

**REGULAR AND WORKSHOP MEETING
JULY 16, 2019
BOROUGH COUNCIL**

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

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the 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: Doreen D'Annunzio, Deputy Borough Clerk
Kevin Starkey, Esq., Director of Law
Vito Perillo, Mayor
Michael Skudera, Borough Administrator
Thomas Fallon, Chief Financial Officer
Thomas Neff, Borough Engineer

All present stood for a salute to the flag

APPROVAL OF MINUTES - None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Public Hearing – FY 2020 Community Development Block Grant (CDBG) Application

Council President Baldwin turned the floor over to Borough Engineer Mr. Neff to discuss the Community Development Block Grant (CDBG). Mr. Neff stated this application comes out every year, but you are only eligible to apply every other year. The 2017 CDBG grant award was applied for the paving of Hope Road bordering Ocean Township by Industrial Way South to West Park Avenue. This project will be starting at months end. He explained the grant application details and limits the types of projects such as ADA improvements or road improvements. The grant award amounts were outlined. Mr. Neff and Mr. Skudera met with Monmouth County to discuss possible options. They recommended sidewalk improvements to Fox Chase Drive; the north half of Fox Chase has concrete sidewalks and the southern half was originally built with asphalt, a material that degrades. Many families use these busy walkways; therefore, they are submitting this project to the County with an approximate construction cost of \$150,000. He stated this project will provide the biggest impact due to high number of families in this area. The application is due July 26, 2019 followed by a presentation at Monmouth County in September 2019. The grant award announcement will be end of year or beginning of 2020.

Mr. Baldwin opened the topic up to the public for discussion. There were no questions or comments from the public.

Mayor's Report – Vito Perillo

Mayor Perillo had no report.

Engineer's Report – Thomas Neff

Mr. Neff discussed resolutions on tonight's agenda such as Resolution 19-111 which is a contract change order to decrease the contract amount by \$50,103.78 due to fuel and asphalt adjustments. Resolution 19-114 is a NJDOT grant application for Hope Road Resurfacing Phase II Project, which NJDOT will allow the splitting of the grant years 2019 and 2020. This will help fund the total cost of repaving Hope Road from Tinton to Sycamore Avenues. He explained that Resolution 19-115 is the commercial motor vehicle restriction along a portion of Shark River Road. He has completed the traffic study and reports required and will be submitting to NJDOT by week's end.

Mr. Pak asked what the grant amounts would be from NJDOT and road improvement costs. Mr. Neff explained that the project cost is approximately \$500,000 for the southern half of the Hope Road and the whole road is close to a \$1,000,000. Last year the grant amount was \$325,000 and this current grant is asking for \$500,000. He guesstimates the final grant amount will be approximately \$300,000.

Director of Finance- Thomas Fallon

Mr. Fallon reported on Resolution 19-113 which adopts an updated plan document for LOSAP. He explained the changes to the plan are in-service distributions will be allowed for the members as well as emergency hardships.

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Borough Administrator- Michael Skudera

Mr. Skudera reported the sidewalks of Rutgers Drive and Water Street have been completed. He announced the 100th Anniversary celebration at Wayside Firehouse this Saturday where Mayor Perillo will be reading a proclamation.

Director of Law- Kevin Starkey

Mr. Starkey had no report.

Borough Clerk's Report- Doreen D'Annunzio

Ms. D'Annunzio had no report.

Council's Report

Councilwoman Fama reported that the Tinton Falls Library will be holding a "Save the Library" fundraiser on Saturday, July 27, 2019 at the Sycamore Soccer Complex. She provided details of the event and stated that it will be a family friendly event. She thanked the Mayor, Administration and Councilman Pak for their cooperation and dedication to this event.

Councilman Pak reported on the Monmouth County SPCA Trap, Neuter, Release Program (TNR). He introduced Kerry Morgenthaler, who is the TNR Liaison, and thanked her for a doing a great job. He detailed the number of cats and kittens enrolled in the program. To date, there were 53 felines in the program. He discussed working with Monmouth County Regional Health Commission and was impressed with their services. Also, in dealing with the cat population it was suggested that the Borough consider licensing cats. Mr. Pak wanted to know the contract status with Monmouth Regional Health Commission. Mr. Skudera stated the only contract severed was the odor contract and all other services remain in place. We will continue to report odor complaints to Monmouth County. Mr. Pak favors moving the remaining services provided by MRHC to Monmouth County especially if they prove to be more cost effective. Mr. Baldwin agreed with this statement and complimented Ms. Morgenthaler for the great job being done through the TNR program.

Councilman Siebert wanted to remind everyone of the farmers market at the Crawford House on Saturday mornings.

Councilman Manginelli had no report.

Council President Baldwin announced that he will be attending the FMERA meeting on July 17th.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION

Ms. D'Annunzio read Ordinance 2019-1448 entitled: **ORDINANCE AMENDING CHAPTER XII OF THE BOROUGH CODE, ENTITLED "PROPERTY MAINTENANCE," TO UPDATE THE REFERENCES TO THE CURRENT PROPERTY MAINTENANCE CODE**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2019-1448, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Siebert offered a motion to close the Public Hearing on Ordinance No. 2019-1448, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

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Mr. Pak offered a motion to adopt Ordinance No. 2019-1448, seconded by Mr. Manginelli

ROLL CALL

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

Ms. D'Annunzio read Ordinance 2019-1449 entitled: **ORDINANCE AMENDING VARIOUS SECTIONS OF THE BOROUGH CODE TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE CODE ENFORCEMENT DIVISION AND THE PLANNING AND ZONING DIVISION**

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2019-1449, seconded by Mr. Manginelli

ROLL CALL

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

PUBLIC HEARING OPEN

Sheila Hatami, 2 Palermo Drive, Zoning Board Member – Ms. Hatami addressed the added section in this Ordinance regarding the Code Enforcement Officer and Zoning Officer positions no longer requiring advice and consent of the Borough Council's approval and only the Mayor's approval. The State statute, NJSA 40:87-14, which has been deleted from the State's laws requiring a nomination and appointment by advice and consent of the Borough Council. Her opinion is when the State eliminated this statute the Council can have stricter rules governing appointments but not more lenient rules. Her concern with having the positions as Administrative appointments is that there will be less transparency in the process. Both positions, the Zoning Officer and Code Enforcement Officer, have a significant impact on the public. If appointments are done by Administration and not in public at a Council meeting, then the Zoning Board would like to participate in the appointment process. She also objected to the language in the Ordinance stating the positions can be either full time or part time and asked for its removal.

Mr. Starkey stated the portion of the statute that was eliminated by State legislature is what mandated the changes to the Code Enforcement and Zoning positions. He explained The Faulkner Act, the Borough's form of government, and that most positions at the Borough are Mayoral appointments which includes Code Enforcement and Zoning Officers. This provides efficiency and transparency in running a municipal government. Also, the update to the Ordinance was to conform to current State law. Ms. Hatami debated the approach the Administration had taken regarding the choices taken under the language of the statute. Mr. Pak asked why we needed to change the Ordinance. Mr. Starkey replied having recognized the Ordinance was outdated it is our responsibility to update and keep consistent with State law.

Ron Battista, 521 Tinton Avenue, Zoning Board Member – Mr. Battista also concurred with Ms. Hatami concerning the Ordinance changes. He stated as a volunteer on the Zoning Board of Adjustment for many years, their responsibility is to adjudicate zoning issues requiring a variance. Some of those applications come to the Zoning Board but many zoning applications are managed by the Zoning Officer. In his opinion, a part-time Zoning Officer position will not work. Also, the Code Enforcement Officer who deals with all the code issues and violations reported should not be part-time. All the rules residents need to follow will not be enforced by these part-time positions. He is concerned the general quality of the Borough will suffer and advocated for two full time positions for Code Enforcement and Zoning Officers.

Ms. Fama asked what Administration considered when changing this Ordinance and was it solely based on cost savings. Mr. Starkey listed all the factors when reviewing these positions, cost being one of the factors, but most importantly giving Administration the flexibility to deem the positions part-time or full time. Administration will determine as time progresses if both or one of the positions will need to be changed to a full-time position. Mr. Neff added as the part-time interim Zoning Officer he is reviewing and processing the zoning applications within the ten-day requirement and there is no backlog. Mr. Battista pointed out due to the zoning application fee increase the Board is seeing less applications and is concerned those residents who should apply and are not will increase the Zoning Officer's workload.

Ron Wollner, 8 Green Meadow Drive – Mr. Wollner is concerned the part-time Zoning Officer position will not be adequate. It is too important position and recommends this position be full-time.

Mr. Neff clarified that the previous Zoning Officer was in effect part-time due to the many other responsibilities she managed such as: Zoning Officer, Code Enforcement Officer, Housing Liaison, and Land Use Administrator.

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Charles Lomangino, 3 Helena Street, Zoning Board Member – Mr. Lomangino defended the workload of the previous Code Enforcement-Zoning Officer stating she could not follow up on all the applications and violations due to lack of staff. He mentioned a report listing the current open violations as proof of why a full-time Code Enforcement-Zoning officer is required.

Dr. Sharon Wisdom, 17 William Street – Dr. Wisdom stated her concerns regarding the abandon property at 15 William Street due to a fire. She explained how she met with the Code Enforcement-Zoning Officer multiple times regarding this abandoned property and the assistance she received and is concerned that without a full-time Code Enforcement-Zoning Officer issues such as she experienced will not be handled. Also, without the proper inspections of properties who have violations the value of her property decreases.

Leo Lomangino, 93 Colonial Drive – Mr. Lomangino stated a full time Code Enforcement-Zoning Officer is required for this town.

Gerry Spumberg, 11 Alpine Trail – Mr. Spumberg stated he has many years of experience as a realtor and on a planning board and he finds a lot of property turnover with a new generation of purchasers who want to remodel their homes. Driving around the Borough he sees many housing remodeling projects which he believes probably did not get the proper permits for the work. He wants everyone to consider this when deciding on a Code Enforcement-Zoning Officer positions.

Cary Costa, 23 Fennec Court, Acting Code Enforcement Officer – Mr. Costa stated the regulations do need to be updated. He noted under the current ordinances if a resident does not take care of a property code issue such as sidewalks or trees voluntarily, it is the Borough’s obligation to do so. This can be costly to the Borough by putting liens on the properties, but this is code enforcement. There is a balance between enforcing the codes and the financial burden to the residents and Borough to consider.

Ms. Fama is concerned that Administration has not explained how they arrived at the decision to change these positions to part-time without providing the statistical information they relied upon for that decision. She is concerned about the level of service the residents will received if the position is changed to part-time.

Mr. Starkey responded that voting on this Ordinance is to agree to update the language to be consistent with State law. The Ordinance stating the position can be either part-time or full time provides an option for the Administration to consider later. Councilmembers discussed the merits of the change. Mr. Skudera stated he heard what everyone said on this topic and asked everyone to give his plan a chance. He further explained in detail all the organizational and technology changes that are being implemented to assist in streamlining work processes that in combination will save resources.

Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2019-1449, seconded by Ms. Fama

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Manginelli offered a motion to adopt Ordinance No. 2019-1449, seconded by Ms. Fama

ROLL CALL

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

Ms. D’Annunzio read Ordinance 2019-1450 entitled: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI OF THE BOROUGH CODE, ENTITLED “BUILDING AND HOUSING,” TO ADD NEW PROVISIONS FOR CERTIFICATES OF CONTINUED OCCUPANCY**

Mr. Starkey announced there was a minor change to this Ordinance in section 11-4.2g; *Inspections of residential resale properties shall be limited to the property complying with the Zoning Regulations and exterior of property complying with the Property Maintenance Code.* This is not a material change and is not inconsistent with the rest of the Ordinance.

Mr. Manginelli offered a motion to open the Public Hearing on Ordinance No. 2019-1450, seconded by Mr. Siebert

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ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments, Mr. Manginelli offered a motion to close the Public Hearing on Ordinance No. 2019-1450, seconded by Mr. Siebert

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1450, seconded by Ms. Fama

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Ron Wollner, 8 Green Meadow Drive – Mr. Wollner wanted to know if Council would consider the Right to Farm Act. Mr. Starkey stated he did speak to the Borough Planner, Jennifer Beahm, who believes Tinton Falls would not be an appropriate candidate for this Act due to the limited number of farms in the Borough. Mr. Wollner commented there are 45 farms in town and would like to know if there is anything Council can do to assist these properties to continue to be farms and avoid selling out to developers. He has purchased a farm property and wants the freedom to run a farm, put up a chicken coop or a horse shelter and not have to apply each time for permits or variances. He also addressed the stream on his property that is taking on water from the other stream at the high school and the parkway. He wanted to know what needs to be done to have the streams maintained properly. Mr. Pak will assist in working with the high school.

Kerry Morgenthaler, 25 Thistledown Street, TNR Liaison – Ms. Morgenthaler stated there is an issue with residents who do not comply with TNR program and are feeding cat colonies. She suggested amending our dog licensing ordinance and consider licensing cats to assist the animal MCSPCA officers with enforcement of the program. Mr. Baldwin replied it is something that can be considered.

Sheila Hatami, 2 Palermo Drive, Zoning Board Member – Ms. Hatami asked if Councilman Manginelli will continue discussions with the Board members on the issue of the Code Enforcement-Zoning Officer position and their concerns with the Ordinance. He responded affirmatively. She understands this Code Enforcement-Zoning Officer position was held by the same person for a very long time and the new changes in the positions is concerning to residents.

Ron Battista, 521 Tinton Avenue, Zoning Board Member – Mr. Battista commented he would like this Administration to support the Right to Farm Act and support open space in the Borough. Also, he mentioned Ms. Arno, 495 Tinton Avenue, who has a pond on her property but due to new construction of a retention basin at the Lennar project her pond is brown. Mr. Neff will investigate this issue. Mr. Battista ask Administration whoever is hired for the Code-Enforcement and Zoning Officer positions to make sure they have the qualifications and certifications required.

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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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Mr. Siebert asked for a status update on the website. Mr. Skudera explained in detail the current updates specifically to the new Recreation Department web portal.

RESOLUTIONS

Councilwoman Fama asked to remove Resolution R-19-110 Resolution Authorizing Approval to Execute A Grant Contract with The New Jersey Department of Environmental Protection For The Purchase And Installation Of Charging Stations from the Consent Agenda and asked for some clarification before it is voted on.

Mr. Siebert offered a motion to remove R-19-110 from the Consent Agenda, seconded by Mr. Manginelli.

ROLL CALL

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

Ms. Fama inquired about the charging stations and why two of the three locations are at parks. Mr. Skudera explained this resolution is to proceed with accepting the grant, but nothing is finalized. The locations were picked as the best geographical locations to cover areas of Tinton Falls and would be designated in the parking lots of the parks. Mr. Pak wanted to know why we needed this and are there many residents with electric cars. His concern was increase of non-residential cars driving through our parks while young children are in the area. Mr. Manginelli commented this is part of the future green movement. There will be an increase in electric cars. Mr. Skudera explained this grant is only being offered once and is not a recurring grant.

Mr. Siebert offered a motion to approve resolution R-19-110, seconded by Mr. Manginelli

ROLL CALL

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

R-19-110 RESOLUTION AUTHORIZING APPROVAL TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURCHASE AND INSTALLATION OF CHARGING STATIONS

WHEREAS, the State of New Jersey, Department of Environmental Protection has authorized a grant to the Borough of Tinton Falls in an amount up to \$15,000 for the purchase, installation and maintenance of three (3) Level 2 Wattzilla single port charging stations to be installed at 556 Tinton Avenue, 1420 West Park Avenue, and 977 Sycamore Avenue; and

WHEREAS, the Mayor and Borough Council now desire to authorize the execution of a grant agreement with the State for said grant, along with any amendments thereto that do not increase the Borough's obligations;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of Tinton Falls formally approves the execution of a grant agreement with the State of New Jersey, Department of Environmental Protection, for the

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project bearing Grant Identifier AQ19-057, in an amount up to \$15,000 for the purchase, installation and maintenance of three (3) Level 2 Wattzilla single port charging stations to be installed at 556 Tinton Avenue, 1420 West Park Avenue, and 977 Sycamore Avenue, along with any amendments thereto that do not increase the Borough's obligations, with no matching obligations on the part of the Borough.

BE IT FURTHER RESOLVED that the Business Administrator, Michael Skudera, is authorized to execute such grant agreement on behalf of the Borough.

BE IT FURTHER RESOLVED that the Borough agrees to comply with all applicable Federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

CONSENT AGENDA

Mr. Siebert offered a motion to approve the Consent Agenda, Seconded by Ms. Fama

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-19-108 RESOLUTION AMENDING RESOLUTION #R-19-012 NON-FAIR AND OPEN CONTRACT FOR PS #2-19 PROFESSIONAL AFFORDABLE HOUSING PLANNING SERVICES

WHEREAS, the Borough of Tinton Falls adopted Resolution R-19-012 on January 8, 2019 wherein CME, 1460 Route 9 South, Howell, NJ 07731 was awarded the above contract for an amount not to exceed \$20,000.00; and

WHEREAS, this contract is to be increased for an amount not to exceed \$10,000.00 for a total contract for CME, for Professional Affordable Housing Planning Services in the amount of \$30,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that CME, 1460 Route 9 South, Howell, NJ 07731, is hereby authorized to provide Professional Affordable Housing Planning Services for an amount not to exceed \$30,000.00; and

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

I hereby certify funds are available from: Affordable Housing Trust Fund

R-19-109 RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON

WHEREAS, pursuant to N.J.A.C. 5:96-17.1 and N.J.A.C. 5:80-26.1 et seq. the Borough of Tinton Falls is required to appoint a Municipal Housing Liaison ("MHL") for the administration of the Borough of Tinton Falls' Affordable Housing Program to enforce the requirements of N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Borough of Tinton Falls has amended its code to provide for the appointment of an MHL to administer the Borough of Tinton Falls' Affordable Housing Program; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, and the State of New Jersey that Michael Skudera, Business Administrator, is hereby appointed by the Borough Council of the Borough of Tinton Falls as the Municipal Housing Liaison for the administration of the Affordable Housing Program pursuant to and in accordance with Ordinance # 08-1248 and as codified in the Borough Code of the Borough of Tinton Falls

R-19-111 RESOLUTION AUTHORIZING CHANGE ORDER #2 REDUCING CONTRACT #18-4 IN THE AMOUNT OF \$50,103.78 2018 ROAD IMPROVEMENT PROGRAM

WHEREAS, Contract #18-4 for the 2018 Road Improvement Program was awarded to Earle Asphalt Co., P.O. Box 556, Farmingdale, NJ 07727, by Resolution R-18-252 in the amount of \$2,126,913.13 at a Council Meeting held on September 18, 2018; and

WHEREAS, Change Order #1 dated April 22, 2019 required a quantity change resulting in a zero (0) net change to the total contract amount; was approved by Resolution #R-19-078 on May 7, 2019;

WHEREAS, Change Order #2 dated June 27, 2019 from T & M Associates (annexed hereto and part hereof) request a decrease in the amount of \$50,103.78 for reasons described therein, for a total contract in the amount of \$2,076,809.35;

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NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Tinton Falls authorizes change order #2 decreasing Contract #18-4 in the amount of \$50,103.78 for a total contract in the amount of \$2,076,809.35 is hereby authorized for the above contract awarded to Earle Asphalt Co.;

R-19-112 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Department of Public Works is in need of one (1) 2019 Ford F250 Pickup Truck, Extended Cab; and

WHEREAS, Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 has a valid NJ State Contract #A88726 for one (1) 2019 Ford F250 Pickup Truck, Extended Cab for a total purchase price in the amount of \$37,175.00; and

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

WHEREAS, Mark Shaffery, Director of Public Works recommends this purchase;

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

- (1) One 2019 Ford F250 Pickup Truck, Extended Cab

I hereby certify funds are available from: Open Space Trust

R-19-113 RESOLUTION FOR ADOPTING AN UPDATED PLAN DOCUMENT FOR AN EXISTING EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARD PLAN

**BOROUGH OF TINTON FALLS
Sponsoring Agency
EMERGENCY SERVICES VOLUNTEER
LENGTH OF SERVICE AWARD PLAN**

WHEREAS, the Borough of Tinton Falls (hereinafter referred to as the "Sponsoring Agency") by resolution adopted a Length of Service Award Plan (hereinafter referred to as the "Plan") effective January 1, 2004, for the purposes of enhancing the Sponsoring Agency's ability to retain and recruit volunteer members of the emergency service squads; and

WHEREAS, the Sponsoring Agency by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Plan; and

WHEREAS, the Sponsoring Agency adopted the VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 02-LOSAP-VALIC-120800, effective January 1, 2004; and

WHEREAS, the Sponsoring Agency desires to adopt the updated VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 07-LOSAP-VALIC-040209;

NOW, THEREFORE, BE IT RESOLVED that the Sponsoring Agency hereby adopts the VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 07-LOSAP-VALIC-040209 effective July 16, 2019 and authorizes the Plan Administrator to execute the document and to submit a certified copy of this Resolution to the Director of the Division of Local Government Services.

R-19-114 RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HOPE ROAD RESURFACING PHASE II PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Tinton Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Tinton Falls Borough-00472 to the New Jersey Department of Transportation on behalf of the Borough of Tinton Falls.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Tinton Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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R-19-115 RESOLUTION IN SUPPORT OF COMMERCIAL MOTOR VEHICLE RESTRICTION ALONG A PORTION OF SHARK RIVER ROAD

WHEREAS, the Mayor and Council have been made aware of an excessive amount of trucks and Commercial Motor Vehicles (CMVs) along the portion of Shark River Road between NJ Route 66 and Shark River Road (County Route 547); and

WHEREAS, there are numerous single-family residential properties and a retirement community along this portion of Shark River Road. In addition, the roadway in this area is narrow and contains a sharp curve. A safety and quality of life issue has therefore been identified for the Borough residents in this area; and

WHEREAS, the Borough desires to implement a Commercial Motor Vehicle restriction to prevent vehicles weighing greater than 4 tons from using this portion of Shark River Road. The Borough Engineer has prepared a Certification Report in accordance with N.J.A.C. 16:27-4.3 which analyzes traffic counts, crash reports, circulation, traffic movements, roadway data, and alternate routes for the nearby area; and

WHEREAS, the Borough Engineer recommends that the proposed CMV restriction be implemented upon approval by NJDOT. The restriction would result in an alternate route for CMVs that would take traffic west along NJ Routes 66 and 33 to Shafto Road (County Route 547), where the traffic would continue north. The alternate route is along State and County roads away from residential properties and is therefore a better route for CMVs;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Tinton Falls that the Governing Body concurs with the Borough Engineer's recommendations for a Commercial Motor Vehicle Restriction along the portion of Shark River Road between NJ Route 66 and Shark River Road (County Route 547) and acknowledges the impact of the alternate route on the State (Routes 66 and 33) and the County of Monmouth (Route 547).

R-19-116 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #3100 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 26 Lot 37 (43 Beaumont Court), assessed to Sharon Capriotti, at a tax sale held on December 6, 2017; and

WHEREAS, Investors Bank, has redeemed Certificate #3100 by paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #3100 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3100 was redeemed on July 9, 2019.

R-19-117 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #3180 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 143 Lot 17.02 (104 Wardell Road), assessed to Harold A. Cohn, Jr., at a tax sale held on October 17, 2018; and

WHEREAS, Mr. Harold A. Cohn, Jr., has redeemed Certificate #3180 by paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #3180 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #3180 was redeemed on June 25, 2019.

R-19-118 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:

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<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	120.02	1.03	\$2,322.35

Re: XPD (NJ) LLC
100 Tormee Drive

and,

WHEREAS, said reduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$2,322.35 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 \$2,322.35 is hereby approved for the aforementioned property. Said overpayment shall be applied to interest and the 2019 2nd quarter property taxes.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$2,322.35.

R-19-119 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>
XPD (NJ) LLC c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	120.02	1.03	\$34,405.86

Re: XPD (NJ) LLC
100 Tormee Drive

and,

WHEREAS, said reduction has resulted in an overpayment of the 2016 taxes by the property owner in the amount of \$34,405.86 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 \$34,405.86 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the amount of overpayment to be \$34,405.86.

R-19- 120 RESOLUTION-REFUNDING RECREATION FEES

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

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of June 2019

WHEREAS, during the month of July 2019, the Recreation Superintendent was informed by the resident that the child, Sophia Huynh will be withdrawing from the program. A refund in the amount of \$532.00 shall be issued, in which the \$10.00 processing fee has been applied and the nonrefundable deposit of \$150.00.

Peter Huynh	\$532.00
<hr/>	
Total	\$532.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$532.00 be issued.

**REGULAR AND WORKSHOP MEETING
JULY 16, 2019
BOROUGH COUNCIL**

R-19-121 RESOLUTION – APPROVAL OF BILLS – July 16, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 16, 2019; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	6,992,9
SEWER UTILITY	55,5
GENERAL CAPITAL	127,1
TRUST FUNDS	822
GRANT FUND	4
DOG TRUST	2,7
ESCROW	211
ADDITIONS	<u>1,555,6</u>
TOTAL	8,838,0

ADJOURNMENT

There being no items for workshop, Mr. Siebert offered a motion to adjourn, seconded by Ms. Fama.

ROLL CALL

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

TIME: 9:25

Respectfully Submitted,

Doreen D'Annunzio, Deputy Borough Clerk

APPROVED AT A MEETING HELD ON: