of a Housing Element and Fair Share Plan incorporating the Avalon Bay Project into its affordable housing strategy, and as a result, the Court entered a Final Judgment of Repose and Compliance dated July 17, 2020 providing the Borough with immunity from builder’s remedy litigation through July 1, 2025; and

WHEREAS, the Borough has retained CME Associates for affordable housing administrative services pursuant to the provisions of N.J.S.A. 19:44A-20.5, to act as its Administrative Agent.

WHEREAS, the Avalon Bay Project is currently owned by AvalonBay Communities, Inc., subject to an August 5, 2008 Deed Restriction between AvalonBay and the Housing Affordability Service of the New Jersey Housing and Mortgage Finance Agency, on behalf of the Borough (the “Deed Restriction”) deed restricting the Affordable Housing Units in accordance with the requirements of UHAC, N.J.A.C. 5:80-26.1 et. seq.

WHEREAS the Deed Restriction requires any sale of the Avalon Bay Project is subject to the Borough’s approval; and

WHEREAS, Avalon Bay Communities, Inc. has advised the Borough that it is under contract to sell the Avalon Bay Project to LACINYC, Corp. subject to the affordable housing deed restrictions remaining in place in accordance and it seeks the Borough’s approval of the sale as required by the Deed Restriction; and.

WHEREAS, the Borough Council believes it is in the best interest of the Borough to approve the sale of the Avalon Bay Project so that the Affordable Housing Units remain affordable in conformance with the Deed Restriction and the Borough continues to receive affordable housing credit as required by the Final Third Round Judgment of Compliance and Repose.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, Monmouth County, State of New Jersey, that it hereby approves the sale of the Avalon Bay Project from AvalonBay Communities, Inc. to LACINYC, Corp.

BE IT FURTHER RESOLVED that the Borough’s Administrative Agent, CME Associates, is directed to take any and all necessary action in furtherance of this approval, including ensuring the Deed Restriction for the Affordable Housing Units remain in effect and the Affordable Housing Units are administered in accordance with the UHAC regulations.

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APRIL 21, 2020
BOROUGH COUNCIL**

R-20-093 Resolution Refunding Registration Fees Due to Cancellation of Recreation Programs and Events as a Result of the Public Health Emergency Caused by The COVID-19 Outbreak

WHEREAS, due to the declaration of a National, State and Local Public Health Emergency by the Governor of the State of New Jersey which has caused a pandemic across the Nation requiring that residents remain in their home or place of residence to halt the community spread of this disease; and

WHEREAS this Public Health Emergency and State of Emergency has caused the cancellation of social gatherings across the State due to the Governor's direction to limit social gatherings; and

WHEREAS, the Borough of Tinton Falls, in compliance with these directions has had to cancel recreation functions, programs and activities due to this Public Health Emergency;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that any recreation fees collected for all functions, programs, or activities that have been cancelled or will be cancelled due to the Health Emergency, be refunded in full by the borough.

R-20-094 Resolution Authorizing Letter of Support From Mayor and Council for the Grant Application to be Filed by the Fire Districts for Funding for the Replacement of Radio Equipment

WHEREAS, the Tinton Falls Fire District # 1 and the Tinton Falls Fire District #2 intend to file a grant application to seek funding for replacement of radio equipment that will be rendered obsolete in 2021; and

WHEREAS, the grant application requires a letter of support from the Mayor and Borough Council; and

WHEREAS, these two Districts cover the entire Borough of Tinton Falls with 140 volunteer firefighters and 17 EMTs, serving an area of 16 square miles and a population of about 20,123, an 18.9% increase since 2000, and a 45% increase over the 1990 census; and

WHEREAS, there is significant infrastructure in Tinton Falls, including: 10 senior and rehab facilities; 16 schools; several assisted living facilities and 7 hospitals-medical centers; 7 colleges with over 2,000 students within a 4-23 mile radius; 5 parks with sports fields; and Overlook by the Falls, a wildlife area with trails; 130 outlet stores and a food court in our Jersey Shore Premium Outlets and several strip malls; 2 large solar farms; and the Naval Weapons Station Earle, the Navy's largest weapons storage facility; and

WHEREAS, over the past three years, the four Fire Departments under the auspices of the two Fire Districts have answered 6,708 calls, including 316 structural fire calls, plus have responded to 3,678 calls for mutual and automatic aid, including 225 structural calls for their aid partners; and

WHEREAS, to ensure property communication between the first responders, the grant application will request 71 portable radios to replace their 20-year-old models, which are critical to the health, safety and welfare of the residents and the first responders, along with base station radios and other necessary equipment; and

WHEREAS, the Mayor and Borough Council regard it as a matter of essential public safety that their firefighters have the equipment necessary to perform their duties to the best of their ability while ensuring their health, safety and well-being.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Council are authorized to send a letter of support, in substantially the form attached to this Resolution, for the grant application to be filed by the Tinton Falls Fire District # 1 and the Tinton Falls Fire District #2 to seek funding for replacement of radio equipment that will be rendered obsolete in 2021

R-20-095 Resolution Refunding Street Opening Bond

WHEREAS, On 4/18/2019, Richard Brandwein, 39 Society Hill Way, Tinton Falls, NJ 07724, posted a \$720.00 street opening cash repair deposit for a sidewalk installation at 39 Society Hill Way, Tinton Falls, NJ 07724.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Richard Brandwein, 39 Society Hill Way, Tinton Falls, NJ 07724, has completed the work described in Street Opening Permit 2019-04-016; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$720.00 posted by Richard Brandwein, 39 Society Hill Way, Tinton Falls, NJ 07724, be released.

**REGULAR MEETING
APRIL 21, 2020
BOROUGH COUNCIL**

R-20-096 Resolution Refunding Street Opening Bond

WHEREAS, on 4/5/2019, Lombardo Builders & Developers, LLC, PO Box 585 Cliffwood, NJ 07721, posted a \$5,625.00 street opening cash repair deposit for a curb and sidewalk installation at 102 Shark River Road, Tinton Falls, NJ 07753.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Lombardo Builders & Developers, LLC, PO Box 585 Cliffwood, NJ 07721, has completed the work described in Street Opening Permit 2019-04-001; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$5,625.00 posted by Lombardo Builders & Developers, LLC, PO Box 585 Cliffwood, NJ 07721, be released.

Tinton Falls, NJ 07724, be released.

R-20-097 Resolution for Approval of Bills – April 21, 2020

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 21, 2020; and

WHEREAS, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL	162,376.67
SEWER UTILITY	334,483.27
GRANT FUND	6,694.97
TRUST FUNDS	30,392.62
DOG TRUST FUND	33.00
ESCROW	5,751.95
TOTAL	539,732.48

ADJOURNMENT

Mr. Nesci offered a motion to adjourn, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:50 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: