

**REGULAR/WORKSHOP MEETING  
FEBRUARY 7, 2017  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 6:37 PM.

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

**ROLL CALL**

PRESENT: Ms. Fama, Mr. Manginelli, Mr. Roche, Mr. Baldwin  
ABSENT: None  
ALSO PRESENT: Maureen L. Muttie, Borough Clerk  
                  Brian M. Nelson, Director of Law  
                  Gerald M. Turning, Mayor  
                  Michael Muscillo, Borough Administrator  
                  Tom Fallon, Director of Finance

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**EXECUTIVE SESSION**

*Mr. Roche offered the following Resolution and moved its adoption, seconded by Mr. Manginelli.*

**R-17-024 - 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)  
None
- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4)  
Chief of Police (ATOD March 2017)  
Superior Officers (ATOD April 2017)
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)  
Affordable Housing Mediation (ATOD April 2017)

**ROLL CALL**

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

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

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Council President Mr. Baldwin advised that Council was back on the record at 7:42 P.M.

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT:   Maureen L. Muttie, Borough Clerk  
                  Brian M. Nelson, Director of Law  
                  Gerald Turning, Sr., Mayor  
                  Michael Muscillo, Administrator  
                  Thomas Fallon, Chief Financial Officer  
                  Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

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**APPROVAL OF MINUTES** - None

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

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

Mayor Turning had no report.

**Engineer's Report – Thomas Neff**

A new traffic signal at the intersection of the new exit ramp and Wayside Road was activated on February 1, 2017. The signal was activated to allow for detoured traffic coming off of Parkway local southbound lanes to access Route 36 North while the existing ramp is realigned. It is anticipated that this work will take approximately 60-90 days to complete. The County is taking the lead on working with the Turnpike Authority and Stavola to relocated Stavbro Lane to align with the new ramp and Signal. The County did not anticipate that the signal would have been activated before this was properly addressed.

**Finance Director – Thomas Fallon**

Mr. Fallon had no report.

**Borough Administrator – Mike Muscillo**

Mr. Muscillo had no report.

**Director of Law – Brian Nelson**

Mr. Nelson had no report.

**Borough Clerk's Report – Maureen L. Muttie**

Ms. Muttie had no report.

**Council's Report**

Councilwoman Fama commented she attended a seminar at Brookdale Community College hosted by John Curley, Freeholder. The seminar was very informative touching on topics such as municipal budgets, OPRAs and purchasing.

Councilman Manginelli announced to recognize Earth Day, the Environmental Commission will be holding a "clean-up" day in Tinton Falls on April 22<sup>nd</sup> and everyone is invited to get involved.

Mr. Roche had no report.

Mr. Pak had no report.

Mr. Baldwin had no report.

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**ORDINANCES FOR INTRODUCTION**

Ms. Muttie read Ordinance No. 2017-1410 entitled: **ORDINANCE WAIVING HEALTH CODE FEES FOR NON-PROFIT ORGANIZATIONS**

**WHEREAS**, the Borough of Tinton Falls (“Borough”) is a member of the Monmouth Regional Health Commission No. 1 (“Commission”), which sets fees for licensing, plan reviews and penalties for health code compliance and violations preempting any Borough ordinances governing the same; and

**WHEREAS**, the Commission, however, does not impose fees on non-profit organizations, therefore, it is at the discretion of the governing body of the Borough whether to assess such fees; and

**WHEREAS**, an analysis of the fees annually collected for these purposes from non-profit organizations operating or conducting events in the Borough is not significant, and many having already received administrative waivers for years when such requests have been made.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the General Revised Ordinances of the Borough of Tinton Falls be and are hereby amended and supplemented as follows:

**SECTION 1. Health Code Fee Waiver for Non-Profit Organizations.**

When discretionary under the law, any duly organized and registered non-profit organization required to seek a license, permit or other inspection from the Monmouth Regional Health Commission No. 1 (“Commission”) shall not be assessed a licensing, permit or inspection fee as prescribed by Commission Ordinance No. 15-01 or N.J.S.A. 26:3-93.

**SECTION 2. No Non-Profit Waiver for Violations or Penalties.**

Non-profit organization waivers of Commission fees shall not be granted for any penalties or violations.

**SECTION 3. Severability.**

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

**SECTION 4. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

**SECTION 5. Effective Date.**

This ordinance shall take effect after final adoption and approval pursuant to law.

*Mr. Pak offered a motion to introduce Ordinance No. 2017-1410, seconded by Mr. Roche.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

*Public Hearing/Adoption will be held on February 21, 2017*

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**ORDINANCES FOR FINAL CONSIDERATION** – None

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

*Eugene Garvey, 15 Stratford Road* – Mr. Garvey expressed his concerns regarding the dangerous intersection at Hance Avenue and Sycamore Avenue. He is requesting the town to look into installing a traffic light at this intersection.

Mr. Baldwin provided the past extensive history on this project and informed Mr. Garvey that the County Engineer’s office is conducting studies. There will be further workshop meetings and public hearings on this matter in the future.

*Paul Abrams, 23 Taylors Run* – Mr. Abrams requested that the town look into the possibility of utilizing the two channels of public access available to the borough by Comcast. By televising Council Meetings as well as Planning and Zoning Boards Meetings, a larger audience could be reached, that can’t otherwise make it to meetings in person. Besides the cost, he feels there is no other reason not to pursue digital technology and is willing to provide a list of other towns that have successfully implemented this access for their residents. He would like to see more government transparency and upgrading to available digital technologies would achieve that purpose.

Mr. Baldwin pointed out that this was discussed years ago at a workshop meeting, but he would consider workshopping this topic again with the current Council.

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

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

**RESOLUTIONS**

**CONSENT AGENDA**

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

**ROLL CALL** (to approve Consent Agenda)

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

**R-17-025 - RESOLUTION TERMINATING COURT SHARED SERVICES  
AGREEMENT WITH THE BOROUGH OF EATONTOWN**

**WHEREAS**, in 2013, the Boroughs of Tinton Falls (“Tinton Falls”), Eatontown and Monmouth Beach entered a Shared Services Agreement under the Uniformed Shared Services and Consolidation Act to bring the court operations of all three municipalities into Tinton Falls, which has provided the necessary facilities and administrative staffing since 2014; and

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**WHEREAS**, it has been determined that the costs being assumed by Tinton Falls to operate Eatontown's court have been greater than anticipated and efficiencies that once existed are no longer present making the terms of the Shared Service Agreement between Tinton Falls and Eatontown impractical to continue despite the 2015 amendments made to the Shared Services Agreement; and

**WHEREAS**, cost savings and efficiencies are being realized under the Shared Services Agreement with the Borough of Monmouth Beach; and

**WHEREAS**, the Shared Services Agreement allows for its termination by any party on six months' notice.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that pursuant to Section 9C of its Shared Service Agreement with the Borough of Eatontown, it hereby provides six months' notice of termination tolling from the effective date of this Resolution unless Eatontown is capable of providing for its own court operations and staffing prior to that time.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be immediately transmitted to the parties required to be noticed under the terms of the Shared Services Agreement.

**R-17-026 - RESOLUTION APPOINTING QUALIFIED LIST  
OF ALTERNATE MUNICIPAL PROSECUTORS**

**WHEREAS**, pursuant to N.J.S.A. 2B:25-4 there exists a need to appoint a qualified attorney as Municipal Prosecutor for the Borough; and

**WHEREAS**, pursuant to Local Finance Notice 2005-32, such salaried appointed positions are not subject to the Fair and Open Process; and

**WHEREAS**, the Municipal Prosecutor has made recommendations regarding Alternate Municipal Prosecutors who may be called upon in matters where there may be a potential conflict presented, or due to the Municipal Prosecutor's unavailability.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following Alternate Municipal Prosecutors are hereby appointed to be utilized as needed for 2017:

Ashley Malandre, Esq.  
James Carton, Esq.  
John Lane, Esq.  
Paul Grannick, Esq.  
Steve Schuler, Esq.

**BE IT FURTHER RESOLVED** that notice of these appointments shall be published by the Borough Clerk in the Borough's official newspaper.

**R-17-027 - RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS**, Tax Sale Certificate #2999 was issued to the Borough of Tinton Falls for delinquent taxes on Block 124 Lot 19.02 (Shafto Road), assessed to Hasmig Hovanian, at a tax sale held on November 19, 2015; and

**WHEREAS**, Zargis, Medical Corp., has redeemed Certificate #2999 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 #2999 for cancellation.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify that Tax Sale Certificate #2999 was redeemed on January 27, 2017.

**R-17-028 - RESOLUTION - REFUNDING RECREATION FEES**

**WHEREAS**, during the month of November 2016 fees were paid by a resident of Tinton Falls for their participation in our Basketball Program; and

**WHEREAS**, said money was deposited by the Borough of Tinton Falls during the month of November 2016; and

**WHEREAS**, during the month of January the Recreation Superintendent was informed by the resident Dawn Warren that her son, Nico, will not be participating in recreation basketball program due to unknown reasons.

A refund in the amount of \$57.00 shall be issued in which the \$10.00 processing fee and late withdrawal request has been applied.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$57.00 be issued to Dawn Warren.

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**R-17-029 - RESOLUTION – APPROVAL OF BILLS – FEBRUARY 7, 2017**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 7, 2017; and

**WHEREAS**, the Borough Council has reviewed said claims.

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

SUMMARY

GENERAL	\$5,656,721.38
SEWER UTILITY	33,408.42
CAPITAL	11,820.36
SEWER CAPITAL	3,379.29
TRUST FUNDS	49,416.77
GRANT FUND	7,121.34
DOG TRUST	2,559.00
ESCROW FUND	19,677.07
ADDITIONS	3,331,603.38
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	9,115,707.01

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:26 PM

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

**APPROVED AT A MEETING HELD ON: June 13, 2017**