

**REGULAR/WORKSHOP MEETING
FEBRUARY 5, 2019
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:30 PM.

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

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Esq., Director of Law
Vito Perillo, Mayor
Michael Skudera, Borough Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Siebert offered a motion to approve the minutes of June 12, 2018 seconded by Mr. Manginelli

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Siebert offered a motion to approve the minutes of December 4, 2019, seconded by Mr. Manginelli

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Siebert offered a motion to approve the minutes of December 18, 2018 seconded by Mr. Manginelli

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Manginelli, Mr. Pak

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor’s Report- Vito Perillo

Mayor Perillo provided an update on the ADP payroll system implementation and thanked the offices of Administration, Finance and Human Resources for the hard work and dedication in getting the system up and running. After the engineer’s report, Mayor Perillo stated that he wanted to say a word about the landfill, addressing the concerned citizens in the audience. He gave a brief overview of a recent meeting held with representatives of the State, County Landfill, Borough Officials, Environmental Protection and County Officials. It was agreed that the odors were bad and the officials extended apologies for not doing what they should have to address this issue. The officials of all agencies agreed to work together to mediate the problem.

Engineer’s Report- Thomas Neff

Mr. Neff gave an update on Hope Road conditions at the southern end of town near Industrial Way and West Park Avenue. Record rains, high ground water, sump pump discharge and cold temperatures have resulted in flooding and icing issues. Mr. Neff explained that emergency quotes have been obtained and work will begin next week to install underdrains to capture water and alleviate icing issues. Mr. Neff stated that the work would take approximately 2 weeks and will result in lane shifts and traffic control flagging being implemented during that time.

Director of Finance- Thomas Fallon

Mr. Fallon had no report.

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Borough Administrator- Michael Skudera

Mr. Skudera stated that a draft ordinance has been distributed for review pertaining to animal control. Mr. Skudera presented a power point presentation providing updates regarding the landfill situation. He included information regarding approved incinerators in the State of New Jersey, a time-line of events during the month of January and provided ten ideas to help improve the Monmouth County Reclamation Center. He stated the list has been distributed to the Monmouth County Administrator, Senator Vin Gopal and the NJ Department of Environmental Protection (DEP). The items addressed included monitoring through technology; enhancing the complaint process; addressing anonymous and incomplete complaints; allowing increased access to the landfill by inspectors; expansion of public information to residents and communities; study of best practices used by other NJ landfills; collaboration of local officials with other agencies to coordinate future steps; review and modernization of NJ laws and regulations; implementing a process for improvement to identify, analyze and improve various aspects of the landfill; and create an action plan for implementation and timeline for corrective action. Mr. Skudera encouraged the Borough Council to adopt a resolution incorporating the steps outlined so that we can present it to the DEP, Monmouth County and other stake holders. Mr. Skudera discussed the letter received regarding the termination of the Monmouth County Regional Health Commission contract, the termination date is stated as May 5th.

Councilwoman Fama asked that one final point be made and included in the resolution, that when major construction projects are proposed, that Monmouth County notify the Borough council and the residents of Tinton Falls of their plans for any future projects. Ms. Fama stated that the County doesn't seem to care about the people of Tinton Falls that have been severely impacted by the landfill situation, they lost the ability to enjoy their homes and their property values are impacted. This is unacceptable and it cannot happen again.

Councilman Siebert inquired about the letter of termination. Mr. Skudera stated it was received very recently and impacts our relationship with the MC Regional Health for odor complaints who are subcontracted by the County of Monmouth for that purpose. Mr. Skudera stressed that the County needs to reach out to the Borough as to how they can correct these issues.

Councilman Baldwin discussed the presentation and the purpose that it serves. He stated the message we should send to the Monmouth County Landfill and the people that over see it, is that they did not do their job nor did they notify the Borough that they were going to open up 14 acres of old landfill property for a major construction project. The County needs to open up their line of communication and provide updates. The Borough was blindsided as no one knew about this project.

Councilman Pak thanked Mr. Skudera for the time spent putting the presentation together, however, he stated that this is beyond the points that are being made, there needs to meaningful steps to make this situation better. He discussed that Senator Gopal is working on getting the steps put in place to resolve the issues.

Director of Law- Kevin Starkey

Mr. Starkey had no report

Borough Clerk's Report- Melissa Hesler

Ms. Hesler had no report.

Council's Report

Councilwoman Fama thanked Mr. Pak on his leadership with Senator Gopal to address the landfill issues. Ms. Fama stated that this must go beyond the county. Hopefully Senator Gopal will be able to cut through the miasma that DEP and State Regulations impose. Ms. Fama stated that the Library will be holding their first fund raiser which is at the Monster Mini Golf on Hope Road for anyone that would like to support the Library fundraiser. She discussed other fundraisers that the Library has forthcoming, including a children's fashion show and a barbeque.

Mr. Pak stated that the teacher's contract has been ratified by the Board of Education, kudos to the board members of the education program. Mr. Pak discussed the power purchasing agreement and discussed the phase 1 portion of the power purchasing agreement to install solar panels which will help alleviate utility bills at the school.

Mr. Siebert stated that the Council members, Mayor and Administrator attended the recent Landfill meeting set up by Senator Gopal to show solidarity in rectifying this issue. Mr. Siebert stated that he and Mr. Baldwin attended an elected officials workshop put on by the County where topics like ethics, shared services, grants, and IT security were discussed. It was a worthwhile meeting. Mr. Baldwin agreed that the workshop was very informative.

Mr. Manginelli inquired of the Borough Administrator if there were going to be minutes prepared for the January 28th meeting set up by Senator Gopal. He stated that there were dates mentioned during that meeting giving a time line of when certain issues would be addressed. Borough Administrator Skudera stated that he wasn't sure if there would be minutes or who would be responsible for preparing them. Councilman Siebert stated that Senator Gopal's Facebook Page captured the full video of the meeting.

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Mr. Baldwin had no report.

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg asked the chair if he could speak directly to Mr. Skudera regarding the recycling calendar. Mr. Baldwin granted permission to do so. Ms. Goldberg stated that she thinks everyone agrees that the town should make wise financial decision. She had several questions pertaining to the cost related to last year's calendar, this year's costs and if the sponsors covered all the costs. Mr. Skudera stated that he did not have the figures he discussed the improvements to the new calendar and explained that the calendar allowed the borough to raise more funds than the previous year. Ms. Goldberg discussed her concerns over the cost increase, sponsor advertising throughout, and the fact that to date residents have not received the calendar yet. Administrator Skudera explained the new additions and changes, grant and sponsor money and the additional money raised for Tinton Falls Day. Ms. Goldberg stated that the calendar had everything that the residents needed and did not have to be changed. Discussion followed regarding budget items being used to fund the publication.

David Elko, 692 Tinton Avenue- Mr. Elko discussed and compared the cost of the calendar for last year with the cost for the current year calendar. He stated that this year's calendar cost almost three times as much and questioned if there have been other expenditures that are not being monitored. Mr. Elko inquired where the borough is with the payroll system ADP and if it is fully functional. Borough Administrator Skudera stated that the system is set up and being fine tuned to work with the borough's processes for time off and explained that there will be more enhancements to come. Mr. Elko discussed the landfill, the news that the landfill is losing money, and the need for the County to make it all work out.

Jaqueline Williams, 11 Brook Street- Discussed the need for inclusiveness for the children of the community and inquired about the name change for the Daddy Daughter Dance to the Daughter Dance. She explained that not every child has a dad to take her to the dance and it raises the question of who can go to this activity. Ms. Williams explained that in her child's school there are 8 kindergarten classes and in each there are at least 3 children that do not have a dad, she stated that maybe it's time to make this change. Mr. Baldwin stated he would support the name change and explained that Administration is aware of the request and will work with Recreation for consideration.

Michele Simon- 71 Madison Court- discussed matters pertaining to the landfill and discussed various meetings she had attended regarding increasing the tonnage at the landfill by Mazza. She discussed attending both the Solid Waste Advisory Council meeting and the Freeholders meeting to have questions answered before the tonnage request was considered. Many of the questions had to do with safety, enforcement, and training. In 2017 there was approval given for a traffic light on Shafto Road and the matter passed through without citizens being notified. There is a need for transparency, and a need for a partnership with the county, state and local governments to pass information on to the residents. We need leadership. Ms. Simon also asked the council to consider a Jake Brake ordinance, and for council to reach out to the County with respect to repaving Shafto and surrounding roads with asphalt that provides sound reduction. Mr. Pak stated that some investigation would have to be done regarding her request, and agreed that transparency and communication should be improved. Ms. Simon questioned the use of Nixel, software that allows communication with the public through text messaging and other ways. Mr. Skudera discussed the new system Hyber-Reach which replaces code red. This system has all the functionality, email, text, phone and will allow more communication with the public than the previous system and a savings in the annual fee as well.

Mitch Kulberg, 21 Cedar Place, Tinton Falls- Complimented the Public Works Department and thanked them for the overall great job they are doing. He commented about the speed signs on Heritage Boulevard and Riverdale Avenue West that display the speed of a vehicle. He stated that the sign at Riverdale Avenue West is no longer there. Mr. Neff, Borough Engineer explained that the sign is removable and gets moved around when the field area is not as busy. Mr. Neff stated that studies show that when the signs are removed and then replaced people are much more aware of their speed. Discussion followed regarding making the sign more permanent. Mr. Kulberg discussed recycling and the changes in recyclable items, the need for educating the public education and communication. He stated that incorrectly recycling things that shouldn't cost the borough money. Mr. Kulberg also inquired about the new communication system and asked

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for updates regarding how to sign up to receive the notifications. Borough Administrator Mike Skudera explained that further information will be provided.

Ron Batista, 521 Tinton Avenue- discussed the Borough calendar and provided statistics as to how many of the printed calendars are discarded without being used and stated that there is a large demand for digital information. Mr. Batista explained that he is very well versed on digital media and has done many studies on paper versus digital. He suggested that the borough in the future provide paper copies available for pickup at the borough, which would reduce printing costs.

Beth Hesseck, 36 Frontier Way- inquired about the services Tinton Falls receives from the MC Health Regional Health Commission for \$165,000. Mr. Skudera explained that the borough is required to have health services which are mandated by the State. Ms. Hesseck discussed the other fees that the MCHRC collects through the services they provide and the different rates charged to each municipality.

Jay Goldberg, 90 Glenwood Drive also commented on the fees charged.

Gerry Turning 32 Periwinkle Circle- asked for clarification on a comment from Mayor Perillo regarding reporting of complaints to the MCRHC. Mr. Starkey clarified the intent of the comment to be that he doesn't want the primary focus to be on the complaints but rather a solution to the problem. Mr. Turning further discussed the open forum held to discuss the landfill odor issues, the County's position, the response received from the County regarding the number of complaints obtained through a records request, and the responsibility of the Monmouth County Regional Health Commission to investigate every complaint. Further discussion continued regarding the complaint process, the shortcomings of that process and the need for the County to notify the Borough of Tinton Falls about complaints received regarding the landfill and the remedies that are being undertaken to resolve the issues. Mr. Turning stated that the legislation needs to be changed to revise the reporting and responding processes. Mr. Turning stated that in the records received through OPRA the Monmouth County Reclamation Center responded to the MC Health Department the reasons why there were odors and these details are found in writing in that records request, clearly showing that the MC Health Department knew about the reasons for these odors and how they would be addressed. But the problem is that the Borough of Tinton Falls was never notified of these issues. There is a lot more going on that we are being told. The Borough needs to dig a little deeper and get answers.

Carol Delestro, 36 Green Meadow Drive- Ms. Delestro stated she wanted to discuss the feral cat colony and feeding situation in south Tinton Falls and is shown on the workshop agenda portion. She asked if she would be able to speak at that time. Council President Baldwin confirmed that she will be afforded an opportunity to speak.

Joseph Delestro, 36 Green Meadow Drive- Discussed the landfill odor issue and asked if there is a mechanism the borough could employ to get the attention of the Department of Health in order to protect the residents of Tinton Falls. He asked about litigation. Director of Law, Kevin Starkey addressed the litigation inquiry and explained that it is always an option however there another option would be to go through other elected officials, Senator Gopal and or County Officials to get their attention to figure out what's not working and getting the process on the right track. Mr. Delestro stated that there has to be a plan of action and possibly create a committee to oversee that each party is following through. Council President Baldwin stated that the Council was completely blindsided, the meeting set up by the Senator has opened the door to get things moving.

Nancy Britton, 158 Cloverdale Circle- discussed the costs for the borough calendar which figures she received through an OPRA request. She stated that she did not receive cost breakdown for the salary expenses for public employees that worked on Tinton Falls Day, and inquired why the Tinton Falls Day funds were used at all for the expense of the calendar instead of being put in trust to be used for next year's event. Mr. Skudera explained how the donations were solicited and how the funds were used. He stated that he had taken a process that was in place and improved upon it by moving the sponsor recognition to the 12 month calendar. Councilman Pak stated that he felt the need to make a clarification, Community Day was always a volunteer event, he stated that he volunteered on that committee and the planning never took away from daily work time for employees. Ms. Britton inquired if there was a recent request, within the last year, to change the name of the Daddy Daughter Dance. Borough Administrator Mike Skudera stated that there was a suggestion made for the change.

Colter Richardson, 17 Piper Place- discussed the reclamation complaint process stating that it is either broken or unduly complex. He discussed a similar situation that a colleague had encountered in Bergen County that pertained to following the correct complaint process. Mr. Richardson suggested that the borough might benefit by reaching out to the community to explain the complaint process and provide a "how to" process. He asked what the next step would be if this education process didn't work. Council President Baldwin stated that this problem needs to be handled at a higher level because the processes begin on a state level, they are not local guidelines that set forth the complaint process. Mr. Baldwin explained that Senator Gopal made a promise to attack this issue at his level of government. Mr. Richardson stated it is great having legislators on our side but there would need to be a lot more support on the state level. Councilman Pak stated that we are not throwing out any options including possible litigation however it is not the first option.

Paul Abrams, 23 Taylor Run- inquired about the settlement agreement that is on the consent agenda terminating the current Code Red agreement. Mr. Abrams inquired if the settlement required a payment to allow termination. Director of Law Kevin Starkey explained that the settlement requires a payment to opt out of the contract early but in the long run the borough will see a savings because the contract with the new vendor is significantly less overall. Mr. Abrams commented

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that it is his experience that information dissemination is not a strong suit of this governing body. He stated that there should be public education information out about this new system so that residents know about the change. Mr. Abrams discussed the landfill issue and recent meeting with the County and Senator Gopal wherein they promised to fix the problem. There needs to be a revision of the Draconian measure in which residents make complaints and the borough needs to put pressure on the legislators to make these changes. Mr. Abrams asked if he could direct a question to the Administrator, he asked Mr. Skudera about the termination of the Regional Health Commission Contract. Mr. Skudera explained the implications that this termination would bring to the County and Borough. Mr. Abrams asked why the borough calendar wasn't mailed to every household and stated that he would like to see park information included on the next calendar.

Gerry Turning, 32 Periwinkle Circle- Mr. Turning discussed his dissatisfaction upon hearing about the decision of the Monmouth County Regional Health Commission to remove itself from contract with Monmouth County Health Department. Mr. Turning also discussed the broken system for making odor complaints through the MCRHC.

There being no further comments from the public, Mr. Pak offered a motion to close the Public Discussion, seconded by Mr. Siebert.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

CONSENT AGENDA

Mr. Siebert offered a motion to approve the Consent Agenda, seconded by Mr. Pak with the removal of R-19-027

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-19-025 RESOLUTION TO AUTHORIZE EXECUTION OF SETTLEMENT AGREEMENT
WITH ONSOLVE, LLC TO TERMINATE CODERED SERVICES AGREEMENT**

WHEREAS, the Borough entered into a CodeRed Services Agreement, dated November 1, 2017, with Onsolve LLC, f/k/a Emergency Communications Network, LLC, with a term of three (3) years, with an annual cost of \$14,260; and

WHEREAS, the Borough has determined that the same or better services can be provided with a different vendor at a substantially lower cost, approximately \$5,000 per year; and

WHEREAS, the Borough desires to terminate the CodeRed Services Agreement with Onsolve a year before its end date, so as to ensure the same or better services at a more cost effective price; and

WHEREAS, the Director of Law has negotiated terms of a termination of the CodeRed Services Agreement as of January 31, 2019 in consideration of a one-time settlement payment in the amount of \$7,000, and has recommended such settlement to the Mayor and Borough Council; and

WHEREAS, the Borough Council now desires to authorize the Mayor and Borough Clerk to execute the Settlement Agreement with Onsolve, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are hereby authorized to execute the Settlement Agreement with Onsolve, LLC, in the form attached hereto, to terminate the CodeRed Services Agreement as of January 31, 2019.

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R-19-026 RESOLUTION TO AUTHORIZE EXECUTION OF DEED TO TRANSFER REAL PROPERTY OWNED BY THE BOROUGH

WHEREAS, the Borough Council of the Borough of Tinton Falls, by the adoption of Ordinance No. 99-1007 on November 23, 1999, authorized the sale of a contiguous tract of land consisting of approximately 50 acres, and including all of the lots then-owned by the Borough designated as Blocks 139.01 through 139.10; and

WHEREAS, the Borough subsequently entered into a certain Ratification and Memorialization Agreement with Recycling Technology Center, Inc., a NJ corporation and Mazza Brothers, a NJ Partnership, dated December 22, 2004, as authorized by the adoption of Resolution R-04-485; and

WHEREAS, a Deed dated December 22, 2004 was delivered by the Borough at closing and recorded in the Office of the Monmouth County Clerk on January 19, 2005 in Deed Book OR-8430 at page 2981 (the “2004 Deed”); and

WHEREAS, the 2004 Deed inadvertently omitted two lots from the description of property to be transferred, namely Block 139.04, Lot 45 and Block 139.09, Lot 30, despite the authorization in Ordinance No. 99-1007 and Resolution R-04-485; and

WHEREAS, the Director of Law has reviewed the title documents and determined that the omission of Block 139.04, Lot 45 and Block 139.09, Lot 30 from the 2004 Deed was inadvertent and contravened the intent of the Borough of Tinton Falls and the parties to the transaction; and

WHEREAS, 3230 Tinton Falls Property, LLC is the successor-in-interest to the prior transferees of the property.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are hereby authorized to execute a Deed and any other necessary documentation to effectuate the transfer of Block 139.04, Lot 45 and Block 139.09, Lot 30 to 3230 Tinton Falls Property, LLC.

R-19-027 RESOLUTION - PERSON-TO-PERSON TRANSFER PLENARY RETAIL CONSUMPTION LICENSE - LIQUOR LICENSE 1336-33-008-005 (The consent agenda was amended to remove this resolution)

R-19-28 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES WALZ PROPERTY RI/RA ENVIRONMENTAL SERVICES

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Walz Property RI/RA Environmental Services; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-19-013 adopted on January 8, 2019; and

WHEREAS, these services will be described in proposal attached dated January 28, 2019; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$48,850.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated January 28, 2019 for an amount not to exceed \$48,850.00; and

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

I hereby certify funds are available from: Environmental Remediation Escrow

**R-19-29 RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATION SERVICES
CONTRACT PS #2-19**

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Administration services 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 CME, 1460 Route 9 South, Howell, NJ 07731 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$25,000.00 for professional Affordable Housing Administration services; and

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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 CME, 1460 Route 9 South, Howell, NJ 07731 is hereby retained to provide professional Affordable Housing Administration services for an amount not to exceed \$25,000.00 for a term expiring December 31, 2019.

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

R-19-30 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Police Department is in need of three (3) 2019 Chevrolet Tahoe's, 4X4 pursuit vehicles; and

WHEREAS, Day Chevrolet, 1600 Golden Mile Highway, Monroeville, PA 15146 has a valid NJ State Contract #A89938 for three (3) 2019 Chevrolet Tahoe's, 4X4 pursuit vehicles with options for a total purchase price in the amount of \$108,130.93 ; and

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

WHEREAS, Chief John Scrivanic recommends this purchase;

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

Three (3) 2018 Chevrolet Tahoe's, 4X4 pursuit vehicles with options: \$108,130.92.

I hereby certify funds are available contingent upon adoption of 2019 Municipal Budget from: Police: Other Expenses - \$108,130.92

R-19-031 RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY BY TWO (2) PUBLIC ONLINE AUCTIONS

WHEREAS, the Borough of Tinton Falls Police Department and Department of Public Works have enough surplus vehicles and other equipment to hold two (2) public ON-LINE auctions during 2019, dates and times will be advertised in the Asbury Park Press; and

WHEREAS, Stephan J. Miranti, US Gov Bid/Auction Liquidation Services, 1 Industrial Way West, Building A, Eatontown, NJ 07724 will conduct the on-line auction at a commission rate of 6.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of sale of said property via the adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold, or \$6,000.00; and

WHEREAS, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days, nor later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment, Borough vehicles and any other miscellaneous items received prior to, through the process of two (2) Public ON-LINE auctions dates to be determined.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract of US Gov Bid/Auction Liquidation Services for the Borough of Tinton Falls as specified herein above.

R-19-032 RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF TINTON FALLS

WHEREAS, The Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

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WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Tinton Falls is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

R-19-033 RESOLUTION – RELEASING CASH BOND FOR #12 MANZO COURT BLOCK 97, LOT 1.07

WHEREAS, a request has been made for the release of a cash bond posted for #12 Manzo Court, Block 97, Lot 1.07 for additional site improvements required in connection with conversion of a sales office to a single family residence; and

WHEREAS, by letter dated January 10, 2019 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that the site improvements required have been satisfactorily completed and recommends the release of the guarantees for #12 Manzo Court Block 97, Lot 1.07.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the cash bond in the amount of \$5,000.00 associated with this project be released.

BE IT FURTHER RESOLVED that the original performance guarantee and cash bond posted for the entire development shall remain in place.

R-19-034 RESOLUTION - REDUCING PERFORMANCE GUARANTEES 7th DAY, LLC BLOCK 146, LOTS 6.01 AND 7

WHEREAS, the developer for 7th Day, LLC has requested a reduction of Performance Guarantees; and

WHEREAS, by letter dated January 28, 2019 (said letter hereby attached and made part of this resolution) the Borough Engineer (T&M Associates) recommends that the Performance Guarantee be reduced based on the amount of work completed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for 7th Day LLC be reduced in accordance with said letter from the Borough Engineer.

R-19-035 RESOLUTION – REFUNDING ZONE PERMIT APPLICATION NEW HOME FEE– TOLL BROTHER’S INC. - \$250.00

WHEREAS, a zone permit fee in the amount of \$250.00 check number 10060904, was paid by Toll Brothers Inc. and

WHEREAS, said monies were deposited by the Borough of Tinton Falls during the month of October 2018; and

WHEREAS, the applicant applied for a Zoning approval for the construction of a new home at 156 Sunset Drive and as this was a duplicate application requested a refund; and

WHEREAS, the applicant informed the Zoning Official and a full refund in the amount of \$250.00 shall be issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of 250.00 be issued to Toll Brothers, Inc.

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R-19-036 RESOLUTION – APPROVAL OF BILLS – February 5, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 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	6,069,8
SEWER UTILITY	606,4
TRUST FUNDS	16,6
GRANT FUND	5,5
GENERAL CAPITAL	132,1
ESCROW	9,0
ADDITIONS	5,046,3
TOTAL	11,886,0

ADJOURNMENT TO WORKSHOP

Mr. Seibert offered a motion to adjourn to the workshop session at 9:53 PM, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

UNFINISHED BUSINESS

Discussion – Feral Cat Colony and Related Issues – Associated Humane Society

Mr. Baldwin briefly discussed the previous history of the topic and explained that he would like council to weigh in with their thoughts on the topic, he introduced Ronnie from the Associated Humane Society who has been invited to discuss what the Associated Humane Society offer, and stated that the residents will also have an opportunity to speak.

Veronica Ehrenspeck representing the Associate Humane Society and provider of animal control in Tinton Falls- Ms. Ehrenspeck stated that in addition to the feral cat issue, the bigger issue is the turkey vulture situation. She explained that the humane society reached out to the USDA regarding dealing with the turkey vultures and learned that there are ways to get rid of the vultures. Ms. Ehrenspeck discussed the various ways to manage the flock and explained that she has been working with the property owners to manage the cat colonies and educate the feeders. She stated that her agency feels strongly that TNR (trap, neuter, release) is the best solution to this situation. Mr. Manginelli asked if there was still a TNR program offered. Ms. Eherenspeck stated that the program was eliminated however the AHS is still an advocate of the program and will work with residents on a small scale, and as an animal control agency, something must be done to help. Discussion followed regarding the cost of spaying and methods of eliminating the turkey buzzard situation. Councilwoman Fama asked how the previously presented program changed. Ms. Ehrenspeck stated that the process remains the same, however there is no longer an MOU required with the municipality. Ms. Fama stated that she would like to see a structured program and asked if the SPCA might have something to offer. Ms. Ehrenspeck stated the SPCA does have a program and that the AHS works closely with them. Councilman Pak also stressed the need to find a solution and stated banning feeding would not resolve the problem and TNR would seem to be the best solution. He stated that the borough needs to get aggressive, and with some research a program can be set in place. Ms. Ehrenspeck discussed various ways to deter the cats from staying away from their property including sprays and sound emitting devices.

Dawn Graham, 42 Sire Stakes Drive- Ms. Graham stated that the Associated Humane Society has not been helpful when she places a call to them about the feral cats in her yard. She explained that she does not want the cats in her yard and applying deterrents is an expense to residents, and expenses to treat her dog who has become ill because of the cats and buzzards. Ms. Graham stated that she believes TNR is the answer and a cohesive program would be the

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answer. Councilman Pak agreed that TNR is the answer, something has to be done and we need to work together to find an solution. Discussion followed regarding other organizations that can be used for neutering, programs that work, life span of feral cats, feeding shelters, success of TNR programs, euthanizing sick cats, and grant money for programs. Councilwoman Fama suggested that the Borough have a discussion about looking into the partnership with the Humane Society, set a plan in place and speak to Administration about putting funds in place. Discussion followed regarding moving forward to find a solution.

Council President Baldwin concluded the unfinished portion of the workshop and advised the assembly that Council would move onto the new business.

NEW BUSINESS

Discussion – Puppy Mills and Breeding Practices

Council President Baldwin asked Councilman Pak to take the lead on this discussion. Mr. Pak invited Kerry Morgenthaler to come forward to provide input regarding puppy mills.

Councilman Pak stated that the focus of this discussion will be about banning retail sale of puppies and cats to help in establishing an ordinance for introduction at a future meeting. Mr. Pak explained that Tinton Falls does not currently have retail stores for cats and dogs, and the ordinance will ultimately prevent future puppy stores from being established in the Borough. He discussed the definition of a puppy mill. Council President Baldwin asked how breeders would be affected. Councilman Pak explained that the two breeders in Tinton Falls will not be affected as they do not have store front sales. Ms. Morgenthaler stated that reputable breeders do not outsource their puppies to pet stores and explained that puppy mills are all over the country and ship the puppies like cargo to pet stores. She explained that they are forced reproduction farms and are known for inhumane treatment of the animals. Ms. Morgenthaler encouraged that an ordinance be passed as it has been in 129 other towns in New Jersey since 2012. Councilwoman Fama thanked Ms. Morgenthaler for her input this evening. Director of Law Kevin Starkey stated that the ordinance will ban retail shops and requires no distinction between a reputable breeder and a puppy mill, as the theory is that the animals sold at retail stores are obtained from puppy mills. Ms. Morgenthaler explained that people can go directly to a breeder for a puppy. Mr. Pak stated that he wanted Council to be completely informed and understand what the proposed ordinance is intended to accomplish.

ADJOURNMENT:

Mr. Pak offered a motion to adjourn, seconded by Mr. Siebert at 11:15 PM

Respectfully Submitted,

Melissa A. Hesler
Borough Clerk

APPROVED AT A MEETING HELD ON: APRIL 16, 2019