

**REGULAR MEETING
JUNE 13, 2023
BOROUGH COUNCIL**

Council President Manginelli called the Regular Meeting to order at 6:30 PM.

The 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 and filing with the Borough Clerk all on December 20, 2022."

ROLL CALL (Executive Session)

PRESENT: Ms. Buckley, Mrs. Clay, Dr. Dobrin, Mr. Nesci, Mr. Manginelli

ABSENT: None

EXECUTIVE SESSION

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-090

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)

Mayor-Council-Department Head discussions

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. Nesci offered a motion to approve Resolution R-23-090, seconded by Mrs. Clay.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Dr. Dobrin, Mr. Nesci, Mr. Manginelli

ABSTAIN: None

NAYS: None

ABSENT: None

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

Council President Manginelli advised that Council was back on the record at 7:30 PM for the start of the Regular Meeting.

ROLL CALL (Regular Meeting)

PRESENT: Ms. Buckley, Mrs. Clay, Dr. Dobrin, Mr. Nesci, Mr. Manginelli

ABSENT: None

ALSO PRESENT: Michelle Hutchinson, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Charles Terefenko, Business Administrator
Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

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Council President Manginelli asked the Director of Law, Kevin Starkey to summarize the executive session discussion.

Mr. Starkey stated that there was one item discussed in the Executive Session, the Council discussion pertained to a personnel matter.

APPROVAL OF MINUTES

Dr. Dobrin offered a motion to approve the May 2, 2023, Regular Session and Executive Meeting Minutes seconded by Mrs. Clay.

ROLL CALL

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

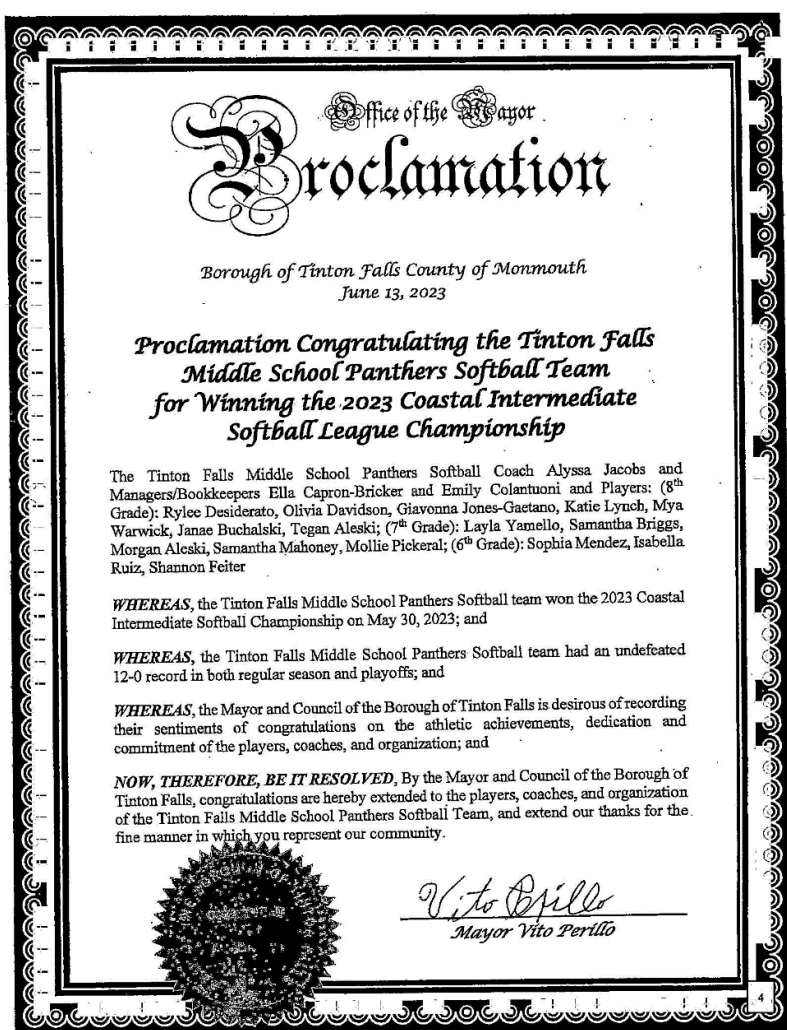
Mr. Nesci offered a motion to approve the May 16, 2023, Regular Session and Executive Meeting Minutes seconded by Ms. Buckley.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mr. Manginelli announced there are two proclamations listed on the agenda tonight, in celebration of:
The winning Tinton Falls Middle School Panthers Softball Team and June 2023 as LGBTQ+ Pride Month



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Borough Engineer – Thomas Neff

Mr. Neff discussed a resolution on the consent agenda, R-23-095 Sycamore Recreation Complex Softball Fields project which will replace the soccer fields behind Atchison School for softball fields. Estimated date for start of construction is fall this year.

Director of Finance - Thomas Fallon

Mr. Fallon had no report.

Administrator – Mr. Terefenko

Mr. Terefenko had no report.

Mayor – Vito Perillo

Mayor Perillo stated that volunteers are important to the Borough and ask the attendees if they knew of anyone wanting to volunteer for Fire Department or EMS services.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Reports

-Ms. Buckley thanked everyone involved with the Memorial Day ceremony, which was well attended. She announced the Environmental Commission will have a June meeting.

-Mrs. Clay reported attending the Board of Education meeting on May 23rd who recognized the educators of the year, education professionals of the year, support staff and retirees. Also, an honor award was presented to Mr. Theobold,

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former Board of Education member. She attended Eatontown’s Council meeting on May 24th for their student government in action program. Mrs. Clay recommended bringing such a program to Tinton Falls. She echoed the sentiments of Ms. Buckley regarding the well-attended and added well-run Memorial Day ceremony. Also, attended a citizen award ceremony at Atchison School for Gabriel Sanders where a tree was planted.

-Dr. Dobrin reported attending the NJ Special Olympics at the College of NJ. It is a great day for the special needs children participating. The library is awaiting contractor pricing and then will be sent to Council for approval. Library’s Music Festival is August 19th and hopes everyone will attend.

-Mr. Nesci reported the next Planning Board meeting is June 28th.

-Mr. Manginelli reported the Historic Preservation Commission will be observing Juneteenth this Saturday with guest speakers and music at the Crawford House.

ORDINANCES FOR INTRODUCTION

There were no ordinances for introduction this evening.

ORDINANCES FOR FINAL CONSIDERATION

There were no ordinances for adoption this evening.

PUBLIC DISCUSSION

Mrs. Clay offered a motion to open the Public Discussion, seconded by Dr. Dobrin.

ROLL CALL

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

Mr. Manginelli asked the Clerk if there were any public comments submitted and there was an email from *Michael Smith, 10 Heliport Drive, Tinton Falls*. Mr. Starkey commented there were several questions submitted and he will work with the Engineer to respond to this submission.

Pete Karavites, 784 Sycamore Avenue – Mr. Karavites is concerned about the truck traffic on Hope Road. He referenced an engineer’s report as to 260 trucks daily on a residential road with school stops. He asked everyone to read this report for the health and safety of the residence. Also, he requested; the electronic signs be put back up, enforcement by the police department and inform local trucking companies of the enforcement.

Joe Poremski, 15 Edgebrook Court – Mr. Poremski came in support of all Mr. Karavites statements.

Mitch Kulberg, 21 Cedar Place – Mr. Kulberg commented on Resolution R-23-098 Affordable Housing purchase by the Borough. Mr. Terefenko stated that it is part of a deed restriction that expired so restrictions are not released and remain as an affordable housing unit per our affordable housing plan.

Ellen Goldberg, 90 Glenwood Drive – Ms. Goldberg reiterated Dr. Dobrin’s information regarding the Library’s Music Festival on August 19th. All their fundraising efforts have been very successful and hope this event will be too.

Stacy Slowinski, 755 Tinton Avenue – Ms. Slowinski repeated the Juneteenth celebration information at the Crawford House with an overview of the events. She invited everyone to the celebration.

There being no further comments, Mr. Nesci offered a motion to close the Public Discussion, seconded by Dr. Dobrin.

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

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RESOLUTIONS - None

CONSENT AGENDA

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

ROLL CALL

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-091

**RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LIQUOR LICENSES
FOR THE YEAR 2023/2024**

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, 2023 and expiring June 30, 2024:

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
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
Mimoza, LLC	1336-33-009-007	\$2,500.00	Tally Ho Inn
Menditto, Inc.	1336-33-010-004	\$2,500.00	Nettie’s
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
HPT CY TRS Inc.	1336-36-015-004	\$2,500.00	Sonesta Select Tinton Falls

**BOROUGH OF TINTON FALLS
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R-23-092

**RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR
THE YEAR 2023/2024**

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, 2023 and expiring June 30, 2024.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Reva Enterprises LLC	1336-44-006-006	\$2,500.00	Pinebrook Liquor & Deli
3-Queens, Inc.	1336-44-005-004	\$2,500.00	Tinton Falls Buy Rite
Worldwide Wines, LLC	1336-44-004-015	\$2,500.00	Pocket

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R-23-093

RESOLUTION - RENEWAL OF CERTAIN CLUB LIQUOR LICENSES FOR THE YEAR 2023/2024

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, 2023 and expiring June 30, 2024.

<u>LICENSE NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>TRADE NAME</u>
Oceanside Social Club, Inc.	1336-31-018-002	\$180.00	None

**BOROUGH OF TINTON FALLS
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R-23-094

**RESOLUTION AUTHORIZING LIQUOR LICENSE EXPANSION OF PREMISES
G.S.P.H. RESTAURANTS T/A THE POUR HOUSE, 640 SHREWSBURY AVENUE
1336-33-012-002**

WHEREAS, G.S.P.H. Restaurants t/a The Pour House, has made application to the Borough Council of the Borough of Tinton Falls for a place-to-place transfer of Plenary Retail Consumption License #1336-33-012-002, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the applicant has provided all of the necessary documentation including of the twelve-page application, affidavit of publications, appropriate fees, and property descriptions; and

WHEREAS, no written objection has been received by the Municipal Clerk to said application.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls does hereby approve, effective June 13, 2023, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 640 Shrewsbury Avenue, Tinton Falls, New Jersey, 07724, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to endorse the transfer on the face of the license certificate showing the State assigned license number to be #1336-33-012-003.

**BOROUGH OF TINTON FALLS
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R-23-095

**RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES CONTRACT PS #1-23**

WHEREAS, the Borough of Tinton Falls has a need for professional Engineering services as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, NJ 07836 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$95,800 for professional Engineering services related to the Sycamore Recreation Complex Softball Fields Improvement; 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 Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, NJ 07836 is hereby retained to provide professional Engineering services related to the Sycamore Recreation Complex Softball Fields Improvement for an amount not to exceed \$95,800;

I hereby certify funds are available from: Open Space Trust Fund

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R-23-096

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DILWORTH PAXSON
LLP, AS BOND COUNSEL AND SPECIAL/ CONFLICTS COUNSEL FOR THE BOROUGH OF TINTON
FALLS**

WHEREAS on January 3, 2023 the law firm of GluckWalrath LLP was appointed as Bond Counsel and Redevelopment Attorney; and

WHEREAS on June 1 2023, the law firm of GluckWalrath LLP will become affiliated with the firm of Dilworth Paxson LLP; and

WHEREAS the governing body desires to amend the appointment of Bond Counsel and Special/Conflicts Counsel and to enter into an agreement to reflect the affiliation of Dilworth Paxson LLP.

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

1. Effective immediately, the law firm of Dilworth Paxson LLP is hereby retained for the provision of bond counsel and special/conflicts counsel services for the balance of the one-year term ending December 31, 2023, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on January 4th, 2023 for the calendar year 2023.
2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the execution of said agreement with the law firm of Dilworth Paxson LLP.
3. This resolution shall take effect immediately.
4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer, the Law Director and Meghan Ann Bennett, Esquire.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-097

RESOLUTION ADOPTING AMENDED AFFORDABLE HOUSING SPENDING PLAN

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

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

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

WHEREAS, the court order approving the Settlement Agreement and regulations adopted by the New Jersey Council on Affordable Housing (“COAH”) require a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan prior to spending any of the funds in its Trust fund; and

WHEREAS, these regulations required a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
7. A plan to spend the trust fund balance in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and

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9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Borough of Tinton Falls adopted Resolution R-19-057 approving a Spending Plan consistent with the Borough's Settlement Agreement and submitted it to the Court for review and approval; and

WHEREAS, the Court entered a Third Round Judgment of Compliance and Repose in the Borough's favor on July 17, 2023 approving the Borough's Third Round Housing Element and Fair Share Plan including its Spending Plan protecting the Borough from builder's remedy lawsuits through July 1, 2025; and

WHEREAS, the Borough's Special Planner has recommended that the Borough amend and update its Spending Plan to reflect the monies accumulated and spent in the Affordable Housing Trust Fund since the Judgment of Repose was entered; to incorporate projected development fees through 2025; to fund the extension of expiring controls; and to update the expenditure schedules for the rehabilitation and affordability assistance programs.

R-23-097

WHEREAS, the Borough Council believes it is in the best interest of the Borough to update its Spending Plan for its Affordable Housing Trust Fund monies to ensure and maximize compliance with its Third Round Judgment of Repose and Compliance.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, hereby adopts the amended Affordable Housing Trust Fund Development Fee Spending Plan dated May 15, 2023.

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R-23-098

**RESOLUTION AUTHORIZING THE BOROUGH TO PURCHASE THE AFFORDABLE HOUSING
UNIT LOCATED AT 15 FENNEC COURT FOR THE MAXIMUM RESTRICTED RESALE PRICE**

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

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

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

WHEREAS, the Court entered a Third Round Judgment of Compliance and Repose in the Borough's favor on July 17, 2023 approving the Borough's Third Round Housing Element and Fair Share Plan including its Spending Plan protecting the Borough from builder's remedy lawsuits through July 1, 2025; and

WHEREAS, the Borough has an interest in maintaining its existing affordable housing stock in order to continue to meet its constitutional obligation to provide for its fair share of affordable housing and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. ("UHAC") specifically authorizes municipalities to purchase affordable housing units for the maximum restricted resale price upon the first resale of the unit after the affordability controls have expired; and ,

WHEREAS, the owner of an affordable housing unit located at 15 Fennec Court (the "Unit"), wherein the affordability controls have expired placed the Borough on written notice that he was intending to sell the unit at market rate but was providing the Borough with a right of first refusal to purchase the Unit at the maximum restricted resale price in conformance with the requirements of UHAC; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to purchase the Unit at the maximum restricted price in order to maintain the affordability controls so that the Borough may obtain future affordable housing credits towards its future affordable housing obligation.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, hereby authorizes the Borough of Tinton Falls to purchase the affordable housing unit and property located at 15 Fennec Court for the maximum restricted resale price as determined by the Borough's Affordable Housing Administrator which under 2022 guidelines is \$138,400.

BE IT FURTHER RESOLVED that upon acquisition of the Unit, the Borough is authorized to resell the Unit to a qualified low and moderate income household in conformance with COAH's regulations.

**BOROUGH OF TINTON FALLS
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R-23-099

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

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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 2023 in the sum of \$50,469.06, which is now available from State of New Jersey Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$50,469.06 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.

**BOROUGH OF TINTON FALLS
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R-23-100

RESOLUTION-COMPENSATED ABSENCE FOR RETIREMENT

WHEREAS, Billie Glover has been employed by the Borough of Tinton Falls as a Driver in the Department of Public Works since November 2, 2006, and;

WHEREAS, on June 1, 2023, Billie Glover will retire with 16 years of dedicated service to the Borough of Tinton Falls and with the Division of Pensions and Benefits, and;

WHEREAS, Billie Glover will be entitled to compensated absence benefits in accordance with the Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$4,758. The breakdown of this payment includes accrued vacation time and;

WHEREAS, in accordance with NJS 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 Billie Glover receives the compensated absence benefits.

Certification of Funds: Trust Fund – Accumulated Absences

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-101

RESOLUTION-COMPENSATED ABSENCE FOR RETIREMENT

WHEREAS, Francis (Frank) Cottrell has been employed by the Borough of Tinton Falls as Technician in the Department of Public Works since May 1, 2007 and;

WHEREAS, on June 1, 2023, Frank Cottrell will retire with 16 years of dedicated service to the Borough of Tinton Falls and with the Division of Pensions and Benefits, and;

WHEREAS, Frank Cottrell will be entitled to compensated absence benefits in accordance with the Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$8,162. The breakdown of this payment includes accrued vacation time and;

WHEREAS, in accordance with NJS 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 Frank Cottrell receives the compensated absence benefits.

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Certification of Funds: Trust Fund – Accumulated Absences

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R-23-102

**RESOLUTION – RELEASING PERFORMANCE GUARANTEE AND ESCROW– 369 ESSEX ROAD
BOROUGH OF TINTON FALLS BLOCK 128.03, LOT 1.11**

WHEREAS, the developer has requested the release of the Performance Guarantee posted for 369 Essex Road Borough of Tinton Falls Block 128.03, Lot 1.11; and

WHEREAS, by letter dated May 22, 2023, (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all items have been completed and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee for 369 Essex Road Borough of Tinton Falls Block 128.03, Lot 1.11; be released subject to the payment of any and all outstanding engineering and inspection fees and posting of a two-year Maintenance Bond.

**BOROUGH OF TINTON FALLS
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R-23-103

RESOLUTION – REFUNDING ESCROW – JSM AT TINTON FALLS, LLC

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

WHEREAS, the Planning Board Secretary, Trish Zibrin, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

JSM at Tinton Falls, LLC JSM6023CO \$2,371.86

**BOROUGH OF TINTON FALLS
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R-23-104

**RESOLUTION - REFUNDING TAX OVERPAYMENT
TO BE APPLIED TO 2023 TAXES AND INTEREST**

WHEREAS, an overpayment of 2022 taxes on the following property has been made as a result of a Veteran’s deduction for the year 2022 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	33	2.01	\$250.00

Re: Scott & Allyson Winter
27 Riverdale Avenue East
and,

WHEREAS, said deduction has resulted in an overpayment of the 2022 taxes totaling \$250.00 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$250.00 and interest, is hereby approved for the aforementioned property. Said overpayment shall be applied to 2023 taxes and interest.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$250.00.

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**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-105

**RESOLUTION - REFUNDING TAX OVERPAYMENT
TO BE APPLIED TO 2023 TAXES**

WHEREAS, an overpayment of 2022 taxes on the following property has been made as a result of a Veteran's deduction for the year 2022 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	124.52	7	\$250.00

Re: Brent & Lilly Lambert
115 Annapolis Street

and,

WHEREAS, said deduction has resulted in an overpayment of the 2022 taxes totaling \$250.00 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$250.00, is hereby approved for the aforementioned property. Said overpayment shall be applied to 2023 taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$250.00.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-106

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2022 4th quarter Taxes have been made as a result of Veteran's deductions for the year 2022 to properties known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
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(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said deductions have resulted in overpayments of the 2022 taxes by the property owners in the total amount of \$1,500.00 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$1,500.00 are approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$1,500.00.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-107

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2023 2nd quarter Taxes have been made as a result of duplicate payments made in error for the year 2023.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
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(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2023 2nd quarter taxes by Title Company, Mortgage Companies, and Homeowner in the total amount of \$11,155.60 as certified by the Borough Tax Collector.

**REGULAR MEETING
JUNE 13, 2023
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refunds totaling \$11,155.60 are approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$11,155.60.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-108

RESOLUTION-REFUNDING REGISTRAR OF VITAL STATISTICS FEES

WHEREAS, a fee for certified copies was mistakenly collected on May 1, 2023 from John M. McGinley, Posten-McGinley Funeral Home for ten certified copies in the amount of \$100.00 with our credit card system - MuniPay.

WHEREAS, said funds was credited to the Borough of Tinton Falls.

WHEREAS, the Registrar's Office is requesting a refund in the amount of \$100.00 for John M. McGinley, Posten-McGinley Funeral Home, 59 East Lincoln Avenue, Atlantic Highlands, NJ 07716 shall be issued.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the refund of \$100.00 to John M. McGinley, Posten-McGinley Funeral Home.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-109

**RESOLUTION REQUESTING CHANGE IN TITLE, TEXT, OR AMOUNT OF APPROPRIATION
PURSUANT TO NJS 40A:4-85**

WHEREAS, NJS 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of NJS 40A:4-85, 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 make the following corrections in the 2023 budget:

Appropriation

Division of Engineering Other Expenses:	From \$110,000	To \$65,000
Division of Code Enforcement Other Expenses:	From \$ 54,000	To \$29,000
Division of Engineering Salaries and Wages:	From \$ 0	To \$70,000

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operations of the municipality for the reasons set forth:

To provide for a change in the manner engineering services are furnished to the Borough.

BE IT FURTHER RESOLVED, that the Electronic Budget Amendment Certification Form be filed, by the Chief Financial Officer, with the Division of Local Government Services for approval thereof.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-110

RESOLUTION – APPROVAL OF BILLS – JUNE 13, 2023

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending June 13, 2023; 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
JUNE 13, 2023
BOROUGH COUNCIL**

GENERAL	6,652,751.50
SEWER UTILITY	321,496.00
GENERAL CAPITAL	45,998.26
GRANT FUND	2,695.64
TRUST FUNDS	138,799.25
ESCROW	50,979.25
ADDITIONS	<u>1,332,893.97</u>
TOTAL	8,545,613.87

EXECUTIVE SESSION

ADJOURNMENT

Dr. Dobrin offered a motion to adjourn, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:58pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

John Manginelli, Council President

APPROVED AT A MEETING HELD ON: July 11, 2023.