

**REGULAR/WORKSHOP MEETING
JULY 11, 2017
BOROUGH COUNCIL**

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

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

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Maureen L. Muttie, Borough Clerk
Brian Nelson, Director of Law
Gerald Turning, Mayor
Elizabeth Perez, Interim Borough Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Pak offered a motion to approve the minutes of May 2, 2017, seconded by Mr. Roche.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Ms. Fama

Mr. Pak offered a motion to approve the minutes of May 16, 2017, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Pak offered a motion to approve the minutes of June 13, 2017, seconded by Mr. Roche.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

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

Mayor Turning introduced Ms. Elizabeth Perez as the interim administrator replacing Mr. Muscillo. He complimented her on her abilities to handle this job and thanked her for stepping into the position when needed. After the November election the Borough will begin a job search for a permanent administrator in this position.

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Engineer’s Report – Thomas Neff

Mr. Neff reported he will know by end of the week, after the Freeholder’s meeting, if the Hope Road grant submitted last year under the Community Development Block Grant program was approved. The anticipated amount is \$150,000.00. Also, Water Street sewage project received the final NJDEP approvals to extend public sanitary sewage further along Water Street.

Director of Finance – Thomas Fallon

Mr. Fallon reported on Resolution 17-113 which will allow the Tax Collector to prepare an estimated tax bill as a precautionary measure due to the state school funding issues. We do have a certified tax rate but approving this resolution will provide the option as noticed by the State. Also, the 2016 Annual Audit was filed.

Interim Borough Administrator – Elizabeth Perez

Ms. Perez thanked the Mayor and Council President Baldwin for this opportunity and their kind words. She is looking forward to her new position and will work hard to make this community a great place to live and work. Ms. Perez listed all the meetings and events attended over the past eleven days such as: OEM meeting at the County; Crawford House grant opening and announced that Recreation Summer Camp programs have started.

Director of Law – Brian Nelson

Mr. Nelson had no report but commented that he is looking forward to working with the Interim Borough Administrator, Elizabeth Perez.

Borough Clerk’s Report – Maureen L. Muttie

Ms. Muttie reminded everyone there is only one meeting in August and that date is August 8th.

Council’s Report

Councilwoman Fama reported on two upcoming library activities. Jessica Carroll from Organize by Design will host a seminar on August 3rd at 7:00pm. Discussion will be on how to declutter and organize your life. Also, the library is holding an ongoing book sale through August 19th.

Councilman Manginelli provided an update on the activities of the Navesink River Municipalities Committee and the current citizen science water quality sampling program in the Navesink River. The Committee’s goal is to address environmental issues concerning the river and to help preserve it.

Councilman Roche had no report but congratulated Liz Perez.

Councilman Pak offered congratulations to Liz Perez.

Council President Baldwin reported the next Planning Board meeting has been cancelled due to lack of agenda.

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Muttie read Ordinance No. 2017-1414 entitled: **ORDINANCE AMENDING VOLUNTEER INCENTIVE REPORTING REQUIREMENTS**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1414, seconded by Mr. Roche.

ROLL CALL

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

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PUBLIC HEARING OPEN

There being no comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1414, seconded by Mr. Roche.

ROLL CALL

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

PUBLIC HEARING CLOSED

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

Mr. Pak offered a motion to adopt Ordinance No. 2017-1414, seconded by Ms. Fama..

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Nina Bell, 19 Majestic Drive – Ms. Bell expressed her appreciate all the support Council and Borough Engineer has shown in their diligence in overseeing that bonded items are completed at Greenbriar Falls.

Joe Key, 21 Laurel Court – Mr. Key has requested that the town look into posting a sign that states “no outlet“ on Laurel Court. Many cars come down the road thinking they can exit out onto Swimming River Road. Mr. Baldwin has requested that the Mayor and Administrator look into this. The Mayor stated he will look into it.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS

Ms. Fama has requested that Resolution R-17-106 be pulled from Consent Agenda.

Mr. Pak offered a motion to approved Resolution R-17-106, seconded by Ms. Fama.

R-17-106 -RESOLUTION - COMPENSATED ABSENCE

WHEREAS, Michael Muscillo has been employed by the Borough of Tinton Falls as a Borough Administrator since January 7, 2014; and

WHEREAS, on June 28, 2017, Michael Muscillo resigned and will transfer his service to the Township of Ocean with 3 ½ years of service to the Borough, and with over 14 ½ years of service with the Division of Pensions and Benefits; and

WHEREAS, Michael Muscillo will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$18,795.00. The breakdown of this payment is \$15,947.00 for accrued vacation time, \$2,848.00 for accrued sick time; and

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits; and

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Michael Muscillo receives the aforementioned compensated absence benefits.

Ms. Fama asked questions regarding calculations of payout and what is the policy regarding vacation days carry over. Mr. Nelson explained Mr. Muscillo's vacation days were not banked vacation days and based on his high salary, his payout is not unreasonable.

After further discussion, Council commented they would review the vacation policy again at another time.

ROLL CALL (to approve Resolution R-17-106)

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

NAYS: None

ABSENT: None

ABSTAIN: None

CONSENT AGENDA

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

ROLL CALL (to approve Consent Agenda)

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-17-105 - RESOLUTION RATIFYING APPOINTMENT AND STIPEND
FOR INTERIM BOROUGH BUSINESS ADMINISTRATOR**

WHEREAS, the Borough's Business Administrator left for another position and the office was required to be provisionally filled by the Mayor's appointment of an Interim Business Administrator while a search is conducted for a permanent appointment; and

WHEREAS, pursuant to N.J.S.A. 40:69A-44, N.J.S.A. 40:69A-43a and Section 2-6 of the Borough's General Revised Ordinances, effective July 1, 2017, the Mayor appointed Elizabeth Perez to serve as the Borough's Interim

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Business Administrator with a weekly stipend of \$1,200 to serve in this capacity, which is well within the amount previously authorized and budgeted for the former Business Administrator's salary.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby ratifies the Mayor's appointment of Elizabeth Perez as the Borough's Interim Business Administrator with a stipend of \$1,200 per week to be added to her current salary while serving in this capacity.

BE IT FURTHER RESOLVED by the Borough Council that this Resolution shall be effective immediately, but automatically expire upon the Mayor making a permanent appointment with the new Business Administrator's salary being set in the 2018 salary ordinance, or on December 31, 2017.

R-17-107 - RESOLUTION - CERTIFICATION TO LOCAL FINANCE BOARD OF REVIEW OF 2016 ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

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

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

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

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

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

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

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

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

**R-17-108 - RESOLUTION AUTHORIZING CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES – T&M ASSOCIATES
2015 – 2017 TAX MAP UPDATES**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the 2015 – 2017 Tax Map Updates; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T&M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated June 28, 2017 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-17-109 - RESOLUTION RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF
MAINTENANCE GUARANTEE – GREENBRIAR FALLS – PHASE 2B
BLOCK 16, LOT 1 & BLOCK 19, LOT 11.02**

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

WHEREAS, by letter dated June 28, 2017, the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required

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maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee and remaining engineering escrow fees for Greenbriar Falls – Phase 2B – Block 16, Lot 1 & Block 19, Lot 11.02 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

**R-17-110 - RESOLUTION REDUCING PERFORMANCE GUARANTEES
PHIPPS PLACE ROADWAY IMPROVEMENTS
BLOCK 105.03, LOTS 23-26 AND BLOCK 105, LOTS 11, 13 & 14**

WHEREAS, the developer for Phipps Place Roadway Improvements, Block 105.03, Lots 23-26 and Block 105, Lots 11, 13 & 14, has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated June 14, 2017 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Phipps Place Roadway Improvements be reduced in accordance with said letter from the Borough Engineer.

**R-17-111 - RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR
LICENSES FOR THE YEAR 2017/2018**

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,

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, 2017 and expiring June 30, 2018.

<u>TRADE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
F & T Spirits Enterprises, Inc.	1336-44-004-013	\$2,500.00	Spirits Unlimited

R-17-112 - RESOLUTION – CANCEL GRANT BALANCES

WHEREAS, there exists Grant Receivables and Grant Appropriated Reserves on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and their offsetting appropriation balance from the balance sheet.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following grant receivable and appropriation balances be canceled:

<u>Grant Receivables Canceled</u>	
NJ DEP Forestry – No Net Loss Grant	\$ 288,900
NJ DEP – Green Communities	3,000
<u>Grant Appropriations Canceled</u>	
NJ DEP Forestry – No Net Loss Grant	\$ 288,900
NJ DEP – Green Communities	3,000

**R-17-113 - RESOLUTION ALLOWING FOR THE EXTENSION OF THE INTEREST PENALTY DEADLINE
FOR SEWER BILLS**

WHEREAS, the third quarter Sewer bills will be due on July 1, 2017 with a ten (10) day grace period for interest to July 10, 2017; and

WHEREAS, the Tax Collector was unable to mail the Sewer bills until June 20, 2017 and requests the interest penalty date be extended to July 17, 2017, (the first business day after 25 days from the date of mailing).

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the interest penalty deadline for the 2017 3rd quarter sewer bills be extended to July 17, 2017.

R-17-114 - RESOLUTION CANCELING & REFUNDING SEWER OVERPAYMENT

WHEREAS, adjustments made, due to water usage decrease for commercial properties, created an overbilling and an overpayment of 2017 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)			\$66.18	\$73.53	\$139.71

AND WHEREAS, said adjustment resulted in an overbilling and an overpayment of the sewers in the amount of \$139.71 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the sewers amounting to \$66.18, be cancelled for the year 2017 and that refunds totaling \$73.53 are hereby approved for the attached properties.

R-17-115 - RESOLUTION REFUNDING TAXES DUE TO BOROUGH OWNED PROPERTY EXEMPTION

WHEREAS, an overpayment of 2017 Taxes has been made as a result of an exemption due to the Borough of Tinton Falls Acquiring two parcels of property from Stavola Realty Company; and

<u>Name</u>	<u>BLOCK</u>	<u>LOT</u>	<u>REFUND</u>
STAVOLA REALTY COMPANY	141	5	\$3,222.60
620 TINTON AVENUE, SUITE 200	141	7	<u>263.05</u>
TINTON FALLS, NJ 07724			\$3,485.65

Re: Prop. Loc.: Off Wardell Road

WHEREAS, said exemption resulted in an overpayment of the 2017 taxes in the amount of \$3,485.65 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$3,485.65 is hereby approved for the aforementioned properties.

R-17-116 - RESOLUTION REFUNDING TAX OVERPAYMENT

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

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Nancy Petro	1.01	8	\$600.00
432 Shrewsbury Avenue			
Tinton Falls, NJ 07701			

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$600.00, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$600.00 is hereby approved for the aforementioned property.

R-17-117 - RESOLUTION REFUNDING RECREATION FEES

WHEREAS, during the month of June 2017 fees totaling \$449.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program; and

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

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WHEREAS, during the month of July 2017, the Recreation Superintendent was informed by the resident that their child Penelope Carter will not be participating. A refund in the amount of \$412.00 shall be issued deducting the \$10.00 processing fee and \$27.00 trip payment fee.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$412.00 be issued to Nicole Carter.

R-17-118 - RESOLUTION – APPROVAL OF BILLS – JULY 11, 2017

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 11, 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	\$5,461,668.48
SEWER UTILITY	703,494.17
CAPITAL	14,815.69
GRANT FUNDS	2,523.40
TRUST FUNDS	9,008.78
DOG TRUST	2,559.00
ESCROW	53,278.33
ADDITIONS	94,487.67
	6,341,835.52

R-17-119 - RESOLUTION AUTHORIZING THE TINTON FALLS BOROUGH TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, due to an anticipated late release of the State Aid Certifications, the Monmouth County Board of Taxation is unable to certify the tax rate and the Tinton Falls Borough Collector may be unable to mail the Borough's 2017 tax bills on a timely basis:

WHEREAS, the Tinton Falls Borough Tax Collector in consultation with the Tinton Falls Borough Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls authorizes the following:

1. The Tinton Falls Borough Tax Collector is hereby authorized, if deemed, necessary, to prepare and issue estimated tax bills for the Borough for the third installment of 2017 taxes. The Tax Collector may proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)

2. The entire estimated tax levy for 2017 is hereby set at \$62,515,433.59

3. In accordance with law, the third installment of 2017 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ADJOURN TO WORKSHOP

Mr. Pak offered a motion to adjourn to workshop, seconded by Mr. Manginelli.

Unfinished Business

New Business

Bamboo Ordinance

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Council held discussion on implementing an ordinance regarding the planting and maintenance of invasive plants, specifically bamboo. Mr. Nelson proposed several different scenarios to impose enforcement and penalties. After further discussion, Council concurred to move forward with having Mr. Nelson draft an ordinance.

Towing Ordinance

Mr. Nelson explained the police department has requested some amendments to the Towing Ordinance and he reviewed these changes. Council concurred to move forward with the request.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:36pm

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: September 5, 2017