

**AGENDA  
BOROUGH COUNCIL  
REGULAR/WORKSHOP MEETING  
MARCH 5, 2019**

**Executive Session (if applicable) to begin at 6:30 P.M.**

**Regular Meeting to begin at 7:30 p.m.**

**Call To Order – 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 New Coaster at Least 48 Hours Prior to the Meeting**

**A. ROLL CALL (Regular Meeting)**

**B. SALUTE TO FLAG**

**C. APPROVAL OF MINUTES**

*Special Meeting December 27, 2017  
Executive Session December 27, 2017  
Executive Session June 12, 2018  
Executive Session September 18, 2018  
Executive Session October 16, 2018  
Executive Session November 19, 2018*

**D. REPORT OF MAYOR/ COUNCIL/ADMINISTRATION**

Andy Bayer, Esq. – Affordable Housing Counsel - COAH Update  
Report of Administrator – Year in Review 2018

**E. ORDINANCES FOR INTRODUCTION**

2019-1440 Ordinance Amending Chapter 5-6 of the Borough Code, Entitled “Peddling, Canvassing and Soliciting” to Create a No-Knock Registry and to Make Various Other Changes  
2019-1441 Ordinance Amending Chapter VIII of the Borough Code Entitled “Animal Control” to Prohibit the Feeding of Wildlife Including Feral Cats  
2019-1442 Ordinance Amending Chapter VXL of the Borough Code, Entitled “Land Use Regulations” to Prohibit the Retail Sale of Dogs and Cats Except for Rescue or Donated Animals  
2019-1443 Ordinance to Implement the Borough’s Third Round Housing Plan Element and Fair Share Plan  
2019-1444 Ordinance Amending Chapter XXIII of the Borough Code Entitled “Development Fees”

**F. ORDINANCES FOR FINAL CONSIDERATION**

2019-1438 Ordinance Vacating a Portion of the Right-of-Way Known as Pine Street in the Borough of Tinton falls  
2019-1439 Ordinance Setting Salaries for Department Heads, Statutory Employees, Mayor and Council

**G. PUBLIC DISCUSSION**

**H. MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

**I. RESOLUTIONS**

**J. CONSENT AGENDA**

R-19-045 Resolution Approving the 2018 LOSAP Certification List for Qualification of EMS Squads North and South  
R-19-046 Resolution Denying Release of Performance Guarantees – Enclave at Shark River Block 147 Lot 10  
R-19-047 Resolution Authorizing Transfer of Liquor License – Portofino to Adova LLC  
R-19-048 Resolution Authorizing Award of Non-Fair and Open Contract for Special Labor Council Services PS #3-19  
R-19-049 Resolution Authorizing Extension of Agreement for Wireless Telecommunications Consultant  
R-19-050 Resolution Refunding Zoning Fees – 3050 Shafto \$50.00

**AGENDA  
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R-19-051 Resolution Refunding Tax Overpayment – Block 14.01 Lot 13 \$1,084.67  
R-19-052 Resolution Refunding Tax Overpayment – Block 26.01 Lot 87 \$1,122.24  
R-19-053 Resolution Refunding Tax Overpayment – Block 32.07 Lot 72 \$1,898.79  
R-19-054 Resolution Authorizing Approval of Bills \$3,125,695.37

EXECUTIVE SESSION - Resolution Pursuant to N.J.S.A. 10:4-2(if applicable)

**K. ADJOURNMENT**

**AGENDA  
BOROUGH COUNCIL  
REGULAR/WORKSHOP MEETING  
MARCH 5, 2019**

**Workshop Meeting to begin following the Regular Meeting.**

**A. CALL TO ORDER**

**B. ROLL CALL**

**1. UNFINISHED BUSINESS**

**2. NEW BUSINESS**

**C. ADJOURNMENT**

ORDINANCE 2019-1440

BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH

ORDINANCE AMENDING CHAPTER 5-6 OF THE BOROUGH CODE,  
ENTITLED "PEDDLING, CANVASSING AND SOLICITING" TO CREATE A NO-KNOCK REGISTRY  
AND TO MAKE VARIOUS OTHER CHANGES

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

SECTION 1. Chapter 5-6 of the Borough Code of Tinton Falls, entitled "Peddling, Canvassing and Soliciting," shall be amended to add a new Section 5-6.5, to be entitled, "No Knock Registry," with the following Sections to be re-numbered accordingly, and which shall read as follows:

**5-6.5 No Knock Registry**

- A. The Police Department shall maintain a list of addresses of those premises where the owner and/or occupant has notified the Police Department that peddling, canvassing or soliciting are not permitted on the premises (hereinafter referred to as the "no-knock registry"). A request by owners or occupants to be included on the no-knock registry shall be by completion and submission of a form made available by the Police Department. The list shall be updated on January 15 and July 15 of each year.
- B. Any owner and/or occupant who has requested enlistment on the no-knock registry, pursuant to Subsection A herein, shall be able to purchase, for a nominal fee, a sticker for display at his/her/its premises indicating enlistment on the no-knock registry.
- C. The Police Department shall distribute the current no-knock registry to a licensee at the time of issuance of a license to peddle, canvass or solicit pursuant to the provisions of this chapter. The licensee shall not peddle, canvass or solicit at any premises identified on the current no-knock registry.

SECTION 2. Chapter 5-6 of the Borough Code of Tinton Falls, entitled "Peddling, Canvassing and Soliciting," shall be amended in existing Section 5-6.3 to make the following changes (crossed-out language to be deleted, underlined language to be added):

**5-6.3 Hours and Restrictions.**

- a. No solicitor, canvasser, hawker or peddler shall conduct door to door business or canvassing outside of the hours of ~~9:00 a.m. and 8:30 p.m.~~ 10:00 a.m. and 6:00 p.m. or sundown (whichever is earlier).
- b. No solicitor, canvasser, hawker or peddler shall enter private property where a sign is posted stating: "no solicitation" "no trespassing" or a similar message clearly evidencing a resident's intent that their property not be entered for such purposes.
- c. Any person subject to the provisions of this chapter shall be responsible for any minors, aged 16 and under, participating in any peddling or soliciting under the terms of this chapter, and shall ensure that such minors shall be accompanied by an adult at all times.

d. All persons licensed under this Section shall use only the front door of any residence and shall be prohibited from using or knocking on any side door or back door and also shall be prohibited from entering the sideyard or backyard of any property.

**SECTION 2.** 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.** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

Introduced:

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW

ORDINANCE 2019-1441

BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH

ORDINANCE AMENDING CHAPTER VIII OF THE BOROUGH CODE,  
ENTITLED "ANIMAL CONTROL" TO PROHIBIT THE FEEDING OF  
WILDLIFE INCLUDING FERAL CATS

WHEREAS, the feeding of certain wildlife, including feral cats, within the Borough of Tinton Falls poses a significant nuisance and health risk to the public; and

WHEREAS, the Borough's existing ordinances do not adequately address the growing health and nuisance concerns associated with the uncontrolled feeding of wildlife; and

WHEREAS, the Borough desires to ban the feeding of wildlife including feral cats unless done within the confines of an approved Trap, Neuter, Release ("TNR") program managed by the Monmouth County Society for the Prevention of Cruelty to Animals ("MCSPCA") or similar non-profit organization as approved by duly adopted Resolution of the Governing Body;

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

SECTION 1. Chapter VIII of the Borough Code of Tinton Falls, entitled "Animal Control," shall be amended to add a new Section 8-5, to be entitled, "Feral Cats," and which shall read as follows:

**8-5. Feral Cats and Related Restrictions.**

**8-5.1 Definitions.**

*Community Cat* shall mean a cat that is un-owned or loosely owned; community cats are comprised of both strays and feral cats.

*Feral Cat* shall mean any homeless, wild or untamed cat that is unsocialized to humans and has a temperament of extreme fear of, and resistance to, contact with humans.

*Feral Cat Colony* shall mean an individual or group of community cats that congregate. Although not every cat in a colony may be feral, any non-feral cats that routinely congregate with a colony shall be deemed to be a part of it.

*Nuisance* shall mean disturbing the peace by:

- (A) Habitually or continually howling, crying or screaming; or
- (B) The habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

*Stray Cat* shall mean a lost or abandoned former pet which may be suitable for home environments.

**8-5.2 Feeding of Feral Cats Prohibited.**

It shall be unlawful for any person, other than caregivers approved by and operating under a TNR Program established by the MCSPCA, to feed any feral cats in any manner in the Borough, whether on private or public property. This section shall apply to the feeding of feral cats individually or in a feral cat colony, and also to the feeding of stray cats and community cats.

**8-5.3. Nuisance Complaints.**

Notwithstanding the other requirements of this Article, the reporting and investigation of nuisance complaints under this Chapter shall be handled by and through the MCSPCA.

**8-5.4. General Restrictions.**

The restrictions within this Section shall apply to all persons within the Borough, other than caregivers approved by and operating under a TNR Program established by the MCSPCA.

- A. The establishment of a feral cat colony in any area of the Borough is prohibited.
- B. No person may feed any community/feral/stray cat in any area of the Borough.
- C. No person may bring a feral or community cat from another municipality to create a feral cat colony within the Borough.
- D. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, fruit or grain in a manner that would constitute an attractant to any feral or community cat.
- E. A property owner shall be liable under this Section for any feeding of community/feral/stray cats on the owner's property by any other person, including but not limited to any tenant(s) in the property.

**8-5.5. Enforcement.**

In the event of a violation occurring on private property, a complaint can only be filed by the owner of said property. In the event of such a violation occurring on public property, thoroughfares, walkways, or parks, a complaint can only be filed by any witness of such act. All such complaints shall be handled by and through the MCSPCA.

**8-5.6. Violations and Penalties.**

Any person, firm or corporation who violates or neglects to comply with any provision of this section or any rule, regulation or directive promulgated pursuant thereto shall be subject to the appropriate penalties established by and through the MCSPCA.

**SECTION 2.** 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.** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

Introduced:

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW

**ORDINANCE 2019-1442**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER XL OF THE BOROUGH CODE,  
ENTITLED "LAND USE REGULATIONS" TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS EXCEPT  
FOR RESCUE OR DONATED ANIMALS**

**WHEREAS**, a significant number of dogs and cats sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (referred to as "puppy and kitten mills"). According, to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy/kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy/kitten mills include overbreeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of sanitation; lack of socialization; lack of adequate space; and lack of adequate exercise, lack of human contact; and

**WHEREAS**, the inhumane conditions in puppy/kitten mill facilities lead to a variety of serious health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing from pet shops due to both a lack of education on the issue and misleading and deceptive tactics of pet shops in most cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, current Federal and State regulations do not adequately address the documented cruelty of puppy/kitten mills which is fueled through the sale of puppy/kitten mill produced dogs/cats in pet shops; and

**WHEREAS**, restricting the retail sale of dogs/cats to only those that are sourced and available for adoption from shelters or rescue organizations is likely to decrease the demand for dogs/cats bred in puppy/kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and



**WHEREAS**, this Ordinance will not affect a consumer's ability to obtain a dog of his or her choice directly from a rescue organization or a shelter, or from a legitimate licensed breeder where the consumer can see directly the conditions in which the dogs are bred, or can confer directly with the breeder concerning those conditions; and

**WHEREAS**, the Borough Council believes it is in the best interests of the Borough to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens who may purchase dogs from a pet shop, promote animal welfare awareness and foster a more humane environment in the Borough.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

**SECTION 1.** Chapter XL of the Borough Code of Tinton Falls, entitled "Land Use Regulations," shall be amended in Appendix A ("District Use Regulations – Non-Residential Uses"), as follows (underlined terms to be added):

**NC Neighborhood Commercial**

**Permitted Principal Uses**

1. Retail sales (excluding drive-thru service) such as, consumables, apparel, hardware, lawn & patio equipment, appliances, household goods, and confections, except for the sale of cats and dogs as further described in Chapter 8-5.

\* \* \*

**HCC Highway/Community Commercial**

**Permitted Principal Uses**

1. Retail sales such as, consumables, apparel, hardware, lawn and patio equipment, appliances, household goods, and confections, except for the sale of cats and dogs as further described in Chapter 8-5.

\* \* \*

**SECTION 2.** Chapter VIII of the Borough Code of Tinton Falls, entitled "Animal Control," shall be amended to add a new Section 8-5, to be entitled, "Retail Sale of Dogs and Cats," and which shall read as follows:

**8-5. Retail Sale of Dogs and Cats.**

**8-5.1 Definitions.**

*Animal care facility* means an animal control center or an animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

*Pet shop operator* means a person who owns and/or operates a pet store.

#### **8-5.2 Restrictions on the Sale of Animals**

As set forth in Chapter XL, "Land Use Regulations," Appendix A ("District Use Regulations – Non-Residential Uses"), no pet shop shall sell, offer for sale, barter, auction, breed or otherwise improperly dispose of cats or dogs, or both, in the Borough. Nothing contained herein shall prohibit an animal care facility, animal rescue organization, shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any cat or dog, or both, that has been seized, rescued or donated.

#### **8-5.3. Violations and Penalties.**

Any person, firm or corporation who violates or neglects to comply with any provision of this section shall be subject to a fine of not more than \$2,000 for each separate offense, or incarceration for a period of not more than 90 days, or community service for a period of not more than 90 days, or any combination of fine, imprisonment and/or community service, as determined at the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense. The violation of any one or more provisions of this article shall be subject to abatement summarily by a restraining order or by an injunction issued by a court of competent jurisdiction.

**SECTION 3.** 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 4.** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced:

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW

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

**ORDINANCE 2019-1443**

**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.**

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

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

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

**WHEREAS**, the Court Order approving the Settlement Agreement requires the Borough to adopt an affordable housing ordinance incorporating the requirements of the Fair Housing Act and its implementing regulations including the Uniform Housing Affordability Controls into the Borough code;

**WHEREAS**, the Borough Council find it is in the best interest of the Borough to implement the terms and conditions of the Settlement Agreement and the requirements of the Court's order approving the Settlement Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Tinton Falls, County of Monmouth, and State of New Jersey that Chapter XLIII entitled "Affordable Housing" of the General Ordinances of the Borough of Tinton Falls is hereby deleted and replaced in its entirety with the following:

**43-1. Title**

This Chapter shall Be known and may be cited as the "Affordable Housing Ordinance of the Borough of Tinton Falls".

**43-2. Affordable Housing Obligation**

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Tinton Falls Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been adopted by the Planning Board and endorsed by the Governing Body. The Fair Share Plan describes how Tinton Falls Borough shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Borough and Fair Share Housing Center (FSHC).

- (c) This Ordinance implements the Borough's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement.
- (d) The Borough of Tinton Falls shall track the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan shall be available to the public at Borough Hall located on 556 Tinton Avenue, Tinton Falls, NJ 07724.

**43-3. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Assisted living residence" means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. Inclusionary developments must have a twenty percent set aside of affordable units if the development has five or more units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by the Department.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

#### **Chapter 43-4. Affordable Housing Programs**

The Borough of Tinton Falls will use the following mechanisms to satisfy its affordable housing obligations:

(a) A Rehabilitation program.

1. The Borough of Tinton Falls and Fair Share Housing Center have agreed upon a rehabilitation program of eighty-nine (89) units. The Borough will continue to participate in the Monmouth County rehabilitation program to update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The Borough will rehabilitate housing units to improve the housing stock and continue to provide affordable units through rehabilitation.
2. All rehabilitated rental and owner-occupied units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
3. The Borough of Tinton Falls shall dedicate an average of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
4. The Borough of Tinton Falls shall designate, subject to the approval of the Court, one Administrative Agent to administer the rehabilitation program in accordance with N.J.A.C. 5:91 and N.J.A.C. 5:93. The Administrative Agent shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office of the Administrative Agent.
5. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:93-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UIIAC.
  - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UIIAC.
  - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9.

iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

(b) In accordance with the requirements of N.J.S.A. 52:27D-329.9, any residential development located within the boundaries of Fort Monmouth in Tinton Falls shall have a twenty percent to be reserved for occupancy by low and moderate income households. Tinton Falls endorses and encourages FMERA's planning efforts to provide affordable housing on Fort Monmouth in conformance with the Fort Monmouth Reuse and Redevelopment Plan and applicable law.

(c) In accordance to the Settlement Agreement - The following two sites identified in the Housing Element and Fair Share Plan for the Borough of Tinton Falls, known as

Carney Site: Block 91 lot 1

Hovtown: Block 150.03 lot 1- 108

When developed are required to be provide the following minimum number of low and moderate income units:

Carney Site a total of 32 affordable units

Hovtown a total of 18 affordable units

(d) Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

Minimum Percentage of Low- and Moderate- Income Units Completed	Maximum Percentage of Market-Rate Units Completed
0	25
10	25 + 1 Unit
75	75
100	90

(c) Fractional Units. If 20 percent of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.

*Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.*

(f) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

(g) Payments-in-lieu and off-site construction. The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:93-8 and the Borough's Affordable Housing Development Fee ordinance.

(h) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

**43-5. New Construction**

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.



2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units. If there is only one affordable unit it must be a low income unit.
  3. Thirteen percent (13%) of all affordable units in the Borough shall be designated as very-low income households at 30% of the median income, with at least fifty percent (50%) of all very-low income units being available to families. If an inclusionary development proposes less than 10 total units, a payment in lieu of a very low income unit shall be deposited into the Borough's Affordable Housing Trust Fund based on the difference in cost between providing a very low income unit and the region's affordability average. Inclusionary developments of 10 or more total units shall be required to provide a minimum of one very low income unit (10%). Very-low income units shall be considered low-income units for the purposes of evaluating compliance with the required low/moderate income unit splits, bedroom distribution, and phasing requirements of this ordinance.
  4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
    - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
    - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
    - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  1. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- b. Accessibility Requirements:
1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
  2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
    - i. An adaptable toilet and bathing facility on the first floor;
    - ii. An adaptable kitchen on the first floor;
    - iii. An interior accessible route of travel on the first floor;
    - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
    - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
    - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough of Tinton Falls has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:

- a. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - b. To this end, the builder of restricted units shall deposit funds within the Borough's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.
  - c. The funds deposited under paragraph B, above shall be used by the Borough of Tinton Falls for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - d. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough.
  - e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund where the funds shall be deposited into the affordable housing trust fund and appropriately earmarked.
  - f. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.
- c. **Maximum Rents and Sales Prices**
- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
  - 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
  - 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
    - a. At least thirteen percent (13%) of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30 percent of median income.
  - 4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
  - 5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
    - a. A studio shall be affordable to a one-person household;

- b. A one-bedroom unit shall be affordable to a one and one-half person household;
  - c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
  - f. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
    - a. A studio shall be affordable to a one-person household;
    - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
    - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
  7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
  10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
  11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**43-6. Affirmative Marketing Requirements**

- (a) The Borough of Tinton Falls shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units

in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and covers the period of deed restriction.

- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
- (d) The Administrative Agent designated by the Borough of Tinton Falls shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough.

#### **43-7. Occupancy Standards**

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - 1. Provide an occupant for each bedroom;
  - 2. Provide children of different sex with separate bedrooms; and
  - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

#### **43-8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Tinton Falls elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**43-9. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

**43-10. Buyer Income Eligibility**

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

**43-11. Limitations on indebtedness secured by ownership unit; subordination**

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

**43-12. Control Periods for Restricted Rental Units**

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Tinton Falls elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Monmouth. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the unit;
  - 2. Sale or other voluntary transfer of the ownership of the unit; or
  - 3. The entry and enforcement of any judgment of foreclosure.

#### **43-13. Price Restrictions for Rental Units; Leases**

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

#### **43-14. Tenant Income Eligibility**

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - 3. The household is currently in substandard or overcrowded living conditions;
  - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

#### **43-15. Administration**

- (a) The position of Municipal Housing Liaison (MHL) for the Borough of Tinton Falls is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.
  - 1. The MHL must be either a full-time or part-time employee of Tinton Falls.
  - 2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
  - 3. The MHL must meet all the requirements for qualifications, including initial and periodic training.

4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Tinton Falls, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
  - iii. When applicable, supervising any contracting Administrative Agent.
  - iv. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
  - v. Compiling, verifying and submitting annual reports as required;
  - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).
- (b) The Borough of Tinton Falls shall designate by resolution of the Borough Council, subject to the approval of the Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
  1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ);
  2. Affirmative Marketing;
  2. Household Certification;
  3. Affordability Controls;
  4. Records retention;
  5. Resale and re-rental;
  6. Processing requests from unit owners; and
  7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
  8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- (e) The Administrative Agent shall restrict existing affordable units to very low income occupants as they turn over until such time that the 23 very low income unit obligation is satisfied.

**43-16. Enforcement of Affordable Housing Regulations**

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - i. A fine of not more than \$10,000.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Tinton Falls Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the



violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

**43-17. Appeals**

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed with the Superior Court of New Jersey, Monmouth County.

**BE IT FURTHER ORDAINED** that the remainder of all other sections and subsections of the Borough Code not specifically amended by this Ordinance shall remain in full force and effect and that all other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect upon its passage and publication according to law.

Introduced:

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW

ORDINANCE NO. 2019-1444

BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH

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

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

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

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

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to adopt an affordable housing ordinance incorporating the requirements of the Fair Housing Act and its implementing regulations including the Uniform Housing Affordability Controls into the Borough code;

WHEREAS, the Borough Council find it is in the best interest of the Borough to implement the terms and conditions of the Settlement Agreement and the requirements of the Court's order approving the Settlement Agreement which includes updating the Borough's Development Fee ordinance and otherwise updating the Borough Code to ensure consistency with the Fair Housing Act and COAH's regulations.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls, County of Monmouth, and State of New Jersey that Chapter XXIII entitled "Development Fees" of the General Ordinances of the Borough of Tinton Falls is hereby amended as follows: with the following:

*Chapter XXIII (Development Fees) of the General Ordinances of the Borough of Tinton Falls is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is struck through and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

**CHAPTER XXIII DEVELOPMENT FEES**

Chapter XXIII (Development Fees) 5 is amended as follows:

§23-1Definitions is amended to include the following "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

~~§23-2 The purpose of this chapter is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this chapter shall be used for the sole purpose of assisting in meeting the Borough's Fair Share Housing obligation for low and moderate income households. This chapter shall be interpreted within the framework of COAH's rules governing development fees.~~

Purpose

- a) In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
  
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
  
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Department's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of the Department's rules on development fees, codified at N.J.A.C. 5:97-8.

**§23-4. RESIDENTIAL DEVELOPMENT FEES.**

**23-4.1. Requirements.**

- a. ~~Except as set forth in subsections 39-4.2 and 23-4.2, Developers of new housing in all residential districts shall pay a development fee of one percent (1%)~~ one and half percent (1.5%) of the equalized/assessed value of each new residential dwelling unit. Where a structure is converted so as to provide one (1) or more additional dwelling units, the fee to be paid shall be based on ~~one percent (1%)~~ one and half percent (1.5%) of the increase in the equalized assessed value. As used herein, "developer" includes an individual or entity constructing one (1) dwelling unit as well as an individual or entity constructing more than one (1) dwelling unit.
  
- b. Where an increase in density is granted pursuant to a "d" variance, residential developers shall pay a development fee of ~~one percent (1%)~~ one and half percent (1.5%) for the number of units permitted by right and shall pay an additional development fee of six percent (6%) of the equalized assessed value for each additional dwelling unit permitted as a result of the "d" variance. Pursuant to COAH regulations, municipalities must consider the zoning of property during the two (2) years prior to filing a "d" variance application for purposes of determining that an increase in density has been provided. Thus, if the zoning on the property has changed during the two (2) year period, the base density, for the purposes of calculating the

additional development fee, shall be the highest density permitted by right during the two (2) years preceding the filing of the "d" variance application.

- c. ~~Residential developers in which a required percentage of the dwelling units are to be set aside for low and moderate income households may make a payment in lieu of constructing low and moderate income housing if the Borough has the ability, pursuant to COAH's rules to enter into a Regional Contribution Agreement, and such payment is granted by the approving authority. The per-unit payment shall equal thirty five thousand (\$35,000.00) dollars or COAH's standard for the minimum cost of a Regional Contribution Agreement (whichever is greater). No developer that pays a fee in lieu of constructing low and moderate income housing shall replace low and moderate income units with market units unless the replacement is approved by the approving authority and the developer pays a fee of six percent (6%) of equalized assessed value on each market unit that replaces a low and moderate income unit. Example: A site may be developed for eighty (80) market units and twenty (20) low and moderate income units. The developer receives approval to make a payment of thirty five thousand (\$35,000.00) dollars per unit in lieu of building twenty (20) low and moderate income units. The developer also proposed to construct twenty (20) additional market units to replace the twenty (20) low and moderate income units. If the developer requests the ability to replace low and moderate income units with market units, and the approving authority grants the developer's request, the developer shall be required to pay a six percent (6%) fee on the additional twenty (20) market units.~~

§23-4.2 Residential Exemptions is amended to create a new subsection (d):

(d) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

## §23-5. NONRESIDENTIAL DEVELOPMENT FEES.

### 23-5.1. Requirements.

- ~~a. Except as set forth in subsections 39-5.2 and 23-5.2, all nonresidential developers who include in their development the construction of a new building or the expansion of the gross floor area of an existing building, except public uses and quasi-public uses such as churches and hospitals, shall pay a fee of two percent (2%) of equalized/assessed value of the nonresidential development with the fee calculated on the value of all new building(s) and site improvements.~~

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b. ~~In addition to the fees set forth in subsections 39-5.1a and 23-5.1a, nonresidential developers that receive an increase in floor area, pursuant to a "d" variance, shall pay a development fee of two percent (2%) ~~two and half percent (2.5%)~~ of equalized/assessed value for the floor area permitted pursuant to the Ordinance and a fee of six percent (6%) for the equalized assessed value of the additional floor area permitted by the "d" variance. Pursuant to COAH regulations, municipalities shall consider the zoning of property during the two (2) years prior to filing the "d" variance application for purposes of determining that an increase in floor area has been provided. Thus, if the zoning on the property has changed during the two (2) year period, the base floor area for the purposes of calculating the increase in floor area shall be the highest floor area permitted by right during the two (2) years preceding the filing of the "d" variance application.~~

### §23-5.2 Nonresidential Exemptions

- a. ~~Developers who have preliminary and/or final approvals of a subdivision or site plan still in effect prior to the effective date of this chapter, which approval shall have been granted without the requirement to pay the fees set forth in subsection 23-5.1a and b, shall be exempt from paying a development fee unless the developer seeks a substantial change in the prior approval.~~
- b. ~~Where an existing site is proposed to be improved by new site work alone, such as landscaping, stormwater improvements, new parking lot, or similar work, and none of those improvements involve any new building, or an expanded building, or a structurally modified building, there shall be no fee for those site improvements. Where any site involves a new building, expanded building, structural modifications, or a major rehabilitation effort involving fundamental components of an existing building such as, but not limited to, the electrical service and/or interior service network, communication systems, water service and distribution systems, sewage collection and discharge systems, air conditioning equipment and ductwork, heating equipment and distribution systems, improved insulation, window replacements, roofing, foundation repair, and siding repair or replacement, the fee shall be as required in subsection 23-5.~~

#### Eligible exactions, ineligible exactions and exemptions from non-residential development fees

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Tinton Falls as a lien against the real property of the owner.

#### §23-7 Affordable Housing Trust Fund

All development fees collected pursuant to this Chapter and all interest generated by the deposits shall be required to be spent in accordance with the Spending Plan approved by the Court or COAH. If the Court or COAH determines that Tinton Falls Borough is not in conformance with COAH's rules on development fees, the Court or COAH is authorized to direct the manner in which all development fees collected pursuant to ordinance shall be expended. Such authorization is pursuant to this Chapter; COAH's rules on development fees; and the written authorization from the Borough Council ~~governing body~~ to the bank in which the Housing Trust Fund is located.

#### §23-8 Use of Funds

- a. Money deposited in the Affordable Housing Trust Fund may be used for any activity approved by COAH or the Court for addressing the Borough's low and moderate income housing obligation such as, but not limited to, housing rehabilitation and Regional Contribution Agreements.
- d. ~~Development fee revenues shall not be expended to reimburse the Borough for housing activities that preceded substantive certification.~~

#### §23-9 Expiration of Chapter

~~This chapter shall expire as a result of any of the following:~~

- a. ~~COAH's dismissal or denial of a petition for substantive certification.~~
- b. ~~COAH's revocation of either substantive certification or its certification of this chapter.~~
- e. ~~The expiration of the time defined by certification or the Final Judgment of Compliance and Repose unless the Borough has filed an adopted housing element with COAH; petitioned for substantive certification; and received COAH's approval of this Development Fee Chapter.~~

#### 23-12 Penalties

~~In the event any of the conditions set forth in Section 23-12b occur, COAH shall be authorized, on behalf of the Borough, and after a hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., to direct the manner in which all development fees collected pursuant to this chapter shall be expended. Should any such condition occur, such revenues shall immediately become available for expenditure at the direction of COAH upon the Borough Clerk's receipt of written notification from COAH that such a condition has occurred. In furtherance of the foregoing, the bank account established pursuant to this chapter shall provide~~

~~whatever express written authorization which may be required by the bank to permit COAH to direct disbursement of such revenues from the account following the delivery to the bank of the aforementioned written notification from COAH to the Borough Clerk.~~

~~b. Occurrence of the following may result in COAH taking action pursuant to Section 23-12a.~~

- ~~1. Failure to submit a Spending Plan within the time limits imposed by COAH.~~
- ~~2. Failure to meet deadlines for information required by COAH in COAH's review of this chapter, the Borough's Housing Element, or the Spending Plan.~~
- ~~3. Failure to address COAH's conditions for approval of the Spending Plan within the deadlines imposed by COAH.~~
- ~~4. Failure to submit accurate monitoring reports within the time limits imposed by COAH.~~
- ~~5. Failure to implement the Spending Plan within the time limits imposed by COAH, or within reasonable extensions granted by COAH.~~
- ~~6. Expenditure of development fees on activities not permitted by COAH.~~
- ~~7. Other good cause demonstrating that the revenues are not being used for the intended purpose(s).~~

**BE IT FURTHER ORDAINED** that Chapter XXXIX entitled "Development Fees" from the Borough Code is eliminated in its entirety because it is duplicative of Chapter 23.

**BE IT FURTHER ORDAINED** if any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Introduced:

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW

**ORDINANCE NO. 2019-1438**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY  
KNOWN AS PINE STREET IN THE BOROUGH OF TINTON FALLS**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b), the Borough Council may, by adopting an appropriate ordinance, vacate any public street or portion thereof; and

**WHEREAS**, the Borough Council is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to that portion of a right-of-way known as Pine Street, as shown on Schedule A hereto (metes and bounds description and Plat of Vacation); and

**WHEREAS**, the portion of Pine Street to be vacated is bounded on the southerly side by property owned by the County of Monmouth and on the northerly side by property owned by KTDM, LLC and known as Block 123, Lot 49.02; and

**WHEREAS**, the County has consented that, upon successful adoption of this vacation ordinance, one hundred percent (100%) of the vacated right-of-way land shall belong to KTDM, LLC and shall become a part of Block 123, Lot 49.02; and

**WHEREAS**, the Borough Council has determined that said portion of the right-of-way of Pine Street as described on Schedule A attached hereto lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Borough of Tinton Falls that the rights and interests in and to the same shall as a public right-of-way be vacated, released and extinguished, on the terms set forth herein; and

**WHEREAS**, the Borough Council must, pursuant to N.J.S.A. 40:67-1(b), preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property or right of way to be vacated;

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that:

**SECTION 1.** All public easements, right and interests to that portion of the right-of-way known as Pine Street as shown on Schedule A attached hereto are hereby vacated, extinguished and released except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13.

**SECTION 2.** The Borough Clerk shall publish this ordinance, after being introduced and having passed at first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

**SECTION 3.** It is the intent of the Borough Council to vacate the aforementioned interests that the public may have in the Property, and to provide that the property shall be conveyed, in its "as is" condition, to the property owner to the northerly side of the vacated roadway, and that the vacated roadway property become a part of Block 123, Lot 49.02.

**SECTION 4.** The Borough Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.



**SECTION 5.** The Borough Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

**SECTION 6.** 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 7.** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 8.** This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced: February 19, 2019

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW

**ORDINANCE NO. 2019-1439**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**ORDINANCE SETTING SALARIES FOR DEPARTMENT  
HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL**

**WHEREAS**, both the general municipal law (N.J.S.A. 40A:9-165) and the Faulkner Act (N.J.S.A. 40:69A-43a and 180) require that certain salaries be adopted by ordinance; and

**WHEREAS**, the Borough of Tinton Falls ("the Borough") does currently have an ordinance establishing these salaries, which is updated and adopted annually; and

**WHEREAS**, the Borough is restrained in establishing certain salaries pursuant to the terms of pre-existing collective bargaining agreements and New Jersey law impacting statutory employees.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following management salaries be established effective January 1, 2019 as follows:

**SECTION ONE – STATUTORY EMPLOYEES**

Chief Financial Officer (Director of Audits, Accounts & Controls)	\$171,133
Borough Clerk	\$ 81,600
Tax Assessor	\$104,456
Tax Collector	\$ 92,500

**SECTION TWO – DEPARTMENT HEADS**

Director of Administration	by contract
Director of Public Works	\$129,540
Director of Public Safety	by contract
Police Chief	by contract

**SECTION THREE – MAYOR AND COUNCIL**

Mayor	\$ 6,000
Council President	\$ 5,000
Councilmembers	\$ 4,500

**SECTION FOUR – REPEALER**

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall hereby be repealed to the extent of any such inconsistency.

**SECTION FIVE – EFFECTIVE DATE**

This ordinance shall take effective upon publication pursuant to law and the General Revised Ordinances of the Borough of Tinton Falls.

Introduced: February 19, 2019

Adopted:

\_\_\_\_\_  
GARY A. BALDWIN  
COUNCIL PRESIDENT

\_\_\_\_\_  
VITO PERILLO  
MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA A. HESLER  
BOROUGH CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
KEVIN STARKEY, ESQ.  
DIRECTOR OF LAW

**RESOLUTION APPROVING THE 2018 LOSAP CERTIFICATION LIST FOR QUALIFICATION OF  
TINTON FALLS EMS SQUADS NORTH AND SOUTH**

**WHEREAS**, pursuant to N.J.S.A. 40A:14-191 and N.J.A.C. 5:30-14.10(b), emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year; and

**WHEREAS**, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system; and

**WHEREAS**, the required certification has been presented by the Tinton Falls EMS Squads North and South to the sponsoring agency, the Borough of Tinton Falls; and

**WHEREAS**, the Local Plan Administrator has reviewed the annual list, requested supporting documentation from Tinton Falls EMS Squads North and South as necessary to substantiate the information provided, and is satisfied that the list is complete and accurate;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the certified list of volunteer members of the Tinton Falls EMS Squads North and South who have qualified for credit under the LOSAP for year 2018 is hereby approved; and

**BE IT FURTHER RESOLVED** that the approved certification list shall be posted at the office of the Borough Clerk, and at the facility of the Tinton Falls EMS Squads North and South, for a period of 30 days to allow sufficient time for membership review.

\_\_\_\_\_  
GARY A. BALDWIN, COUNCIL PRESIDENT

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES  
ENCLAVE AT SHARK RIVER  
BLOCK 147 LOT 10**

**WHEREAS**, the developer has requested the release of Performance Guarantees for Enclave at Shark River, Block 147, Lot 10; and

**WHEREAS**, by letter dated February 22, 2019, (said letter hereby attached and made part of this Resolution) the Engineer, T&M Associates, has outlined the items which need to be addressed prior to the release of performance guarantees.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer's letter of February 22, 2019, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

---

Gary A. Baldwin, Council President

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March, 2019.

---

Melissa A. Hesler  
Borough Clerk



YOUR GOALS. OUR MISSION.

TFLS-11000

February 22, 2019

Dominick DeSimone  
57 Mace Street  
Staten Island, NY 10306

**Re: Deficiency List #1  
Enclave at Shark River  
Block 147, Lot 10  
Tinton Falls, Monmouth County, NJ**

Dear Mr. DeSimone:

Pursuant to your request, this office conducted an inspection of all bonded items at the above referenced site for the purpose of performance guarantee release. Our findings indicate that not all of the bonded items remain acceptable. Accordingly, this office cannot make a recommendation for performance guarantee release at this time.

Attached please find a deficiency list referencing items warranting your correction. Kindly notify this office at least 48 hours in advance of any construction activity so that inspection may be provided.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

T&M ASSOCIATES

THOMAS P. NEFF, P.E., P.P., C.M.E.  
TINTON FALLS BOROUGH ENGINEER

TPN:

Enclosure

cc: Michael Skudera, Borough Administrator  
Kevin Starkey, Director of Law  
Lori Paone, Zoning & Code Enforcement Officer  
Melissa Hesler, Borough Clerk

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TFLS-11000

February 22, 2019

**Deficiency List #1  
Enclave at Shark River  
Block 147, Lot 10  
Borough of Tinton Falls**

1. The pavement at the main entrance and exit to the site off of Shark River Road is raveling and not acceptable. The area shall be sawcut, milled, and a proper keyway paved with new surface course asphalt.
2. The handicap parking sign for the 9 unit condominium building is missing and must be installed.
3. All silt shall be removed from the rip rap aprons and low flow channels of the detention basins and the aprons re-established.
4. An as-built survey in accordance with the attached requirements must be submitted for review and approval.
5. Final approval from Freehold Soil Conservation District must be submitted for our records.



## **As-Built Survey Requirements** Site Plans & Subdivisions

1. As-built surveys must be prepared by a professional land surveyor licensed in the state of New Jersey.
2. All drawings must conform to standard survey requirements, be legible and on one of the standard sheet sizes are required by the Map Filing Law.
3. Two copies of the as-built survey must be provided for review.
4. The location of all streets, curbs and sidewalks in relation to the existing right-of-way and property lines must be shown.
5. All property lines and easements, including wetlands and buffer lines, must be shown and clearly labeled.
6. All streets and parking areas must be shown. Top of curb and gutterline elevations must be provided at minimum 50' intervals. Site plans and parking areas must show sufficient elevation information to clearly demonstrate the grading of the entire area. Approximate contours for parking areas should be generated and shown on the plan.
7. All drainage facilities must be shown. Locations of inlets, manholes, outlet structures, headwalls, flared end sections and other drainage structures must be provided. Elevations must be shown for all inverts, grates, covers, and all orifices on outlet structures. Pipe locations, slopes and materials must also be shown.
8. Contours in detention basins must be shown, including any spillways or other changes in grade in the basin. Low flow channels with elevations at 20' intervals should be provided.
9. If the sanitary sewer system is to be owned and maintained by the municipality, all sanitary sewer facilities must be shown. The locations of all manholes, pump stations, by-pass valves, force mains, etc. must be indicated. Elevations shall be provided for all inverts and covers. Pipe locations, slopes and materials must also be shown.
10. Any additional information as deemed necessary by the Borough/Township Engineer must be shown.



**RESOLUTION - PERSON-TO-PERSON TRANSFER PLENARY RETAIL CONSUMPTION LICENSE  
LIQUOR LICENSE 1336-33-008-005**

**WHEREAS**, Adova LLC has made application to the Borough Council for a person-to-person transfer of plenary retail consumption License No. 1336-33-008-005 heretofore issued to Portofino Inc., for premises located at 720 Tinton Avenue, Tinton Falls, and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33, and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**WHEREAS**, no written objection to the transfer has been received by the Borough Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls does hereby approve the transfer of the aforesaid Plenary Retail Consumption License #1336-33-008-005 to Adova, LLC as an inactive license.

**BE IT FURTHER RESOLVED**, that the Borough Clerk be and is hereby authorized to endorse the transfer to the new ownership on the face of the license certificate showing the State assigned license number to be 1336-33-008-005 effective March , 2019 and a certified copy of this resolution be provided to the Division of Alcoholic Beverage Control, the Tinton Falls Police Department and Adova, LLC.

\_\_\_\_\_  
Gary A. Baldwin, Council President

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION AUTHORIZING THE AWARD OF A "NON-FAIR AND OPEN" CONTRACT FOR  
PROFESSIONAL SPECIAL LABOR COUNSEL SERVICES  
CONTRACT PS #3-19**

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

**WHEREAS**, such professional legal services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is so recognized; and

**WHEREAS**, this contract is to be awarded for an hourly rate of \$200.00 per hour for an amount not to exceed \$19,000.00 for professional Special Labor Counsel Services; and

**WHEREAS**, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is hereby retained to provide professional Special Labor Counsel Services for an hourly rate of \$200.00 per hour for an amount not to exceed \$19,000.00 for a term expiring December 31, 2019;

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2019 Municipal Budget as follows: Legal \$19,000.00

\_\_\_\_\_  
Thomas P. Fallon, Chief Financial Officer

\_\_\_\_\_  
Gary A. Baldwin, Council President

**BOROUGH OF TINTON FALLS COUNCIL.**

Council Member	Moved	Second	Ayes	Nays	Absent	Abstain
Ms. Fana						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>TH</sup> day of March, 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION AUTHORIZING CONTINUATION OF CONTRACT  
FOR WIRELESS TELECOMMUNICATIONS CONSULTANT**

**WHEREAS**, since 2014, the Borough has engaged the services of FSD Enterprises, LLC as a Wireless Telecommunications Consultant to assist with the development of the Borough's wireless communications tower; and

**WHEREAS**, through the services of FSD Enterprises, LLC, the Borough continues to secure co-locations of tenants on the tower that have generated significant revenue for the Borough; and

**WHEREAS**, FSD Enterprises, LLC last contract expired December 31, 2018, therefore, requiring continuation to complete work in 2019.

**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 it hereby authorizes the Mayor to execute a Service Agreement Extension with FSD Enterprises, LLC for a term not to exceed December 31, 2019 pursuant to the terms and conditions contained therein based on FSD Enterprise's proposal dated December 20, 2017.

\_\_\_\_\_  
Gary A. Baldwin, Council President

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

SERVICE AGREEMENT EXTENSION

WIRELESS TELECOMMUNICATIONS CONSULTANT

BETWEEN

The Borough of Tinton Falls, a Municipal Corporation of the State of New Jersey, with offices at 556 Tinton Ave Tinton Falls, NJ 07724 (hereinafter referred to as "The Borough")

AND

FSD ENTERPRISES LLC, with offices at 65 Mechanic Street, Suite 201 Red Bank, NJ (hereinafter referred to as "Wireless Telecommunications Consultant").

WHEREAS, the Borough of Tinton Falls desires to continue to engage the services of FSD Enterprises, LLC as The Borough's Wireless Telecommunications Consultant for the year 2019; and

WHEREAS, the Local Public Contracts law requires that the compensation for professionals and extraordinary services engaged by a municipality be set forth in a written agreement to be maintained on file in the office of the Borough Clerk; and

WHEREAS, the Borough has previously enter into a professional services agreement with FSD Enterprises, LLC as its Wireless Telecommunications Consultant.

NOW THEREFORE BE IT AGREED, by and between the parties hereto as follows:

1. **Duties of Wireless Telecommunications Consultant** – The Wireless Communications Consultant will perform all services related to the wireless telecommunications facilities upon the Borough of Tinton Falls property as per the proposal dated March 26, 2014, as updated on December 20, 2017.
2. **Period of Appointment** – The period of appointment of the Wireless Telecommunications Consultant shall be through December 31, 2019.
3. **Compensation** – Shall be as per proposal dated December 20, 2017.

IN WITNESS WHEREOF, the parties hereto set their hands and seals this \_\_\_\_ day of \_\_\_\_\_ 2019.

Attest:

Borough of Tinton Falls

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Vito Perillo, Mayor

FSD Enterprises, LLC

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Declan O'Scanlon



Wireless Telecommunications Consulting

**Declan O'Scanlon, CEO**

Voice: 732-741-3246

Mobile: 732-859-2921

Email: Declan@fsdenterprises.com

December 20, 2017

Mr. Brian Nelson, Esq.  
Borough of Tinton Falls  
556 Tinton Avenue  
Tinton Falls, NJ 07724

Dear Mr. Nelson

I much appreciate the opportunity to provide a proposal for wireless telecommunications consulting services.

General services to be provided by FSD Enterprises on current and any future wireless projects undertaken during contract period:

**Initial Investigation and Marketing** – FSD will perform an assessment of the location options that the Borough has an interest in making available for the placement of communications facilities and initial investigation of how those properties may fit in with the needs of multiple wireless carriers.

FSD will open lines of communication to the carriers that may have already expressed interest in the sites and to other wireless carriers that may be seeking coverage in the area so as to do our best to encourage carriers to locate on the borough's target properties - and to maximize the potential revenue generated from the project. FSD will also help with the governing body's communication with the public throughout this process as necessary.

FSD will make sure that site information is delivered to the right decision makers within each carrier to maximize the likelihood that each of the carriers in the industry will choose a municipal site when seeking coverage in the area of Tinton Falls Borough. FSD will facilitate any necessary on-site meetings with wireless carriers and work to evaluate their equipment and other technical (such as height etc.) needs.

FSD will work with the Borough and the interested carrier(s) to arrive at an installation design that is optimized to handle present and reasonably expected future needs of both the Borough (if such needs exist) and potential tenants. Future carrier installation designs are of prime importance since if mistakes are made during the design phase of the project, and tenants are permitted to use too much space, it can cost hundreds of thousands of dollars of revenue over the life of the facility – and potentially result in needless, additional subsequent tower applications



ENTERPRISES, LLC

on private properties. Also during this period FSD will work with borough officials to verify and communicate to the interested carriers details of the approval and building process and help the governing body communicate effectively with the public during this phase of the project.

**Bid Process** – FSD will work with you to design bid specifications that will enhance, if not guarantee, a successful bidding process. FSD’s record when it comes to designing successful, lucrative bid documents and processes is outstanding.

FSD will work with borough officials to arrive at project construction and leasing arrangements that maximize the borough’s revenue, flexibility and control of the projects, and minimize expenses and potential pitfalls. FSD will formulate bid specifications that implement the Borough’s goals yet meet the requirements of prospective bidders. FSD will market the availability of siting opportunities to all the carriers in the New Jersey market so as to maximize interest in, and competition for, the project. This marketing effort will continue going forward beyond the initial bid process. Upon receipt of bids FSD will work to help resolve any exceptions to the bid specifications that might be submitted.

**Post-Bid Phase** – Once the bid process is completed and a bid, or bids, have been awarded, FSD will work with the successful bidder(s) to see that leases are finalized and that the location of equipment on the sites moves forward efficiently. FSD will coordinate with all carriers locating equipment on site to resolve any location conflicts etc. FSD will also aid in the final installation designs during this period.

Additionally, FSD will continue to make the wireless carriers aware of the availability of the Tinton Falls Borough sites over the next several years. Frequently, potential additional tenants simply need to be reminded that sites are available in order to get those sites included in future build plans. On an ongoing basis FSD Enterprises would serve as the interface between the wireless carriers and the Borough.

FSD Enterprises’ goal is always to minimize complications during the siting, bidding and construction phases of projects and to maximize the value of its clients’ properties. FSD accomplishes this through smart design and marketing of project sites and bid and lease terms. Additionally, FSD seeks to leave its clients with projects that are viable into the future so that revenue can potentially increase as the needs of the market dictate. The added present value and future revenue potential that FSD brings to wireless projects almost always pays for itself many times over.

The fee structure for FSD Enterprises consulting services as per above for Tinton Falls Borough will be as follows:

- Please make note that all percentage amounts subsequently listed are only of the *first year* of the value of each lease, *not* for the life of the entire lease(s).



ENTERPRISES, LLC

- \$3,500 initial retainer; and,
- 35% of the gross first year lease value from any additional wireless telecommunications tenant on the project.

### **Equipment Upgrade Request Assessments**

FSD has extensive experience in the wireless telecommunications equipment siting industry having directly participated in the site location, layout and project coordination of many sites throughout New Jersey. FSD also actively manages numerous sites on an ongoing basis.

The industry is going through a period of tremendous capacity growth as it tries to stay ahead of the voracious appetite for bandwidth from consumers. This situation has resulted in the wireless carriers undertaking substantial network upgrade projects, which in turn has resulted in their approaching many of their landlords looking for permission to modify their installations.

Sometimes these modifications are modest and sometimes they are extensive. FSD can help Tinton Falls Borough figure out what the impact will be on the municipal tower as it stands, as well as what impact the upgrade might have on potential future tenants – and the revenue streams that come from them - on the tower. This is critical so that the municipality can assess whether or not, and how much, additional rent should be paid by the tenant or whether the modification, as proposed, should be allowed at all.

### **Scope of Work**

- Assessment of the requesting tenant's equipment currently installed on the tower (as can be assessed by a ground-based examination and examination of existing and supplied documents).
- Assessment of the proposed equipment modification impact on the tower or structure. Said assessment may involve the performance of a structural report by a structural engineer licensed to do business in New Jersey and consultation with that engineer. Any said reports will be at the cost of the tenant making the upgrade request.
- Consultation with the requesting tenant regarding the request details and exploration of any possible, beneficial impact-reducing modifications to the proposal.
- Recommendation of approval, denial or modification to the originally requested upgrade proposal and presentation of suggested appropriate rental fee increase if warranted.
- Verification – through documentation and ground based assessment - that the installation was performed as permitted.

### **Upgrade Assessment Fee Structure**

- If no additional payment to the municipality is called for then the total fee due to FSD shall be \$500.
- If there is no rental adjustment – just a one-time payment – then the total fee shall be equal to 25% of the one-time payment up to a maximum of \$2,000.
- If a rental adjustment is called for then the fee shall be equal to one year's rental increase, example, \$200 monthly increase due town = \$2,400 with a maximum of \$3,000.



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### **Tower Revenue Stream Buy-Out/Lump Sum Payment Proposal Assessment**

The tower industry is fast moving and ever-evolving. Tower site landlords have begun to frequently receive offers, from tower companies and tenants, of lump-sum, up-front payments in lieu of regular rental payments. Sometimes these offers involve the purchase of infrastructure outright, sometimes it is just the revenue stream of one or more tenants. Usually these offers include some reference to the possibility that the revenue stream might not be as dependable as once thought.

FSD Enterprises can help Tinton Falls officials objectively analyze such offers and provide the information needed to make an informed decision. FSD will prepare and provide a report that will include an examination of current revenue stream value trends, the state of the wireless infrastructure industry - and particular carriers on the tower in question - as well as an analysis of surrounding, potentially competing structures. Additionally, FSD will report on the status of alternate technology that may or may not have an impact on the dependability of the revenue streams currently being generated.

#### **Revenue Stream Sale Consulting Fee Structure**

- Examination/analysis of information as per above: \$1,500.00

#### **Bids for Lease Extension**

##### **Scope of Work**

- Assessment of the current rent
- Recommendation of new minimum bid
- Preparation of all bid specifications
- Assessment of submitted lease documents and final lease document preparation

#### **Bid for Lease Extension Fee Structure**

- 15% of 1st year extended lease value

This fee structure would remain in place for any project initiated while FSD is retained as the Borough's wireless telecommunications consultant. The contract would automatically renew each year until canceled by either party, but of course there would be no fees incurred after the initial one-time retainer – unless the project is successful, with rent-paying tenants, the total net exposure of Tinton Falls Borough is the initial retainer – in this case \$3,500.

While FSD Enterprises will make every effort to see to the success of this project, due to the nature of the wireless industry and the uncertainty of the bidding process FSD makes no guarantee as to the result of the outcome of this project. Upon retention, FSD Enterprises will explicitly refuse to serve as a consultant to any wireless carrier regarding that carrier's interest in providing wireless coverage in the areas of Tinton Falls Borough sites. FSD Enterprises will make no bid specification recommendations that would result in the specifications favoring any carrier and will not share any proprietary information with any carrier. FSD also pledges to refuse to act as the wireless telecommunications consultant to any public or private entity that





ENTERPRISES, LLC

may be marketing property, within a 1.5 mile radius of any Tinton Falls site that would compete with any Tinton Falls sites while working for the Borough.

If you have any further questions please do not hesitate to contact me.

Sincerely,

Declan O'Scanlon  
CEO, FSD Enterprises

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FSD Enterprises, LLC Services

65 Mechanic Street, Suite 201, Red Bank, NJ 07701 E Fax: 732-741-7015 E [www.fsdenterprises.com](http://www.fsdenterprises.com)



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Fee Structure Summary

Annual Retainer	\$3,500.00
New Tenant	35% of 1st year lease value
Upgrade Assessment	
No additional payment	\$500.00
No rental adjustment-just one time payment	25% of one- time payment up to a maximum of \$2,000.00
Rental Adjustment	one year's rental increase with maximum of \$3,000.00
Tower Revenue Stream Sale Consultation Examination/Analysis	\$1,500.00
Bid for Lease Extension	15% of 1st year extended lease value

**RESOLUTION – REFUNDING SIGN PERMIT APPLICATION 3050 SHAFTO – BLUE CREEK  
CONSTRUCTION - \$50.00**

**WHEREAS**, a sign permit fees in the amount of \$50.00 was paid by Blue Creek Construction; and

**WHEREAS**, said monies were deposited by the Borough of Tinton Falls during the month of February 2019;  
and

**WHEREAS**, the applicant applied for a Zoning Permit for a sign, which was a duplicate.

**WHEREAS**, the Zoning Department was made aware and a full refund in the amount of \$50.00 shall be issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$50.00 be issued to Blue Creek Construction.

\_\_\_\_\_  
GARY A. BALDWIN, COUNCIL PRESIDENT

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2019 1<sup>st</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Robert P. Lamb Esq. - Trust Account 10 Allen Street, Suite 2A Toms River, NJ 08753	14.01	13	\$1,084.67

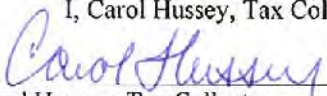
Re: Gold Eagle Plumbing, LLC from Estate of Donna Ligon  
105 Apple Street

and,

**WHEREAS**, said error has resulted in an overpayment of 2019 1<sup>st</sup> quarter taxes in the amount of \$1,084.67, 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 \$1,084.67 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 \$1,084.67.

  
\_\_\_\_\_  
Carol Hussey, Tax Collector

\_\_\_\_\_  
Gary A. Baldwin, Council President

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2019 1<sup>st</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
A Absolute Escrow Settlement Co., Inc. 834 Broad Street Shrewsbury, NJ 07702	26.01	87	\$1,122.24

Re: Patricia Brown from Barbara Keenan  
75 Players Circle

and,

**WHEREAS**, said error has resulted in an overpayment of 2019 1<sup>st</sup> quarter taxes in the amount of \$1,122.24, 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 \$1,122.24 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 \$1,122.24.

  
\_\_\_\_\_  
Carol Hussey, Tax Collector

\_\_\_\_\_  
Gary A. Baldwin, Council President

**BOROUGH OF TINTON FALLS COUNCIL**

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2019 1<sup>st</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
John & Joanne Taylor 82 Glenwood Drive Tinton Falls, NJ 07724	32.07	72	\$1,898.79

and,

WHEREAS, said error has resulted in an overpayment of 2019 1<sup>st</sup> quarter taxes in the amount of \$1,898.79, 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 \$1,898.79 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 \$1,898.79.

  
CAROL HUSSEY, TAX COLLECTOR

\_\_\_\_\_  
GARY A. BALDWIN, COUNCIL PRESIDENT

**BOROUGH OF TINTON FALLS COUNCIL**

Council Member	Moved	Second	Ayes	Nays	Absent	Abstain
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

**CERTIFICATION**

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

**RESOLUTION – APPROVAL OF BILLS – MARCH 5, 2019**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 5, 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	3,026,988.05
SEWER UTILITY	26,175.81
TRUST FUNDS	11,527.97
GRANT FUND	7,344.00
GENERAL CAPITAL	52,797.94
DOG TRUST	861.60
TOTAL	<u>3,125,695.37</u>

CERTIFICATION OF FUNDS:

\_\_\_\_\_  
Thomas P. Fallon, Chief Financial Officer

\_\_\_\_\_  
Gary A. Baldwin, Council President

BOROUGH OF TINTON FALLS COUNCIL

Council Member	Moved	Second	Ayes	Nays	Absent	Abstain
Ms. Fama						
Mr. Manginelli						
Mr. Pak						
Mr. Siebert						
Mr. Baldwin						

CERTIFICATION

I, Melissa A. Hesler, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 5, 2019.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 5<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
Melissa A. Hesler  
Borough Clerk

Batch Id: KRS Batch Type: C Batch Date: 03/05/19 Checking Account: 001 CLEARING G/L Credit: Budget G/L Credit  
Generate Direct Deposit: N

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
19-00454	03/05/19 02/20/19	AABS0003 A ABSOLUTE SETTLEMENT CO., INC 1 OVERPAYMENT 2019 1ST QTR TAXES	1,122.24	834 BROAD STREET 9-01-99-999-000-205 Tax Overpayments	Budget	Aprv	211	1
			<u>1,122.24</u>					
19-00156	03/05/19 01/18/19	ADP00001 ADP, LLC 5 PAYMENT #2 INVOICE #530360251	721.36	P.O. BOX 842875 9-05-55-502-000-294 Sewer: Other	Budget	Aprv	79	1
19-00156	01/18/19	6 PAYMENT #2 INVOICE #530360251	2,164.05	9-01-20-105-000-294 Human Res: Other	Budget	Aprv	80	1
			<u>2,885.41</u>					
18-03085	03/05/19 12/07/18	AMAZ0001 AMAZON.COM 1 E-SEEK M-260 ID CARD REEDER	525.00	P.O. BOX 530958 8-01-25-240-000-169 Police: Patrol Equipment	Budget	Aprv	11	1
18-03085	01/18/19	2 SHIPPING	34.78	8-01-25-240-000-169 Police: Patrol Equipment	Budget	Aprv	12	1
18-03085	02/21/19	3 CREDIT FOR SHIPPING	34.78	8-01-25-240-000-169 Police: Patrol Equipment	Budget	Aprv	13	1
19-00168	01/22/19	1 MISC. COFFEE SUPPLIES	126.01	9-01-25-252-000-294 OEM: Other	Budget	Aprv	82	1
19-00168	01/22/19	2 SHIPPING	14.65	9-01-25-252-000-294 OEM: Other	Budget	Aprv	83	1
19-00178	01/23/19	1 HP 37a Cartridges	369.98	9-01-43-490-000-101 Court: Office Supplies	Budget	Aprv	84	1
			<u>1,035.64</u>					
19-00327	03/05/19 02/06/19	AMER1001 AMERICAN WEAR 1 UNIFORM RENTAL JAN 2019	315.00	261 NORTH 18TH STREET 9-01-26-300-000-132 Ctrl Maint: Uniform Clothing & Access.	Budget	Aprv	106	1
19-00327	02/06/19	2 UNIFORM RENTAL JAN 2019	284.95	9-01-26-290-000-132 Streets: Uniform Clothing & Access.	Budget	Aprv	107	1
19-00327	02/06/19	3 UNIFORM RENTAL JAN 2019	562.95	9-01-26-305-000-132 Sanitation: Uniform Clothing & Access.	Budget	Aprv	108	1
19-00327	02/06/19	4 UNIFORM RENTAL JAN 2019	417.05	9-01-28-375-000-132 Parks: Uniform Clothing & Access.	Budget	Aprv	109	1
19-00327	02/06/19	5 UNIFORM RENTAL JAN 2019	260.29	9-05-55-502-000-132 Sewer: Uniform Clothing & Access.	Budget	Aprv	110	1
			<u>1,840.24</u>					
19-00467	03/05/19 02/22/19	ARBOR002 ARBOR DAY FOUNDATION 1 2019 MEMBERSHIP DUES	25.00	211 NORTH 12 STREET 9-01-26-312-000-127 Shade Tree: Dues	Budget	Aprv	217	1
			<u>25.00</u>					
19-00230	03/05/19 01/30/19	ATLAS001 ATLAS WELDING SUPPLY CO., INC. 1 ACETYLENE SMALL	33.48	808 BROOK ROAD 9-01-26-300-000-115 Ctrl Maint: Welding Supplies	Budget	Aprv	89	1
19-00230	02/15/19	2 ARGON-CO2	16.74	9-01-26-300-000-115	Budget	Aprv	90	1



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19-00230	02/15/19	3 NITROGEN SIZE 250	5.58	Ctrl Maint: welding supplies 9-01-26-300-000-115	Budget	Aprv	91	1
19-00230	02/15/19	4 OXYGEN SIZE 122	16.74	Ctrl Maint: welding supplies 9-01-26-300-000-115	Budget	Aprv	92	1
19-00230	02/15/19	5 OXYGEN SIZE 244	27.90	Ctrl Maint: welding supplies 9-01-26-300-000-115	Budget	Aprv	93	1
			<u>100.44</u>	Ctrl Maint: welding supplies				
19-00477	02/26/19	03/05/19 ATT00001 A T & T 2 PAYMENT #1 - JANUARY, 2019	124.37	P.O. BOX 105068 9-05-55-502-000-213 Sewer: Telephone	Budget	Aprv	225	1
			<u>124.37</u>					
19-00478	02/26/19	03/05/19 ATT00001 ATT MOBILITY 1 PAYMENT #12 - DECEMBER, 2019	0.00	P.O. BOX 6463 8-01-31-450-000-213	Budget	Aprv	226	1
19-00478	02/26/19	2 IPHONES	177.57	Telecommunications: Telephone 8-01-31-450-000-213	Budget	Aprv	227	1
19-00478	02/26/19	3 IPADS	856.89	Telecommunications: Telephone 8-01-31-450-000-213	Budget	Aprv	228	1
19-00479	02/26/19	1 PAYMENT #2 - FEBRUARY, 2019	0.00	Telecommunications: Telephone 9-01-31-450-000-213	Budget	Aprv	229	1
19-00479	02/26/19	2 BOROUGH PHONES	176.62	Telecommunications: Telephone 9-01-31-450-000-213	Budget	Aprv	230	1
19-00479	02/26/19	3 POLICE MODEMS	1,045.98	Telecommunications: Telephone 9-01-31-450-000-214	Budget	Aprv	231	1
19-00479	02/26/19	4 POLICE PHONES	2,028.19	Telecommunications: Telephone - Police 9-01-31-450-000-214	Budget	Aprv	232	1
19-00479	02/26/19	5 SAMSUNG GALAXY S4 WITH CASE	1,321.26	Telecommunications: Telephone - Police 8-01-20-100-001-177	Budget	Aprv	233	1
19-00479	02/26/19	6 CREDIT	1.98	Admin Info Tech: Technology Maintenance 8-01-20-100-001-177	Budget	Aprv	234	1
19-00480	02/26/19	1 PAYMENT #1 - JANUARY, 2019	0.00	Admin Info Tech: Technology Maintenance 9-01-31-450-000-213	Budget	Aprv	235	1
19-00480	02/26/19	2 BOROUGH PHONES	671.25	Telecommunications: Telephone 9-01-31-450-000-213	Budget	Aprv	236	1
19-00480	02/26/19	3 POLICE MODEMS	72.49	Telecommunications: Telephone 9-01-31-450-000-214	Budget	Aprv	237	1
19-00480	02/26/19	4 FIRE MARSHALL MODEM (1 CAR)	41.24	Telecommunications: Telephone - Police 9-01-25-265-000-213	Budget	Aprv	238	1
			<u>6,389.51</u>	Fire: Telephone				
19-00474	02/26/19	03/05/19 BLUE006 BLUE CREEK CONSTRUCTION 1 REFUND OF SIGN PERMIT FEE	50.00	630 WINDERMERE AVENUE 9-01-08-105-001 Building Department	Revenue	Aprv	224	1
			<u>50.00</u>					
19-00373	02/08/19	03/05/19 BUCKL006 BUCKLEY CABLE CONSTRUCTION CO 1 REFUND POLICE OFF DUTY ESCROW	246.00	3601 WEST 9TH STREET T-03-56-857-000-001 Gen Trust: Off Duty Police	Budget	Aprv	156	1
			<u>246.00</u>					

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19-00087	01/17/19	03/05/19 CENTR001 CENTRAL TOWING & RECOVERY INC 2 INVOICE #151560	130.00	P.O. BOX 7994 9-01-25-240-000-167	Budget	Aprv	39	1
19-00087	01/17/19	3 INVOICE #151562	130.00	Police: Towing - Impound Yard 9-01-25-240-000-167	Budget	Aprv	40	1
19-00087	01/17/19	4 INVOICE #151633	130.00	Police: Towing - Impound Yard 9-01-25-240-000-167	Budget	Aprv	41	1
			<u>390.00</u>					
18-00672	03/14/18	03/05/19 CLEAR001 CLEAR,GIACOBBE,ALFIERI&JACOBS 12 PYMT #11 - SERVICES THRU 11/31	3,001.50	955 STATE ROUTE 34 8-01-20-155-000-148	Budget	Aprv	1	1
18-00672	02/25/19	13 PYMT #12 - SERVICES THRU 12/31	3,436.50	Law: Consultants - Labor Counsel 8-01-20-155-000-148	Budget	Aprv	2	1
19-00184	01/25/19	2 PAYMENT #1 - INV. #66693	2,102.50	Law: Consultants - Labor Counsel 9-01-20-155-000-148	Budget	Aprv	86	1
			<u>8,540.50</u>					
18-01484	10/23/18	03/05/19 CMEAS001 CME ASSOCIATES 20 PAYMENT #19 - INV. #234171	440.00	1460 ROUTE 9 SOUTH T-03-56-860-000-003	Budget	Aprv	6	1
18-01484	10/23/18	21 PAYMENT #20 - INV. #235940	484.00	Afford Housing: RCA Contrib Unrestricted T-03-56-860-000-003	Budget	Aprv	7	1
			<u>924.00</u>	Afford Housing: RCA Contrib Unrestricted				
19-00266	01/30/19	03/05/19 COLLI001 COLLINS, VELLA & CASELLO, LLC 2 JANUARY RETAINER, 2019	1,000.00	2317 Highway 34, Suite 1A 9-01-21-180-000-142	Budget	Aprv	101	1
			<u>1,000.00</u>	Planning: Consultants - Legal				
19-00408	02/19/19	03/05/19 COMCA002 COMCAST 1 PAYMENT #2 - FEBRUARY, 2019	31.56	P.O. BOX 70219 9-01-31-450-000-213	Budget	Aprv	159	1
19-00409	02/19/19	1 PAYMENT #2 - FEBRUARY, 2019	386.31	Telecommunications: Telephone 9-01-31-450-000-214	Budget	Aprv	160	1
19-00410	02/19/19	1 PAYMENT #2 - FEBRUARY, 2019	122.23	Telecommunications: Telephone - Police 9-01-31-450-000-213	Budget	Aprv	161	1
			<u>540.10</u>	Telecommunications: Telephone				
19-00152	01/18/19	03/05/19 COOPE001 COOPER ELECTRIC SUPPLY CO. 1 P-STRUT PS500EH 10 FT HOLE	41.77	PO BOX 415925 9-01-26-310-000-117	Budget	Aprv	70	1
19-00152	02/11/19	2 CONDUIT CLAMP	17.78	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	71	1
19-00152	02/11/19	3 MULB 11201	22.74	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	72	1
19-00152	02/11/19	4 4IN SQ FLAT BLANK CVR	6.35	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	73	1
19-00152	02/11/19	5 EMT 034E 3/4IN EMT CONDUIT	77.11	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	74	1
19-00152	02/11/19	6 EGS 5075S	7.81	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	75	1

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19-00152	02/11/19	7 8" BLACK 50 LB CABLE TIE	18.00	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	76	1
19-00152	02/11/19	8 11" BLACK 50 LB CABLE TIE	16.00	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	77	1
19-00152	02/11/19	9 SQUARE BOX 4-2-1/8 DP	4.73	Bldg/Grds: Building Materials & Supplies 9-01-26-310-000-117	Budget	Aprv	78	1
			<u>212.29</u>					
18-03119	12/14/18	03/05/19 DORNS001 DORN'S CLASSIC IMAGES 1 11 X 14 VINTAGE PHOTOGRAPHS	720.00	22 CHURCH STREET 8-01-20-175-000-294	Budget	Aprv	14	1
18-03119	12/14/18	2 DISCOUNT	240.00	Historical: Other 8-01-20-175-000-294	Budget	Aprv	15	1
			<u>480.00</u>					
19-00328	02/06/19	03/05/19 DW001 D & W Diesel, Inc 1 HYD LSHT M	466.80	1503 CLARK STREET RD. 8-01-26-300-000-201	Budget	Aprv	111	1
			<u>466.80</u>	Ctrl Maint: Motor Vehicle - Streets				
19-00363	02/08/19	03/05/19 DYNAM001 DYNAMIC TESTING SERVICE 1 RANDOM COL BREATH ALCOHOL	35.00	230 MAIN STREET 9-01-26-290-000-140	Budget	Aprv	136	1
19-00363	02/08/19	2 RANDOM COL BREATH ALCOHOL	35.00	Streets: Physicals 9-01-26-305-000-140	Budget	Aprv	137	1
19-00363	02/08/19	3 RANDOM COL URINE SCREEN	135.00	Sanitation: Physicals 9-01-26-305-000-140	Budget	Aprv	138	1
19-00363	02/08/19	4 RANDOM COL URINE SCREEN	45.00	Sanitation: Physicals 9-01-26-290-000-140	Budget	Aprv	139	1
19-00363	02/08/19	5 RANDOM COL URINE SCREEN	45.00	Streets: Physicals 9-01-26-300-000-140	Budget	Aprv	140	1
			<u>295.00</u>	Ctrl Maint: Physicals				
18-02451	09/21/18	03/05/19 EARLE001 EARLE ASPHALT CO. 3 PAYMENT #2 - DATED 2/8/2019	52,147.94	P.O. DRAWER 556 C-04-18-430-000-510	Budget	Aprv	8	1
			<u>52,147.94</u>	ORD. 18-1430: Capital Project Costs				
18-00679	10/09/18	03/05/19 GAGLI001 GAGLIANO AND COMPANY 3 SUMMARY APPRAISAL REPORT	5,300.00	1129 BROAD STREET T-03-56-859-000-001	Budget	Aprv	3	1
			<u>5,300.00</u>	Open Space Trust: Open Space				
19-00364	02/08/19	03/05/19 GARDE001 GARDEN STATE BOBCAT 1 TUBE	746.93	999 ROUTE 33 9-01-26-300-000-201	Budget	Aprv	141	1
19-00364	02/13/19	2 BEARING/COLLAR	171.80	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	142	1
19-00364	02/13/19	3 BOLT*5	20.50	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	143	1
19-00364	02/13/19	4 KEY	6.14	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	144	1

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19-00364	02/13/19	5 SPROCKET, LOWER	33.95	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	145	1
19-00364	02/13/19	6 LINK/CHAIN	50.56	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	146	1
19-00364	02/13/19	7 BOLT*5	6.90	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	147	1
19-00364	02/13/19	8 WASHER,1	4.64	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	148	1
19-00364	02/13/19	9 WASHER	36.60	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	149	1
19-00364	02/13/19	10 FREIGHT	111.69	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	150	1
			<u>1,189.71</u>					
18-01204	03/05/19 02/25/19	GLUCK001 GLUCK WALRATH 10 PAYMENT #8 - INV. #40915	4,425.00	428 RIVERVIEW PLAZA 8-01-20-155-000-148	Budget	Aprv	4	1
			<u>4,425.00</u>	Law: Consultants - Labor Counsel				
19-00339	03/05/19 02/06/19	GMTRO001 G & M TROPHY 1 BASKETBALL AWARDS	0.00	265 HIGHWAY 36 WEST 9-01-28-370-000-243	Budget	Aprv	125	1
19-00339	02/06/19	2 BASKETBALL AWARDS-KINDERGARTEN	148.75	Recreation: Winter Programs 9-01-28-370-000-243	Budget	Aprv	126	1
19-00339	02/06/19	3 BASKETBALL AWARDS-1ST GRADE	273.70	Recreation: Winter Programs 9-01-28-370-000-243	Budget	Aprv	127	1
19-00339	02/06/19	4 BASKETBALL AWARDS-2ND AND 3RD	442.00	Recreation: Winter Programs 9-01-28-370-000-243	Budget	Aprv	128	1
19-00340	02/06/19	1 BASKETBALL AWARDS	0.00	Recreation: Winter Programs 9-01-28-370-000-243	Budget	Aprv	129	1
19-00340	02/06/19	2 BASKETBALL AWARDS- 1ST & 2ND	552.00	Recreation: Winter Programs 9-01-28-370-000-243	Budget	Aprv	130	1
			<u>1,416.45</u>	Recreation: Winter Programs				
19-00136	03/05/19 01/18/19	GRAIN001 GRAINGER 1 NON-CONDUCTIVE SOIL PROBE	95.82	GRAINGER 9-05-55-502-000-181	Budget	Aprv	47	1
19-00136	02/08/19	3 MEASURING WHEEL W/STAND	194.84	Sewer: General Hardware-Minor Tools 9-05-55-502-000-181	Budget	Aprv	48	1
19-00136	02/08/19	4 WINCH CABLE	203.70	Sewer: General Hardware-Minor Tools 9-05-55-502-000-181	Budget	Aprv	49	1
19-00136	02/08/19	5 DISPOSABLE RESPIRATOR	49.50	Sewer: General Hardware-Minor Tools 9-01-26-290-000-109	Budget	Aprv	50	1
			<u>543.86</u>	Streets: Emergency Safety Materials				
19-00052	03/05/19 01/14/19	HATTE001 HATTERAS PRESS 1 2019 RECYCLING CALENDAR	3,200.00	56 PARK ROAD T-03-56-857-000-025	Budget	Aprv	33	1
19-00052	01/14/19	2	1,625.00	Gen Trust: Community Day 9-01-26-292-000-161	Budget	Aprv	34	1
19-00052	01/14/19	3	3,500.00	Stormwater:Printing G-02-41-807-000-003	Budget	Aprv	35	1

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19-00052	01/14/19	4	3,520.00	Grant: Recycling Tonnage/Other G-02-41-806-007-003	Budget	Aprv	36	1
19-00052	01/14/19	5	1,000.00	Grant: Clean Comm 2018: Equipment 9-01-20-100-000-163 Admin: Newsletter / Calendar	Budget	Aprv	37	1
			<u>12,845.00</u>					
03/05/19 HOMED001 HOME DEPOT								
19-00004	01/11/19	1 XTREME CABLE TIE 11" BLACK	11.53	DEPT. 32-2531914582 9-01-20-175-000-294	Budget	Aprv	19	1
				Historical: Other				
19-00004	02/06/19	2 HOUSEHOLD PLEAT FILTER	8.97	9-01-20-175-000-294	Budget	Aprv	20	1
				Historical: Other				
19-00004	02/06/19	3 ELITE STEEL MAILBOX WHITE	19.48	9-01-26-305-000-181	Budget	Aprv	21	1
				Sanitation: General Hardware-Minor Tools				
19-00004	02/06/19	4 PT PINE GOTHIC MAILBOX	24.97	9-01-26-305-000-181	Budget	Aprv	22	1
				Sanitation: General Hardware-Minor Tools				
19-00004	02/06/19	5 NAIL ON ALUMINUM #6 BLACK	1.68	9-01-26-305-000-181	Budget	Aprv	23	1
				Sanitation: General Hardware-Minor Tools				
19-00004	02/06/19	6 NAIL ON ALUMINUM #5 BLACK	1.68	9-01-26-305-000-181	Budget	Aprv	24	1
				Sanitation: General Hardware-Minor Tools				
19-00004	02/11/19	7 PADLOCK	17.47	T-03-56-857-000-010	Budget	Aprv	25	1
				Gen Trust: Forfeiture/Impound Funds				
19-00004	02/11/19	8 TOTE 55 GALLON	39.96	9-01-26-310-000-117	Budget	Aprv	26	1
				Bldg/Grds: Building Materials & Supplies				
19-00004	02/11/19	9 64OZ LEMON AMMONIA	5.92	9-01-26-310-000-116	Budget	Aprv	27	1
				Bldg/Grds: Janitorial Supplies				
			<u>131.66</u>					
03/05/19 JCPL0001 JCP&L								
19-00415	02/19/19	1 PAYMENT #1 - JANUARY, 2019	0.00	BUILDINGS 9-01-31-430-000-215	Budget	Aprv	183	1
				Electricity: Electric				
19-00415	02/19/19	2 100-012-263-073	537.91	9-01-31-430-000-215	Budget	Aprv	184	1
				Electricity: Electric				
19-00415	02/19/19	3 100-012-337-836	184.98	9-01-31-430-000-215	Budget	Aprv	185	1
				Electricity: Electric				
19-00415	02/19/19	4 100-013-983-984	357.30	9-01-31-430-000-215	Budget	Aprv	186	1
				Electricity: Electric				
19-00415	02/19/19	5 100-015-448-242	241.44	9-01-31-430-000-215	Budget	Aprv	187	1
				Electricity: Electric				
19-00415	02/19/19	6 100-015-448-341	39.30	9-01-31-430-000-215	Budget	Aprv	188	1
				Electricity: Electric				
19-00415	02/19/19	7 100-015-448-416	36.29	9-01-31-430-000-215	Budget	Aprv	189	1
				Electricity: Electric				
19-00415	02/19/19	8 100-015-448-648	378.49	9-01-31-430-000-215	Budget	Aprv	190	1
				Electricity: Electric				
19-00415	02/19/19	9 100-030-315-079	430.76	9-01-31-430-000-215	Budget	Aprv	191	1
				Electricity: Electric				
19-00415	02/19/19	10 100-030-696-478	32.09	9-01-31-430-000-215	Budget	Aprv	192	1
				Electricity: Electric				
19-00415	02/19/19	11 100-074-802-370	88.57	9-01-31-430-000-215	Budget	Aprv	193	1
				Electricity: Electric				
19-00415	02/19/19	12 100-073-060-350	198.20	9-01-31-430-000-215	Budget	Aprv	194	1
				Electricity: Electric				

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19-00415	02/19/19	13 100-059-018-828	122.86	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	195	1
19-00415	02/19/19	14 100-060-488-234	1,165.44	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	196	1
19-00415	02/19/19	15 100-078-740-139	118.69	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	197	1
19-00415	02/19/19	16 100-073-019-745	150.18	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	198	1
19-00415	02/19/19	17 100-120-626-468	6.89	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	199	1
19-00421	02/19/19	1 PAYMENT #1 - JANUARY, 2019	31.16	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	201	1
19-00423	02/19/19	1 PAYMENT #2 - FEBRUARY, 2019	4,883.37	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	203	1
19-00425	02/19/19	1 PAYMENT #2 - FEBRUARY, 2019	1,900.34	Electricity: Electric 9-01-31-430-000-215	Budget	Aprv	204	1
			<u>10,904.26</u>					
	03/05/19	JCPL0004 JCP&L		PUMPING STATIONS				
19-00420	02/19/19	1 PAYMENT #1 - JANUARY, 2019	375.12	9-05-55-502-000-214	Budget	Aprv	200	1
19-00422	02/19/19	1 PAYMENT #2 - FEBRUARY, 2019	965.10	Sewer: Gas & Electric 9-05-55-502-000-214	Budget	Aprv	202	1
			<u>1,340.22</u>	Sewer: Gas & Electric				
	03/05/19	JCPL0005 JCP&L		AFFORDABLE HOUSING				
19-00430	02/20/19	1 PAYMENT #1 - JANUARY, 2019	206.34	T-03-56-860-000-001	Budget	Aprv	207	1
			<u>206.34</u>	Afford Housing: Developer Fees				
	03/05/19	JOHNS003 JOHNSTONE SUPPLY		PO BOX 239				
19-00002	01/11/19	1 LIMIT SWITCH	4.57	9-01-20-175-000-294	Budget	Aprv	16	1
19-00002	01/30/19	2 MOTOR 1/2HP	124.45	Historical: Other 9-01-20-175-000-294	Budget	Aprv	17	1
19-00002	01/30/19	3 FILTER PLEATED EXTENDED SURFAC	70.44	Historical: Other 9-01-26-310-000-117	Budget	Aprv	18	1
			<u>199.46</u>	Bldg/Grds: Building Materials & Supplies				
	03/05/19	LAMB0001 ROBERT P. LAMB, ESQ.		TRUST ACCOUNT				
19-00456	02/20/19	1 OVERPAYMENT 2019 1ST QTR TAXES	1,084.67	9-01-99-999-000-205	Budget	Aprv	213	1
			<u>1,084.67</u>	Tax Overpayments				
	03/05/19	LIFTE001 LIFTEC INC		124 SYLVANIA PL				
19-00331	02/06/19	1 PRESSURE FILTER (WORKING)	51.38	8-01-26-300-000-201	Budget	Aprv	113	1
19-00331	02/13/19	2 PRESSURE FILTER (TRAVEL)	46.68	Ctr'l Maint: Motor Vehicle - Streets 8-01-26-300-000-201	Budget	Aprv	114	1
19-00331	02/13/19	3 MICROSWITCH	112.52	Ctr'l Maint: Motor Vehicle - Streets 8-01-26-300-000-201	Budget	Aprv	115	1
				Ctr'l Maint: Motor Vehicle - Streets				

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
19-00331	02/13/19	4 HANDILING CHARGE	5.76	8-01-26-300-000-201	Budget	Aprv	116	1
19-00331	02/13/19	5 FREIGHT - OUT	15.27	8-01-26-300-000-201	Budget	Aprv	117	1
			<u>231.61</u>					
19-00093	01/17/19	03/05/19 LMAUT001 L & M AUTO CENTER 2 INVOICE #29762	130.00	2 SWIMMING RIVER ROAD 9-01-25-240-000-167	Budget	Aprv	42	1
19-00093	01/17/19	3 INVOICE #29767	130.00	Police: Towing - Impound Yard	Budget	Aprv	43	1
19-00093	01/17/19	4 INVOICE #29769	130.00	Police: Towing - Impound Yard	Budget	Aprv	44	1
19-00093	01/17/19	5 INVOICE #29778	130.00	Police: Towing - Impound Yard	Budget	Aprv	45	1
19-00093	01/17/19	6 INVOICE #29781	65.00	Police: Towing - Impound Yard	Budget	Aprv	46	1
			<u>585.00</u>					
19-00083	01/16/19	03/05/19 LUCAS001 LUCAS CONSTRUCTION GROUP, INC. 1 EMERGENCY REPAIR FORCE MAIN	14,189.63	P.O. BOX 8939 9-05-55-502-000-189	Budget	Aprv	38	1
			<u>14,189.63</u>	Sewer: Line Repairs				
19-00330	02/06/19	03/05/19 MAZZA001 MAZZA RECYCLING SERVICES, LTD. 1 TIRE DISPOSAL 1.8.19	324.00	3230 SHAFTO ROAD 6-02-41-806-007-002	Budget	Aprv	112	1
19-00375	02/08/19	1 RECYCLING DISPOSAL JAN 2019	15,176.72	Grant: Clean Comm 2018; Emerg Safety 9-01-32-465-000-221	Budget	Aprv	157	1
			<u>15,500.72</u>	Landfill: Transfer Station Fees				
19-00187	01/25/19	03/05/19 MCOMB001 MCOMBER & MCOMBER 2 PYMT #1 - SRVCS. THRU JAN '19	1,895.73	54 SHREWSBURY AVENUE 9-01-20-155-000-142	Budget	Aprv	87	1
			<u>1,895.73</u>	Law: Consultants - Legal				
19-00142	01/18/19	03/05/19 MIDAT002 MID-ATLANTIC TRUCK CENTER, INC 1 CHAMBER BRAKE GC3030L SRVC	769.04	525 LINDEN AVENUE 9-01-26-300-000-202	Budget	Aprv	51	1
			<u>769.04</u>	Ctrl Maint: Motor Vehicle-Sanitation				
19-00372	02/08/19	03/05/19 MIKELANE Michael Lane 1 SAND PRO MACHINE (MODEL#5020)	1,500.00	808 Waverly Ave T-03-56-859-000-001	Budget	Aprv	155	1
			<u>1,500.00</u>	Open Space Trust: Open Space				
19-00341	02/06/19	03/05/19 MONM002 MONMOUTH BUILDING CENTER 1 SINGLE CUT KEY	3.58	777 SHREWSBURY AVE 9-01-26-310-000-181	Budget	Aprv	131	1
19-00341	02/11/19	2 186 DRAIN OPEN/CLEAN 1-1/2TO3	11.99	Bldg/Grds: General Hardware-Minor Tools	Budget	Aprv	132	1
19-00341	02/11/19	3 VIP2 DRAIN OPEN/CLEANER 1.5TO3	13.35	Sewer: General Hardware-Minor Tools	Budget	Aprv	133	1

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account	Account Type	Status	Seq	Acct
19-00341	02/11/19	4 5/8"X50' SOFT & SUPPLE	27.19	Sewer: General Hardware-Minor Tools 9-05-55-502-000-181	Budget	Aprv	134	1
19-00341	02/11/19	5 80LB GRAVEL MIX ACECRETE	134.16	Sewer: General Hardware-Minor Tools T-03-56-859-000-001	Budget	Aprv	135	1
			<u>190.27</u>	Open Space Trust: Open Space				
19-00337	02/06/19	03/05/19 MONM0049 MONMOUTH CTY COURT ADMIN ASSOC 1 MCCA Meeting	30.00	ATTN: SONIA KATHY PAXTOR 9-01-43-490-000-128	Budget	Aprv	121	1
			<u>30.00</u>	Court: Meetings & Conferences				
18-01399	05/30/18	03/05/19 MOTOR003 MOTOROLA SOLUTIONS, INC. 1 MOTOROLA #HAD4008A TWO-WAY	57.60	1301 E. ALGONQUIN ROAD IL-02 8-01-25-240-000-297	Budget	Aprv	5	1
18-02626	10/16/18	1 HLN6863B, IGNITION SENSING	61.60	Police: Vehicles 8-01-25-240-000-169	Budget	Aprv	9	1
			<u>119.20</u>	Police: Patrol Equipment				
19-00466	02/22/19	03/05/19 MRTAX MONMOUTH REGIONAL HIGH SCHOOL 1 2018-2019 TAX LEVY: 3/15/19	1,016,429.50	ONE NORMAN J FIELD WAY 9-01-99-999-002-206	Budget	Aprv	216	1
			<u>1,016,429.50</u>	School Taxes Payable - MRHS				
19-00338	02/06/19	03/05/19 MUNIC001 MUNICIPAL RECORD SERVICE 1 Tinton Falls Mailers	626.67	106 W. ATLANTIC AVENUE 9-01-43-490-000-102	Budget	Aprv	122	1
19-00338	02/06/19	2 Eatontown Mailers	626.67	Court: Forms 9-01-42-490-000-102	Budget	Aprv	123	1
19-00338	02/06/19	3 Monmouth Beach Mailers	626.66	Court: I/L: Forms - Eatontown 9-01-42-490-000-103	Budget	Aprv	124	1
			<u>1,880.00</u>	Court: I/L: Office Supplies - Mon. Beach				
19-00144	01/18/19	03/05/19 NEPTU001 NEPTUNE AUTO SUPPLY 1 12G-12MP	50.12	51 T. F. H. PLAZA 9-01-26-300-000-201	Budget	Aprv	52	1
19-00144	02/08/19	2 12G-12MPX	47.60	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-201	Budget	Aprv	53	1
19-00144	02/08/19	3 12G-12MP	50.12	Ctrl Maint: Motor Vehicle - Streets 9-01-26-300-000-154	Budget	Aprv	54	1
19-00144	02/08/19	4 12G-12MPX	142.80	Ctrl Maint: Equipment Maintenance 9-01-26-300-000-154	Budget	Aprv	55	1
19-00144	02/08/19	5 QUICK DISCONNECT	110.16	Ctrl Maint: Equipment Maintenance 9-01-26-300-000-154	Budget	Aprv	56	1
19-00144	02/08/19	6 QUICK DISCONNECT	183.18	Ctrl Maint: Equipment Maintenance 9-01-26-300-000-154	Budget	Aprv	57	1
19-00144	02/08/19	7 QUICK DISCONNECT	61.06	Ctrl Maint: Equipment Maintenance 9-01-26-300-000-154	Budget	Aprv	58	1
19-00144	02/08/19	8 WHL COVER	44.99	Ctrl Maint: Equipment Maintenance 9-01-26-300-000-203	Budget	Aprv	59	1
19-00144	02/08/19	9 STROBE	377.56	Ctrl Maint: Motor Vehicle - Police 9-01-26-300-000-202	Budget	Aprv	60	1
				Ctrl Maint: Motor Vehicle-Sanitation				



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19-00144	02/08/19	10 SCOTT TOWELS	143.60	9-01-26-300-000-109 Ctrl Maint: Emergency Safety Materials	Budget	Aprv	61	1
19-00144	02/08/19	11 BRAKE KLEEN	43.08	9-01-26-300-000-118 Ctrl Maint: Chemicals	Budget	Aprv	62	1
19-00144	02/08/19	12 BRAKE KLEEN	43.08	9-01-26-300-000-118 Ctrl Maint: Chemicals	Budget	Aprv	63	1
19-00144	02/08/19	13 FEM 2 POLE	29.57	9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	64	1
19-00144	02/08/19	14 MALE 2 POL	29.60	9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	65	1
19-00144	02/08/19	15 WHEEL SIMULATOR	36.00	9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	66	1
19-00144	02/08/19	16 LARGE NITRILE GLOVE	179.90	9-01-26-300-000-109 Ctrl Maint: Emergency Safety Materials	Budget	Aprv	67	1
19-00144	02/08/19	17 X-LARGE NITRILE GLOVES	179.90	9-01-26-300-000-109 Ctrl Maint: Emergency Safety Materials	Budget	Aprv	68	1
19-00144	02/08/19	18 WATER PUMPS	118.87	9-01-26-300-000-203 Ctrl Maint: Motor Vehicle - Police	Budget	Aprv	69	1
			<u>1,871.19</u>					
03/05/19 NJNAT002 NJ NATURAL GAS (monthly)								
19-00427	02/20/19	1 PAYMENT #1 - JANUARY, 2019	26.43	P.O. BOX 11743 9-01-31-446-000-218 Gas: Natural Gas	Budget	Aprv	205	1
19-00429	02/20/19	1 PAYMENT #2 - FEBRUARY, 2019	29.78	9-05-55-502-000-214 Sewer: Gas & Electric	Budget	Aprv	206	1
			<u>56.21</u>					
03/05/19 NJSTA003 NJ STATE DEPT HEALTH/SNR SRVC								
19-00453	02/20/19	1 ANIMAL CONTROL - JANUARY, 2019	593.00	INFECTIOUS/ZOONOTIC DISEASE PR T-12-99-999-000-002 Due State of NJ/Dog Licenses	Budget	Aprv	208	1
19-00453	02/20/19	2 ANIMAL CONTROL - JANUARY, 2019	118.60	T-12-99-999-000-002 Due State of NJ/Dog Licenses	Budget	Aprv	209	1
19-00453	02/20/19	3 ANIMAL CONTROL - JANUARY, 2019	150.00	T-12-99-999-000-002 Due State of NJ/Dog Licenses	Budget	Aprv	210	1
			<u>861.60</u>					
03/05/19 ONECA001 ONE CALL CONCEPTS, INC.								
19-00366	02/08/19	1 ONE CALL MARK OUTS JAN 2019	157.76	7223 PARKWAY DRIVE 9-05-55-502-000-123 Sewer: Fees & Permits	Budget	Aprv	151	1
19-00366	02/12/19	2 VOICE TICKETS	12.50	9-05-55-502-000-123 Sewer: Fees & Permits	Budget	Aprv	152	1
19-00366	02/12/19	3 UNDERBILLED NOV 2018	20.13	8-05-55-502-000-123 Sewer: Fees & Permits	Budget	Aprv	153	1
19-00366	02/12/19	4 UNDERBILLED DEC 2018	13.42	8-05-55-502-000-123 Sewer: Fees & Permits	Budget	Aprv	154	1
			<u>203.81</u>					
03/05/19 PETRO001 PETRO-KING INC.								
19-00235	01/30/19	1 1ST HOUR OR PART THERE OF ON	248.00	P.O. BOX 29 9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	94	1
19-00235	02/05/19	2 ADDITIONAL HOUR OF LABOR	96.00	9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	95	1

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19-00235	02/05/19	3 ADDITIONAL HOUR OF LABOR	120.00	9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	96	1
19-00235	02/05/19	4 ETHANOL PHASE SEPERATION FILTE	38.86	9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	97	1
19-00235	02/05/19	5 GASOLINE H.D. 3/4" X 12	125.00	9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	98	1
19-00235	02/05/19	6 WHIP HOSE 3/4" X 24	54.00	9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	99	1
19-00235	02/05/19	7 VEEDER ROOT MECHANICAL C	164.72	9-01-26-310-000-154 Bldg/Grds: Equipment Maintenance	Budget	Aprv	100	1
			846.58					
		03/05/19 QSCEN001 QSCEND						
19-00397	02/12/19	1 MONTHS	1,650.00	GOVT BRANDS SHARED SRVC/QSCEND 9-01-20-100-000-176 Admin: Web Site Maintenance	Budget	Aprv	158	1
			1,650.00					
		03/05/19 RESER001 RESERVE ACCOUNT						
19-00470	02/25/19	1 POSTAGE FOR MAILING 2019 SEWER	0.00	P.O. BOX 223648 9-05-55-502-000-122 Sewer: Postage	Budget	Aprv	218	1
19-00470	02/25/19	2 2019 APRIL - 6,900	2,006.00	9-05-55-502-000-122 Sewer: Postage	Budget	Aprv	219	1
19-00470	02/25/19	3 2019 JULY - 7,000	2,036.00	9-05-55-502-000-122 Sewer: Postage	Budget	Aprv	220	1
19-00470	02/25/19	4 2019 OCTOBER - 7,100	2,065.00	9-05-55-502-000-122 Sewer: Postage	Budget	Aprv	221	1
19-00470	02/25/19	5 2020 JANUARY - 7,200	2,095.00	9-05-55-502-000-122 Sewer: Postage	Budget	Aprv	222	1
			8,202.00					
		03/05/19 RRDON001 RR DONNELLEY						
19-00179	01/23/19	1 Office Supplies	73.50	P.O. BOX 842307 9-01-20-120-000-101 Clerk: Office Supplies	Budget	Aprv	85	1
			73.50					
		03/05/19 SAE0001 SPECIALTY AUTOMOTIVE						
18-02836	11/08/18	1 LIFT INSPECTION FOR THE YEAR	750.00	395 PRESIDENT STREET 8-01-26-300-000-154 Ctr'l Maint: Equipment Maintenance	Budget	Aprv	10	1
			750.00					
		03/05/19 SAFEK001 SAFE KIDS CPS CERTIFICATION						
19-00012	01/11/19	1 TECHNICIAN RE-CERTIFICATION	50.00	C/O PES 9-01-25-240-000-136 Police: Schooling/Training	Budget	Aprv	32	1
			50.00					
		03/05/19 STAPL002 STAPLES CREDIT PLAN						
19-00159	01/18/19	1 DESK CHAIR	169.99	P.O. BOX 9001036 9-01-20-130-000-295 Finance: Office Equipment/Furniture	Budget	Aprv	81	1
			169.99					
		03/05/19 TASTE001 TASTE OF ITALY						
19-00203	01/28/19	1 FOOD FOR:	75.00	1201 SYCAMORE AVNEUE 9-01-25-252-000-294	Budget	Aprv	88	1

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
			75.00	OEM: Other				
19-00455	02/20/19	03/05/19 TAYL005 JOHN & JOANNE TAYLOR 1 OVERPAYMENT 2019 1ST QTR TAXES	1,898.79	82 GLENWOOD DRIVE 9-01-99-999-000-205 Tax Overpayments	Budget	Aprv	212	1
			1,898.79					
19-00335	02/06/19	03/05/19 THE HOSE THE HOSE SHOP 1 HYDRUALIC HOSE ASSEMBLY	24.65	100 NEW ENGLAND AVE 9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	118	1
19-00335	02/13/19	2 FJIC REUSABLE FITTING	26.98	9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	119	1
19-00335	02/13/19	3 MJIC REUSABLE FITTING	36.00	9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	120	1
			87.63					
19-00465	02/22/19	03/05/19 TINTO003 TINTON FALLS SCHOOL 1 2018-2019 TAX LEVY: 3/15/19	1,919,550.08	658 TINTON AVENUE 9-01-99-999-001-206 School Taxes Payable - TFBOE	Budget	Aprv	215	1
			1,919,550.08					
19-00471	02/25/19	03/05/19 TINTO006 TINTON FALLS FIRE DISTRICT #1 1 HOST COMMUNITY PAYMENT	10,000.00	2 VOLUNTEER WAY 9-01-99-999-001-211 DUE FIRE DISTRICTS	Budget	Aprv	223	1
			10,000.00					
19-00462	02/21/19	03/05/19 TREAS001 TREASURER, ST OF NJ 1 STORMWATER DISCHARGE GENERAL	650.00	BUREAU OF REVENUE C-04-18-430-000-555 ORD. 18-1430: Section 2:20 Costs	Budget	Aprv	214	1
			650.00					
19-00006	01/11/19	03/05/19 UNITE009 UNITED RENTALS 1 SCISSOR LIFT 19'	451.18	PO BOX 100711 9-01-26-310-000-170 Bldg/Grds: Leased Equipment	Budget	Aprv	28	1
19-00006	02/12/19	2 DELIVERY CHARGE	165.00	9-01-26-310-000-170 Bldg/Grds: Leased Equipment	Budget	Aprv	29	1
19-00006	02/12/19	3 PICKUP CHARGE	165.00	9-01-26-310-000-170 Bldg/Grds: Leased Equipment	Budget	Aprv	30	1
19-00006	02/12/19	4 CREDIT FOR LATE DELIVERY	195.08	9-01-26-310-000-170 Bldg/Grds: Leased Equipment	Budget	Aprv	31	1
			586.10					
19-00326	02/06/19	03/05/19 VEHIC001 VEHICLE TRACKING SOLUTIONS 1 GPS FEB 2018	539.73	152 VETERANS' MEMORIAL HIGHWAY 9-01-26-290-000-154 Streets: Equipment Maintenance	Budget	Aprv	102	1
19-00326	02/06/19	2 GPS FEB 2018	179.91	9-01-26-305-000-154 Sanitation: Equipment Maintenance	Budget	Aprv	103	1
19-00326	02/06/19	3 GPS FEB 2018	19.99	9-01-22-195-000-192 UCC:Fuel	Budget	Aprv	104	1
19-00326	02/06/19	4 GPS FEB 2018	19.99	9-01-26-300-000-201 Ctrl Maint: Motor Vehicle - Streets	Budget	Aprv	105	1

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on check Charge Account Description	Account Type	Status	Seq	Acct
			759.62					
19-00411	02/19/19	03/05/19 VERIZON 1 PAYMENT #2 - FEBRUARY, 2019	0.00	P.O. BOX 4833 9-01-31-440-000-213	Budget	Aprv	162	1
19-00411	02/19/19	2 732-578-1936-565-92Y	35.95	Telephone: Telephone 9-01-31-440-000-213	Budget	Aprv	163	1
19-00411	02/19/19	3 732-542-1417-149-37Y	2,299.10	Telephone: Telephone 9-01-31-440-000-213	Budget	Aprv	164	1
19-00411	02/19/19	4 732-389-8562-360-07Y	199.51	Telephone: Telephone 9-01-31-440-000-213	Budget	Aprv	165	1
19-00411	02/19/19	5 732-542-4423-268-78Y	2,501.63	Telephone: Telephone 9-01-31-440-000-214	Budget	Aprv	166	1
19-00411	02/19/19	6 732-544-1830-651-52Y	36.81	Telephone: Telephone - Police 9-01-31-440-000-214	Budget	Aprv	167	1
19-00412	02/19/19	1 PAYMENT #2 - FEBRUARY, 2019	0.00	Telephone: Telephone - Police 9-05-55-502-000-213	Budget	Aprv	168	1
19-00412	02/19/19	2 732-380-0818-865-67Y	34.95	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	169	1
19-00412	02/19/19	3 732-212-8279-080-19Y	39.70	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	170	1
19-00412	02/19/19	4 732-212-8760-108-65Y	39.70	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	171	1
19-00412	02/19/19	5 732-544-0776-106-83Y	40.70	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	172	1
19-00412	02/19/19	6 732-544-0271-104-38Y	40.70	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	173	1
19-00412	02/19/19	7 732-544-4928-096-05Y	40.70	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	174	1
19-00412	02/19/19	8 732-493-1409-409-01Y	39.95	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	175	1
19-00412	02/19/19	9 732-922-0815-690-63Y	35.95	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	176	1
19-00412	02/19/19	10 732-224-0420-769-02Y	34.95	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	177	1
19-00412	02/19/19	11 732-578-0326-985-99Y	39.49	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	178	1
19-00412	02/19/19	12 732-643-1641-612-69Y	38.48	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	179	1
19-00412	02/19/19	13 732-493-1032-635-56Y	39.95	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	180	1
19-00412	02/19/19	14 732-389-2802-070-87Y	39.95	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	181	1
19-00412	02/19/19	15 732-922-0563-117-49Y	52.29	Sewer: Telephone 9-05-55-502-000-213	Budget	Aprv	182	1
			5,630.46					

Checks:	<u>Count</u> 64	<u>Line Items</u> 238	<u>Amount</u> 3,125,695.37
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There are ND errors or warnings in this listing.

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Check No.	Check Date	Vendor #	Name	Payment Amt	Street 1 of Address to be printed on Check	Charge Account	Account Type	Status	Seq	Acct
PO #	Enc Date	Item	Description		Description					

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Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	8-01	15,789.35	0.00	0.00	15,789.35
SEWER UTILITY FUND	8-05	<u>33.55</u>	<u>0.00</u>	<u>0.00</u>	<u>33.55</u>
Year Total:		15,822.90	0.00	0.00	15,822.90
CURRENT FUND	9-01	3,011,148.70	50.00	0.00	3,011,198.70
SEWER UTILITY FUND	9-05	<u>26,142.26</u>	<u>0.00</u>	<u>0.00</u>	<u>26,142.26</u>
Year Total:		3,037,290.96	50.00	0.00	3,037,340.96
CAPITAL FUND	C-04	52,797.94	0.00	0.00	52,797.94
GRANT FUND	G-02	7,344.00	0.00	0.00	7,344.00
GENERAL TRUST FUND	T-03	11,527.97	0.00	0.00	11,527.97
DOG TRUST FUND	T-12	<u>861.60</u>	<u>0.00</u>	<u>0.00</u>	<u>861.60</u>
Year Total:		12,389.57	0.00	0.00	12,389.57
Total of All Funds:		<u>3,125,645.37</u>	<u>50.00</u>	<u>0.00</u>	<u>3,125,695.37</u>

G/L Posting Summary

Account	Description	Debits	Credits
9-01-101-01-000-001	Clearing	471.84	3,027,459.89
9-01-192-08-000-000	Anticipated Revenues	50.00	0.00
9-01-201-20-000-000	Current Appropriations	61,258.50	195.08
9-01-203-55-000-000	Appropriation Reserves	16,066.11	276.76
9-01-204-55-000-001	DUE FIRE DISTRICTS	10,000.00	0.00
9-01-205-55-000-000	Tax Overpayments	4,105.70	0.00
9-01-206-55-000-001	School Taxes Payable - TFBOE	1,919,550.08	0.00
9-01-206-55-000-002	School Taxes Payable - MRHS	<u>1,016,429.50</u>	<u>0.00</u>
	Totals for Fund 9-01 :	3,027,931.73	3,027,931.73
9-02-101-01-000-001	Cash	0.00	7,344.00
9-02-213-40-000-000	Appropriated Reserves	<u>7,344.00</u>	<u>0.00</u>
	Totals for Fund 9-02 :	7,344.00	7,344.00
9-03-101-01-000-001	Cash	0.00	3,463.47
9-03-101-01-000-014	Cash - Open Space	0.00	6,934.16
9-03-101-01-000-016	Cash - Affordable Housing	0.00	1,130.34
9-03-201-20-000-000	Trust Appropriations	<u>11,527.97</u>	<u>0.00</u>
	Totals for Fund 9-03 :	11,527.97	11,527.97
9-04-101-01-000-001	Cash	0.00	52,797.94
9-04-215-55-000-000	Capital Appropriations	<u>52,797.94</u>	<u>0.00</u>
	Totals for Fund 9-04 :	52,797.94	52,797.94
9-05-101-01-000-001	Cash	0.00	26,175.81
9-05-201-20-000-000	Sewer Appropriations	26,142.26	0.00
9-05-203-20-000-000	Appropriation Reserves	33.55	0.00

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Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
		Totals for Fund 9-05 :	<u>26,175.81</u>	<u>26,175.81</u>	
9-12-101-01-000-001	Cash		0.00	861.60	
9-12-204-56-850-803	Due State of NJ/Dog Licenses		<u>861.60</u>	<u>0.00</u>	
		Totals for Fund 9-12 :	<u>861.60</u>	<u>861.60</u>	
		Grand Total:	<u>3,126,639.05</u>	<u>3,126,639.05</u>	

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