

**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
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."

All present stood for Salute to Flag.

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**STATEMENT OF ELECTION**

Borough Clerk read the following Statement of Election:

The certified results of the municipal election held on November 7, 2017 in the Borough of Tinton Falls is as follow:

Mayor	
For Vito Perillo	2,620
For Gerald Turning, Sr.	2,323
Council-Member-At-Large	
For John Manginelli	3,100
For Brock Siebert	2,931

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**SWEARING CEREMONY**

Vin Gopal, U.S. Senator, swore Vito Perillo into office, Mayor of the Borough of Tinton Falls, term to expire December 31, 2021.

Thomas Arnone, Monmouth County Freeholder, swore John Manginelli into office, Councilmember-at-Large of the Borough of Tinton Falls, term to expire December 31, 2021.

Thomas Arnone, Monmouth County Freeholder, swore Brock Siebert into office, Councilmember-at-Large of the Borough of Tinton Falls, term to expire December 31, 2021.

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**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Maureen L. Muttie, Borough Clerk  
Brian M. Nelson, Director of Law  
Vito Perillo, Mayor  
Elizabeth Perez, Administrator  
Thomas Fallon, Director of Finance  
Thomas Neff, Borough Engineer

**COUNCIL REORGANIZATION**

**Appointment of Council President**

*Mr. Manginelli offered a motion to open the nominations for the appointment of Council President, seconded by Ms. Fama.*

*Mr. Manginelli offered a nomination of Gary Baldwin for Council President, seconded by Ms. Fama.*

**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

*There being no further nominations, Ms. Fama offered a motion to close the nominations, seconded by Mr. Manginelli.*

**ROLL CALL** (to appoint Gary Baldwin as Council President)

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

NAYS: Mr. Pak

ABSENT: None

ABSTAIN: None

**Appointment of Deputy Council President**

*Mr. Pak offered a motion to open the nominations for the appointment of Deputy Council President, seconded by Mr. Siebert.*

*Mr. Baldwin offered a nomination of John Manginelli for Deputy Council President, seconded by Mr. Pak.*

*There being no further nominations, Ms. Fama offered a motion to close the nominations, seconded by Mr. Manginelli.*

**ROLL CALL** (to appoint John Manginelli as Deputy Council President)

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**STATEMENTS OF NEWLY ELECTED OFFICIALS**

Mayor Perillo made a statement thanking everyone for their support especially his family. He expressed disappointment at not having his Borough Attorney or Administrator appointed at this time but thanked the council members for their assistance in this matter. He announced the formation of a Mayor's Advisory Committee with an invitation to anyone interested to notify his office.

Councilmen Manginelli stated he is looking forward to serving the community and thanked everyone for their support.

Councilmen Siebert stated he was both humbled and honored by everyone who voted for him and thanked everyone for their support and assured them he has listened to their concerns. He thanked his family for their support and patience. Also, he thanked Councilmen Roche and Mayor Turning for their dedication and service over the last four years as well as all the volunteer services in the Borough. He continued to state his aspirations for Tinton Falls and the work ahead he was ready to tackle.

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**APPOINTMENT OF DIRECTORS**

**Department of Audit, Accounts & Control/CFO**

Mayor Perillo announced that his appointment is Thomas Fallon as the Director, Department of Audit, Accounts & Control and Chief Financial Officer

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

Ms. Muttie read the Resolution No. R-18-001 title: **RESOLUTION RATIFYING APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF AUDIT, ACCOUNTS & CONTROL AND REAPPOINTMENT AS CHIEF FINANCIAL OFFICER**

**WHEREAS**, pursuant to section 2-10 of the General Revised Ordinances of the Borough of Tinton Falls there shall be a Department of Audit Accounts & Control, the head of which shall be the Director; and

**WHEREAS**, N.J.S.A. 40A:9-140.10 requires that in every municipality there shall be a chief financial officer appointed by the governing body of the municipality; and

**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

**WHEREAS**, N.J.S.A. 40A:9-140.8 provides that “any person who has served as the chief financial officer of a municipality for four consecutive years and who is reappointed as that municipality’s chief financial officer shall be granted tenure of office”; and

**WHEREAS**, N.J.S.A. 40A:9-140.10 further provides that the term of the office of Chief Financial Officer shall be four years, which shall run from January 1, in the year in which the Chief Financial is appointed; and

**WHEREAS**, the Borough’s Chief Financial Officer was appointed pursuant to Resolution No. 14-003 for a term extending from January 1, 2014 through December 31, 2017.

**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 ratifies the appointment of Thomas P. Fallon as Director of the Department of Audit, Accounts & Control.

**BE IT FURTHER RESOLVED** that Thomas P. Fallon shall also be reappointed as Chief Financial Officer, and therefore, be granted tenure pursuant to N.J.S.A. 40A:9-140.8.

**ROLL CALL**

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

**Department of Public Works**

Mayor Perillo announced that his appointment is Gary Gebele as the Director, Department of Public Works

*Mr. Pak offered the following Resolution and moved its adoption, seconded by Mr. Siebert.*

Ms. Muttie read the Resolution No. R-18-002 title: **R-18-002 - RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR, DEPARTMENT OF PUBLIC WORKS**

**BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the appointment of Gary Gebele as Director, Department of Public Works by Mayor Vito Perillo, is hereby confirmed.

**ROLL CALL**

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

*Resolutions R-18-003 Department of Administration/Public Safety and R-18-004 Department of Law were pulled from the agenda by Mr. Baldwin*

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**APPOINTMENT OF ENGINEERING**

Ms. Muttie read the Resolution No. R-18-005 title: **RESOLUTION – CONFIRMING APPOINTMENT OF BOROUGH ENGINEER**

**BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the appointment of Thomas Neff as Borough Engineer, by Mayor Vito Perillo, is hereby confirmed.

*Mr. Pak offered the following Resolution and moved its adoption, seconded by Ms. Fama.*

**ROLL CALL**

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

**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

**MAYOR'S APPOINTMENTS TO PLANNING BOARD**

Mr. Baldwin announced Mayor Perillo's appointments to the Planning Board:

Charles Crowley	Class I	4 Year Term: 01/01/2018 to 12/31/2021
Daniel Romanov	Class II	1 Year Term: 01/01/2018 to 12/31/2018
Lauren Mayer	Class IV	4 Year Term: 01/01/2018 to 12/31/2019
Frank Lodato	Class IV	4 Year Term: 01/01/2018 to 12/31/2021
Bruce Michalowski	Alt #2	2 Year Term: 01/01/2018 to 12/31/2019

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Mayor's Report – Vito Perillo**

Mayor Perillo had no report.

**Engineer's Report – Thomas Neff**

Mr. Neff reported on the performance guarantee reduction for Regency Trotter's Point.

Mr. Manginelli requested an update on the Hance Avenue light. Mr. Neff stated Monmouth County Engineers have been working with a consultant on that project and have done traffic studies in the area and will be meeting with the Borough soon.

Ms. Fama requested an update on the Library project. Mr. Neff stated they are getting their plans organized and expect within the month to have made progress on the project.

**Finance Director – Thomas Fallon**

Mr. Fallon thanked the Mayor and Council for his reappointment. He reported that the State has extended the date for the introduction of the budget from February 10<sup>th</sup> to March 16<sup>th</sup> and he will be introducing our budget at one of the Council meetings March.

**Administrator's Report – Elizabeth Perez**

Ms. Perez welcomed the Mayor and new Councilmember and stated that she is looking forward to working with everyone.

**Director of Law – Brian Nelson**

Mr. Nelson welcomed the Mayor and new Councilmember and stated that he is looking forward to working with everyone.

**Borough Clerk's Report – Ms. Muttie**

Ms. Muttie welcomed the Mayor and new Councilmember and stated she is looking forward to working with everyone.

**Council's Report**

Ms. Fama welcomed the Mayor and new Councilmember and stated she is looking forward to working with everyone in 2018.

Mr. Pak welcomed the new Mayor and acknowledged former Mayor Turning, Sr. in the audience and outgoing School President Peter Karavites and thanked them for their service to the community.

Mr. Siebert congratulated all the Fire Chiefs and EMS personnel who were sworn in yesterday.

Mr. Manginelli welcomed the Mayor and is looking forward to working with him. He also complimented the Borough employees for always doing a great job and would like to keep it that way.

Mr. Baldwin welcomed the Mayor and offered to assist him whenever he may require and stated how much the Council appreciates our residents and they can contact any member whenever they wish.

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**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

**PETITIONS** - None

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**ORDINANCES FOR INTRODUCTION** - None

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**ORDINANCES FOR FINAL CONSIDERATION** - None

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

*Mr. William Holobowski, 56 Neville Street* – Mr. Holobowski wanted to know the rationale for declining to support Mayor Perillo’s Director of Law recommendation and how does the nomination process work.

Mr. Baldwin stated that discussions are ongoing and the Council will not make a move until the Mayor makes the nomination for the Director of Law and further explained the Council’s advice and consent and the nomination process.

*Mr. Gerry Turning, Sr., 32 Periwinkle Circle* – Mr. Turning congratulated Mayor Perillo and Councilmembers Siebert and Manginelli. Mr. Turning had questions concerning the campaign flyer distributed by Mayor Perillo. Mayor Perillo had no comment to the questions and stated the campaign is over.

*Mr. David Elko, 692 Tinton Avenue* – Mr. Elko commented that we should move on from the campaign and stated that he has every confidence that the Council will work with Mayor Perillo and we should move forward for the good of the Borough.

*Ms. Lauren Mayer, 46 Sam Drive* – Ms. Mayer stated she is pleased to be appointed to the Planning Board. Mr. Baldwin stated Ms. Mayer had also served on the Environmental Commission and is glad to have her on the Planning Board.

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

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER** - None

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**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

**RESOLUTIONS**

*Ms. Fama offered a motion for Resolution R-18-006, seconded by Mr. Siebert.*

**R-18-006 - RESOLUTION APPOINTING CLASS III MEMBER TO PLANNING BOARD**

**BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that Gary A. Baldwin is hereby appointed as the Borough Council's appointment to the Planning Board as a Class III Member. Term to expire December 31, 2018.

**ROLL CALL** (to appoint Gary Baldwin, Class III Member of the Planning Board)

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Resolution R-18-007 title: **APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT**

**R-18-007 - RESOLUTION – APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT**

**BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the following members be appointed to the Borough of Tinton Falls Zoning Board of Adjustment:

Charles Lomangino	Regular Member	Term to Expire 12/31/2021 (4-Year Term)
Marc McKinley	Regular Member	Term to Expire 12/31/2021 (4-Year Term)
Sandra Berk	Alternate Member #1	Term to Expire 12/31/2019 (2-Year Term)

*Mr. Pak offered a motion for Resolution R-18-007, seconded by Mr. Siebert.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Resolution R-18-008 title: **APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION**

**R-18-008 - RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION**

**BE IT RESOLVED**, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Jonathan Cohen	Regular Member – Term 01/01/2018 – 12/31/2020
Robert Markoff	Regular Member – Term 01/01/2018 – 12/31/2020
Vincent DeVita	Alt. Member #2 – Term 01/01/2018 – 12/31/2019

*Ms. Fama offered a motion to approve Resolution R-18-008, seconded by Mr. Pak.*

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Muttie read Resolution R-18-009: **APPOINTING MEMBERS OF HISTORIC COMMISSION**

**R-18-009 - RESOLUTION – APPOINTING MEMBERS OF HISTORIC COMMISSION**

**BE IT RESOLVED**, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

Kerri Sullivan	Class C Member	Term 01/01/2018 – 12/31/2021
Linda Zucaro	Class C Member	Term 01/01/2018 – 12/31/2021
Andres Palomino	Alternate #2	Term 01/01/2018 – 12/31/2019

*Mr. Pak offered a motion to approve Resolution R-18-009, seconded by Mr. Siebert.*

**ROLL CALL**

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

Ms. Muttie read Resolution R-18-010: **APPOINTING MEMBERS OF SHADE TREE COMMISSION**

**R-18-010 - RESOLUTION – APPOINTING MEMBERS OF SHADE TREE COMMISSION**

**BE IT RESOLVED**, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Gloria Marchetti	Term 01/01/2018 - 12/31/2022
John Gambino	Term 01/01/2016 - 12/31/2020 ( <i>for the unexpired term</i> )

*Ms. Fama offered a motion to approve Resolution R-18-010, seconded by Mr. Siebert.*

**ROLL CALL**

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

Ms. Muttie read Resolution R-18-011: **APPOINTING COUNCIL LIAISONS**

**R-18-011 - RESOLUTION - APPOINTING COUNCIL LIAISONS**

**BE IT RESOLVED** that the Borough Council of the Borough of Tinton Falls appoints the following liaisons for a one-year term to expire December 31, 2018:

Board of Education Liaison	Councilman Christopher Pak
Environmental Commission Liaison	Councilman Brock Siebert
Library Liaison	Councilwoman Nancyanne Fama

*Mr. Pak offered a motion to approve Resolution R-18-011, seconded by Ms. Fama.*

**ROLL CALL**

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

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**CONSENT AGENDA**

*Mr. Pak offered a motion to table Resolutions R-18-020 to R-18-029, seconded by Mr. Siebert.*

**ROLL CALL**

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

**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

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

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

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

NAYS: None

ABSENT: None

ABSTAIN: None

**R-18-012 - RESOLUTION OVERRIDING AND DISAPPROVING OF THE  
REMOVAL OF THE DIRECTOR OF LAW**

**WHEREAS**, by letter dated December 27, 2017, Mayor-Elect Vito Perillo notified the Borough Council of his intent to remove the Borough's current Director of Law effective upon his taking office on January 1, 2018; and

**WHEREAS**, pursuant to N.J.S.A. 40:69A-43(c) "[p]rior to removal the mayor shall first file written notice of his intention with the council, and such removal shall become effective on the 20th day after the filing of such notice unless the council shall prior thereto have adopted a resolution by a two-thirds vote of the whole number of the council, disapproving the removal"; and

**WHEREAS**, section 2-7.2(b) of the General Revised Ordinances of the Borough mirror the applicable provisions of the Faulkner Act (N.J.S.A. 40:69A-43(c)); and

**WHEREAS**, within 20 days of the above-referenced notice's effective date, the Borough Council disapproves of the Mayor's removal of the current Director of Law and encourages the Mayor to consider his reappointment.

**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 pursuant to N.J.S.A. 40:69A-43(c) and section 2-7.2(b) of the General Revised Ordinances of the Borough, the Borough Council hereby overrides and disapproves of the Mayor's removal of Brian M. Nelson, Esq. as Director of Law of the Borough of Tinton Falls who shall holdover in such position pursuant to law.

**R-18-013 - RESOLUTION – 2018 TEMPORARY MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40a:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2018 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, the date of this resolution is within the first thirty days of January 2018; and

**WHEREAS**, the total appropriations in the 2017 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$23,107,463 and \$5,104,000 for the General Budget and Sewer Utility Budget respectively; and

**WHEREAS**, 26.25% of the total appropriations in the 2017 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2017 budget is the sum of \$6,065,709 and \$1,339,800 for the General Budget and Sewer Utility Budget respectively.

**NOW, THEREFORE, BE IT RESOLVED** that the following schedule of temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

**R-18-014 - RESOLUTION - 2018 DEBT SERVICE**

**WHEREAS**, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20th of the year preceding the beginning of the fiscal year; and

**WHEREAS**, the date of this resolution is subsequent to December 19, 2017; and

**WHEREAS**, principal and interest will be due on various dates from January 1, 2018 to December 31, 2018, inclusive, on bonds issued and outstanding.

**NOW, THEREFORE, BE IT RESOLVED** that the following appropriations be made to cover the period from January 1, 2018 to December 31, 2018 inclusive:



**REORGANIZATION/REGULAR MEETING  
JANUARY 2, 2018  
BOROUGH COUNCIL**

DEBT SERVICE – CURRENT FUND

Principal on Bonds	\$1,640,000
Interest on Bonds	596,063
Interest on Notes	44,519
	\$2,280,582

**R-18-015 - RESOLUTION - AMENDING R-01-003 AUTHORIZING CASH MANAGEMENT PLAN**

**WHEREAS**, R-01-003 Authorizing Cash Management Plan was adopted by the Borough Council of the Borough of Tinton Falls on January 2, 2001; and

**WHEREAS**, the adopted Cash Management Plan included a list of designated depositories of the Borough of Tinton Falls; and

**WHEREAS**, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

Kearny Federal Savings Bank  
TD Bank  
Two River Community Bank  
Investors Savings Bank  
N.J. Cash Management Fund

**WHEREAS**, the banks listed above with the exception of State of NJ Cash Management Fund have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A.19:44A-20.26 (P.L. 2005 c.271, s2). In addition, all banks are protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that Resolution R-01-003 be and is hereby amended as stated above.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer and/or designated Borough Officials are hereby authorized to execute any documents and/or contracts as required by the individual depositories.

**BE IT FURTHER RESOLVED**, that the Borough’s authorized signatories are the Mayor, Borough Administrator, Chief Financial Officer and Tax Collector.

**R-18-016 - RESOLUTION – AUTHORIZING PETTY CASH FUNDS**

**BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that petty cash funds be the same are hereby established for the following Departments in the amounts specified:

Department of Audit, Accounts & Control (Administered by Tax Collector)	\$250.00
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**R-18-017 - RESOLUTION – DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE  
BOROUGH OF TINTON FALLS**

**BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the Asbury Park Press, The Coaster and the Newark Star Ledger are hereby designated as the official newspapers for the Borough of Tinton Falls pursuant to N.J.S.A. 40:53-1.

**R-18-018 - RESOLUTION AUTHORIZING PURCHASE UNDER  
NATIONAL JOINT POWERS ALLIANCE**

**WHEREAS**, the Tinton Falls Department of Public Works is in need of one (1) 2018, Ford Super Duty F550 Truck with utility crane body; and

**WHEREAS**, the Borough of Tinton Falls is a current member of the National Joint Power Alliance as approved by Resolution #R-16-123; and

