

**REGULAR MEETING  
SEPTEMBER 19, 2017  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 6:30 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  
Armen McOmer, Esq. for Brian Nelson, Director of Law  
Gerald M. Turning, Mayor  
Elizabeth Perez, Interim Borough Administrator  
Thomas Fallon, Director of Finance  
Thomas Neff, Borough Engineer

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**EXECUTIVE SESSION**

*Mr. Manginelli offered the following Resolution and moved its adoption, seconded by Ms. Fama.*

**R-17-161 - RESOLUTION TO ENTER EXECUTIVE SESSION**

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

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

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

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)  
None
- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)  
None
- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4)  
None
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)  
In Re Jumping Brook Pump Station (ATOD Dec. 2017)

**ROLL CALL**

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

NAYS: None

ABSENT: Mr. Pak, Mr. Roche

ABSTAIN: None

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

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Council President Baldwin advised that Council was back on the record at 7:36pm and advised that the following was discussed in executive session but no formal action taken:  
Jumping Brook Pump Station

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**ROLL CALL**

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

ABSENT: Mr. Roche

ALSO PRESENT: Maureen L. Muttie, Borough Clerk  
Brian M. Nelson, Director of Law  
Gerald Turning, Sr., Mayor  
Elizabeth Perez, Interim 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. Pak offered a motion to approve the minutes of September 5, 2017 seconded by Mr. Manginelli.*

**ROLL CALL**

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

NAYS: None

ABSENT: Mr. Roche

ABSTAIN: None

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Director of Finance – Thomas Fallon**

Mr. Fallon reviewed the 2017 Best Practices Submission and stated the Borough was able to answer twenty-two of the twenty five questions in the affirmative.

**Mayor’s Report – Gerald M. Turning, Sr.**

Mayor Turning reported of a long time employee of thirty one years, JoAnn White, had passed away. He gave a brief history of all the departments and positions she held here at the Borough and how much he and the staff will miss her.

**Engineer’s Report – Thomas Neff**

Mr. Neff reported he had a meeting with the County Engineering Office regarding the Hance Avenue traffic signal site. The County will be moving forward with the study of the Hance Avenue and Sycamore Avenue intersection as well as Sycamore Avenue and Hope Road. They will come up three alternatives of what can be done at these intersections. The County will be conducting an initial presentation to Council at the January 16, 2018 Council Meeting to let them know where they stand with these studies. It is expected sometime in March, the County will have the three alternatives ready to be presented.

**Interim Borough Administrator – Elizabeth Perez**

Ms. Perez reported she attended the first Art in the Yard event at the Crawford House and commented that it was a lovely event and it was well attended.

**Director of Law – Brian Nelson**

Mr. Nelson reported the Monmouth County Superior Court is commencing mediation sessions on all the Affordable Housing matters throughout the different municipalities in the County. He anticipates having the Affordable Housing Council at one of the Council’s executive session meetings in the near future.

**Borough Clerk’s Report – Maureen L. Muttie**

Ms. Muttie reported that next Tuesday, September 26, is the Special School Election for consideration of a bond proposal. The polls open at 2:00pm and close at 8:00pm.

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**DPW Director - Gary Gebele – Provided an Update on Library Issues**

Mr. Gebele reported the borough received a little more information from the insurance adjuster and it appears as though they're expecting the total cost of the cleanup aspect of the project will be in the neighborhood of \$25,000. He is fairly optimistic that it's going to be a covered loss and that the insurance company will pay the bulk of that. However, that remains to be seen until the remediation starts. They need to be able to identify some precipitating event – roof leak or something that occurred. It can't simply be a case of an old building that has been closed up for too long or ventilation or things like that.

Mr. Gebele commented that he would like to get some guidance from council tonight regarding corrections to the building and protection from future events of the same kind. Without making sure that the cause of the water leaking into the building is corrected then it would be a waste of time to do the remediation. One without the other would be fool hardy.

Mr. Gebele further explained the reason he is here tonight is really to bring some information about that correction process and what options may exist as far as protecting the building from future events. To start, the area of the building at the back where the small office is and the meeting room was part of an old modular trailer building that resided on the Borough's property for quite a number of years. It was no longer used by the Borough and was moved to its present location over at the library. It sat there detached from the existing building, which served as the library for all of these years, and then several years ago there was a project that tied the two buildings together. Some ADA improvements were made to the building which brings us to how the building sits there today.

The trailer is what he is really looking for some guidance from Council because the worst area of contamination is in the trailer. The one area of the building there is stachybotrys mold, the more dangerous mold. Due to the age of the building and its condition, Mr. Gebele felt it was necessary to bring to everyone's attention the options available and the risks versus benefits of cleaning up that area of the building. He mentioned the modular construction of the building and its age and how it is not like the construction of a home. Before they put up the vinyl siding they knew there was deteriorated wood siding damage and window frame damage on the outside of the building. What we know now is that there is moisture in those walls and is the most heavily contaminated side of the building with the mold. Moving forward with remediation he has put a pause on selecting a company until he receives some guidance on how far to go with that area of the building. Any efforts to clean up that part of the building would be wasted without finding a way to waterproof the building. He expressed doubts as to the ability to keep that part of the building waterproof going forward although it is an option to try their best efforts. He listed a few options:

- Remediate the section of the building where the mold is and try waterproofing efforts with no guarantee of success and mold may return.
- Remove the contaminated trailer section from the building which has pros and cons. The downside is losing square footage and the upside is reducing the remediation costs to the Borough.
- Remove the connecting bridge between the permanent structure and the trailer section and close the building up.
- Remove the structure and replace it with another modular structure at an approximate cost of \$45,000 with an additional \$15,000 for electrical hook ups, porches, railings, connecting the handicap bridge and roof and whatever would be needed to reopen. Also, if we wanted it to sit on a foundation, which it does not sit on now, the additional cost is approximately \$20,000.

Mr. Baldwin asks if Council had any questions.

Ms. Fama asked what the \$25,000 cleanup cost included and what about follow up testing.

Mr. Gebele commented that amount included cleaning of the trailer to make it habitable and some ongoing testing to make sure it stayed in compliance would cost approximately \$600. If mold was found again that would confirm there is a recurring problem.

Ms. Fama asked if you went with a new trailer at \$16,000 plus another \$20,000 for a foundation and the additional cost would be testing for mold; trailers are made to be temporary structures and over time we could have the same problems with a new structure.

Mr. Gebele responded affirmatively.

Ms. Fama asked about the option to remove the trailer and close the building wall what kind of expense would be incurred.

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Mr. Gebele stated if there are no remediation requirements the structure could be torn down by his department.

Mr. Baldwin commented that there is another expense for keeping the trailer and that is the cost of finding the leak and repairing the leak or leaks with the hope that it will not reoccur which is unlikely given the age of the trailer. There is a need to examine the ongoing maintenance costs versus the price of a new trailer.

Ms. Fama asked what the life expectancy of a new trailer is.

Mr. Gebele stated approximately 20 years. He also stated they do not know where all the entry points are in the building that caused the leaks and contributed to the mold situation. Perhaps the basement may need ventilation improvements because of the mold that was found there which will add to the remediation expenses. He does agree whatever the solution that ongoing testing will need to happen.

Mr. Pak wanted to know why the library board was saving money by not paying employees in anticipation of having to pay for remediation costs when most of the costs seem to be paid by the Borough.

Mr. Gebele was not sure of how the remediation funding for the library works. He stated there were library supplies that were thrown out and not covered by insurance.

Ms. Fama gave a brief update on the library board meeting she attended where the library patrons were asking what the status of the remediation proposals were and the response from the Borough. The board did a very good job explaining everything and making the patrons understand things take time.

**Council's Report**

Councilwoman Fama commented that the Library folks are looking to the Council and the Borough for direction on the next step in this process.

Councilman Manginelli had no report.

Councilman Pak reported he attended the Board of Education meeting where they talk about the proposed \$33 million dollar referendum. There is a State grant which would provide 40% of the money approximately \$16 million dollars and the taxpayers cost is approximately \$19.5 million dollars. This is why the school board wants the referendum on this year since the grant money is available now.

Council President Baldwin reported the Planning Board Meeting had been cancelled due to lack of an agenda.

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**ORDINANCES FOR INTRODUCTION** - None

**ORDINANCES FOR FINAL CONSIDERATION**

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**

*Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1418, seconded by Ms. Fama.*

**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. 2017-1418, seconded by Mr. Manginelli.*

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**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. 2017-1418, seconded by Ms. Fama.*

**ROLL CALL**

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

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**PUBLIC DISCUSSION**

*Mr. Pak offered a motion to open the Public Discussion, seconded by Ms. Fama.*

**ROLL CALL**

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

PUBLIC DISCUSSION OPEN

*Vito Perillo, 30 Clearview Drive* – Mr. Perillo stated he was not in favor of adding artificial turf to the baseball field. He finds nothing wrong with the present field at Hockhockson Park. A turf field is too costly and his research showed artificial turf can be dangerous and most major league baseball teams are going away from artificial turf.

*Scott Simpson, 27 Avalon Drive* – Mr. Simpson, Little League President, stated he is for the artificial turf project at Hockhockson Park. He feels it will benefit the children and the type of turf available now prevents injuries. The fields in some spots are not level causing injuries. Rainy weather prevents usage of the fields. Installing turf on the fields will provide consistent level fields, better drainage and encourage participation in the sport of baseball. He noted the Capelli turf soccer fields have increased participation in soccer and believes it would also do the same for baseball. He stated we should not pass up a State grant of \$250,000 when turf is the future.

Mr. Baldwin asked are all three fields utilized.

Mr. Simpson stated the two smaller fields are utilized most and the big field less and is rented out some of the time.

Mr. Baldwin asked if one field receives artificial turf will you come back to ask for the other fields also.

Mr. Simpson replied in general he would like to see all the fields in Tinton Falls turfed which he believes could be a great money maker by renting fields out, hosting tournaments and events. To answer the question, no it would not be a priority.

Ms. Fama asked have you researched natural grasses as a solution since there maybe unknowns about chemicals in artificial turf that may prove harmful to children and looking into an Open Space grant funding.

Ms. Simpson stated he discussed with Mayor Turning, Mr. Fallon and Mr. Neff about the Open Space grant and the consensus was the turf was the way to go if spending a large amount of money. No matter how well you make the drainage, dirt and grass have puddles and it will not drain.

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Mr. Neff commented he had done additional research and found the cost of making a well-drained baseball field is not that much different than installing turf. He further explained in detail the specifics on drainage.

Mr. Pak stated he finds it hard to justify spending approximately \$650,000 for one artificial turf field for a sport that is played 3 ½ months during the year when we are trying to keep costs down and stable for our taxpayers.

Mr. Manginelli asked where the future of baseball is headed.

Mr. Simpson stated his research found that approximately 60-65% of the high schools currently play on turf fields and approximately 80-85% of the colleges were playing on turf fields.

*Mike Faletti, 16 Farmedge Lane* – Mr. Faletti stated that baseball season starts in March and ends with Fall Ball which is a long playing season. He observed the existing soccer turf fields have players playing in all kinds of weather every day throughout the year. He asked that Council consider all three fields at Hockhockson in terms of safety. He asked Mr. Neff for a breakdown of the cost of the turf field.

Mr. Neff offered to provide a breakdown and gave a summary of the costs.

*Vito Perillo, 30 Clearview Drive* – Mr. Perillo after hearing the comments from the Little League reinforced his position that he was against the artificial turf project.

*Greg Denton, 32 Timothy Lane* – Mr. Denton stated they don't have the volunteers to keep the present fields in good playing condition. Rain one day can make the field unplayable for four days. He is in favor of installing one field with artificial turf with the hopes the Borough will realize the savings of less maintenance and the investment of seeing an increase in children's participation in the sport of baseball.

