

**REGULAR AND WORKSHOP MEETING
JUNE 18, 2019
BOROUGH COUNCIL**

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

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 New Coaster at least 48 hours prior to this meeting."

ROLL CALL

PRESENT: Mr. Manginelli, Mr. Siebert, Mr. Baldwin
ABSENT: Ms. Fama, Mr. Pak
ALSO PRESENT: Melissa Hesler, Borough Clerk
 Kevin Starkey, Esq.
 Vito Perillo, Mayor
 Michael Skudera, Borough Administrator
 Thomas Neff, Borough Engineer

All present stood for a salute to the flag

APPROVAL OF MINUTES

Mr. Siebert offered a motion to approve the Regular/Workshop Meeting of May 7, 2019 and the Regular Meeting of May 21, 2019 seconded by Mr. Manginelli.

ROLL CALL

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

ORDINANCES FOR INTRODUCTION

Ms. Hesler read Ordinance No. 2019-1448 entitled: ORDINANCE AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE," TO UPDATE THE REFERENCES TO THE CURRENT PROPERTY MAINTENANCE CODE

Mr. Manginelli offered a motion to introduce Ordinance No. 2019-1448, seconded by Mr. Siebert

ROLL CALL

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

Public Hearing/Adoption will be held on July 16, 2019.

ORDINANCE AMENDING CHAPTER XII OF THE BOROUGH CODE, ENTITLED "PROPERTY MAINTENANCE," TO UPDATE THE REFERENCES TO THE CURRENT PROPERTY MAINTENANCE CODE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Chapter XII of the Borough Code, entitled "Property Maintenance," shall be amended and supplemented as set forth herein:

SECTION 1. Chapter XII of the Borough Code, entitled "Property Maintenance," shall be amended and supplemented as indicated below in Section 12-1, with deletions indicated by ~~strike throughs~~ and additions indicated in underline:

CHAPTER XII PROPERTY MAINTENANCE

12-1 ADOPTION OF ~~BOCA NATIONAL EXISTING STRUCTURES~~ 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE BY REFERENCE.

12-1.1 Adoption of ~~BOCA National Existing Structures~~ 2018 International Property Maintenance Code by Reference.

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There is hereby adopted the ~~Existing Structures Code~~ **Property Maintenance Code** of the Borough of Tinton Falls, Monmouth County, New Jersey, that certain building code known as "~~The BOCA National Existing Structures Code, Second Edition, 1987~~" as published by the ~~Building Officials and Code Administrators International, Inc.~~ "**2018 International Property Maintenance Code**", as published by **International Code Council, LLC**, for the control of buildings and structures as provided therein and each and all the regulations, provisions, penalties, conditions and terms of the ~~BOCA National Existing Structures Code~~ **2018 International Property Maintenance Code** a copy of which is annexed hereto and are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes prescribed in subsection 12-1.3. ~~(Ord. #90-718, §1)~~

12-1.2 Copies on File.

One (1) copy of the ~~BOCA National Existing Structures Code, Second Edition, 1987~~ **2018 International Property Maintenance Code** are on file in the office of the Borough Clerk, similarly marked, and shall remain on file for the use and examination of the public. ~~(Ord. #90-718, §2)~~

12-1.3 Additions, Insertions and Changes.

The ~~BOCA National Existing Structures Code~~ **2018 International Property Maintenance Code** is amended and revised in the following respects:

- a. ~~Section ES 100.1 (page 1, second line): Insert for name of jurisdiction, "Borough of Tinton Falls, Monmouth County, New Jersey".~~
- b. ~~Section ES 110.2 (page 8, third line): Insert "Two Hundred (\$200.00) Dollars" in two locations.~~
- c. ~~Section ES 110.2 (page 8, fourth line): Insert "ninety (90) days".~~
- d. ~~Section ES 111.4 (page 9, second line): Insert "ten (10) days".~~

a. Section 101.1: Insert for name of jurisdiction, "Borough of Tinton Falls, Monmouth County, New Jersey".

b. Section 103.5: Insert "Borough of Tinton Falls General Ordinance".

c. Section 112.4: Insert "\$500.00", and "\$1,250.00". This shall be in addition to any court imposed fines or fees.

d. Section 302.4: Insert "ten (10) inches".

e. Section 304.14: Insert "April", and "November".

f. Section 602.3: Insert "October", and "April".

g. Section 602.4: Insert "October", and "April".

~~(Ord. #90-718 §3)~~

12-1.4 Amendments.

Any amendments to the ~~BOCA National Existing Structures Code/1987~~ adopted by ~~Building Officials and Code Administrators International, Inc.~~ **2018 International Property Maintenance code, adopted by International Code Council, LLC.**, are to be incorporated into the **International Property Maintenance** Code without further action, either by ordinance or resolution, of the Borough Council, so long as such amendments are appended to the **International Property Maintenance** code, a copy of which is to be on file for public inspection in Borough Hall. ~~(Ord. #90-718 §4)~~

12-1.5 Severability.

If any portion of this section is declared to be ineffective, unenforceable or void, only that portion of this section shall be excised and the remainder of this section shall remain and continue in effect. ~~(Ord. #90-718 §5)~~

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

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SECTION 3. Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Ms. Hesler read Ordinance No. 2019-1449 entitled: ORDINANCE AMENDING VARIOUS SECTIONS OF THE BOROUGH CODE TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE CODE ENFORCEMENT DIVISION AND THE PLANNING AND ZONING DIVISION

Mr. Manginelli offered a motion to introduce Ordinance No. 2019-1449, seconded by Mr. Siebert

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

Public Hearing/Adoption will be held on July 16, 2019.

ORDINANCE AMENDING VARIOUS SECTIONS OF THE BOROUGH CODE TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE CODE ENFORCEMENT DIVISION AND THE PLANNING AND ZONING DIVISION

WHEREAS, the Borough Council desires to clarify the duties and responsibilities of the code enforcement division and the planning and zoning division, which has been requested by the Mayor and Administration in conjunction with the Construction Official;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following sections of the Borough Code shall be amended and supplemented as indicated, with deletions indicated by ~~strike throughs~~ and additions indicated in underline:

SECTION 1. Section 2-14 of the Borough Code, entitled "Department of Building and Development," shall be amended and supplemented as indicated below:

2-14 DEPARTMENT OF BUILDING AND DEVELOPMENT.

2-14.1 Department Established; Director.

There is hereby created a Department of Building and Development, the head of which shall be the Director.

2-14.2 Division of Construction Enforcement.

Within the Department of Building and Development there shall be a Division of Construction Enforcement the head of which shall be the Construction Official, who shall be appointed in accordance with law. The Division shall:

- a. Enforce the provisions of the State Uniform Construction Code Act, P.L. 1975, C. 217, as may be amended from time to time, and any component subcode, such as building, electrical, plumbing, energy, fire prevention, mechanical, etc., as may be adopted in accordance with law.
- b. Provide to the Construction Board of Appeals, if such is authorized, staff assistance as needed.

2-14.3 Division of Code Enforcement.

Within the Department of Building and Development there shall be a Division of Code Enforcement the head of which shall be the Code Enforcement Officer ~~who shall also be the Zoning Officer~~, who shall be appointed in accordance with law. The Division shall enforce the provisions of this Code and pursuant to that duly to investigate any violation or alleged violation of any provision of this Code coming to the attention of the Borough whether by complaint from third persons or by personal knowledge or observation. The Code Enforcement Officer shall have the authority to proceed with the enforcement of any provision and pursue such penalties as may be provided herein as well as the provisions of Chapter ~~XIV~~ XII of this Code.

2-14.4 Division of Planning and Zoning.

Within the Department of Building and Development, there shall be a Division of Planning and Zoning, the head of which shall be the Director of the Department.

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- a. The Division shall recommend the appointment of employees, staff, services and management and land use planning services to the Mayor, Borough Council and the Administrator in addition to the statutory and advisory boards established herein.
- b. The Zoning Officer shall report to the Director and shall be responsible for administering and enforcing Zoning Ordinances under the Borough Code, Chapter XL – Land Use Regulations and shall have such other responsibilities and duties as set forth in Section 3-9 of the Borough Code.
- ~~c.b.~~ The Planning Board, established by Ordinance No. 425, dated July 11, 1978, pursuant to N.J.S.A. 40:55D-23, is hereby continued and assigned for administrative and staffing purposes to the Division. Members shall be appointed by the Mayor in accordance with the Statutes; except for the Borough Council member who shall be a member of the Borough Council appointed by the Borough Council.
- ~~d.e.~~ The Zoning Board of Adjustment established by Ordinance No. 425, dated July 11, 1978, pursuant to N.J.S.A. 40:55D-69, is hereby continued and assigned for administrative and staffing purposes to the Division. Members shall be appointed by the Borough Council in accordance with the discretionary provisions of the Statutes. Whenever possible, the Borough Council shall advertise for appointees to the Zoning Board of Adjustment sixty (60) days prior to the scheduled appointment.
- ~~e.d.~~ The Environmental Commission is established by Ordinance No. 89-706 on November 21, 1989, pursuant to N.J.S.A. 40:56A-1. (See Section 3-37)
- ~~f.e.~~ The Historic Preservation Commission is established by Ordinance No. 89-712 on January 16, 1990. (See Land Use Regulations, Chapter XL)
- ~~g.f.~~ The Economic Development Council has been created and is hereby continued and placed within the Division for administrative staffing purposes. The Mayor shall appoint a Chairperson and regular members to serve at the pleasure of the Mayor and until the appointment and qualification of their successors. The members of the Economic Development Council need not be residents of the Borough of Tinton Falls. The Economic Development Council shall advise the Mayor, Borough Council and Administrator on development issues facing the Borough. The Economic Development Council shall recommend actions to:
 - 1. Promote the location of business and commercial development in the Borough of Tinton Falls.
 - 2. Seek to retain existing business and commercial enterprises.
 - 3. Promote the voluntary support of governmental programs by private business and commercial enterprises.
- ~~h.g.~~ The Shade Tree Commission has been created and is hereby continued and placed within the Division for administrative staffing purposes.

SECTION 2. Section 3-8 of the Borough Code, entitled “Code Enforcement Officer,” shall be amended and supplemented as indicated below:

3-8 CODE ENFORCEMENT OFFICER.

3-8.1 Purpose; Position Created.

There exists a need in this Borough for a more coordinated, consistent and thorough enforcement of the laws, codes and ordinances duly enacted by the Borough Council, and in order to more adequately protect persons and property and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, there is hereby created the position of Code Enforcement Officer for the Borough.

3-8.2 Appointment; Compensation.

The Director shall designate a Code Enforcement Officer in accordance with the provisions established by State law. ~~The Mayor shall nominate and, with the advice and consent of the Borough Council, pursuant to N.J.S.A. 40:87-16, appoint the Code Enforcement Officer. Unless sooner removed, the Code Enforcement Officer shall hold office for one (1) year and until a successor has been appointed and qualified. The salary shall be set by ordinance.~~ The Code Enforcement Officer shall not be required to be a resident of the Borough. The Code Enforcement Officer shall be assigned to the Administrative Department of the Borough and in day-to-day activities shall be assigned to and be a part of the Building Department. The position shall be either full-time or part-time as determined ~~by the Borough Council~~ at the time of appointment.

3-8.3 Duties.

It shall be the duty and responsibility of the Code Enforcement Officer to see to it that all applicable municipal laws, codes and ordinances of this Borough are duly enforced in a coordinated, consistent and thorough manner.[1] In that connection, the Code Enforcement Officer shall have the power and duty to investigate, issue warnings, post notices, issue stop-work orders, sign complaints and prosecute and testify in the Municipal Court in regard to violations of any of the laws, codes and ordinances in force in this Borough, including but not limited to the following areas:

- ~~a. Zoning regulations.[2]~~
- ~~b. Subdivision regulations.[3]~~
- ~~a.e.~~ Repair, closing and demolition of buildings unfit for human habitation regulations.[4]
- ~~b.d.~~ Housing Code regulations essential to making dwellings safe, sanitary and fit for human habitation.[5]

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~~c.e.~~ Dog pound regulations.[6]

~~f.~~ Street excavation regulations.[7]

~~g.~~ Junk shop dealers, junkyards and junk dealer regulations.[8]

~~d.h.~~ Removal of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris regulations.[9]

* * * [remainder of this section shall remain unchanged]

SECTION 3. A new Section 3-9 shall be inserted into the Borough Code, to be entitled “Zoning Officer,” and which shall read as follows:

3-9 ZONING OFFICER

3-9.1 Appointment; Compensation

The Director shall designate a Zoning Officer in accordance with the provisions established by State law. The Zoning Officer shall not be required to be a resident of the Borough. The Zoning Officer shall be assigned to the Administrative Department of the Borough. The position shall be either full-time or part-time as determined at the time of appointment.

3-9.2 Duties.

The Zoning Officer shall be responsible for administering and enforcing Zoning Ordinances under the Borough Code, Chapter XL – Land Use Regulations. The Zoning Officer has overall responsibility for the administrative oversight of all applications for land development and zoning permits including:

- (a) Review all Master Plan and Zoning ordinance Revisions
- (b) Review all plot plans, subdivision layouts, surveys, site plans and building plans of new structures and additions for compliance with land use regulations
- (c) Review proposed projects for compliance with Municipal Land Use Law and consult with the applicants, their professionals and board members and professionals regarding all development within the borough
- (d) Send a representative to attend Zoning Board of Adjustment and Planning Board meetings as needed
- (e) Enforcement of Borough zoning laws through the Zoning Officer and Code Enforcement Officer.

SECTION 4. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 5. Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Ms. Hesler read Ordinance No. 2019-1450 entitled: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI OF THE BOROUGH CODE, ENTITLED “BUILDING AND HOUSING,” TO ADD NEW PROVISIONS FOR CERTIFICATES OF CONTINUED OCCUPANCY

Mr. Siebert offered a motion to introduce Ordinance No. 2019-1450, seconded by Mr. Manginelli

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

Public Hearing/Adoption will be held on July 16, 2019.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI OF THE BOROUGH CODE, ENTITLED “BUILDING AND HOUSING,” TO ADD NEW PROVISIONS FOR CERTIFICATES OF CONTINUED OCCUPANCY

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Borough Code shall be amended and supplemented in Chapter XI, entitled “Building and Housing,” as indicated hereinbelow:

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SECTION 1. A new Section 11-4, to be entitled "Certificates of Continued Occupancy," shall be added to the Borough Code, which shall hereby be amended and supplemented as follows:

11-4 CERTIFICATES OF CONTINUED OCCUPANCY

11-4.1 Enforcement Official

The Code Enforcement Official/ Inspectors of the Borough of Tinton Falls is hereby designated as the officer to exercise the powers prescribed by this section.

11-4.2 Certificates of Continued Occupancy (CCO) Required- Residential dwellings

- a. A Certificate of Continued Occupancy ("CCO") shall be required for any change in occupancy, change in ownership, or change in title of any existing residential dwelling.
- b. The owner or agent of the residential dwelling is responsible for submitting the required online application and fees in accordance with this ordinance.
- c. Property taxes shall be current prior to submitting any application for CCO.
- d. The following information and documentation shall be submitted with the application for CCO:
 1. Property address
 2. Name, address, and contact info of present owner
 3. Number of Bedrooms
 4. Name of buyer or tenant
 5. Names and ages of all occupants
 6. Heat Certification for heating system by licensed HVAC technician or licensed plumber, issued no longer than six (6) months prior to application.
 7. Wood Burning stove/ fireplace Chimney Certification (if applicable)- issued by a Chimney Safety Institute of America certified Chimney Sweep; certification must state that the chimney/vent is free and clear of obstruction and is substantially clean of residue and is appropriately lined and sized.
 8. Gas Fireplace Certification (if applicable)- by licensed HVAC technician or licensed plumber
 9. Well Water certification (if applicable)- must be tested by a state certified lab.
 10. Septic System Certification (if applicable)- by a licensed Septic company
 11. Elevator Certification (if applicable)
 12. Any other information that may be deemed necessary by the Code Enforcement Official.
- e. Applications shall be processed within 15 business days; after application is deemed complete, inspections may be scheduled.
- f. The property owner shall afford the Code Enforcement Official or Code Inspector, the opportunity to inspect the structure and premises and shall consent to inspection.
- g. No dwelling shall be sold or transferred unless it meets the requirements of the 2018 International Property Maintenance Code, New Jersey State Housing Code, New Jersey Uniform Fire Code, and all references to other Uniform Building Codes and local ordinances. Inspections of residential re-sale properties shall be limited to the property complying with the Zoning Regulations and exterior of property complying with the Property Maintenance Code.
- h. A Certificate of Continued Occupancy is issued by the Borough upon a determination that an existing residential dwelling continues to remain fit for human habitation in accordance with the provisions of the 2018 International Property Maintenance Code, Ordinances of the Borough of Tinton Falls, and any other national laws, codes, rules and regulations.
- i. The Code Enforcement Official shall issue a residential CCO, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has been made and that no violations or outstanding Zoning or Building Department permits have been determined to exist.
- j. There shall be no transfer of title if unabated zoning violations exist on the property.
- k. A Residential Certificate of Continued Occupancy shall be effective for a period of 90 days. If a dwelling fails to sell, transfer or grant with right of occupancy within this period, the owner shall submit a new application and the required fees.
- l. Any application that has not received a Certificate of Continued Occupancy within 120 days of the initial inspection shall be closed, and a new application and fee shall be submitted.

11-4.3 Certificates of Continued Occupancy (CCO) Required- Non-residential units

- a. A Certificate of Continued Occupancy ("CCO") shall be required for any change of tenancy, change of ownership, change in occupancy, or change in title of any non-residential building or part thereof.
- b. The owner or agent on the non-residential building or tenant for part thereof is responsible for submitting the required application and fees in accordance with this ordinance.
- c. No owner, agent or broker shall sell, transfer or grant with right of occupancy, any non-residential building or part thereof unless a Certificate of Continued Occupancy is first obtained from the Code Enforcement Official by use of the appropriate application fees provided herein. The property owner shall afford the Code Enforcement Official or Code Inspector the opportunity to inspect the structure and premises and shall consent to inspection.
- d. A Commercial Use Zoning Permit shall be submitted with any application for a non-residential CCO.
- e. Any outstanding penalties and property taxes shall be paid prior to submitting an application for a non-residential CCO.
- f. The Code Enforcement Official shall issue a non-residential CCO, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The Certificate of Continued Occupancy shall evidence only that a general inspection of the

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visible parts of the building or structure has been made and that no violations or outstanding Zoning or Building Department permits have been determined to exist.

- g. After all documentation has been submitted, and all inspections have passed, a Certificate of Continued Occupancy shall be issued within ten (10) business days.
- h. There shall be no transfer of title if unabated zoning violations exist on the property.
- i. Any application that has not received a Certificate of Continued Occupancy within 120 days of the initial inspection shall be closed, and a new application and fee shall be submitted.

