

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

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

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. Siebert, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Melissa Hesler, Borough Clerk
Kevin Starkey, Esq.
Vito Perillo, Mayor
Michael Skudera, Borough Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

EXECUTIVE SESSION

Council President Baldwin asked Mr. Starkey to read the Executive Session Resolution:

R-18-179 RESOLUTION TO ENTER EXECUTIVE SESSION

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

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

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

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)

None

- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)

Department Head Salaries (ATOD July 2018)

- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)

None

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

None

Mr. Pak offered the following resolution and moved its adoption, seconded by Mr. Siebert.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Council President Baldwin advised that at this time Council would move into Executive Session.

Council President Baldwin addressed the voluminous crowd, and explained that the room capacity cannot exceed 175 as per the Fire Marshall.

Council President Baldwin advised that Council was back on the record at 7:45 for the regular meeting.

All Present Stood for Salute to Flag.

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

Council President Baldwin asked Mr. Starkey for a summary of the Executive Session.

Mr. Starkey advised that a personnel matter concerning department head salaries was discussed during the Executive Session portion of the meeting.

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the minutes of the Regular Meeting held January 16, 2018 seconded by Mr. Pak.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report- Vito Perillo

Mayor Perillo had no report.

Engineer's Report- Thomas Neff

Mr. Neff discussed resolution R-18-187 on tonight's Consent Agenda regarding the bid for the Heritage Boulevard Pump Station Project. Mr. Neff explained that the purpose of the project is to provide a series of upgrades to the pump station as well as the removal of a manhole. He announced that the Hance Park improvements are nearing completion; and next month he will begin the process of awarding a bid for the Borough Hall curb and sidewalk replacement.

Finance Director- Thomas Fallon

Mr. Fallon reported that the Borough received their Independent Audit Report for 2017. He stated that it is an excellent report of the Borough's financial statements, transactions and operations and explained that it was considered a clean opinion with no adjustments, comments or recommendations reported. Mr. Fallon personally thanked the Borough employees involved with the financial processes for working as a team for the benefit of the Borough. He discussed that there will be a resolution on next month's meeting agenda to approve the Audit Report. Mr. Fallon referenced two resolutions on tonight's agenda and explained that in reference to R-18-180 the Borough received the allocated funds for the Clean Communities Grant, which will be inserted into the budget through said resolution. He stated that R-18-186 authorizes the Tax Collector to mail 3rd quarter estimated tax bills however they are waiting on State approval of the tax rate, and cannot be mailed out until this approval goes through.

Borough Administrator- Michael Skudera

Mr. Skudera discussed Resolution R-18-183, the Mayor's appointment of DPW Director Mark Shaffery. He stated that Mr. Shaffery has done an excellent job as interim director and thanked him for his work maintaining Borough parks, roads, and sewers. Mr. Skudera spoke about the several Eagle Scout projects in progress in Tinton Falls and how the Borough is working to streamline the approval process with a proposal form on the Borough website.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk's Report- Melissa Hesler

Ms. Hesler had no report.

Council's Report

Ms. Fama thanked those in attendance tonight for their interest and dedication to resolving the major issues at the Hance-Sycamore intersection. Ms. Fama stated that she and fellow Council members have met with county officials to discuss this issue. Council will continue to listen to the feedback and concerns of residents and will continue to have the Borough's best interest in mind.

Mr. Pak echoed the words of Councilwoman Fama and discussed the meeting he had with Monmouth County on July 5 in regards to the data, study, and proposal of the project. He explained that the county is analyzing the busy traffic pattern between the hours of 7:30-9:00 AM. Mr. Pak stated that he and Council are looking for a proposal that is less intrusive, but most importantly safe. He discussed his thoughts on a traffic light being installed at that intersection and doesn't believe this solution will be effective. He states that the county is receptive to these concerns and is working to create a more flexible solution.

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

Mr. Siebert thanked the public for attending tonight’s meeting and for their interest and ideas that council has received via email, he assured residents that council is taking the time to review all comments and they are considering the Borough’s best options.

Mr. Manginelli had no report.

Mr. Baldwin reported that the County engineers are reading and reviewing all of the letters submitted by the Borough’s concerned residents. He stated that Council has also read through all of the comments and are working to ensure the County will be receptive and responsive to all. Mr. Baldwin asked Mr. Neff, Borough Engineer to address some of the rumors and misconceptions regarding the Hance-Sycamore intersection.

Mr. Neff stated that he is speaking strictly from an engineer’s standpoint in an effort to provide the facts. He addressed a rumor that Hope Road, south of Sycamore will become a county road. Mr. Neff stressed that the county has no plans to take over Hope Road. He discussed the process in which the county would have to follow in order to acquire Hope Road, which includes getting the permission of the Borough. Mr. Neff clarified that the Borough has no plans to widen Hope Road and also stated the County has no plans to widen Hance or Sycamore. Mr. Neff briefly addressed traffic concerns and explained that the plans being discussed tonight are only preliminary concepts and are not final.

ORDINANCES FOR INTRODUCTION

Ms. Hesler read Ordinance No. 2018-1432 entitled: **ORDINANCE SETTING SALARIES FOR DEPARTMENT HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL**

WHEREAS, both the general municipal law (N.J.S.A. 40A:9-165) and the Faulkner Act (N.J.S.A. 40:69A-43a and 180) require that certain salaries be adopted by ordinance; and

WHEREAS, the Borough of Tinton Falls (“the Borough”) does currently have an ordinance establishing these salaries, which is updated and adopted annually; and

WHEREAS, the Borough is restrained in establishing certain salaries pursuant to the terms of pre-existing collective bargaining agreements and New Jersey law impacting statutory employees.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following management salaries be established effective January 1, 2018 as follows or as otherwise stated below:

SECTION ONE – STATUTORY EMPLOYEES

Chief Financial Officer (Director of Audits, Accounts & Controls)	\$167,777
Tax Assessor	\$102,408
Tax Collector	\$ 90,686

SECTION TWO – DEPARTMENT HEADS

Director of Public Works	\$ 127,000	(effective 3/6/18)
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SECTION FOUR – REPEALER

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall hereby be repealed to the extent of any such inconsistency.

SECTION FIVE – EFFECTIVE DATE

This ordinance shall take effective upon publication pursuant to law and the General Revised Ordinances of the Borough of Tinton Falls.

Mr. Pak offered a motion to introduce Ordinance No. 2018-1432. Seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCES FOR FINAL CONSIDERATION- None

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Joseph Augustine, 1188 Sycamore Avenue- Mr. Augustine discussed his frustrations with traffic on the western end of Sycamore Ave. He stated that he has spoken with local authorities and Tinton Falls Sgt. LoPresti in regards to speed reduction on this road. He addressed Mr. Pak and council's reports that the County has control over this road, he stated that the people of Tinton Falls are the county and should have a say in this matter. Mr. Augustine inquired whether or not this project has any correlation to the revitalization of Fort Monmouth. Mr. Baldwin explained the purpose and plan of FMERA and addressed any traffic concerns.

Michael Fasano Esq. and Rich Lomuro Esq. Attorneys for residents- Mr. Fasano and Mr. Lomuro explained that they represent a group of concerned residents in town. They inquired whether or not Council will pass a Resolution opposing the two proposals presented by the County. He stated that the people of Tinton Falls want assurance from Council that they are not in agreement with these two plans. Mr. Starkey, Director of Law explained that the county has come before the council on two occasions with presentations and various proposals in search of both Council and resident input. The county is working on another proposal with the public's feedback in mind. Discussion ensued regarding the County's proposals.

Erin Rudowski, 22 Wilkens Court- Ms. Rudowski voiced her concerns with the Hance Sycamore intersection and stated that she is in favor of lowering the speed limit as well as a traffic light to slow down the heavy flow of traffic. She discussed her opposition against widening these roads as it will promote heavy traffic.

Pam Farley, 206 Riverdale Avenue East- Ms. Farley questioned whether or not Mr. Pak is in agreement with the residents. Mr. Pak clarified that he is 100% committed to the residents of Tinton Falls and will continue to support and address their concerns. Ms. Farley inquired whether or not the County has any plans to address the residents and Councilwoman Fama explained that they will be back to present their next proposal as soon as it is ready. Ms. Fama voiced her support for the residents and stated that she lives her too and will continue to do what is best for the Borough.

Carola D'Enery, 76 Hope Road- Ms. D'Enery inquired when the County is going to come back with a new idea and a different proposal, since they have received the emails from concerned residents. Mr. Baldwin explained that it is unclear at this time when this will be but he is hoping that it will happen as soon as possible. Ms. D'Enery asked that council consider lowering the speed limit on these roads. Mr. Baldwin explained that Council cannot make any promises however they are also concerned about the speed.

Bill Schutte, 15 Birchwood Court- Mr. Schutte explained that the issue at this intersection exists between the hours of 7:30AM- 9:30AM and 4:30PM-6:00PM. He suggests simpler solutions to this issue rather than widening roads and taking property from residents.

Peter Karavetes, 784 Sycamore Avenue- Mr. Karavetes personally thanked Mr. Pak, Ms. Fama, and Mr. Siebert for their dedication to this issue. He questioned Mr. Starkey as to why Council cannot adopt a resolution and vote no in opposition of the County's plans. Mr. Starkey stated that because it is a County road, the County has the authority to make the final decision. The Freeholders and the County Engineers have the legal power to make these decisions, the Borough Council does not. Mr. Karavetes respectfully disagreed and stated that the only way the Council can show their opposition to plans one and two is through a resolution. He inquired about the 4 ton weight limit on Hope Road and asked why the Borough does not enforce this law. Borough Administrator Skudera stated that he will have the Police Chief look into this issue.

John Clark, 36 Fairfield Drive- Mr. Clark discussed the County's proposals and his concerns about the traffic at this intersection. He described his fears of the County taking over Hope Road and asked the Council to put this in writing to ensure Hope will remain a Borough Road. Mr. Neff discussed the County's reasoning behind widening the road and adding two turn lanes and explained that this will benefit the residents who live on these roads.

Josh Peruti, 51 Cloverdale Circle- Mr. Peruti inquired about alternative ways to notify residents about upcoming meetings regarding the Hance-Sycamore issue. Mr. Skudera discussed the Code Red System and how to sign up for text-message alerts through the Borough website. Mr. Peruti also voiced his concern with the speed limit on these roads and the danger of fast traffic.

Stephen Scarepicco, 77 Hope Road- Mr. Scarepicco asked to hear from all four members of the Borough Council in regard to their positions on this matter. He discussed his concerns with the speed limit and the safety of Borough

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

residents. Mr. Baldwin addressed Mr. Scarepicco's concerns and explained that his number one priority is to ensure the county chooses a safe solution.

Debra McNally, 793 Sycamore Avenue- Ms. McNally discussed the Tinton Falls Master Plan and stated that the council should use this as a guidebook to address the county's proposals. She explained that lowering the speed limit and adding sidewalks in this residential area could help control the heavy flow of traffic that moves through this neighborhood. She states that this is a very unique issue and the Borough should consider hiring a safety expert to examine the intersection and propose a safe solution.

Rich August, 793 Sycamore Avenue- Mr. August voiced his disappointment with Council for not discussing their personal feelings on the County's proposals. He also stated that traffic enforcement can help solve this issue with police presence at this intersection. He encourages Council to do the right thing and protect the residents of Tinton Falls.

Michael Simpson, 25 Devon Court- Mr. Simpson voiced his concerns with the Hance-Sycamore intersection and stated the Master Plan should have been referenced during this process. He inquired about the County process and asked if residents are able to meet with any County representatives to discuss their feelings on this situation. Mr. Baldwin referred him to the County Freeholders meeting. Mr. Simpson addressed traffic and pedestrian concerns and suggested ways the Council and residents can work together to solve this issue.

Maryann Zaleski, 29 Edison Avenue- Ms. Zaleski discussed traffic and safety issues at this intersection and encouraged the Borough and County to explore other options. She expressed her feelings and frustrations with this issue and illustrated how this intersection impacts her daily life. She also inquired about voicing her concerns to the County. Mr. Baldwin and Mr. Starkey referred her to Joe Ettore and Tom Arnone and announced their upcoming Workshop meeting.

John Davies, 7 Palermo Drive- Mr. Davies addressed the need to regulate the flow of traffic between these two roads and believes that some of the County proposals are too robust for this intersection. He discussed possible alternative solutions to calm the flow of traffic such as the integration of a traffic signal without widening the road. Mr. Davies

inquired about eliminating heavy truck traffic on Sycamore. Mr. Neff explained that the Borough could coordinate with the DOT and the County to mandate weight restrictions on these roads. Mr. Baldwin thanked Mr. Davies for his suggestions and encouraged other residents with an engineering background to discuss alternative options with the County.

Allen Lewis, 141 Cherry Street- Mr. Lewis briefly spoke about traffic concerns and referenced similar intersections in Monmouth County.

Ron Wollner, 8 Green Meadow Drive- Mr. Wollner voiced his sympathy for residents who live along Hance and Sycamore and addressed his concerns with the safety of this particular intersection. He suggested the installation of a traffic light at this intersection to correct this dangerous roadway and to keep people safe.

Frank Valentino, 108 Riveredge Road- Mr. Valentino discussed the massive redevelopment project of Fort Monmouth and the increase in traffic this will bring, particularly worsening the situation at Hance and Sycamore.

Michael Terzano, 18 Society Hill Way- Mr. Terzano voiced his concerns with the overblown development and construction in Tinton Falls. He discussed alternative solutions to this issue that would be less intrusive rather than the elaborate plans the County has presented.

Barbara Turning, 32 Periwinkle Circle- Ms. Turning inquired about the status of the Borough Newsletter. Mr. Skudera explained that this project has been budgeted for however nothing has been done yet. She also inquired about Community Day and Mr. Skudera clarified that it is coordinated by Councilman Pak and Chief Scrivanic, the event will be held in October, an official date has not been set. Ms. Turning questioned who represents Tinton Falls during the FEMERA meetings and Mr. Baldwin explained that the Mayor is the first representative, however if he cannot attend he would take his place.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-180 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
– NJS A 40A:4-87

WHEREAS, NJS A 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 2018 in the sum of \$41,206.77, which is now available from State of New Jersey Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$41,206.77 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-18-181 RESOLUTION AUTHORIZING RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE FOR TH E 2018-2019 AND 2019-2020 LICENSE YEARS

WHEREAS, application has been made to the Tinton Falls Borough Council for a PLENARY RETAIL CONSUMPTION LICENSE by Portofino, Inc. # 1336-33-008-005 in a timely manner, for the year beginning July 1, 2018 and ending June 30, 2019 accompanied by a statutory fees and municipal fees; and

WHEREAS, the license application has been duly investigated by the Office of the Chief of Police of the Borough of Tinton Falls, and it appearing that the application is in due form and that all legal formalities have been met; and

WHEREAS, The License has been inactive and the license holder has submitted a verified petition to the State of NJ Department of Public Safety, Division of Alcoholic Beverage Control for a Special Ruling under NJS A 33:1-12.39; and

WHEREAS, The Borough has received a copy of the Special Ruling Granted by the Director of the Division of Alcoholic Beverage Control permitting the license be reviewed by the Township for renewal, terms of 2018-2019 and 2019-2020; and

NOW, THEREFORE, BE IT RESOLVED PLENARY RETAIL CONSUMPTION LICENSE Portofino, Inc. License # 1336-33-008-005 be renewed for 2018-2019; and

BE IT FURTHER RESOLVED that license # 1336-33-008-005 will be considered for renewal again for the 2019-2020 licensing term; and

BE IT FURTHER RESOLVED that the Borough Clerk issue the necessary licenses pursuant to this resolution and that a certified copy of this resolution be forwarded to the Director of Alcoholic Beverage Control of the State of New Jersey, provided that in each case payment of \$200.00 filing fee of licensee has been made to the Division of Alcoholic Beverage Control in accordance with P.L. 1970, Chapter 77.

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

R-18-182 RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Frank DeVita Regular Member – Unexpired Term ending 12/31/2019
Martine Ladd Alt. Member #1 – Unexpired Term ending 12/31/2018

R-18-183 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR, DEPARTMENT OF PUBLIC WORKS

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Mark Shaffery as Director, Department of Public Works by Mayor Vito Perillo, is hereby confirmed.

R-18-184 RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR PROFESSIONAL SPECIAL COUNSEL SERVICES CONTRACT PS #9-18

WHEREAS, the Borough of Tinton Falls has a need for professional Special Counsel for the Two Rivers Water Reclamation Authority as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Starkey, Kelly, Kenneally, Cunningham & Turnbach, Two Hooper Avenue, Toms River, NJ 08753 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$25,000.00 for professional Special Counsel Services; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Starkey, Kelly, Kenneally, Cunningham & Turnbach, Two Hooper Avenue, Toms River, NJ 08753 is hereby retained to provide professional Special Counsel Services for an amount not to exceed \$25,000.00 for a term expiring December 31, 2018;

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2018 Municipal Budget as follows: \$25,000.00

R-18-185 RESOLUTION AUTHORIZING BID SOLICITATION FOR ADDITIONAL CO-LOCATION LEASE UPON PRE-EXISTING BOROUGH COMMUNICATIONS MONOPOLE

WHEREAS, the Borough of Tinton Falls (“the Borough”) previously sought, received and awarded a lease for the development and placement of a wireless telecommunications monopole on Borough-owned property within the municipal complex; and

WHEREAS, the wireless telecommunications monopole was constructed and one additional co-location lease has already been authorized; and

WHEREAS, the Borough would like to solicit additional interest for co-locators to make lease payments for space on the Borough’s monopole, which is designed to sustain multiple carriers that could generate additional revenue for the Borough.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Tinton Falls hereby authorizes and directs the Borough’s Purchasing Agent, in consultation with the Borough’s wireless communications consultant, to prepare and issue a request for bids for a lease for co-location of another wireless telecommunications carrier on the Borough’s monopole pursuant to the provisions of the Local Lands and Buildings Law.

R-18-186 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 2018 tax bills on a timely basis:

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

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 2018 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 2018 is hereby set at \$63,716,103.41
3. In accordance with law, the third installment of 2018 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.

R-18-187 RESOLUTION OF AWARD CONTRACT #18-1 HERITAGE BOULEVARD PUMP STATION UPGRADES

WHEREAS, three (3) bids were received on Tuesday, June 26, 2018 for Contract #18-1 for the Heritage Boulevard Pump Station Upgrades; and

WHEREAS, T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 submitted the lowest responsible bid for a total amount of \$246,300.00 for the above contract; and

WHEREAS, the Director of Law has found the bid to be in order, and Thomas P. Neff, P.E., P.P., C.M.E., of T & M Associates, recommends award in his bid report attached dated June 29, 2018;

NOW, THEREFORE BE IT RESOLVED that T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ be awarded a contract in the amount of \$246,300.00 for the Heritage Boulevard Pump Station Upgrades;

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

R-18-188 RESOLUTION AUTHORIZING PURCHASE UNDER SOURCEWELL FORMERLY KNOWN AS NATIONAL JOINT POWERS ALLIANCE

WHEREAS, the Tinton Falls Department of Public Works is in need of one (1) 2019 Peterbilt 520 Tandem Axle Cab & chassis with a 66,000 lb. GVW; and

WHEREAS, the Borough of Tinton Falls is a current member of Sourcewell formerly known as National Joint Power Alliance as approved by Resolution #R-16-123; and

WHEREAS, Hunter Jersey Peterbilt, 524 Monmouth Road, Clarksburg, NJ 08510 is a valid vendor on Sourcewell formerly known as National Joint Powers Alliance, for the purchase of a (1) 2019 Peterbilt 520 Tandem Axle Cab & chassis with a 66,000 lb. GVW for a total purchase price in the amount of \$249,698.00 ; and

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

WHEREAS, Mark Shaffery, Interim Director of Public Works recommends this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid Sourcewell formerly known as National Joint Powers Alliance:

2019 Peterbilt 520 Tandem Axle Cab & chassis with a 66,000 lb. GVW

R-18-189 RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT THROUGH A

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

**PORTION OF THE MUNICIPAL COMPLEX PROPERTY, BLOCK 100, LOT 1, FOR THE
INSTALLATION OF NEW ELECTRICAL LINES**

WHEREAS, the Borough of Tinton Falls is the owner of property designated on the municipal tax maps as Block 100, Lot 1, also known as the Borough Municipal Complex: and

WHEREAS, Jersey Central Power & Light (“JCP&L”) and Verizon of New Jersey, Inc. (“Verizon”), require a permanent easement for the installation and maintenance of electrical lines on the property to connect the new cell tower on the property, in the form of Easement attached hereto; and

WHEREAS, the Easement will allow approximately 30 feet of overhead electric lines to be installed, and then the remainder of the electric lines underground; and

WHEREAS, the Borough Council desires to authorize the Mayor to execute, and the Borough Clerk to attest, to the Easement on behalf of the Borough of Tinton Falls, in the form attached hereto;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor is authorized to execute, and the Borough Clerk to attest, to the Easement in favor of JCP&L and Verizon, on property designated as Block 100, Lot 1, for the installation and maintenance of electrical lines, in the form of easement attached hereto.

**R-18-190 RESOLUTION – REFUNDING CONTINUED CERTIFICATE OF OCCUPANCY “CCO” FEE
AND CCO FIRE CERTIFICATE FEE – 10 NASHVILLE COURT – \$125.00**

WHEREAS, CCO fees in the amount of \$125.00 was **paid by Anthony Setaro, 1 Tack Court, Tinton Falls, NJ 07753 (agent on transaction)** and

Continued Certificate of Occupancy	\$75.00
Fire Inspection Certificate	<u>\$50.00</u>
\$125.00	

WHEREAS, said monies were deposited by the Borough of Tinton Falls during the month of June 2018; and

WHEREAS, the applicant applied for a CCO for the sale of 10 Nashville Court, Block 124.50 Lot 258 and the deal fell through before inspections were completed. Applicant does not have another buyer at this time and requested a refund; and

WHEREAS, the applicant informed the Code Enforcement Official and a full refund in the amount of \$125.00 shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$125.00 be **issued to Anthony Setaro, 1 Tack Court, Tinton Falls NJ 07753**.

R-18-191 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of 2018 2nd quarter sewers on the following property has been paid in error creating an overpayment by the Lienholder paying subsequent sewers after the lien had been already redeemed.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
Trystone Capital Assets, LLC P.O. Box 1030 Brick, NJ 08723		124.50	121	\$0.64

Re: Kane, Peter E. & Krystal
19 Richmond Court

and,

WHEREAS, said error has resulted in an overpayment of 2018 2nd quarter sewers in the amount of \$0.64, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$0.64 is hereby approved for the aforementioned property.

R-18-192 RESOLUTION - REFUNDING TAX OVERPAYMENT

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

WHEREAS, an overpayment of 2015 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2015 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928	21	5	\$2,447.32

Re: 800 Shrewsbury Avenue, LLC
800 Shrewsbury Avenue

and,

WHEREAS, said reduction has resulted in an overpayment of the 2015 taxes by the property owner in the amount of \$2,447.32 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 \$2,447.32 is hereby approved for the aforementioned property

R-18-193 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2016 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2016 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928	21	5	\$2,907.83

Re: 800 Shrewsbury Avenue, LLC
800 Shrewsbury Avenue

and,

WHEREAS, said reduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$2,907.83 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 \$2,907.83 is hereby approved for the aforementioned property.

R-18-194 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2017 to property known as.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928	21	5	\$3,697.20

Re: 800 Shrewsbury Avenue, LLC
800 Shrewsbury Avenue

and,

WHEREAS, said reduction has resulted in an overpayment of the 2017 taxes by the property owner in the amount of \$3,697.20 as certified by the Borough Tax Collector.

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

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

refund in the amount of \$3,697.20 is hereby approved for the aforementioned property.

R-18-195 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and by the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Corelogic Attn: Refunds 3001 Hackberry Road Irving, TX 75063	76.02	28	\$415.43

Re: Lorraine DiMarco
10 Northcrest Drive

and,

WHEREAS, said error has resulted in an overpayment of 2018 2nd quarter taxes in the amount of \$415.43, 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 \$415.43 is hereby approved for the aforementioned property.

R-18-196 RESOLUTION - CANCELING & REFUNDING SEWER OVERPAYMENT

WHEREAS, adjustments made, due to water usage decrease for commercial properties, created an overbilling and an overpayment of 2018 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) and,			\$.93	\$11,941.18	\$11,942.11

WHEREAS, said adjustment resulted in an overbilling and an overpayment of the sewers in the amount of \$11,942.11 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 \$0.93, be cancelled for the year 2018 and that refunds totaling \$11,941.18 are hereby approved for the attached properties.

R-18-197 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, 2018 with a ten (10) day grace period for interest to July 10, 2018, and

WHEREAS, the Tax Collector was unable to mail the Sewer bills until June 18, 2018 and requests the interest penalty date be extended to July 13, 2018, (25 days from the date of mailing), and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the interest penalty deadline for the 2018 3rd quarter sewer bills be extended to July 13, 2018.

R-18-198 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of June 2018 fees were paid by a resident of Tinton Falls for their participation in our Summer Camp Program

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of June 2018

WHEREAS, during the month of June 2018, the Recreation Superintendent was informed by the resident that due to reasons discussed with the Superintendent as to child's needs the child has been withdrawn from the program. A refund in the amount of \$597.00 shall be issued. The \$10.00 processing fee does not apply.

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

Melissa Rusnack	\$597.00
Total	\$597.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$597.00 be issued.

R-18-199 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of June 2018 fees were paid by a resident of Tinton Falls for their participation in our Summer Camp Program;

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of June 2018;

WHEREAS, during the month of June 2018, the Recreation Superintendent was informed by the resident that due scheduling conflicts the child has been withdrawn from one week of the program. A refund in the amount of \$87.00 shall be issued to:

Laura and/or Carl Cuttita	\$87.00
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Total	\$87.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$87.00 be issued.

R-18-200 RESOLUTION - PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 2 HASKELL LANE

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
U.S. Bank NA, Trustee 3217 S. Decker Lake Drive Salt Lake City, UT 84119		64.01	8 \$424.51

Re: Prop. Loc.: 2 Haskell Lane

and,

WHEREAS, N.J.S.A. 40:48-2.14 provides where obnoxious growth, garbage, trash and debris are destroyed or removed from any dwelling or lands, the cost shall be certified to the governing body, which shall examine the certificate and if found correct shall cause the cost to be charged against said dwelling or lands.

and,

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a clean up on the above mentioned property totaling \$424.51 pursuant to a letter dated June 26, 2018 from Mark Shaffery, Director of Public Works hereby attached and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that a debris lien in the amount of \$424.51 is charged to the property known as 2 Haskell Lane and shall become part of the taxes to be assessed and levied

R-18-201 RESOLUTION – APPROVAL OF BILLS – JULY 10, 2018

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 10, 2018; 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

**REGULAR MEETING
JULY 10, 2018
BOROUGH COUNCIL**

GENERAL	3,374,944.52
SEWER UTILITY	715,815.94
TRUST FUNDS	30,150.40
CAPITAL FUND	17,071.57
GRANT FUND	2,698.50
DOG TRUST	2,592.60
ESCROW	15,600.59
ADDITIONS	478,868.25
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	4,637,742.37

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:45p.m.

Respectfully Submitted,

Melissa Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: November 19, 2018