*Scott Simpson, 27 Avalon Drive* – Mr. Simpson follow up comment regarding taxpayer's expense that it was his understanding that the taxpayers would not see an increase in their bill for the entire \$625,000 and the show of hands was in regard to a vested interest in the sport not in support of the turf.

Ms. Fama asked what amount of money we can get from the Open Space Grant if we propose a natural grass field.

Mr. Neff stated from his research the cost benefit depends if you want your field at the same level as the turf field regarding drainage improvements whereby you can play on the field after a rain then the costs will be similar to installing a turf field.

Mayor Turning stated the reason for this proposal and how we want to spend our Open Space Funds. Mr. Turning commented that this was not done just for the Little League team. In 2015 we spent \$287,000 on the Sycamore Avenue Complex. In 2016 we spent \$392,925 on Hance and Hockhockson Parks improvements. In 2017 when Little League brought this proposal the turf field expense was estimated to be \$325,000. We found that amount was insufficient to build what we wanted to build and we told Little League we would not spend \$600,000 on a turf field. The Open Space Grant of \$250,000 would cover the costs and we would only be paying the original amount stated of \$325,000. He stated the average Tinton Falls taxpayer pays approximately \$6.00 per month into the Open Space Fund. The question is do we want to use Open Space Funds to improve our parks and not lose the opportunity to get \$250,000 in grant funding. The grant application is due tomorrow and he strongly recommended the Council vote to approve this application of this grant.

Mr. Pak stated he appreciated the Mayor's comments and passion and pointed out that originally they spoke about the cost as \$350,000 and supplementing that cost.

*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: Mr. Roche

ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

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

Mayor Turning stated he met with a group from the Tears Foundation. This is an organization that provides support for families that have lost their children within their first year of life. They arrange for funeral costs, headstones for families that cannot afford them along with encourage and support to the grieving families. He will be proposing a proclamation for declaring month of October for Tear Foundation Awareness Month and would like Council's support.

Mr. Baldwin agreed to support the proclamation.

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**RESOLUTIONS**

**R-17-162 - RESOLUTION IN SUPPORT OF THE OPEN SPACE GRANT APPLICATION  
HOCKHOCKSON PARK SYNTHETIC TURF BASEBALL/SOFTBALL FIELD**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of Tinton Falls Borough desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the Hockhockson Park Synthetic Turf Baseball Field Project for Field #1 (Block 92, Lot 1; and Block 84, Lot 15, 17, & 19 of the Official Tax Map of the Borough of Tinton Falls); and

**WHEREAS**, the total cost of the project including all matching funds is \$626,225.00; and

**WHEREAS**, the Borough of Tinton Falls is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF TINTON FALLS  
THAT:**

1. Elizabeth Perez, Interim Borough Administrator or her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Tinton Falls is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Elizabeth Perez, Interim Borough Administrator or her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

*Mr. Pak offered a motion to approve Resolution R-17-162, seconded by Mr. Manginelli.*

**ROLL CALL**

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

NAYS: Ms. Fama

ABSENT: Mr. Roche

ABSTAIN: None

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**CONSENT AGENDA**

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

**ROLL CALL** (to approve Consent Agenda)

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

NAYS: None

ABSENT: Mr. Roche

ABSTAIN: None

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**R-17-163 - RESOLUTION SUPPORTING THE EFFORTS OF THE NAVESINK  
RIVER MUNICIPALITIES COMMITTEE AND THEIR PARTNERS**

**WHEREAS**, the Navesink River is an essential economic, social, and environmental driver in the Two Rivers Region, and provides for unparalleled aesthetic, recreational and commercial value; and

**WHEREAS**, the Navesink River is listed as impaired on the US Environmental Protection Agency's 303(d) List of Impaired Waterways (as required by the Clean Water Act) for primary contact recreation, shell fishing, and dissolved oxygen; and

**WHEREAS**, the Navesink River has a decade long history of both innovative and collaborative watershed focused remediation work, and pathogen pollution impacts; and

**WHEREAS**, the continued impacts of pathogen pollution within the Navesink River detract from the ability of our communities and citizens to enjoy and profit from the river including the recent downgrade of over 565 acres of shell fishing area by the NJDEP; and

**WHEREAS**, the Navesink River Municipalities Committee has committed itself to the protection, rehabilitation, and enjoyment of the river; and

**WHEREAS**, the Navesink River Municipalities Committee is the preeminent liaison between citizens and local governance, and is tasked with facilitating the dispersal of information, action updates, and data between citizens, local and State Government and environmental organizations; and

**WHEREAS**, the Borough of Tinton Falls has committed to work with the Navesink River Municipalities Committee and other groups that champion their mission to protect, rehabilitate and enjoy the Navesink River including New Jersey Clean Ocean Action, members of "Rally for the Navesink" and the NJDEP.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Tinton Falls affirms its support and commitment to the Navesink River Municipalities Committee, New Jersey Clean Ocean Action, members of "Rally for the Navesink" and the NJDEP in their efforts to protect, rehabilitate and enjoy the Navesink River.

**BE IT FURTHER RESOLVED** that as members of the Navesink River Municipalities Committee commit to: (1) read and abide by the "Quality Assurance Project Plan (QAPP), Navesink River Ambient Bacterial Source Trackdown 2017; (2) remain familiar with the QAPP, as well as with any updates or modifications to the QAPP by NJDEP and Clean Ocean Action (in its Project Field Organizer capacity); (3) work to facilitate and support the various components of the QAPP as written, particularly relating to facilitating access to site locations, sample collections and handling, and field management between sampling participants and Municipal entities; (4) fulfill its role as a key entity in this collaborative project to ensure that municipalities will remain engaged in this track down work through continued the attendance of citizen and council representatives, and by providing for opportunities for NJDEP, Municipal entities, Clean Ocean Action, and other "Rally for the Navesink" members, to present and disseminate information to the Navesink River Municipalities Committee.

**BE IT FURTHER RESOLVED** that the Borough of Tinton Falls affirms its dedication to the goals set forth within the QAPP, and within the charter of the Navesink River Municipalities Committee to improve water quality in the Navesink River, and will leverage these water quality track down results to implement best practices, support citizen engagement and community support, and encourage local and State government actions aimed at finding and eliminating sources of pollution that may be uncovered by this project.

**R-17-164 - STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

**ENABLING RESOLUTION**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Tinton Falls desires to further the public interest by obtaining a loan of \$0 and/or a grant of \$550,000 from the State to fund the following project(s):

Project No. 1336-94-036 Tinton Falls Acquisition

**NOW, THEREFORE**, the governing body/board resolves that Gerald M. Turning, Sr. or the successor to the office of Mayor is hereby authorized to:

- (a) Make application for such a loan and/or such a grant,
- (b) Provide additional application information and furnish such documents as may be required,
- (c) Act as the authorized correspondent of the above named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS THAT:**



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1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Tinton Falls Acquisition, and
2. The applicant has its matching share of the project, if a match is required, in the amount of \$550,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

**R-17-165 - RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC  
BIDDING  
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6**

**WHEREAS**, there is an emergency condition at the Jumping Brook Pump Station requiring immediate emergency attention to the pumps as described in memorandum attached for an undetermined amount; and

**WHEREAS**, provisions of N.J.S.A. 40A: 11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

**WHEREAS**, Gary Gebele, Director of Public Works has described the situation and declared this situation an emergency condition in memo dated August 25, 2017 attached.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award contracts for the repairs necessary for the safe operation of the Jumping Brook Pump Station.

**R-17-166 - RESOLUTION ACCEPTING DEED OF SIDEWALK EASEMENT  
FROM STANDARD SUPPLY CO., INC. (BLOCK 146, LOT 2.01)  
COMMONLY KNOWN AS 40 SHARK RIVER ROAD**

**WHEREAS**, on May 4, 2017 (Revised June 1, 2017), the Zoning Board of Adjustment approved certain variances to allow for future construction on Block 146, Lot 2.01, an undersized parcel, with the condition that the applicant provide a ten foot sidewalk easement to the Borough of Tinton Falls (Application No. BA2017-02); and

**WHEREAS**, the applicant has submitted a Deed of Sidewalk Easement with an accompanying Property Description to the Borough that has been reviewed by the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Tinton Falls that it hereby accepts the Deed of Sidewalk Easement and accompanying Property Description prepared by C.C. Widdis Surveying, LLC dated May 16, 2017 attached hereto and made part hereof providing a ten foot sidewalk easement to the Borough of Tinton Falls.

**R-17-167 - RESOLUTION RELEASING MAINTENANCE GUARANTEES FOR  
PERRI PROPERTIES, LLC - 1138 PINE BROOK ROAD - BLOCK 114 – LOT 8**

**WHEREAS**, a request has been made for the release of Maintenance Guarantees for Perri Properties, Block 114 Lot 8; and

**WHEREAS**, by letter dated September 6, 2017 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the bonded improvements have been satisfactorily completed in accordance with the approved site plan and remain in good condition and recommends the release of the guarantees for Perri Properties, Block 114 Lot 8.

**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-17-168 - RESOLUTION WAIVING PERMIT FEES FOR NORTHSIDE ENGINE CO. NO.4**

**WHEREAS**, Northside Engine Co. No.4 submitted permits for the renovations of their fire house; and

**WHEREAS**, the Borough has agreed to waive their construction portion of the fees, less the 20% plan review fee; and

**WHEREAS**, the original fees amounted to \$2,337.00 (\$2,144 in construction fees, \$143 State surcharge fees and \$50 Certificate of Occupancy fee); and

**WHEREAS**, the amount of fees to be waived would total \$1,715.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that Northside Engine Company be afforded the \$1,715.00 discount on their permit fees, therefore making the amount due on their permit \$622.00. This amount would include the 20% Borough plan review fee of \$429 (20% of

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\$2,144.00) as well as the State surcharge amount of \$143.00 and the Certificate of Occupancy fee of \$50.00 (both of which are mandated).

**R-17-169 - RESOLUTION REFUNDING RECREATION FEES**

**WHEREAS**, during the month of June 2017 fees were paid by a resident of Tinton Falls for their child's participation in our Fall Soccer 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 September 2017, the Recreation Superintendent informed the resident Christy DeFilippis that their son, Connor was not age appropriate and a refund in the amount of \$90.00 shall be issued. The \$10.00 processing fee does not apply.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$90.00 be issued to Christy and/or Rob DeFilippis.

**R-17-170 - RESOLUTION - CANCELLING & REFUNDING TAXES DUE TO A  
100% TOTALLY DISABLED VETERAN EXEMPTION**

**WHEREAS**, an overbilling and an overpayment of 2017 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2017 (from March 10, 2017 through December 31, 2017); and

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND</u>	<u>TOTAL</u>
Pedro M. Perez-Torres & Yola Prieto 51 William Street Tinton Falls, NJ 07724	3	30	\$1,539.69	\$3,738.40	\$5,278.09

**WHEREAS**, said exemption resulted in an overbilling and an overpayment of the 2017 taxes in the amount of \$5,278.09 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 \$1,539.69, be cancelled for the year 2017 and that a refund in the amount of \$3,738.40 is hereby approved for the aforementioned property.

**R-17-171 - RESOLUTION CANCELLING & REFUNDING TAXES DUE TO A  
100% TOTALLY DISABLED VETERAN EXEMPTION**

**WHEREAS**, an overbilling and an overpayment of 2017 Taxes has been made as a result of a 100% Totally Disabled Veteran Exemption for the year of 2017 (from January 1, 2017 through December 31, 2017); and

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCEL</u>	<u>REFUND TO HOMEOWNER</u>	<u>REFUND TO SEWER DEPT.</u>	<u>TOTAL</u>
David M. & Taliese D. Cooper 141 Newman Springs Road Tinton Falls, NJ 07724	5.02	1.01	\$2,028.45	\$6,084.96	\$289.51	\$8,402.92

**WHEREAS**, said exemption resulted in an overbilling and an overpayment of the 2017 taxes in the amount of \$8,402.92 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 \$2,028.45, be cancelled for the year 2017 and that a refund to the homeowner in the amount of \$6,084.96 and a refund to the Borough in the amount of \$289.51 (to be applied to the outstanding 2017 sewer balance and interest) are hereby approved for the aforementioned property.

**R-17-172 - RESOLUTION CANCELLING TAXES FOR A VETERAN'S DEDUCTION**

**WHEREAS**, an overbilling of 2017 taxes has been made as a result of a Veteran's deduction for the year 2017 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Eric L. Carbone 22 Mayberry Drive Tinton Falls, NJ 07724	105.01	38.09	\$250.00

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**AND WHEREAS**, said deduction has resulted in a cancellation of the 2017 taxes in the amount of \$250.00, as certified by the Borough Tax Collector.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$250.00 is hereby approved as a result of the cancellation of the taxes for the aforementioned property for the year 2017.

**R-17-173 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 3<sup>rd</sup> 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>
Red Bank Title Agency 25 Sycamore Avenue Little Silver, NJ 07739	56	3.02	\$405.20

Re: Farrah from Kochansky  
156 Hope Road

**WHEREAS**, said error has resulted in an overpayment of 2017 3<sup>rd</sup> quarter taxes paid in the amount of \$405.20, 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 \$405.20 is hereby approved for the aforementioned property.

**R-17-174 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 3<sup>rd</sup> 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>
Cynthia Mango 505 E. Keller Court Hernando, FL 34442	81.01	29	\$2,437.31

Re: Jewell from Mango  
255 Hockhockson Road

**WHEREAS**, said error has resulted in an overpayment of 2017 3<sup>rd</sup> quarter taxes paid in the amount of \$2,437.31, 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 \$2,437.31 is hereby approved for the aforementioned property.

**R-17-175 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 3<sup>rd</sup> 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>
John R. Merlino, Jr. Esq. 394 Manor Road Staten Island, NY 10314	119	1.04	\$955.69

Re: John J. Murphy Living Trust to Wayside Bus Depot, LLC  
1035 Wayside Road

**WHEREAS**, said error has resulted in an overpayment of 2017 3<sup>rd</sup> quarter taxes paid in the amount of \$955.69, 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 \$955.69 is hereby approved for the aforementioned property.

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**R-17-176 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 3<sup>rd</sup> 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>
Thomas & Diane Wilkie 9 Kyle Drive Tinton Falls, NJ 07712	120.05	25	\$125.94

**WHEREAS**, said error has resulted in an overpayment of 2017 3<sup>rd</sup> quarter taxes paid in the amount of \$125.94, 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 \$125.94 is hereby approved for the aforementioned property.

**R-17-177 - RESOLUTION REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2017 3<sup>rd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney; and

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
John R. Melino Jr., Esq. 394 Manor Road Staten Island, NY 10314	124.60	1	\$1,791.41

Re: Berry from Siegel  
5 Bismark Street

**WHEREAS**, said error has resulted in an overpayment of 2017 2<sup>nd</sup> quarter taxes paid in the amount of \$1,791.41, 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 \$1,791.41 is hereby approved for the aforementioned property.

**R-17-178 - RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 19, 2017**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 19, 2017; 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	\$621,457.29
SEWER UTILITY	188,540.99
CAPITAL	4,725.39
GRANT FUNDS	3,093.41
TRUST FUNDS	13,471.51
DOG TRUST	288.80
ESCROW	35,396.47
ADDITIONS	1,261,689.41
	<hr/>
	2,128,663.27

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**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: Mr. Roche

ABSTAIN: None

TIME: 8:58pm

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

**APPROVED AT A MEETING HELD ON: January 16, 2018**