11-4.4 Fees

The Borough of Tinton Falls shall charge *non-refundable* application fees for a Certificate of Continued Occupancy as follows:

- a. Detached single family dwelling -\$150.00 per dwelling
- b. Attached multi family dwelling (i.e. condominiums, townhouses, apartments)- \$75.00 per dwelling
- c. Non-residential buildings or part thereof -\$50.00 per 1000 Sq. Ft. or part thereof
- d. Zoning permit for Commercial Use- \$100.00
- e. There shall be no charge for the first re-inspection of any unit which fails inspection. There shall be a re-inspection fee of \$50.00 per re-inspection thereafter. All fees shall be paid prior to inspection.
- f. Applications not submitted online shall have an additional fee of \$15.00.
- g. Applications that require processing in 10 days or less shall have an additional processing fee of \$150.00; this is dependent on availability.
- h. If determined by the Code Official, the need for consultation of an outside professional or agency, it shall be at the expense of the applicant.

11-4.5 Substandard Properties

- a. Any dwelling found to be unfit for human habitation, after inspection by the Code Enforcement Officer or Inspector will not be issued any certifications from the Borough. The buyer of said dwelling, may however, with the approval from the Code Enforcement official, submit a Letter of Intent from their attorney stating the following:
 - 1. The buyer acknowledges that the property is unfit or unsafe for human habitation
 - 2. There will be no occupancy of the dwelling until a Certificate of Continued Occupancy can be issued by the Borough.
 - 3. Any and all repairs required on the dwelling shall begin within 30 days of the closing date of the property.
- b. Non-Compliance with the above shall result in a Court Summons.

11-4.6 Penalties

- a. Buying, selling, renting, or change of occupancy without a current Certificate of Continued Occupancy, shall be punishable by law with fines not to exceed \$1,250.00. This shall be in addition to any court applied fees and/or fines.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hesler read Ordinance No. 2019-1446 entitled: ORDINANCE VACATING PORTIONS OF THREE (3) PAPER STREETS LOCATED IN SHARK RIVER PARK IN THE BOROUGH OF TINTON FALLS AND KNOWN AS OVERBROOK DRIVE, MONTEREY ROAD AND BERKELEY ROAD

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2019-1446, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

PUBLIC HEARING OPEN

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Gerry Turning, 32 Periwinkle Circle- Mr. Turning questioned whether there was a house on Overbrook Drive and stated his concern as to how the ordinance might affect the property. Borough Engineer Tom Neff stated that there are no houses on that portion of Overbrook Drive the portion to be vacated is within Shark River Park and the property that is to be vacated is just vacant land. He explained that this is purely a housekeeping measure to formally vacate this property.

Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2019-1446, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1446, seconded by Mr. Manginelli..

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

Ms. Hesler read Ordinance No. 2019-1447 entitled: ORDINANCE AMENDING THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF TINTON FALLS IN CHAPTER XIV ENTITLED "FIRE PREVENTION" TO UPDATE THE PROVISIONS OF THE BOROUGH FIRE CODE

Mr. Baldwin asked the Director of Law, Kevin Starkey if there were any comments he needed to make pertaining to this ordinance. Mr. Starkey stated that this ordinance has been requested by the Fire Official, Cary Costa and if there are any question regarding the ordinance Mr. Costa is in the audience and questions will be directed to him.

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2019-1447, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms, Fama, Mr. Pak

ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2019-1447, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1447, seconded by Mr. Manginelli..

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

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REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council President Baldwin acknowledged Senator Gopal's arrival and invited him to present the proclamation of recognition. Senator Gopal expressed his thanks and invited Mayor Perillo and Council President Baldwin to join him for the presentations. Senator Gopal extended his thanks to Congressman Chris Smith who was instrumental in the appointment of David Bettencourt and Emily Commodore to attend the US Merchant Marine Academy. Senator Gopal stated that the proclamation was placed on the official record of the NJ Senate and is being read tonight on behalf of the President of the NJ Senate, Steven Sweeney and the Speaker of the Assembly.

Council President Baldwin commended the recipients of the proclamations and stated that it is important to recognize the good things that our youth bring to our town.

Proclamation of Recognition - Appointment to US Merchant Marine Academy - David Bettencourt and Emily Commodore

JOINT LEGISLATIVE RESOLUTION

By Senator GOPAL, Assemblyman HOUGHTALING and Assemblywoman DOWNEY

WHEREAS, The Senate and General Assembly of the State of New Jersey are pleased to honor and congratulate **Emily Commodore**, an admired resident of the Garden State, upon the praiseworthy occasion of her admission to the United States Merchant Marine Academy in Kings Point, New York; and,

WHEREAS, Emily Commodore has distinguished herself as a student at Monmouth Regional High School, from which she will graduate on June 21, 2019, and as a valued member of the Spanish Honors Society, the Gay Straight Alliance Club, Varsity Cheerleading, and Students Against Destructive Decisions; and,

WHEREAS, An accomplished athlete, Emily Commodore has been a member of the Monmouth Regional High School Varsity Lacrosse Team since her freshman year, serving with distinction as Team Captain her senior year and being voted Most Valuable Player, and she has played T3 Elite Lacrosse for four years, during which she has traveled throughout the country to compete in tournaments; and,

WHEREAS, A former Girl Scout, Emily Commodore has given generously of her time and energies to Hustle for Hannah, Relay for Life, and Holiday Express, and she has volunteered for the Town Recreation Department and for Long Branch H.E.R.O. in benefit of the local Ronald McDonald House, school youth functions, and church food drives and shelters; and,

WHEREAS, Emily Commodore has managed to excel scholastically and participate in sports and community endeavors while holding down a job at Woody's Ocean Grill; and,

WHEREAS, Through dedication and active involvement in the learning experience, Emily Commodore has brought pride and distinction to her family, her community, and this State; and,

WHEREAS, It is altogether proper and fitting for this Legislature to recognize Emily Commodore as a young citizen whose boundless energy and stellar achievements help us glimpse a future filled with hope and promise; now, therefore,

Be It Resolved by the Senate and General Assembly of the State of New Jersey:

That this Legislature hereby honors and congratulates Emily Commodore, pays tribute to her remarkable academic and athletic record that has earned for her admission into the United States Merchant Marine Academy, and extends sincere best wishes for her successful tenure as a Midshipwoman; and,

Be It Further Resolved, That a duly authenticated copy of this resolution, signed by the Senate President and the Assembly Speaker and attested by the Senate Secretary and the Assembly Clerk, be transmitted to Emily Commodore.

JOINT LEGISLATIVE RESOLUTION

By Senator GOPAL, Assemblyman HOUGHTALING and Assemblywoman DOWNEY

WHEREAS, The Senate and General Assembly of the State of New Jersey are pleased to honor and congratulate **David Bettencourt**, an admired resident of the Garden State, upon the praiseworthy occasion of his admission to the United States Merchant Marine Academy in Kings Point, New York; and,

WHEREAS, David Bettencourt has distinguished himself as a student at Monmouth Regional High School, including as a member of the Advanced Placement Academy, from which he will graduate on June 21, 2019; and,

WHEREAS, An accomplished athlete, David Bettencourt has made significant contributions as a player and mentor for the Monmouth Regional Varsity Football Team, as a member of the Monmouth Regional Varsity Wrestling Team, and as Captain of the Jersey Shore Lightning Hoops Basketball Team; and,

WHEREAS, David Bettencourt has given generously of his time and energies as a volunteer for the Leukemia and Lymphoma Society Light the Night event and as an intern for this State's 11th Legislative District Office of Constituent Services; and,

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WHEREAS, David Bettencourt, who participated in the Naval Academy Summer Seminar, will continue to demonstrate his prowess on the gridiron as a football player at the United States Merchant Marine Academy, where he plans to major in Maritime Logistics and Security, with hopes of being commissioned as an active duty Ensign in the United States Navy; and,

WHEREAS, Through dedication and active involvement in the learning experience, David Bettencourt has brought pride and distinction to his family, his community, and this State; and,

WHEREAS, It is altogether proper and fitting for this Legislature to recognize David Bettencourt as a young citizen whose boundless energy and stellar achievements help us glimpse a future filled with hope and promise; now, therefore,

Be It Resolved by the Senate and General Assembly of the State of New Jersey:

That this Legislature hereby honors and congratulates David Bettencourt, pays tribute to his remarkable academic and athletic record that has earned for him admission into the United States Merchant Marine Academy, and extends sincere best wishes for his successful tenure as a Midshipman; and, - 2 -

Be It Further Resolved, That a duly authenticated copy of this resolution, signed by the Senate President and the Assembly Speaker and attested by the Senate Secretary and the Assembly Clerk, be transmitted to David Bettencourt.

Proclamation of Recognition to Mayor Vito Perillo as Recipient of the New Jersey Meritorious Service Medal

Senator Vin Gopal explained that on June 14th, 2019 the State Department of Veteran's Affairs honored 21 extraordinary veterans at a ceremony at Seabrook. Senator Gopal read the following proclamation bestowed upon Tinton Falls Mayor Perillo.

JOINT LEGISLATIVE RESOLUTION

By Senator GOPAL, Assemblyman HOUGHTALING and Assemblywoman DOWNEY

WHEREAS, The Senate and General Assembly of the State of New Jersey are pleased to acknowledge the **Honorable Vito Perillo**, the highly esteemed Mayor of Tinton Falls, Monmouth County, as the recipient of the New Jersey Meritorious Service Medal, which was bestowed during a special ceremony at Seabrook Village on June 14, 2019; and,

WHEREAS, Petty Officer Second Class Vito Perillo served his country with honor and valor in the United States Navy during World War II, always exercising the utmost dedication and allegiance in duty and Performance; and,

WHEREAS, Vito Perillo is especially commended as a man of concern and character who made a significant contribution to America's efforts to establish peace throughout the world; and,

WHEREAS, Those Americans who have come to the aid of their country, both here and on foreign soil, exemplified by Vito Perillo, have borne great burdens and made enormous sacrifices in the service of the causes of freedom and democracy, not only for our nation but for all others who would embrace those ideals; and,

WHEREAS, From the earliest militia of the colonial era to the recent veterans of America's war on terror, whenever our nation was endangered or her interests threatened, her patriotic citizen-soldiers have responded heartily; and,

WHEREAS, It is altogether proper and fitting for the members of this Legislature and the people of this State to recognize the courage, determination, and loyalty demonstrated by Vito Perillo in his service to our country; now, therefore,

Be It Resolved by the Senate and General Assembly of the State of New Jersey:

That this Legislature hereby honors Vito Perillo for his service and sacrifice during World War II, and extends to him this Legislature's sincere best wishes; and,

Be It Further Resolved, That a duly authenticated copy of this resolution, signed by the Senate President and the Assembly Speaker and attested by the Senate Secretary and the Assembly Clerk, be transmitted to the Honorable Vito Perillo.

Proclamation of Recognition for Years of Service to the Borough of Tinton Falls - Lorianne Paone

Council President Baldwin read the following proclamation recognizing Lori Paone for her 33 years of service to this Borough. Ms. Paone was unable to attend this evening due to unforeseen circumstances.

*Proclamation Honoring
Lori Paone
On the Occasion of Her Retirement*

WHEREAS, Lori Paone, Administrative Analyst of the Borough of Tinton Falls officially retired on May 31st 2019, after thirty-three (33) years of outstanding and commendable service to the residents of Tinton Falls; and

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WHEREAS, Lori began her career with the Borough in April 1987 as a Code Enforcement Official and because of diligent work and demonstrated ability, she advanced to additional titles. Deputy Zoning Officer in August of 1988, Official Zoning Officer, Planning Board Supervisor and Administrative Analyst in October of 1993 and Public Officer in June of 2007; and

WHEREAS, throughout her career, Lori has been an asset to the Borough of Tinton Falls. She has always kept the best interest of the Borough in mind while having a full understanding of the borough ordinances; and

NOW, THEREFORE, I, Mayor and Council of Tinton Falls, Take this opportunity to express our sincere and grateful appreciation, and hereby extend to Lori Paone our congratulations on her well-earned retirement, and our best wishes to her for continued success, happiness and good health in the years to come.

Council President Baldwin stated for the record that Councilman Pak arrived at 7:58 and at this time he would resume the regular meeting starting with the Public Discussion portion of the agenda.

The report section was moved to after the conclusion of the Executive Session.

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Ron Batista, 521 Tinton Avenue- Mr. Batista stated that he is speaking on behalf of the Tinton Falls Zoning Board, and recognized other zoning board members present in the audience this evening. He commended Lori Paone for her hard work and dedication to the Borough. Mr. Batista read a letter addressed to the Mayor and Council addressing the board's concern over the need for a full-time zoning position with continuous growth throughout the Borough. He referenced the introduction of Ordinance 2019-1449 that addresses changes to the Borough Code as it relates to the Code Enforcement, and Planning and Zoning Divisions. Mr. Batista stated that with the retirement of Ms. Paone, there has been a void left in the enforcement of the borough code and stressed that the Code Enforcement position is not a part time position. He requested that the Zoning Board members be involved in the interview process and resumé review for this position. He further discussed his concern that the permit process is being ignored and building is happening without going through the proper channels. Council President Baldwin thanked Mr. Batista for his volunteer service and that of the whole board. He stated that consideration will be given to what you are asking for. He explained that this is an administrative process however he assured Mr. Batista that his request has been heard.

Director of Law Kevin Starkey- addressed the Council with a recommendation to hold Resolution R-19-101 and remove it from the agenda until further research can be done.

Denise Catalano, 11 Alpine Trail- Ms. Catalano discussed the resolution in question R-19-101, stating that she believes the property in question, which is the community garden site on Water Street, is a Green Acres parcel and must be used solely for recreational purposes. Ms. Catalano stated that she is concerned that the number of parking spots that would be reserved for the Community Gardens would be inadequate. Director of Law, Kevin Starkey stated that the intention was to reserve and mark 5 spots solely for the use of the community gardens. Mr. Baldwin stated that there will be no action on the resolution this evening so that the Engineer and Director of Law can review further.

Charles Lomangino, 3 Helena Street- Mr. Lomangino supported the comments of Mr. Batista regarding the code enforcement position. He stated that Ms. Paone was inundated with cases and explained the problems that occur when permits are not closed out. He explained that problems arise when a house sells and the property cannot close because of the open permits. This is a disservice to the town to not replace the zoning position with a full-time person.

Sheila Hatami-, 2 Palermo Drive- Ms. Hatami stated that she is a member of the Zoning Board and is concerned with the changes to the Zoning Department. She specified that removing legislative oversight and placing the appointment solely in the hands of administration, it takes it out of the public eye. Ms. Hatami also discussed Ordinance 2019-1450 regarding continued certificate of occupancy which shifts the requirements of obtaining the CCO to the purchaser. Secondly Ms. Hatami was concerned with the 90 day provision which could have disadvantages if the property does not sell within that time frame causing additional costs to be incurred. She asked if that could be changed to make that a longer period of time. Council President Baldwin discussed the first question regarding the appointment oversight, he explained that that law changed in 1988 and the old wording was never removed from the borough code book. Director of Law Kevin Starkey confirmed that is correct and in this form of government most of the hiring is an Administrative process required by Statute.

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Don Wollner, 8 Green Meadow Drive- Mr. Wollner discussed the Zoning Officer position and stressed the importance of the job and the need to fill that position. He stated that the borough should either post the job or fill it from within. Mr. Wollner explained that he purchased the farm at 511 Tinton Avenue to keep it as open space. He commented on the new development going up across from the property and how upsetting it was to see the property being cleared. He also discussed his concerns over the construction at the high school, specifically the runoff into the creek and resolution to the flooding issues. Borough Engineer Tom Neff stated that they are proposing stormwater management plans at Monmouth Regional with a full-blown storm water analysis with stormwater improvements and a retention basin to reduce stormwater runoff. Mr. Wollner discussed the purchase of the farm property and his intent to keep it as open space for as long as he can. He discussed the issues he faces when he wants to make any improvements related to keeping the property as farm property. If he wants to have chickens or horses, any structure must go before the planning board. He asked Council to consider recognizing the Right to Farm Act which would allow him to run it as a farm without having to go for planning board approval. Director of Law Kevin Starkey stated that he would reach out to the Township Planner regarding the Right to Farm Act and ask her to provide recommendations.

Tracy Buckley, 17 Helene Court- Ms. Buckley asked about Ordinance 2019-1449 regarding the Economic Development Council, she inquired if it is active. Administrator Michael Skudera stated that it is not active at this time.

Brian Perry, 29 Columbia Drive- Mr. Perry stated he is the Vice President of the Tinton Falls Library Association and that he is here this evening to give an update on the Library. He expressed his disappointment as to how long the State is taking to release the paperwork for the library grant process. Mr. Perry gave an update on some of the fundraising efforts. He stated that they established a Library fund raising committee and some of the efforts so far have been a golf tournament, children's fashion show and on July 27th at the Sycamore Soccer Complex there will be a Summer Concert and picnic. The final event for the year will be a food tasting event on October 14th, at Gibbs Hall. From 6-8:30 pm. Mr. Perry stated that they are seeking sponsors for all the events. Lastly, engraved bricks are being sold and will be installed at the "Bookworm Garden". Council President thanked Mr. Perry for all the information and hard work.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning commended Chris Schwartz on his Eagle Scout project located behind the municipal complex. The project has beautified the canine burial site where all the Police canines have been laid to rest. Mr. Turning asked that Council take the time to recognize Chris on his project. Council President Baldwin explained that recognition will be given to his project and noted that Chris will be attending West Point.

Paul Abrams, 23 Taylors Run- Mr. Abrams stated that he knows the Schwartz family and they are an absolute asset to this community. Mr. Abrams commented on the drainage issue that Mr. Wollner discussed earlier. He asked if there is a mechanism within the capital project review process that would allow the borough to address the issue affecting the neighboring properties. Borough Engineer Tom Neff explained that there was a capital review of the proposed plan and it was pointed out to the school district that the borough wanted to be sure that stormwater issues were handled properly. They did come back with the full storm water management plan and responded to our concerns regarding the storm water issues. Mr. Abrams asked if the affected property owners could address these issues at the planning board level. Mr. Neff stated that he could reach out directly to the administrator and or the facilities director, but it is not a planning board matter.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg reported on the Children's Fashion Show held to raise funds for the library. She stated that she is incredibly proud of the efforts of the committee members that worked on this event and the great community support from the families of the models and school. Ms. Goldberg thanked Councilwoman Fama for her continued support, she also expressed her disappointment that the community as a whole did not attend.

Tony DeSantis, 17 Dover Court- Mr. DeSantis inquired if there was any update on the recent fire at the reclamation center. Councilman Siebert stated that there were vehicles that caught on fire and the matter is still under investigation by the prosecutor's office. Mr. DeSanits stated that the other issues at the landfill are still ongoing and there is much to be resolved. He stressed the importance of being more proactive and involved with the operations at the landfill and make sure the County is doing their due diligence to make sure this becomes a better situation for our community and the surrounding communities. Council President Baldwin stated that he met with Freeholder Arnone last week and he indicated that he would be having a follow-up meeting to keep the Borough and its residents informed as to what is going on. Councilman Pak stated that he recently met with Senator Gopal and the Borough attorney and discussed being more transparent about getting updates out. Mr. Pak proposed that the Borough put its own committee together to help open the lines of communication.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

RESOLUTIONS

Council President Baldwin asked for a motion to postpone action on Resolution R-19-101 Resolution Authorizing Temporary Parking Agreement on Borough Property – Water Street to allow the Borough Engineer and Director of Law to further research the matter regarding the property in question being a Green Acres parcel.

Mr. Siebert offered a motion to remove and postpone action on R-19-101 from the Consent Agenda, seconded by Mr. Pak.

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

R-19-090 RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE YEAR 2019/2020

WHEREAS, the holders of certain retail consumption licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following plenary retail consumption licenses be renewed for the year commencing July 1, 2019 and expiring June 30, 2020:

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Twin Brook at Tinton Falls, Inc.	1336-33-001-007	\$2,500.00	Twin Brook at Tinton Falls
McLoone’s Tinton Falls LLC	1336-33-002-013	\$2,500.00	CJ McLoone’s
Woody’s TF Grille LLC	1336-33-003-006	\$2,500.00	Woody’s Ocean Grille
Adova, LLC	1336-33-008-006	\$2,500.00	Gargiulos Tinton Falls
Mimozza, LLC	1336-33-009-007	\$2,500.00	Tally Ho Inn
Menditto, Inc.	1336-33-010-004	\$2,500.00	Nettie’s
Tinton Falls Restaurant, Inc.	1336-33-011-005	\$2,500.00	Palumbo’s Ristorante & Liquors
GSPH Restaurants	1336-33-012-002	\$2,500.00	The Pour House
Apple Food Service of Tinton Falls, Inc	1336-33-013-008	\$2,500.00	Applebee’s Neighborhood Grill & Bar
Village Falls, LLC	1336-33-014-011	\$2,500.00	MJ’s
Tinton Falls Lodging Realty, LLC	1336-36-007-014	\$2,500.00	Aqua Restaurant & Lounge
Courtyard Management Corporation	1336-36-015-003	\$2,500.00	Courtyard by Marriott

R-19-091 RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE YEAR 2019/2020

WHEREAS, the holder of certain plenary retail distribution licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed,

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following plenary retail distribution licenses be renewed for the year commencing July 1, 2019 and expiring June 30, 2020.

<u>TRADE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
F&T Spirits Interprises, Inc.	1336-44-004-013	\$2,500.00	Spirits Unlimited
3-Queens, Inc.	1336-44-005-004	\$2,500.00	Tinton Falls Buy Rite
Reva Enterprises LLC	1336-44-006-006	\$2,500.00	Pinebrook Liquor & Deli

R-19-092 RESOLUTION - RENEWAL OF CERTAIN CLUB LIQUOR LICENSES FOR THE YEAR 2019/2020

WHEREAS, the holder of certain club licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects; and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations; and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the following club licenses be renewed for the year commencing July 1, 2019 and expiring June 30, 2020.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Seabrook Village Resident's Association	1336-31-018-001	\$180.00	Seabrook Village

R-19-093 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – NJSA 40A:4-87

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$45,989.27, which is now available from State of New Jersey Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$45,989.27 is hereby appropriated under the caption of Clean Communities Program; and

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

R-19-094 RESOLUTION AUTHORIZING PURCHASE UNDER MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM #65MCESCCPS TWO (2), 2019 DODGE DURANGO (WDEL75) SXT AWD

WHEREAS, the Borough of Tinton Falls is in need of two (2) Dodge Durango's (wdel75) SXT AWD; and

WHEREAS, the Borough of Tinton Falls is a current member of the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS as approved by Resolution #R-14-186; and

WHEREAS, Beyer of Morristown, 200 Ridgedale Avenue, Morristown, NJ 07960 is a valid vendor on the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS, for the purchase of the two (2) Dodge Durango's (wdel75) SXT AWD for a total purchase price in the amount of \$53,621.06 ; and

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

WHEREAS, John Mack, Fleet Manager recommends this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS:

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I hereby certify funds are available from: Budget - Acquisition of two AWD Fleet Vehicles

R-19-095 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Police Department is in need of a new In-Car Video System; and

WHEREAS, WatchGuard Video, 415 Century Parkway, Allen, Texas 75002 has a valid NJ State Contract, designated as NJ Start Contract #17-FLEET-00793, for the In-Car Video System, for a total purchase price in the amount of \$124,281.00 for 21 vehicles; and

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

WHEREAS, Chief John Scrivanic recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the purchase under the valid 2019 NJ State Contract:

R-19-096 RESOLUTION AUTHORIZING TERMINATION OF CONTRACT WITH MONMOUTH COUNTY REGIONAL HEALTH COMMISSION FOR SERVICES RELATED TO THE MONMOUTH COUNTY LANDFILL

WHEREAS, the Borough of Tinton Falls has a contract with the Monmouth County Regional Health Commission (“Health Commission”) for services related to the Monmouth County Landfill, including the review of odor complaints; and

WHEREAS, the Health Commission also had a contract with the County of Monmouth for services related to the landfill; and

WHEREAS, the County terminated its contract with the Health Commission, effective May 5, 2019, which termination thereby prevents the Health Commission from performing the services under its contract with Tinton Falls; and

WHEREAS, the Borough’s contract with the Health Commission provides for an annual payment by the Borough in the amount of \$33,000; and

WHEREAS, the Borough and the Health Commission now desire to reach a mutually acceptable agreement to terminate the contract for a payment by the Borough in the amount of \$8,250, representing the services provided by the Health Commission during the first quarter of 2019; and

WHEREAS, the Borough Council now desires to authorize the Mayor to execute a termination of contract with the Health Commission, on the terms set forth herein;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor is hereby authorized to execute a Termination of Contract to formally cancel the contract between the Borough and the Monmouth County Regional Health Commission, with a final payment in the amount of \$8,250; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Monmouth County Regional Health Commission.

R-19-097 RESOLUTION AMENDING RESOLUTION #R-19-048 NON-FAIR AND OPEN CONTRACT FOR PS #3-19 SPECIAL LABOR COUNSEL SERVICES

WHEREAS, the Borough of Tinton Falls adopted Resolution R-19-048 on March 5, 2019 wherein Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 was awarded the above contract for an amount not to exceed \$19,000.00; and

WHEREAS, this contract is to be increased for an amount not to exceed \$20,000.00 for a total contract for Gluck Walrath, LLP for Special Labor Counsel in the amount of \$39,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611, is hereby authorized to provide professional Special Labor Counsel Services for an amount not to exceed \$39,000.00; and

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

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R-19-098 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES SANITARY SEWER PUMP STATIONS CELLULAR DIALER CONVERSIONS

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Sanitary Sewer Pump Stations Cellular Dialer Conversions; and

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

WHEREAS, these services will be described in proposal attached dated June 11, 2019; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$12,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated June 11, 2019 for an amount not to exceed \$12,000.00; and

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

R-19-099 RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS FOR PROJECT: THE LINKAGES PUMP STATION IMPROVEMENTS

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 Forms on behalf of the Borough of Tinton Falls for Water Street Sanitary Sewer Extension.

Mayor	Vito Perillo
Administrator	Michael Skudera
Director of Public Works	Mark Shaffery

R-19-100 RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS FOR PROJECT: WATER STREET SANITARY SEWER EXTENSION – PHASE 2

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 Forms on behalf of the Borough of Tinton Falls for Water Street Sanitary Sewer Extension.

Mayor	Vito Perillo
Administrator	Michael Skudera
Director of Public Works	Mark Shaffery

R-19-101 Resolution Authorizing Temporary Parking on Borough Property at Water Street was removed from the agenda.

R-19-102 RESOLUTION - CANCELING & REFUNDING SEWER OVERPAYMENT

WHEREAS, adjustments made, due to water usage decrease for commercial properties, created an overbilling and an overpayment of 2019 sewers to properties known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCELLED</u>	<u>REFUND</u>	<u>AMOUNT</u>
(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)			\$0.00	\$4,261.47	\$4,261.47

and,

WHEREAS, said adjustment resulted in an overbilling and an overpayment of the sewers in the amount of \$4,261.47 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that

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the sewers amounting to \$0.00, be cancelled for the year 2019 and that refunds totaling \$4,261.47 are hereby approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of the overbilling to be \$0.00 and the total amount of overpayment to be \$4,261.47.

R-19-103 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #3176 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 129.10 Lot 135 (12 Spur Court), assessed to Karie Ann DePalo, at a tax sale held on October 17, 2018; and

WHEREAS, Karie A. Siliato (aka DePalo) has redeemed Certificate #3176 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 #3176 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3176 was redeemed on April 12, 2019.

R-19-104 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2018 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Jennifer R. Jacobus, Esq., Trustee for John M. Slazyk 201 Littleton Road, 1 st Floor Morris Plains, NJ 07950	105	35.01	\$2,295.70

Re: John M. Slazyk
10 Daniel Court

and,

WHEREAS, said reduction has resulted in an overpayment of the 2018 taxes by the property owner in the amount of \$2,295.70 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 \$2,295.70 is hereby approved for the aforementioned property.

R-19-105 RESOLUTION – APPROVAL OF BILLS – June 18, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending June 18, 2019; 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	835,888.21
SEWER UTILITY	466,079.92
GENERAL CAPITAL	39,290.14
TRUST FUNDS	62,270.71
GRANT FUND	4,358.46
DOG TRUST	3.60
ESCROW	25,236.25
ADDITIONS	<u>1,663,591.56</u>
TOTAL	3,096,718.85

**REGULAR AND WORKSHOP MEETING
JUNE 18, 2019
BOROUGH COUNCIL**

EXECUTIVE SESSION

At this time Council President Baldwin advised that the Borough Council would adjourn to executive session in the adjoining conference room and at the conclusion of the executive session Council will return and resume the meeting.

ROLL CALL AMENDING THE AGENDA TO INCLUDE RESOLUTION R-19-106

Mr. Baldwin asked for a motion to amend the agenda and add resolution R-19-106. Mr. Manginelli offered a motion to amend the agenda, seconded by Mr. Siebert.

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

Mr. Baldwin asked the Director of Law to read the resolution for executive session into the record. Mr. Siebert offered a motion to approve Resolution R-19-106 and move to executive session, seconded by Mr. Pak.

R-19-106 Resolution to Enter Into 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) or (b)(7)

**PROPOSED SUCCESSOR COLLECTIVE NEGOTIATIONS AGREEMENT WITH
TEAMSTERS LOCAL 177 (PUBLIC WORKS)**

4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)

None

RECONVENE REGULAR MEETING

Council President Baldwin so noted that the meeting was reconvened at 9:20 PM and asked that the Director of Law give a brief overview of the executive session.

Director of Law Kevin Starkey stated that the Executive session just ended and the entirety of the discussion by the Borough Council was pertaining to the potential collective negotiations with the Teamsters Local 177, for Public Works.

REPORT OF MAYOR/COUNCIL ADMINISTRATION (cont'd)

Mayor's Report – Vito Perillo

No Report

Engineer's Report – Thomas Neff

No Report

Director of Finance- Thomas Fallon

No Report

Borough Administrator- Michael Skudera

**REGULAR AND WORKSHOP MEETING
JUNE 18, 2019
BOROUGH COUNCIL**

No Report

Director of Law- Kevin Starkey

No Report

Borough Clerk's Report- Melissa Hesler

No Report

Council's Report

Councilman Pak – No Report

Councilman Siebert – No Report

Councilman Manginelli – No Report

Council President Baldwin – No Report

ROLL CALL AMENDING THE AGENDA TO INCLUDE RESOLUTION R-19-107

Mr. Baldwin asked for a motion to amend the agenda and add resolution R-19-107 and adopt. Mr. Siebert offered a motion to amend the agenda and adopt Resolution R-19-107, seconded by Mr. Pak.

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

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

R-19-107 Resolution Approving the Terms of a Successor Collective Negotiations Agreement with Teamsters Local 177 (Public Works)

WHEREAS, the Borough of Tinton Falls (“Borough”) and the Teamsters Local 177 representing the Public Works negotiations unit (“Union”) engaged in negotiations for a successor Collective Negotiations Agreement (“Agreement”); and

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement (“MOA”); and

WHEREAS, the Union has ratified the terms contained in the MOA;

WHEREAS, the Borough wishes to approved the terms contained in the MOA and approve the form of the draft successor collective negotiations agreement for the term January 1, 2018-December 31, 2021.

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

- 1) That the Borough hereby accepts and approves the terms contained in the MOA and the successor collective negotiations agreement with the Union in substantially the same form as attached hereto;
- 2) The Mayor is authorized to execute the successor collective negotiations agreement on behalf of the Borough;
- 3) This Resolution shall take effect immediately.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama

ABSTAIN: None

TIME: 9:22

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON:

**REGULAR AND WORKSHOP MEETING
JUNE 18, 2019
BOROUGH COUNCIL**