

**REORGANIZATION/REGULAR MEETING
JANUARY 7, 2020
BOROUGH COUNCIL**

Deputy Council President Manginelli 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.

STATEMENT OF ELECTION

Melissa Hesler, Borough Clerk read the following Statement of Election:

Petitions were filed by seven Candidates to fill three seats for Councilmember-At-Large. The Majority total that was required to avoid a runoff election was 1,985. The results of the municipal election held November 5, 2019 in the Borough of Tinton Falls as certified by the County Clerk are as follows:

Tracy Buckley: 2,275
Mike Nesci: 2,256
Risa Clay: 2,233
Donald Michaels: 1,516
Ronald Wollner: 1,461
Kenneth Asmar: 1,333
Lawrence A. Dobrin: 488

At this time Deputy Council President Manginelli recognized Senator Gopal, Assemblyman Houghtaling, and Judge Peterpaul who are present at tonight's meeting.

SWEARING IN CEREMONY

Tracy A. Buckley was sworn into the office of Councilmember-At-Large by Municipal Court Judge Luanne Peterpaul of the City of Long Branch.

Risa Clay was sworn into the office of Councilmember-At-Large by Senator Vin Gopal.

Michael J. Nesci was sworn into the office of Councilmember-At-Large by Senator Vin Gopal.

ROLL CALL

PRESENT: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Thomas Fallon, Acting Borough Administrator/Director of Finance

Thomas Neff, Borough Engineer

STATEMENT OF NEWLY ELECTED OFFICIALS

Councilwoman Buckley thanked everyone for attending this evening, friends who have joined us from other towns and around New Jersey. She recognized our elected officials Senator Gopal, Senator Houghtaling and Judge Peterpaul and thanked them for their attendance this evening and participating in the swearing-in ceremony. She stated that she is looking forward to her four-year term working to serve the residents of the Borough together with Council and Administration.

Councilwoman Clay began by thanking everyone for attending and welcomed the various elected officials who are here this evening. She extended her sincerest thanks for all the support the Tinton Falls voters showed her in this election. Mrs. Clay thanked her running mates, her husband, and her family for their support and patience throughout this entire process. She expressed that she is looking forward to working cooperatively with this Council, Administration and the Community and building bridges with our community members.

Councilman Nesci also welcomed everyone here tonight, he thanked their supporters who helped them with their campaign. He also thanked his family and fellow Councilmembers for their guidance during this transition period. He stated that is looking forward to working alongside Council, Administration, and the Borough residents.

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COUNCIL REORGANIZATION AND SWEARING IN

Appointment of Council President

Deputy Council President Manginelli offered a nomination of Councilwoman Buckley for Council President and asked for a motion for her nomination.

Mr. Nesci offered a motion to nominate Ms. Buckley for Council President, seconded by Mrs. Clay.

Deputy Council President Manginelli asked if there were any other nominations for Council President, hearing none Mr. Manginelli asked for a roll call.

ROLL CALL (to appoint Tracy Buckley as Council President)

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: None

Appointment of Deputy Council President

Council President Buckley offered a nomination of Councilwoman Clay for Deputy Council President and asked for a motion for her nomination.

Mr. Siebert offered a motion to nominate Mrs. Clay for Deputy Council President, seconded by Mr. Nesci.

Councilman Manginelli asked if there were any other nominations for Deputy Council President, hearing none Mr. Manginelli asked for a roll call.

ROLL CALL (to appoint Risa Clay as Deputy Council President)

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: None

At this time Councilman Manginelli turned the meeting over to Council President Buckley.

Swearing-In of Council President and Deputy Council President

At this time Ms. Hesler invited Senator Gopal to swear in the Council President and Deputy Council President.

Tracy Buckley was sworn-in as Council President by Senator Vin Gopal, while Councilwoman Clay held the bible.

Risa Clay was sworn-in as Deputy Council President by Senator Vin Gopal, while Council President Buckley held the bible.

MAYOR'S APPOINTMENTS TO PLANNING BOARD

Mayor Perillo announced his appointments to the Planning Board:

Daniel Romanov	Class II	1 Year Term ending December 31, 2020
Robert Clayton	Class IV	4 Year Term ending December 31, 2023
Sharon Brown	Class IV	4 Year Term ending December 31, 2023
Robert Markoff	Class IV	4 Year Term ending December 31, 2023
Joseph Mirarchi	Class IV	Fills Unexpired Term ending December 31, 2020
Susan Hamilton	Alternate #2	2 Year Term ending December 31, 2021

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Director of Law- Kevin Starkey

Council President Buckley asked Mr. Starkey to provide an update on the status of the Borough Administrator position. Mr. Starkey reported that Michael Skudera resigned from his position as Borough Administrator today, effective immediately. Mr. Skudera resigned in good-standing to pursue other endeavors. Mayor Perillo has temporarily appointed Chief Financial Officer Tom Fallon to serve as Acting Borough Administrator. Mr. Starkey explained that the Borough will begin the search for a new Business Administrator, who will be appointed by the Mayor and subject to the advice and consent of the Borough Council.

Director of Finance/ Acting Borough Administrator- Thomas Fallon

Mr. Fallon welcomed everyone and congratulated the newly sworn in Councilmembers, he stated that he looks forward to working with each of them. Mr. Fallon reported that the New Jersey State Library has finally released the Library Construction Grant Application. He spoke with the Library Board President this morning to ensure that the library and

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the Borough are on the same page as to the preparation and submittal of the application. The Library Board and its professionals will take the lead, and the Borough will be available to provide any assistance necessary to complete the application. The Borough Council will have to pass a few Resolutions prior to the application due date which is April 6, 2020. The Mayor will include the \$150,000 appropriation in the 2020 Municipal Budget that will be presented to Council for this project. Mr. Fallon also reported that the Borough has been awarded a \$200,000 Open Space Grant from Monmouth County for the Traditions property. Only 14 municipalities in our County received grants, and the maximum award was \$250,000. He thanked Borough Engineer Tom Neff for his work in putting together an excellent application. This project along with many others will be included in the Borough's 2020 Capital Improvement Budget.

Engineer's Report- Thomas Neff

Mr. Neff congratulated the newly appointed Councilmembers, and stated that he looks forward to working with all of them. He reported that there is a Planning Board meeting tomorrow, January 8, 2020. In addition to their Reorganization meeting, there is a rather large application on the agenda. The application JSM at Tinton Falls is for a warehouse and there is no known tenant at this time. However, it appears to be a shipping/receiving facility.

Mayor's Report- Vito Perillo

Mayor Perillo had no report this evening, however he congratulated the newly appointed Councilmembers. After speaking with each of them, Mayor Perillo is pleased to see that their only interest is to serve the Borough of Tinton Falls to the best of their ability.

Borough Clerk's Report- Melissa A. Hesler

Ms. Hesler had no report.

Council's Report

Mrs. Clay had no report.

Mr. Manginelli had no report.

Mr. Nesci had no report.

Mr. Siebert congratulated the new Councilmembers.

Ms. Buckley 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. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Brendan Tobin, 5 Chestnut Court- Mr. Tobin offered his congratulations to the newly appointed Councilmembers, he stated that as a former Councilman he understands exactly what they are going through. He urged them to get to know their Borough Clerk and work closely alongside her. He also stressed the importance of this Council working together as a team.

Rita Kondoleon, 23 Columbia Drive- Ms. Kondoleon is a teacher in Ocean Township, and she is pleased to hear about the Tinton Falls library. She thanked Mayor Perillo for his \$150,000 appropriation for the year 2020, however she inquired about the 2018-2019 budget and if there were any appropriations included. Mr. Fallon explained that the 2019 appropriation was not put into the budget. She also inquired about the 2018 budget appropriations and Mr. Fallon explained a portion was used for the architect with the remainder of the money going into surplus to stabilize property taxes.

Mitch Kulberg, 21 Cedar Place- Mr. Kulberg congratulated the new members and stated that he is excited to see the new and existing councilmembers work together. He believes that each and everyone of them truly have the best interests of the Borough in mind. Mr. Kulberg stated that he is very happy to hear about the library moving forward. He reported that the Monmouth Regional High School's strategic planning event is coming up on January 31, 2020 at

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6:00 PM, and February 1, 2020 at 9:00 AM. Councilman Siebert thanked Mr. Kulberg for informing everyone about the event and stated that there are flyers outside the door for anyone interested in attending.

Senator Vin Gopal- Senator Gopal reported that he is working on putting together a meeting with NJDEP in regard to the Monmouth County Reclamation Center. The event will take place on Thursday, January 30, 2020 at 6:00 PM, and will potentially be held at Borough Hall. He invited the Mayor and Council to attend along with members of the public. He stated that the overall goal of this meeting is to have representatives of the DEP to answer any questions and concerns residents may have. Senator Gopal has also invited the Monmouth County Freeholders to attend as well. There will be a flyer with more information out shortly.

Charlie Lomangino, 3 Helena Street- Mr. Lomangino stated that he would like to see this Council set up a citizen's committee to oversee issues at the Monmouth County Reclamation Center.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg also congratulated the new Councilmembers and stated that she expects that they will do a great job. She thanked Councilman Siebert for his commitment to the Environmental Commission over this past year. Ms Goldberg stated that as Council liaison Mr. Siebert attended nearly all of their meetings and showed a great sense of motivation to help them with some of their projects. She looks forward to working with Ms. Buckley, the new Environmental Commission Council liaison and stated that she is also looking forward to working with Mr. Siebert, as he is the new Council liaison to the library. Ms. Goldberg commended all who were involved with producing a great Borough recycling calendar this year.

There being no further comments from the public, Mr. Siebert 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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS

Ms. Hesler read Resolution R-20-001 entitled: RESOLUTION RATIFYING APPOINTMENT OF JUDGE OF THE MUNICIPAL COURT

R-20-001 RESOLUTION RATIFYING APPOINTMENT OF JUDGE OF THE MUNICIPAL COURT

WHEREAS, pursuant to N.J.S.A. 2B:12-4, the term of the Borough's prior municipal court judge expired effective December 31, 2019, therefore, requiring a new appointment for a full three year term; and

WHEREAS, since October 2015, Susan Schroeder Clark, Esq. has been serving as the Judge of the Municipal Court; and

WHEREAS, effective January 1, 2020, the Mayor appointed Susan Schroeder Clark, Esq. as Judge of the Municipal Court for a full three year term pursuant to N.J.S.A. 2B:12-4.

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 Mayor's appointment of Susan Schroeder Clark, Esq. as Judge of the Municipal Court of the Borough of Tinton Falls to serve for a full term.

Mr. Siebert offered a motion to adopt Resolution R-20-001, seconded by Mrs. Clay.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: None

At this time Judge Clark will be sworn-in by Mayor Vito Perillo. Judge Clark asked her Court staff and husband to please join her. Susan Schroder Clark was sworn into a three year term as Judge of the Municipal Court by Mayor Vito Perillo.

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Judge Clark took this opportunity to extend her utmost appreciation for her staff, and stated that after a long court day they are here tonight to support her. They are the most hardworking staff and she is so proud of all that they do, she cannot thank them enough for being here tonight.

Ms. Hesler read Resolution R-20-002 entitled: APPOINTING CLASS III MEMBER TO THE PLANNING BOARD

R-20-002 RESOLUTION – APPOINTING CLASS III MEMBER TO PLANNING BOARD

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Michael J. Nesci is hereby appointed as the Borough Council’s appointment to the Planning Board as a Class III Member. Term to expire December 31, 2020.

Mr. Siebert offered a motion to adopt Resolution R-20-002, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-20-003 entitled: APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

R-20-003 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:

Ronald Battista	Regular Member Term to Expire 12/31/2023 (4- Year Term)
Ronald Palmieri	Regular Member Term to Expire 12/31/2023 (4- Year Term)
Sheila Hatami	Regular Member Term to Expire 12/31/2023 (4- Year Term)
Sandra Berk	Alternate Member #1 Term to Expire 12/31/2021 (2-Year Term)

Mrs. Clay offered a motion to adopt Resolution R-20-003, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-20-004 entitled: APPOINTING MEMBERS OF THE ENVIRONMENTAL COMMISSION

R-20-004 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.

Frank Devita	Regular Member - Term 01/01/2020 - 12/31/2022
Vincent Devita	Regular Member - Term 01/01/2020 - 12/31/2022
Ellen Goldberg	Regular Member - Term 01/01/2020 - 12/31/2022
Colleen T. Fay	Alt. Member #2 - Term 01/01/2020 - 12/31/2021

Mr. Siebert offered a motion to adopt Resolution R-20-004, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Hesler read Resolution R-20-005 entitled: APPOINTING MEMBERS OF THE HISTORIC COMMISSION

R-20-005 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.

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Michael Lee	Class B Member	Term 01/01/2020 – 12/31/2023
Andres Palomino	Class C Member	fills unexpired term ending 12/31/2021
David Tripold	Alternate Member #1	fills unexpired term ending 12/31/2020

Mr. Manginelli offered a motion to adopt Resolution R-20-005, seconded by Mrs. Clay.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert
NAYS: None
ABSENT: None
ABSTAIN: None

Ms. Hesler read Resolution R-20-006 entitled: APPOINTING MEMBERS OF SHADE TREE COMMISSION

R-20-006 RESOLUTION – APPOINTING MEMBERS TO THE SHADE TREE COMMISSION

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

Elizabeth Carney	Term 01/01/2020 – 12/31/2024
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Mr. Siebert offered a motion to adopt Resolution R-20-006, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert
NAYS: None
ABSENT: None
ABSTAIN: None

Ms. Hesler read Resolution R-20-007 entitled: APPOINTING COUNCIL LIAISONS

R-20-007 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, 2019:

Board of Education Liaison	Councilwoman Risa Clay
Environmental Commission Liaison	Councilwoman Tracy A. Buckley
Library Liaison	Councilman Brock Siebert
Historic Commission Liaison	Councilman John Manginelli
Zoning Board Liaison	Councilman John Manginelli

Mr. Siebert offered a motion to adopt Resolution R-20-007, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert
NAYS: None
ABSENT: None
ABSTAIN: None

CONSENT AGENDA

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

ROLL CALL

AYES: Ms. Buckley, Mrs. Clay, Mr. Manginelli, Mr. Nesci, Mr. Siebert
NAYS: None
ABSENT: None
ABSTAIN: None

R-20-008 RESOLUTION – 2020 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 2020 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 2020; and

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WHEREAS, the total appropriations in the 2019 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$23,688,339 and \$5,675,070 for the General Budget and Sewer Utility Budget respectively; and

WHEREAS, 26.25% of the total appropriations in the 2019 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2019 budget is the sum of \$6,218,189 and \$1,489,706 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-20-009 RESOLUTION - 2020 DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirement 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, 2019; and

WHEREAS, principal and interest will be due on various dates from January 1, 2020 to December 31, 2020, inclusive, on bonds issued and outstanding.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2020 to December 31, 2020 inclusive:

DEBT SERVICE – CURRENT FUND

Principal on Bonds	\$1,640,000
Interest on Bonds	467,488
Interest on Notes	93,739
	\$2,201,227

R-20-010 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.

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R-20-011 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-20-012 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-20-013 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #1-20 BOROUGH ENGINEER

WHEREAS, the Borough of Tinton Falls has a need for a professional Borough Engineer for various matters that may arise during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from engineering firms for said services, and four (4) proposals were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed the proposals received and it was determined the firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 satisfies the requisites contained in the Request for Proposals to be considered for professional Engineering services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$168.00 per hour for an amount not to exceed \$155,000.00 plus miscellaneous reimbursables for engineering services; and

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

1. The firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby retained to provide Borough engineering services at the hourly rate of \$168.00 for Borough Engineer, as well as other hourly rates listed in their proposal, for an amount not to exceed \$155,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2020.

2. This contract is awarded through the “fair and open” process in accordance with NJSA 19:44A-20.5 et. seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract and the Determination of Value shall be placed on file with the Borough Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability as follows, contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budgets: General Engineering, General Storm Water Management, Open Space Fund and Sewer Utility: \$155,000.00

R-20-014 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #2-20 LABOR COUNSEL SERVICES

WHEREAS, the Borough of Tinton Falls has a need for professional Labor Counsel services for various matters that may arise during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from legal firms for said services, and nine (9) proposals were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firm of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830 satisfies the requisites contained in the Request for Proposals to be considered for professional Labor Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$165.00 per hour for an amount not to exceed \$40,000.00, plus miscellaneous reimbursables for professional Labor Counsel Services; and

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

1. The firm of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830 is hereby retained to provide professional Labor Counsel services at an hourly rate of \$165.00 per hour for an amount not to exceed \$40,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2020.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget: Legal: \$40,000.00

R-20-015 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #3-20 BOND COUNSEL SERVICES

WHEREAS, the Borough of Tinton Falls has a need for professional Bond Counsel services as may be required by the Borough during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from legal firms for said services and six (6) proposals were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed all proposals received and it was determined that Gluck Walrath LLP, 11 Wharf Avenue, Red Bank, NJ 07701, satisfies the requisites contained in the request for proposals to be considered for professional Bond Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed and hourly rates in the proposal with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

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

1. The firm of Gluck Walrath LLP, 11 Wharf Avenue, Red Bank, NJ 07701 is hereby retained to provide professional bond counsel services for the unit price or fixed fee amounts and hourly rates listed in their proposal for a term expiring December 31, 2020.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

R-20-016 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #4-20 AFFORDABLE HOUSING COUNSEL SERVICES

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Counsel services that may arise during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from legal firms for said services, and two (2) proposal were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firm of Pashman, Stein, Walder & Hayden PC , 28 Leroy Place, Red Bank, NJ 07701, satisfies the requisites contained in the Request for Proposals to be considered for professional Affordable Housing Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$185.00 per hour for an amount not to exceed \$35,000.00, plus miscellaneous reimbursables for professional Affordable Housing Counsel services; and

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

1. The firm of Pashman, Stein, Walder & Hayden PC , 28 Leroy Place, Red Bank, NJ 07701 is hereby retained to provide professional Affordable Housing Counsel services at an hourly rate of \$185.00 per hour for an amount not to exceed \$35,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2020.
2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget as follows: Affordable Housing Trust \$30,000.00 Legal \$5,000.00

R-20-017 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #5-20 SPECIAL/CONFLICTS COUNSEL SERVICES

WHEREAS, the Borough of Tinton Falls has a need for professional Special/Conflicts Counsel services that may arise during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from legal firms for said services, and eleven (11) proposals were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firms of McOmber & McOmber, 54 Shrewsbury Avenue, Red Bank, NJ 07701, LaCorte, Bundy, Varady and Kinsella, 97 Apple Street, Suite 7, Tinton Falls, NJ 07724, Hill Wallack, LLP, 2 Bridge Avenue, Suite 211, Red Bank, NJ 07701, Durkin & Durkin, LLC, 1120 Bloomfield Avenue, P.O. Box 1289, West Caldwell, NJ 07007-9452 and Gene J. Anthony Esq., 48 South Street, Eatontown, NJ 07724 satisfy the requisites contained in the Request for Proposals to be considered for professional Special/Conflict Counsel services including Redevelopment of Fort Monmouth and any other matters that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for an hourly rate of \$150.00 per hour for Conflict Matters as well as for Redevelopment of Fort Monmouth matters for an amount not to exceed \$17,500.00, plus miscellaneous reimbursables for professional Special/Conflicts Counsel services including Redevelopment of Fort Monmouth.

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

1. The firms of McOmber & McOmber; LaCorte, Bundy, Varady and Kinsella; Hill Wallack, LLP; Durkin & Durkin, LLC; and Gene J. Anthony are hereby retained to provide professional Special/Conflict Counsel Services and Redevelopment of Fort Monmouth Matters for a rate of \$150.00 per hour for an amount not to exceed \$17,500.00 plus miscellaneous reimbursables for a term expiring December 31, 2020.
2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget as follows: Legal \$17,500.00

R-20-018 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #6-20 BOROUGH APPRAISER

WHEREAS, the Borough of Tinton Falls has a need for a professional Borough Appraiser for various matters that may arise during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through the “fair and open” process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from appraisal firms for said services and two (2) proposal was received and documented on Wednesday, December 11, 2019; and

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WHEREAS, the Borough has reviewed the proposal received, and it was determined the firm of Gagliano & Company, 1129 Broad Street, Suite 104, Shrewsbury, NJ 07702 satisfies the requisites contained in the Request for Proposals to be considered as the Borough Appraiser during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, this contract is to be awarded for an hourly rate of \$175.00 per hour for an amount not to exceed \$17,000.00 for Appraisal Services, plus miscellaneous reimbursables.

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

1. The firm of Gagliano & Company, 1129 Broad Street, Shrewsbury, NJ 07702 is hereby retained as the Borough Appraiser for an hourly rate of \$175.00 per hour for an amount not to exceed \$17,000.00 plus miscellaneous reimbursables as listed in the proposal for a term expiring December 31, 2020.
2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget: Tax Assessor \$17,000.00

R-20-019 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #7-20 BOROUGH PLANNER

WHEREAS, the Borough of Tinton Falls has a need for professional Planning Services during the contract year January 1, 2020 through December 31, 2020; and

WHEREAS, the Borough has, through a fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals from legal firms for said services, and two (2) proposals were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed the proposals received, and it was determined the firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753, satisfies the requisites contained in the Request for Proposals to be considered for professional Planning services that the Borough may require during the contract year; and

WHEREAS, it is recommended this contract is to be awarded for an hourly rate of \$160.00 per hour for an amount not to exceed \$55,000.00 for planning services, plus miscellaneous reimbursables from January 1, 2020 through December 31, 2020; and

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753, is hereby retained to provide professional Planning services for the Borough at an hourly rate of \$160.00 per hour for an amount not to exceed \$55,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2020.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget as follows: COAH: \$30,000.00 Housing: \$25,000.00

R-20-020 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #12-20 PROFESSIONAL SERVICING & MAINTENANCE OF SEWER SYSTEM

WHEREAS, the Borough of Tinton Falls has a need for Professional Servicing and Maintenance of 15 pump stations and standby generators as well as lab sampling and flow meter reading; and

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WHEREAS, the Borough has, through the fair and open process, advertised on the website and in the Asbury Park Press Friday, November 22, 2019, the solicitation for receipt of proposals from firms for said services and one (1) proposal was received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed the proposals received, and it was determined that Hughes Environmental Services, Inc., P.O. Box 327, Forked River, NJ 08731 satisfies the requisites contained in the Request for Proposals to be considered for the Servicing and Maintenance of the pump stations; and

WHEREAS, this contract is to be awarded for an amount not to exceed as follows:
\$10,021.50 per month or \$120,258.00 for 12 months for servicing 15 pump stations;
\$ 600.00 per month or \$7,200.00 for 12 months for flow meter readings;
\$ 650.00 per quarter or \$2,600.00 for 4 months for laboratory analysis of Jumping Brook Pump Station for a total contract not to exceed \$130,058.00 from January 1, 2020 through December 31, 2020, plus \$250.00 flat rate for each emergency service call, and \$600.00 for each additional pump station added throughout the year as described in proposal; and

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

1. Hughes Environmental Services, Inc., P. O. Box 327, Forked River, NJ 08731 is hereby retained to provide Professional Servicing & Maintenance of the Sewer System for an amount not to exceed \$130,058.00, plus \$250.00 flat rate for emergency callouts described in the proposal and \$600.00 for each additional pump station added through the contract year January 1, 2020 through December 31, 2020.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession requiring licensure.

3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget: Sewer Utility \$130,058.00

R-20-021 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #13-20 PROFESSIONAL AUDITING SERVICES FOR 2020 AUDIT

WHEREAS, the Borough of Tinton Falls has a need for a professional Auditor for the 2020 audit; and

WHEREAS, the Borough of Tinton Falls has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 22, 2019, the solicitation for receipt of proposals for Auditing Services, and two (2) proposal were received and documented on Wednesday, December 11, 2019; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined the firm of Suplee, Clooney & Company, 308 East Broad Street, Westfield, NJ 07090-2122 satisfies the requisites contained in the Request for Proposals to be considered for the Auditor for the 2020 audit; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$42,150 for the 2020 Audit; and

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

1. The firm of Suplee, Clooney & Company, 308 East Broad Street, Westfield, NJ 07090-2122 is hereby retained as Borough Auditor as described above for an amount not to exceed \$42,150 for the 2020 Audit of the Borough of Tinton Falls’ financial records.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2020 Municipal Budget as follows: Division of Finance – Audit Services: \$42,150

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R-20-022 RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF TINTON FALLS AND THE MONMOUTH COUNTY S.P.C.A. FOR A TRAP, NEUTER AND RELEASE PROGRAM

WHEREAS, the Borough of Tinton Falls desires to continue to implement a Trap, Neuter and Release (“TNR”) Program in the Borough for the purpose of humanely trapping, neutering, vaccinating and spaying and neutering of feral cats; and

WHEREAS, the Monmouth County S.P.C.A. is a duly licensed animal shelter under the authority of New Jersey State Title 4 and is willing to act as the approved sponsor of said TNR Program; and

WHEREAS, there will be a \$75.00 fee per feral cat under the TNR Program, of which the Borough will be responsible for 50% (\$37.50) of said fee, not to exceed a total annual cost of \$3,750.00; and

WHEREAS, the necessary funds have been certified by the Director of Finance and are available in the Animal Control Trust Fund; and

WHEREAS, a Memorandum of Understanding (“MOU”) has been prepared by the S.P.C.A. and has been reviewed by the Borough and requires execution by the Mayor in order to implement the TNR Program; and

WHEREAS, the MOU requires the Borough to appoint a designee to represent the Borough on matters related to the TNR Program, and the Borough desires to appoint Kerry Morgenthaler as the Borough designee;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor is hereby authorized to execute the Memorandum of Understanding between the Borough of Tinton Falls and the Monmouth County S.P.C.A for the implementation of the Trap, Neuter and Release Program in the Borough; and

BE IT FURTHER RESOLVED that Kerry Morgenthaler is hereby appointed as the Borough’s designee for matters related to the TNR Program; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Monmouth County S.P.C.A. and to the Director of Finance.

R-20-023 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2020 taxes on the following property has been paid in error creating an overpayment by the Homeowner paying in error in the year of 2019.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
James E. & Leila K. Armstrong 1547 Lindy Road Littleton, NC 27850	27	24	\$12,665.29

Re: 119 Hope Road

and,

WHEREAS, said error has resulted in an overpayment of 2020 taxes in the amount of \$12,665.29, 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 \$12,665.29 is hereby approved for the aforementioned property.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:17 PM

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: