

**REGULAR MEETING
APRIL 16, 2019
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. Siebert, Mr. Baldwin

ABSENT: Mr. Pak

ALSO PRESENT: Melissa Hesler, Borough Clerk

Kevin Starkey, Esq.

Vito Perillo, Mayor

Michael Skudera, Borough Administrator

Thomas Neff, Borough Engineer

Andy Bayer, Affordable Housing Counsel

All present stood for a salute to the flag

APPROVAL OF MINUTES

Mr. Manginelli offered a motion to approve the minutes of February 5, 2019, seconded by Mr. Siebert.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

Mr. Siebert offered a motion to approve the minutes of March 5, 2019, seconded by Ms. Fama.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

Mr. Manginelli offered a motion to approve the minutes of April 2, 2019, seconded by Mr. Siebert.

ROLL CALL

AYES: Mr. Manginelli, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: Ms. Fama

Council President Baldwin explained that he would be taking the agenda out of order and starting with the Ordinances for Final Consideration so that Affordable Housing Counsel Andy Bayer could speak if there are any questions regarding the ordinances.

ORDINANCES FOR FINAL CONSIDERATION

Council President Baldwin invited Mr. Bayer to speak briefly about the ordinances to explain about the delay of adoption and the reason behind it.

Andy Bayer, Special Counsel for Affordable Housing matters explained that Ordinance 2019-1443 implements the borough's settlement agreement with Fair Share Housing Center which the Council previously approved, after which a Fairness Hearing was held before Judge Perry in Monmouth County. She ultimately approved our settlement agreement, and as a condition of the approval there were certain requirements that the Judge and Court Master had of the borough and that was the adoption of the ordinance before you this evening as well as the second one. This Ordinance describes and implements the third round

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housing plan from 1999 to 2025. This ordinance incorporates State Law concerning the management of affordable housing units which are known as Uniform Housing Affordability Controls (UHAC) into the Borough's Code so that as units are either constructed or turn over, there is a guide in which the units are managed. This had been introduced awhile ago but we received input from the Court Master as well as Fair Share Housing Center's Counsel, so the version before you this evening incorporates all changes. Once adopted the Court Master is going to recommend to Judge Perry that the borough attain a final judgement of repose and compliance which means the Borough will have immunity from builder's remedy litigation through 2025. Mr. Bayer stated that is the procedure and stated he will be available if there are any specific questions that need to be answered.

Council President thanked Mr. Bayer and invited members of Council to present questions if they had any. There were no comments from Council at this time. Mr. Baldwin asked the Clerk to read the title of the ordinance.

Ms. Hesler read Ordinance No. 2019-1443 entitled: AN ORDINANCE OF THE BOROUGH OF TINTON FALLS TO IMPLEMENT THE BOROUGH'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF TINTON FALLS AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015), THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

Mr. Siebert offered a motion to open the Public Hearing on Ordinance No. 2019-1443, seconded by Ms. Fama.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING OPEN

Gerry Turning, 32 Periwinkle Circle- Mr. Turning stated once again what a fine job Andy Bayer has done managing the COAH program and thought it important that everyone understands what went into this. He discussed the recertification and the controls that Mt. Laurel placed upon existing housing units and the expertise with which Mr. Bayer handled this program and has helped to place the Borough in a very fortunate position with affordable units through 2025. Andy Bayer thanked Mr. Turning for his compliment and discussed the extensions that were mentioned, a program that allowed the Borough to extend certain existing housing for another 30 years. No additional units needed to be added in round 3.

Ms. Fama offered a motion to close the Public Hearing on Ordinance No. 2019-1443, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1443, seconded by Mr. Manginelli..

ROLL CALL

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

Ms. Hesler read Ordinance No. 2019-1444 entitled: **AN ORDINANCE AMENDING CHAPTER XXIII (DEVELOPMENT FEES) AND DELETING CHAPTER 39 OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS AMENDING THE MANDATORY DEVELOPMENT FEES AND OTHERWISE UPDATING THE BOROUGH CODE TO ENSURE CONSISTENCY WITH THE**

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BOROUGH'S SETTLEMENT IN ITS MT. LAUREL LITIGATION, THE FAIR HOUSING ACT AND COAH'S REGULATIONS

Ms. Fama offered a motion to open the Public Hearing on Ordinance No. 2019-1444, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments Ms. Fama offered a motion to close the Public Hearing on Ordinance No. 2019-1444, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

CLOSE PUBLIC DISCUSSION

Mr. Siebert offered a motion to adopt Ordinance No. 2019-1444, seconded by Ms. Fama.

ROLL CALL

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

Council President Baldwin thanked Mr. Bayer for his dedication and hard work and stated how thrilled he was to hear from the Special Master that Tinton Fall ranked second best in the State for the COAH obligations. Mr. Bayer stated that it has been a long road but we are close to the finish line. He stated the final compliance hearing is scheduled for May 15, 2019 before Judge Perry and hopefully a court appearance will not be necessary. Mr. Bayer stated he will keep the Clerk and Administrator up to date when he finds out.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

PROCLAMATION – ARBOR DAY

Council President Gary Baldwin, on behalf of Mayor Perillo, read the following proclamation and presented it to Elizabeth Carney, Shade Tree Chair. Mrs. Carney expressed her thanks and stated that this is the 26th year that Tinton Falls has been named “Tree City”. She presented Mayor Perillo with an Arbor Day Flag.

Proclamation Celebrating Arbor Day

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

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WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other products; and

WHEREAS, Tinton Falls has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, VITO PERILLO, Mayor of the Borough of Tinton Falls do hereby proclaim April 26th as “**ARBOR DAY**”

Mayor’s Report – Vito Perillo

Mayor Perillo thanked everyone that worked on the budget, he stated that he felt this is a fair budget that reduces taxes.

Engineer’s Report – Thomas Neff

Mr. Neff reported that he spoke to the County Traffic Engineer for an update on the Hance-Sycamore intersection improvement proposal. He explained that additional traffic counts and investigations were obtained a little further east toward Shrewsbury Avenue and further information will be disseminated once the data collection has been studied and evaluated for further alternatives for that intersection. Mr. Neff also stated that the County will be adding additional striping at the southern section of the intersection Hope Road, Shafto and Wycoff Road near Eatontown. Mr. Neff stated that the bid opening for Hope Road Improvements, southern section between Industrial Way and West Park will be this week with Ocean Township taking the lead on that project.

Finance Director – Thomas Fallon

Mr. Fallon had no report.

Borough Administrator – Michael Skudera

Mr. Skudera thanked everyone involved in the Tinton Falls Little League Opening Day Parade a successful event. He reported that the Tinton Falls Police Department will be accepting, unused, unwanted and expired medications on Saturday, April 27, 2019 from 10AM- 2PM. He noted that syringes will not be accepted. For any questions or inquires please contact Sgt. Michael Delucia at 732-542-3400 ext. 293. Council President Baldwin stated that the police will also be at Seabrook to assist the residents in properly disposing of unwanted medications and stressed the importance of proper disposal.

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 discussed recent fundraising done by the Tinton Falls Public Library and announced their next event, a children’s fashion show sponsored by the GAP on Saturday, June 1, 2019 at Mahala Atchison School. She briefly discussed some other upcoming events including a Summer Band and BBQ on July 27 at the Sycamore Soccer Complex. Ms. Fama stated that the Library is also accepting sponsorships, Rosemary Kochman is the contact for anyone interested in becoming a sponsor. Ms. Fama inquired about the status of the No Knock Ordinance and the decals the Police Department were working on, Mr. Skudera stated that he will get an updated report to her tomorrow.

Mr. Siebert congratulated the Recreation Department for setting record numbers of attendees at both the Egg Hunt and Daughter Dance. He also announced that the Earth Day Celebration will take place at Sycamore Recreation Complex on Saturday, May 4, 2019.

Mr. Manginelli extended his thanks to Mark Shaffery and his DPW crew for the street repairs and refuse collection.

Mr. Baldwin reported on the upcoming Earth Day Celebration that will take place May 4 between 9AM and 2PM rain or shine. He discussed the different events and attractions during the celebration including the Great Adventure Safari Program, old flag collection, document shredding, build your own bird house, hawk educational display, and a farmer’s market. Council President Baldwin encouraged the community and residents to come together for this great event.

BUDGET

Ms. Hesler read Resolution R-19-069 by title: Resolution to Read 2019 Municipal Budget by Title.

Mr. Seibert offered a motion to approve Resolution R-19-069, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

R-19-069 RESOLUTION – TO READ 2019 MUNICIPAL BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved Budget:
 - a.) shall be made available for public inspection, and
 - b.) shall made available to each person upon request.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it is hereby declared that the condition of N.J.S.A. 40A: 4-8, as amended set forth in subsections 1(a) and 1(b), have been met and therefore the Budget for 2019 shall be read by title only.

PUBLIC HEARING ON THE 2019 MUNICIPAL BUDGET

Council President Baldwin asked Chief Financial Officer Mr. Thomas Fallon to give a brief synopsis of the 2019 Municipal budget before Council opens the floor for public comments.

Mr. Fallon stated that about four weeks ago the budget was introduced and a he delivered a presentation that provided a summary of the 2019 budget. The presentation was made available to residents for reference on the Borough website and was also on file in the Clerk's office. Before Mr. Fallon began his summary of the budget, he clarified that for summation purposes he will be rounding numbers. He announced that the 2019 budget provides a 2.4% increase over the budget appropriations for the year 2018. Mr. Fallon discussed various budget items and how they impacted the budget. He explained that although the amount to be raised by taxes increased, the borough expects a decrease of 3.6% in the municipal tax rate which is due to an increase in the net valuation of tax flow. Mr. Fallon stated that the Borough is well within the appropriation CAP limits as well as the Levy CAP, the Borough is comfortable with both of those figures. Mr. Fallon extended his sincerest thanks to all involved in the budget process, citing that it truly is a collaborative effort. He personally thanked all Department Heads, the Borough Engineer, Council and Administration. He is confident that this budget will serve the residents of the Borough of Tinton Falls.

At this time, Council President Baldwin inquired if any Council members would like to make any comments before the Public Hearing begins.

Council Woman Fama states that in recent weeks she had asked for a detailed breakdown of line item \$95,000 "Upgrades to Municipal Building, Court and DPW Building Security Improvements." Ms. Fama stated that she did not receive the information she requested. She explained that without that information, it would be very difficult for her to vote on this budget. Borough Administrator Mr. Skudera apologized to Ms. Fama for not getting her the detailed breakdown that she requested. Mr. Baldwin asked Ms. Fama if this information was given to her now so she could participate in the vote, and Ms. Fama was unsure if she could participate at this time. While there are confidential aspects to the security upgrade that cannot be discussed in public, Mr. Skudera clarified the purpose of the \$25,000-line item which include upgrades to Public Works fire safety. There are currently no fire alarms in Public Works garages and offices, part of the security assessment addressed this and recommended that the Borough upgrade their fire-safety system. \$20,000 was appropriated for wireless emergency panic buttons for each department, to replace the outdated buttons currently in place. \$75,000 is for key fob access upgrades to Public Works as well as provided controlled access to different areas of the building for security purposes. Ms. Fama stated that Mr. Skudera detailed \$120,000 while there is only \$95,000 in the budget, she once again stated that she would have wanted to see this information detailed in writing before tonight's meeting. She understands the global sense and overall purpose of the security upgrades, however she was inquiring about the financial details of the expenditures. Mr. Skudera explained that the figures are based off preliminary quotes the Borough received. Councilman Siebert voiced his concerns with discussing this during the public session and stated that he believed this would be discussed at an executive session. Ms. Fama reiterated her frustration with wanting to analyze the security plan before tonight's meeting. As far as department recollection, Mr. Skudera stated that this is not included in this budget. Mr. Baldwin apologized to Ms. Fama, stating that he did not realize she did not receive the information she requested. He asked Director of Law Mr. Starkey if the budget process can be delayed. Mr. Starkey explained that the budget must be approved by the majority of the Council, if Ms. Fama choses to not vote tonight that would be her decision. However if the majority of Council decides they do not want to vote on the budget tonight they would have to delay the vote. Mr. Baldwin inquired if the other Council Members would feel comfortable with delaying the vote and Mr. Siebert agreed that it would be appropriate to delay so that Council could discuss the confidential information during executive session. Mr. Manginelli agreed that it would be unfair for Ms. Fama to decide and vote on this budget with the information she was given tonight. Council President

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Baldwin stated that he also supports the Council Member's decision. Mr. Baldwin discussed the importance of not publicly discussing security measures. Mr. Baldwin addressed the Director of Law for an opinion as to whether this can further be discussed at an executive session. Mr. Starkey confirmed that confidential security matters can be discussed during an executive session, however it is legally necessary to move forward with the advertised public hearing during tonight's meeting. The formal vote on the budget can be held until next meeting after Council is able to meet in executive session.

Ms. Fama offered a motion to open the public hearing on the 2019 budget, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

PUBLIC HEARING ON THE 2019 MUNICIPAL BUDGET

Denise Catalano, 11 Alpine Trail- Ms. Catalano asked for some clarification as to how the tax rate was reduced by 3.6%. She explained that in the past the Borough has discussed a reduced tax rate, however resident's taxes have gone up. Mr. Fallon explained that the Borough has increased the tax rate by 1.9% however the assessed values have went up 5.5%. Mr. Fallon gave Ms. Catalano a breakdown of the numbers and explained how the assessments were made. He explained that if your property assessment stayed the same as last year, your tax rate will be lowered 3.6%. Ms. Catalano inquired if the same process to determine property assessments was used this year as in years passed. Mr. Fallon stated that a new program was instituted by the county that requires assessors to inspect 20% of properties each year as well as conduct analytical assessments. Ms. Catalano inquired about how much money was appropriated in this year's budget for adult recreation. Mr. Fallon stated that he is unsure of the exact figure and would have to look at the line item. Her question mainly refers to the lack of tennis courts in the Borough, citing that many adults enjoy playing tennis, however the Borough does not have any courts. Mr. Neff, Borough Engineer explained that while tennis courts are not part of this year's budget, they are included in the five year Recreation Master Plan. Ms. Catalano voiced her interest in being an advisor during the construction of the courts. She once again referenced the lack of courts in Tinton Falls, citing that Ocean Township has upwards of 20-40 courts for their residents. Ms. Catalano stated that there's virtually nothing in Tinton Falls for adults; Council President Baldwin respectfully disagreed and listed the various amenities Tinton Falls Parks and Recreation offers for residents of all ages.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning explained that he reviewed this year's budget by comparing it to previous budgets and he has a few questions and statements he would like to make this evening. He stated that he is in favor of lowering taxes, however his biggest concern is lowering the Borough debt. He asked Mr. Fallon to clarify the difference between Net Debt Reduction and Gross Debt Reduction. Mr. Fallon explained that the Gross includes all municipal debt which is the higher number, and the Net is lower because it excludes open space. Mr. Turning inquired about the reduction in debt for 2018 and Mr. Fallon stated that there was no reduction in debt and it stayed neutral. Mr. Turning inquired if it would have been possible to use the surplus to reduce the debt and Mr. Fallon said it would. He discussed the tax rate comparison that was detailed in Mr. Skudera's budget presentation. Mr. Turning stated that this year's tax rate was similar to years 2012 & 2013. He explained that during those years the tax rate was kept artificially low because of differed school tax levy. He discussed the difficult decisions the Borough had to make during the recession and stressed the importance of paying of this debt in the event another financial breakdown. He discussed the 2018 Budget for Information Technology and inquired why the department is requesting another large amount of money. He asked Mr. Fallon where he could find the pilot programs in the budget and Mr. Fallon clarified that it is included in miscellaneous revenue/non-anticipated revenue.

Rich Calanni, 1 Old Farm Road- Mr. Calanni inquired about whether or not sidewalk repairs are included under infrastructure in the budget. He stated that the sidewalks on the corner of Old Farm Road and Sycamore Avenue were repaired a few years ago however they are once again in disrepair and pose an insurance risk. He encouraged the Borough to come out and take a look at the dangerous corner.

Nancy Britton, 158 Cloverdale Circle- Ms. Britton inquired about miscellaneous revenues and referenced the line item for fees and permits she asked what is encompassed in this line item. Mr. Fallon explained that the Borough maintained conservative revenue estimates because they are using a significant amount of surplus to balance the budget and they do not want to fall into deficit. She questioned if the Borough anticipated more revenue would they be able to anticipate less surplus. Mr. Fallon explained that it can be done either way and gave a brief breakdown of revenues the borough acquires through fees and permits such as building, planning and zoning permits. Ms. Britton inquired about garbage fees and asked if the Borough has increased their fees. DPW Director Mark Shaffery stated that the Borough did not increase fees this year. She also inquired about Court fees and if the shared service towns

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of Monmouth Beach and Eatontown receive their portion of fees collected and Mr. Fallon confirmed that they do, the Borough of Tinton Falls does not keep any of their money. However, he clarified that under the shared service agreement the Borough receives a fee for providing the court services, approximately \$350,000. In regard to appropriations, Ms. Britton inquired about a \$40,000 increase in Administration's Salaries and Wages and questioned if a new position was added. Mr. Fallon stated that a new IT position was added in January of 2019. She also discussed increases in the Mayor's Office "Other Expenses" citing it increased from \$8,000 in 2018 to \$43,000 in 2019. Mr. Fallon explained that the Mayor requested \$35,000 for a study on the police department, Mr. Skudera explained the reasoning behind the Mayor wanting to look into the current processes for this year and stated that it will not be a recurring fee. She also inquired about the increase in the Division of Law's budget; Mr. Fallon clarified that although it appears as an increase it is because they changed the way the attorney is compensated from being a salaried employee to a sub-contractor. Ms. Britton also discussed budget items including the decrease in the group insurance cost, the increase in reclamation center fees as well as an increase in the Central Maintenance Budget. She also questioned Department of Recreation's decrease of \$10,000 citing it is the only department to decrease their budget in 2019. Mr. Fallon ensured that the Recreation department will not see a decrease in services and explained that the amount was requested by Recreation Director Sherri Eisele. Ms. Britton wrapped up her discussion by expressing her disappointment in the lack of funds for the Tinton Falls Public Library in this budget. Councilwoman Fama and Mr. Skudera explained the reasoning behind this decision.

Paul Abrams, 23 Taylors Run- Mr. Abrams discussed the decrease in grant money, specifically the Clean Communities Program, he asked Mr. Fallon to explain why there are no anticipated funds. Mr. Fallon clarified that grants run in different periods and explained that once the budget is adopted and they receive their Clean Communities allocation a Resolution will insert those funds into the budget. He also inquired about the Comcast Grant that is not in the budget, there is still a large appropriation for Information Technology; Mr. Fallon explained the grant process with Comcast. Mr. Abrams discussed the website purchase as well as the new Information Technology position that was added. He inquired about the \$35,000 codification project in which Mr. Fallon clarified that the project was not completed last year therefore it was moved to the 2019 budget. Mr. Abrams also discussed the \$41,000 increase in other expenses for Buildings and Grounds; Mr. Fallon explained that the Superintendent of Public Works requested funds for HVAC upgrades. Mr. Abrams also inquired about the Community Service act and Mr. Fallon and Mr. Neff described process. Discussion ensued regarding the street light improvements to the Fort Area, Mr. Neff detailed different projects occurring at the Borough's Fort Property. Mr. Abrams referenced Mr. Turning's discussion on the surplus monies and reiterated the importance of reducing the debt and creating a concrete plan to lower debt.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning discussed the 2018 budget review of the Master Plan and inquired about the new charge for 2019. Mr. Neff stated that the work is still being done with the Borough Planner, the project was started in 2018 and will continue in 2019. He also discussed the reduction in General Revenue as well as public and private programs.

There being no further comments, Mr. Siebert offered a motion to close the public hearing on the 2019 Budget, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC HEARING CLOSED ON THE 2019 MUNICIPAL BUDGET

Ms. Hesler read Resolution R-19-070 by title: Resolution Authorizing Self-Examination of the 2019 Budget.

Mr. Manginelli offered a motion to approve Resolution R-19-070, seconded by Mr. Siebert.

ROLL CALL

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

Note, Ms. Fama left the meeting at 9:31 PM.

R-19-070 RESOLUTION - SELF-EXAMINATION OF BUDGET [as required by DCA]

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WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Tinton Falls* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Tinton Falls that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Council President Baldwin asked for a motion to move Resolution R-19-056 Adoption of the 2019 Municipal Budget to May 7, 2019.

Mr. Siebert offered a motion to move Resolution R-19-056 Adoption of the 2019 Municipal Budget to May 7, 2019, seconded by Mr. Manginelli.

ROLL CALL

AYES: Mr. Manginelli, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

ORDINANCES FOR INTRODUCTION- None

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

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NAYS: None
ABSENT: Ms. Fama, Mr. Pak
ABSTAIN: None

PUBLIC DISCUSSION OPEN

Anthony DeSantis, 17 Dover Court- Mr. DeSantis discussed the ongoing issues with the Monmouth County Reclamation Center and how it is affecting resident's quality of life. He inquired about a possible timeline for the Host Community Agreement and Mr. Skudera stated that the discussion is ongoing and there is no timeline the Borough continues to work with the County. Mr. DeSantis inquired about the negotiation process and Mr. Skudera explained that the Borough works with the Monmouth County Freeholders. Mr. Skudera and Council President Baldwin clarified the common misunderstanding of the Host Community Agreement, citing it is financial in nature. Mr. DeSantis thanked Council and Administration for listening to residents concerns and for their suggestions to improve the Reclamation Center. Council President Baldwin ensured Mr. DeSantis that Council and Administration maintain communication with the Monmouth County Freeholders and encourage them to supply updates to the residents of the Borough of Tinton Falls. He suggested that Mr. DeSantis check the County website frequently for updates and reach out to Freeholder Arnone personally. Mr. DeSantis stated that communication could be better and encouraged the Borough to arrange a meeting with the County. Councilman Siebert referenced the most recent update from Mr. Arnone which outlined the progress being made at the landfill.

Bill Keasler, 71 Edgebrook Court- Mr. Keasler the work that is being done at the landfill and stated that he is almost certain the landfill has a plan in place. It is vital that the Borough meet with the County Freeholders to discuss that plan. Mr. Keasler has spoken to Freeholder Arnone and essentially would like to know when remediation will be complete. He encouraged the Borough Council to review the County's plans, However Council President Baldwin does not believe they have a formal plan. Mr. Neff, Borough Engineer believes that they do have a plan and they should therefore convey that to the Borough. Council President Baldwin discussed his disappointment with the County's handling of this whole landfill issue and would like to schedule a meeting with the Freeholders to discuss possible solutions. Mr. Keasler inquired about the overall safety of the Neutrolene Spray and Mr. Baldwin stated Freeholder Arnone provided information about it in his report. Mr. Keasler asked if the landfill proven to the Borough that they are in compliance with the NJDEP and Mr. Siebert suggested contacting the DEP to confirm they are in fact compliant.

Charles Lomangino, 3 Helena Street- Mr. Lomangino stated that he understands Council and Administration have the best interests of its residents in mind, however they need to demand answers from those responsible. He believes that the County and Landfill operators have a plan, however they are not sharing it with the Borough of Tinton Falls. He encouraged representatives of the Borough to reach out to Tom Burns at the NJDEP and demand answers.

Leo Lomangino, 93 Colonial Drive- Mr. Lomangino voice his concerns with the bad publicity the Borough of Tinton Falls is receiving due to the odor issues at the landfill. He discussed residents frustrations with this ongoing issue and stated that many residents feel their voices are not being heard. There is negative fear mongering that needs to be addressed and stopped, Mr. Lomangino implored this administration to do something to control the issue.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning stated there were a few things that he would like to make the Borough aware of, one being the recent passing of Mr. Attilio Palumbo, owner of Palumbo's in Tinton Falls. He also spoke of a recent tragedy, County employee John Tobia's daughter was recently killed in a heartbreaking accident. Mr. Turning stated that he welcomes Mayor Perillo in spending \$35,000 to investigate the Police Department. Citing that he will find they are the most upstanding hard-working department.

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Ms. Fama, Mr. Pak
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER: None

**REGULAR MEETING
APRIL 16, 2019
BOROUGH COUNCIL**

CONSENT AGENDA

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

ROLL CALL

AYES: Mr. Manginelli, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

R-19-071 RESOLUTION – REFUNDING ESCROW – 131 Newman Springs Rd

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 Zoning Board Secretary, 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:

Davita Dialysis – DAV 5827 CU – 245.00
131 Newman Springs Road

R-19-072 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of 2019 2nd quarter sewers on the following property has been paid in error creating an overpayment by the Borough of Tinton Falls, as lienholder, paying subsequent sewers after the quarter had been already paid by the homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	129.10	135	\$94.75

Re: DePalo, Karie Ann
12 Spur Court
and,

WHEREAS, said error has resulted in an overpayment of 2019 2nd quarter sewers in the amount of \$94.75, 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 \$94.75 is hereby approved for the aforementioned property.

R-19-073 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2019 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and the Homestead Benefit Credit.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Diane R. Buck 53 Williamsburg Drive Tinton Falls, NJ 07753		124.01 21	\$184.76

and,

WHEREAS, said error has resulted in an overpayment of 2019 2nd quarter taxes in the amount of \$184.76, 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 \$184.76 is hereby approved for the aforementioned property.

**REGULAR MEETING
APRIL 16, 2019
BOROUGH COUNCIL**

R-19-074 RESOLUTION – APPROVAL OF BILLS – April 16, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 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	242,933.32
SEWER UTILITY	29,298.68
TRUST FUNDS	33,908.41
GENERAL CAPITAL	13,636.00
GRANT FUND	5,135.09
DOG TRUST	2,559.00
ESCROW	13,248.11
ADDITIONS	1,211,974.33
TOTAL	1,552,692.94

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Pak

ABSTAIN: None

TIME: 10:18 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: