

**REGULAR MEETING
APRIL 1, 2025
BOROUGH COUNCIL**

Council President Dr. Dobrin 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 and the New Coaster at least 48 hours prior to the meeting and filing with the Borough Clerk all on January 7, 2025.”

ROLL CALL (Executive Meeting)

PRESENT: Mr. Alessi, Ms. Buckley, Mr. Nesci, Dr. Dobrin

ABSENT: None

EXECUTIVE SESSION

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-056

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) or (b)(7)

Redevelopment Agreement – Commvault

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

Affordable Housing Matters

Mr. Buckley offered a motion to approve Resolution R-25-056, seconded by Mr. Alessi.

ROLL CALL

AYES: Mr. Alessi, Ms. Buckley, Mr. Nesci, Dr. Dobrin

ABSTAIN: None

NAYS: None

ABSENT: None

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

Council President Dr. Dobrin advised that Council was back on the record at 7:31 PM for the start of the Regular Meeting.

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

Mr. Starkey stated that there were two items discussed in the Executive Session, the Council discussed the contract negotiations of a redevelopment agreement with Commvault and potential litigation of affordable housing matters.

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ROLL CALL (Regular Meeting)

PRESENT: Mr. Alessi, Ms. Buckley, Mr. Nesci, Dr. Dobrin
ABSENT: None

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

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

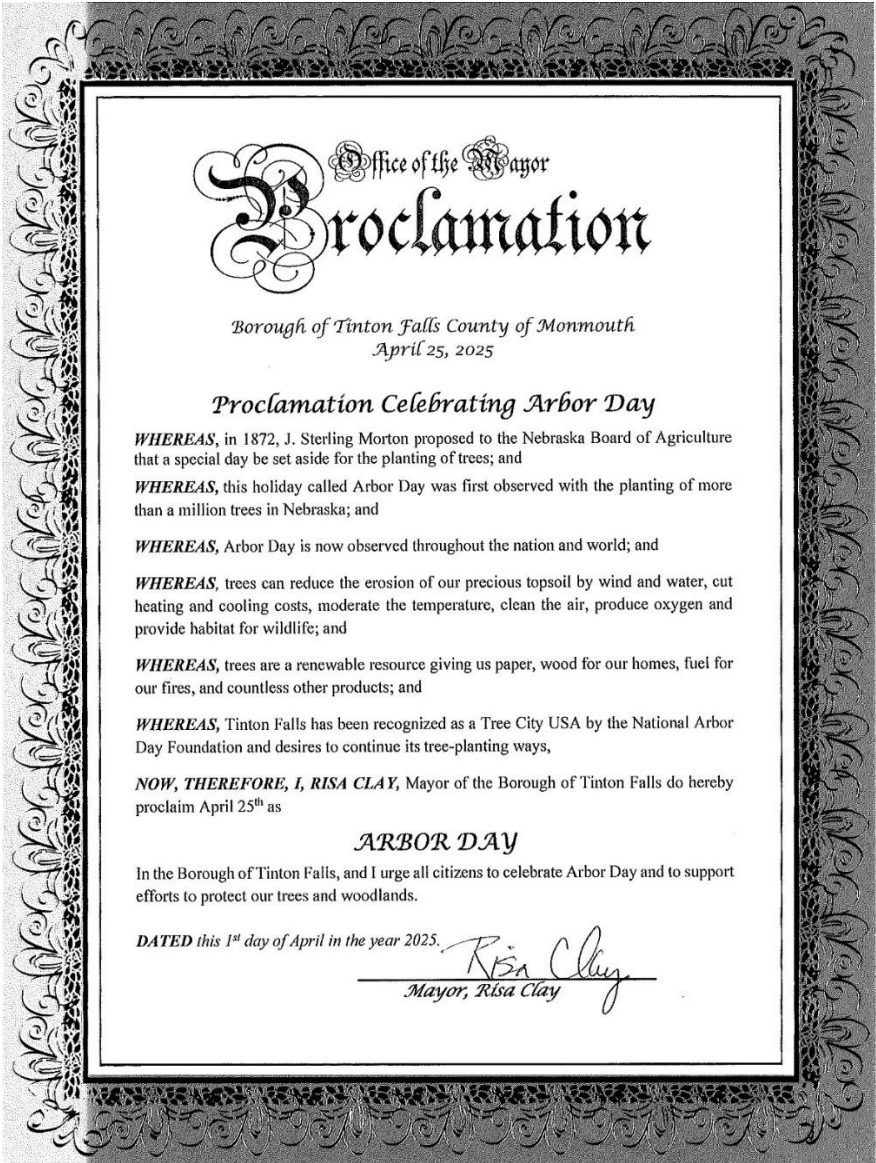
Mr. Nesci offered a motion to approve March 4, 2025, Regular Meeting Minutes seconded by Mr. Alessi.

ROLL CALL

AYES: Mr. Alessi, Ms. Buckley, Mr. Nesci, Dr. Dobrin
ABSTAIN: None
NAYS: None
ABSENT: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Arbor Day Proclamation was read by Mayor Clay.



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REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Borough Engineer – Thomas Neff

Mr. Neff had no report.

Business Administrator – Charles Terefenko

Mr. Terefenko had no report.

Mayor’s Report- Risa Clay

Mayor Clay thanked everyone for the warm welcome. Mayor Clay listed many of her involvements since taking office. She attended a meeting at MRHS on the 17th with Mr. Terefenko and Chief DeLucia regarding the 75th Anniversary plans; on the 19th there were discussions with the Administration about the Shade Tree Commission; the 23rd Daughters Dance introduction which was a wonderful event. Mayor Clay and most of the council attended a ribbon cutting on the 25th. On the 26th she and Ms. Kishore attended a film ready workshop which was already attended by Mr. Terefenko and Mr. Neff. Met with Dr. Goldey regarding the K-8 involvement in the 75th Anniversary celebration. The 27th was a speaking engagement at Trinity Hall Girls School about women in leadership. The 29th was the first session of *Meet the Mayor* at the Tinton Falls Library. On the 31st Mayor Clay and Mr. Alessi toured the Encompass facility.

Director of Law – Kevin Starkey

Mr. Starkey had no report.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

-Mr. Alessi complimented the mayor for her involvement with the community. He reported that the Zoning Board meets this Thursday at 7:30pm. The Shade Tree Commission meeting is on April 9th at 7:00pm at the Crawford House. All are welcome to attend.

-Ms. Buckley reported the next Environmental Commission meeting is two days before the Earth Day Fest which is April 26th at 5:00pm at Sycamore Park. Kudos to the Environmental Commission who is working hard on the ERI vendor’s process.

-Mr. Nesci had no report.

-Dr. Dobrin reported being invited by Ocean Township to attend a Greek Independence Day flag ceremony on the March 25th which was very nice. He mentioned visiting Trinity Hall at their groundbreaking and concurred with the mayor regarding the wonderful students. Continue to work on the plans for the 75th Anniversary celebration events scheduled for September 4th, 5th and 6th. He thanked everyone involved for their help.

ORDINANCES FOR INTRODUCTION

Ms. Hutchinson read the title of the Ordinance: **2025-1525 AN ORDINANCE CREATING A NEW SECTION OF THE BOROUGH CODE, CHAPTER 5-10, TO BE ENTITLED “COMMERCIAL FILM AND HOTOGRAPHY PERMITS”**

Ms. Hutchinson stated that the public hearing would be scheduled for Tuesday April 15, 2025.

Ms. Buckley offered a motion to introduce Ordinance No. 2025-1525 seconded by Mr. Alessi.

ROLL CALL

AYES: Mr. Alessi, Ms. Buckley, Mr. Nesci, Dr. Dobrin

ABSTAIN: None

NAYS: None

ABSENT: None

**BOROUGH OF TINTON FALLS
MONMOUTH COUNTY
NEW JERSEY**

ORDINANCE NO. 2025-1525

**REGULAR MEETING
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BOROUGH COUNCIL**

**AN ORDINANCE CREATING A NEW SECTION OF THE BOROUGH CODE, CHAPTER 5-10, TO BE
ENTITLED “COMMERCIAL FILM AND PHOTOGRAPHY PERMITS”**

WHEREAS, the Mayor and Council of Tinton Falls desire to establish regulations concerning permits for commercial filming and photography activities that are undertaken within the Borough;

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

SECTION 1. Chapter 5 of the Borough Code, entitled “General Licensing,” is hereby amended to add a new Section 5-10, to be entitled “Commercial Film and Photography Permits,” which shall read as follows:

§ 5-10. COMMERCIAL FILM AND PHOTOGRAPHY PERMITS

§ 5-1.1 Purpose.

The purpose and intent of this section is to enable the Borough of Tinton Falls to have control over commercial filming and photography activities that are undertaken within the confines of the Borough, in order to ensure the protection of the interests of those in the community upon whom such activities may impact.

§ 5-1.2 Definitions.

As used in this chapter, these terms shall have the following meanings:

FAMILY VIDEOS AND PHOTOGRAPHY

The filming or videotaping of motion pictures, or still photography, intended solely for private use.

FILMING

The taking of still or motion pictures either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theaters or for institutional uses. This term shall not include family videos and photography and news media, as defined herein, or as otherwise provided herein.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture studio or corporation for presentation in movie theaters, including any filming activity connected with any part of such a production; provided that the production has an overall budget of \$20,000,000 or more.

MOTION PICTURE, TELEVISION PICTURES, STILL PHOTOGRAPHY

All activities attendant to the staging and/or shooting of commercial motion pictures, television series, television movies, commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than five consecutive minutes.

NEWS MEDIA

Photographic, filming, and/or videotaping for the purpose of a television news broadcast or reporting for print media by reporters, photographers or cameramen.

PUBLIC LANDS

The areas including but not limited to any public building, street, highway, sidewalk, square, park, playground, and other public places, which is within the jurisdiction and control of the Borough of Tinton Falls.

STUDENT FILMS

Motion picture, television or still photography produced to satisfy a course or curriculum requirement at an accredited educational institution. The student filmmaker must supply proof that they are currently enrolled in any such educational institution.

§ 5-1.3 Permit required.

- A. No person shall use any public lands or private property, public right-of-way, facility, and/or residence for the purpose of taking motion pictures, television pictures or still photography without first applying for and receiving a permit from the Borough Clerk or the Borough Administrator of the Borough of Tinton Falls, as applicable.
- B. The permit shall set forth the approved location of such filming and also the approved duration of such filming by specific reference to days or dates. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.
- C. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Administrator and be accompanied by permit fees as required herein.

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- D. If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the Borough Administrator may issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this new permit.
- E. The provisions of this section shall not apply to news media, family videos and/or student films.
- F. The provisions of this section shall not apply to all activities attendant to the staging and/or shooting of a segment of a television series where all such activities occur on private property and within a commercial building or other structure which is not in a residential area and is not visible outside of such building or structure, provided that the filming activities do not exceed three days.

§ 5-1.4 Review and issuance of permits.

- A. Permits shall be issued by the Borough Clerk after approval by the Administrator and upon payment of the requisite fees and escrows. Any such review shall determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. A basic film permit shall be issued by the close of the 4th business day after submission of a complete permit application, which includes any necessary permits from Fire Prevention and Health.
- B. Expedited permits may be issued by the Borough Clerk after approval by the Administrator and upon payment of the requisite fee. The Borough Clerk or Administrator, after consultation with involved Borough departments, may issue the permit, so long as the application complies with all other requirements of this chapter. The Borough Clerk or Borough Administrator may determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Expedited permits shall be issued by the close of the fourth business day after submission of a complete permit application.
- C. No permits shall be issued unless all fees and reasonably necessary reimbursable expenses are paid to the Borough.
- D. No permit shall be issued for filming upon private property unless proof of consent has been provided to the Borough.
- E. No permit shall be issued for filming upon public property unless the applicant shall provide the Borough with satisfactory proof of the following:
 - (1) Proof of insurance coverage, including but not limited to for bodily injury to any one person in the amount of \$2,000,000 and any occurrence in the aggregate amount of \$3,000,000.
 - (2) For property damage for each occurrence in the aggregate amount of \$2,000,000.
 - (3) A written hold harmless and indemnification agreement acceptable to the Borough Attorney.
 - (4) The posting of cash or maintenance bond for the value of \$1,000 protecting and insuring that the location utilized for the filming will be left, in a satisfactory condition, free of debris, rubbish, and equipment, and that due observance of all Borough ordinances, laws, and regulations will be followed. Within ten days of the completion of filming, the Borough will return the bond if there has been no damage to the public property or public expense caused by the filming.
 - (5) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public property and shall comply with all lawful directives issued by the Borough Police Department and the Borough Administrator with respect thereto.
 - (6) The applicant shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners as a result of such filming and shall, to the extent practicable, abate noise and park vehicles off the public streets. All vehicles parked on public streets and rights-of-way shall be done so in accordance with all applicable state and local regulations.
 - (7) The holder shall not interfere with previously scheduled activities upon public property and limit, to the extent possible, any interference with normal public activity on such public property.
 - (8) The applicant shall give written notice of the filming to all businesses and residents directly adjoining the filming location, including the location of all ancillary activities associated with the filming, such as the location of equipment, parking, prep areas, etc., and further provide written proof of such notice at least three business days prior to the submission of a completed permit application. Such written notice shall be in a form acceptable to the Administrator and shall inform such businesses and residents that objections may be filed with the Borough Clerk within the next three business days, said objections will form a part of applicant's application and be considered in the review of the same. However, an applicant may request a waiver of the notice requirement, or if the Administrator finds that by not giving notice there would be less of a potential for

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disruption, if the permit is granted, then a waiver may be granted by the Administrator, as applicable.

§ 5-1.5 Filming in residential areas.

Filming in residential areas shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m. Filming at night after 9:00 p.m., or on weekends, can be considered on a case-by-case basis by the Administrator, who can establish specific limitations and locations. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 5-1.6 Refusal to issue permit; employment of patrol officers and electrician.

A. The Borough may refuse to issue a permit whenever it determines, on the basis of objective facts and after a review of the application by the Police Department and by other Borough agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. The Borough reserves the right to require one or more Borough police officer(s), Fire Department personnel or any such other specialized Borough officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic, or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§ 5-1.7 Waiver of requirements by Borough.

The Borough may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Borough shall consider factors, including but not limited to the following:

- A. Traffic congestion at the location;
- B. The applicant's ability to remove film-related vehicles off the public streets;
- C. Whether the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- D. Nature of the film shoot itself; e.g., indoor or outdoor; day or night; on public lands or private lands; proximity to residential neighborhoods; potential for disruption of normal residential or business activities; and
- E. Prior experience of the film company/applicant with the Borough, if any.

§ 5-1.8 Copies of permit; inspections.

Copies of the approved permit shall be sent to the Police Department before filming takes place. The applicant shall permit the Police Department or other Borough inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued by the Police Department or other Borough inspectors.

§ 5-1.9 Reimbursement of certain costs.

In addition to any and all other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, including but not limited to repairs required to public property, and any revenues that the Borough was prevented from earning because of the filming.

§ 5-1.10 Fees.

The schedule of fees for the issuance of permits authorized by this section are as follows:

- A. Basic Filming Permit: \$100
- B. Expedited Filming Permit: \$250
- C. Student and Non-profit Filming Permit: \$25
- D. Police/Fire Protection/Public Works: at cost
- E. Use of Borough Buildings or Public Parks (*student and non-profit films exempt*):
 - i. Film and television projects with a budget under \$20 MM: \$150 per facility per day
 - ii. Film and television projects with a budget over \$20 MM: \$500 per facility per day
- F. Street Closure Inconvenience Fee: \$5,000

§ 5-1.11 Violations and penalties.

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be subject to the penalties set forth in Chapter 1, General Provisions, § 1-5 of the Code of the Borough of Tinton Falls.

SECTION 2. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of

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this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

Mr. Nesci offered a motion to open the Public Discussion, seconded by Ms. Buckley.

ROLL CALL

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

Dr. Dobrin asked the Clerk if there were any submitted comments and there were none.

Mitch Kulberg, 21 Cedar Place – Mr. Kulberg congratulated Mayor Clay on her appointment. He requested a clarification on the Commvault resolutions. Mr. Starkey explained that this is just reassigning new buyers.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS - None

CONSENT AGENDA

Mr. Nesci offered a motion to approve the Consent Agenda, seconded by Ms. Buckley.

ROLL CALL

AYES: Mr. Alessi, Ms. Buckley, Mr. Nesci, Dr. Dobrin
ABSTAIN: None
NAYS: None
ABSENT: None

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-057

RESOLUTION AUTHORIZING THE SALE, CONVEYANCE AND ASSIGNMENT BY COMMVAULT TINTON FALLS URBAN RENEWAL, LLC TO BELL WORKS TINTON FALLS LLC (t/k/a BELL WORKS TINTON FALLS URBAN RENEWAL LLC) OF BLOCK 102.02, LOT 1 and 1X AND AUTHORIZING THE

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EXECUTION OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT ASSIGNING ALL RIGHTS AND OBLIGATIONS UNDER THE REDEVELOPMENT AGREEMENT

WHEREAS, Commvault Systems, Inc and Commvault Tinton Falls Urban Renewal, LLC (collectively, the “**Redeveloper Parties**”) and the Borough of Tinton Falls (the “**Borough**”) and the Fort Monmouth Economic Revitalization Authority (“**FMERA**”) entered into a Redevelopment Agreement dated January 19, 2013 (the “**Redevelopment Agreement**”) under which the Redeveloper Parties agreed to redevelop Parcel E consisting of approximately 55 acres and commonly known as One Commvault Way and designated as Block 101.02, Lot 1 and 1X (the “**Property**”) within the Charles Wood Redevelopment Area of the former Fort Monmouth within the Borough of Tinton Falls; and

WHEREAS, as contemplated by the Redevelopment Agreement, the Redeveloper Parties intended to develop the Property as its World Headquarters consisting of up to 650,000 square feet of new high-tech office/research technology space in one or more buildings and in up to three phases over twenty years, as authorized by the Redevelopment Plan, the Redevelopment Agreement, and any approved amendments (the “**Project**”); and

WHEREAS, Phase I of the Project consisted of approximately 250,000 square feet of Class A office/research facility space and associated improvements (“**Phase I**”), which received a Certificate of Completion from FMERA on June 27, 2023 evidencing that all of the Redeveloper Parties’ obligations under the Redevelopment Agreement have been fully satisfied as to Phase 1; and

WHEREAS, FMERA’s Certificate of Completion was recorded with the County Clerk on August 11, 2023 and is hereby accepted and adopted by the Borough, acting in its capacity at the Redevelopment Entity; and

WHEREAS, as set forth in the Redevelopment Agreement, the Redeveloper Parties have broad discretion as to the development of the subsequent phases of the Project; and

WHEREAS, on October 2, 2024, Commvault Tinton Falls Urban Renewal, LLC and Bell Works Tinton Falls LLC, t/k/a Bell Works Tinton Falls Urban Renewal LLC (collectively, “**Bell Works**”) entered into an Agreement (as the same may be amended from time to time) (the “**Agreement**”) for the sale and conveyance of the Property; and

WHEREAS, the Redeveloper Parties and Bell Works seek to enter into an Assignment and Assumption Agreement of the Redevelopment Agreement (the “**Assignment**”) in order to effectuate the transfer to, and the assumption by, Bell Works of all of the Redeveloper Parties’ respective rights, obligations, covenants, duties and liabilities under the Redevelopment Agreement corresponding to the Property including the redeveloper rights to all development on the Property as permitted under the Redevelopment Plan, the Redevelopment Agreement, and the ownership thereof; and

WHEREAS, pursuant to Article 11 of the Redevelopment Agreement, the Borough and FMERA must join in this Assignment for the purpose of consenting to the assignment and assumption of the Redevelopment Agreement; and

WHEREAS, the Redeveloper Parties seek to obtain the Borough’s written consent to the transfer of the ownership of the Property and assignment of all remaining redevelopment rights in the Property as provided in the Redevelopment Agreement, to Bell Works; and

WHEREAS, any request by the Redeveloper Parties to the Borough to permit a transfer to acquire and develop the Project shall contain sufficient information about the developer to allow the Borough to make an informed decision about the qualifications, experience and financial ability of the developer to acquire and undertake the Project and such other information as the Borough may reasonably require; and

WHEREAS, the Borough has received and reviewed information regarding the qualifications, experience and financial ability of Bell Works, which is, or its affiliates are, recognized redevelopment companies and in the business of developing, redeveloping, acquiring and managing redevelopment projects similar to the Project and scope of the Property; and

WHEREAS, based on the information provided on Bell Works, Bell Works is qualified to develop future Phase(s) of the Project on the Property; and

WHEREAS, the Borough and Bell Works have met to discuss the sale and development of the future Phase(s) of the Project by Bell Works and the request for the Borough to approve Bell Works as the newly assigned redeveloper of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby approves Bell Works as a qualified developer (and Redeveloper of the Property) to consent to the acquisition of the Property by Bell Works and redevelopment rights to the future Phase(s) of the Project as permitted in the Redevelopment Agreement and Redevelopment Plan based on the qualifications, experience and financial ability of Bell Works.

BE IT FURTHER RESOLVED that the Acting Mayor and the Borough Clerk are hereby authorized to execute any and all documents, including an Assignment and Assumption of Redevelopment Agreement, subject to final review by the Borough legal counsel as to form and content.

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**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-058

RESOLUTION AUTHORIZING ENTRY OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT WITH COMMVAULT TINTON FALLS URBAN RENEWAL, LLC TO ASSIGN ITS FINANCIAL AGREEMENT ENTERED UNDER THE LONG TERM TAX EXEMPTION LAW GOVERNING BLOCK 101.02, LOTS 1 AND 1X TO BELL WORKS TINTON FALLS LLC (T/K/A BELL WORKS TINTON FALLS URBAN RENEWAL, LLC)

WHEREAS, Commvault Tinton Falls Urban Renewal, LLC (“**Commvault**”) and Borough of Tinton Falls (the “**Borough**”) entered into a Financial Agreement dated January 19, 2013, as amended by a First Amendment to the Financial Agreement dated February 19, 2019 (collectively, the “**Financial Agreement**”) under the Long Term Tax Exemption pursuant to N.J.S.A. 40A:20-1 et seq. (the “**LTTE Law**”); and

WHEREAS, the property currently subject to the Financial Agreement is designated as Block 101.02, Lots 1 and 1X (the “**Property**”), and by the 2019 amendment, the property known as the Charles Wood Fire Station Parcel consisting of a total of approximately 3.811 acres on two lots, the first lot consisting of approximately 2.055 acres and designated as Block 101.03, Lot 2, commonly known as 200 Corregidor Road and the second lot consisting of approximately 1.756 acres and designated as Block 101.05, Lot 1 commonly known as 150 Corregidor Road (collectively, the “**Fire Station Parcel**”); and

WHEREAS, in accordance with Article VIII of the Financial Agreement, Commvault has requested the approval and consent of the Borough in connection with the sale and conveyance of the Property to Bell Works Tinton Falls LLC (t/k/a Bell Works Tinton Falls Urban Renewal LLC) (collectively “**Bell Works**”) for purposes of transferring the Financial Agreement to Bell Works; and

WHEREAS, as required by the terms of the Financial Agreement, the Borough has consented to the sale and conveyance of the Property from Commvault to Bell Works, based upon the information and materials provided and the representations and warranties made by Commvault and Bell Works to the Borough and its professional advisors; and

WHEREAS, in furtherance of the foregoing, Commvault wishes to assign, and Bell Works wishes to assume, all of Commvault’s right, title and interest to and Commvault’s duties and obligations under the Financial Agreement relating to the Property; and

WHEREAS, Commvault will retain its right, title and interest to and duties and obligations under the Financial Agreement relating to the Fire Station Parcel and such rights, title, interest, duties and obligation relating to the Fire Station Parcel are not being conveyed or assigned to Bell Works but retained by Commvault; and

WHEREAS, for purposes of memorializing the assignment of the Financial Agreement as it pertains to the Property, Commvault and Bell Works wish to execute and deliver an Assignment and Assumption of Financial Agreement; and

WHEREAS, the Borough is now desirous of authorizing the assignment of the Financial Agreement as it pertains to the Property from Commvault to Bell Works as described above.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that in accordance with the terms of Article VIII of the Financial Agreement, the assignment of the Financial Agreement for the Property from Commvault to Bell Works is hereby authorized and approved by the Borough, with Bell Works becoming the Entity defined under the Financial Agreement for the Property and Commvault continuing to be the Entity under the Financial Agreement for the Fire Station Parcel.

BE IT FURTHER RESOLVED that the Acting Mayor and the Borough Clerk are hereby authorized to execute any and all documents, including an Assignment and Assumption of the Financial Agreement, subject to final review by the Borough legal counsel as to form and content.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-25-059

RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, the 2025 Sewer bill on the following property has been paid in error by the Homeowner paying on an incorrect property in the year 2024.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Borough of Tinton Falls 556 Tinton Avenue	129.15	32.15	\$203.40

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Tinton Falls, NJ 07724

Re: Wang, Dun
94 San Anita Drive

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$203.40 is hereby approved for the aforementioned property. Said refund will be applied to the 2024 past due sewer bill and interest for 21 Maywood Run.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$203.40.

BOROUGH OF TINTON FALLS **R-25-060**
COUNTY OF MONMOUTH

RESOLUTION – APPROVAL OF BILLS – April 1, 2025

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 1, 2025; 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	3,732,172.42
SEWER UTILITY	193,873.41
TRUST FUNDS	54,506.25
DOG TRUST FUND	2,625.00
ESCROW	33,658.50
TOTAL	4,016,835.58

CERTIFICATION OF FUNDS:

ADJOURNMENT

Mr. Alessi offered a motion to adjourn, seconded by Mr. Nesci.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 7:47pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Dr. Dobrin, Council President

APPROVED AT A MEETING HELD ON: