

**REGULAR MEETING
JANUARY 16, 2018
BOROUGH COUNCIL**

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

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. Siebert, Mr. Baldwin

ABSENT: Mr. Pak

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

All present stood for salute to the flag.

APPROVAL OF MINUTES

Ms. Fama offered a motion to approve the minutes of September 19, 2017. The motion was seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: Mr. Siebert

Mr. Baldwin announced that Matthew Matula, a Boy Scout from troop 49, will be presenting his Eagle Scout project to the council. Mr. Baldwin indicated that the Borough tries to assist the Scouts in the final steps toward their Eagle Scout Award.

Matthew described his project, entitled "The Crawford House Garden Restoration", which includes replacing borders around the garden beds, flower bed renovations, and drainage improvements.

Mr. Baldwin asked what start and completion dates Matthew had planned. Matthew replied that he was hoping to start in early March, and that he has been coordinating timeframes with The Community Gardens.

Ms. Fama expressed how impressed she was by Matthew's thought, execution and presentation. She further expressed that he is part of Tinton Falls' finest. Ms. Fama asked for clarification on the placement of the proposed drainage pipes, Matthew ensured her that said pipes would be placed underground. Ms. Fama also indicated that Ms. Slowinski, of the Historical Commission, has emailed council with her support of this project.

Mr. Manginelli asked if Matthew will be using pop-up drains, Matthew replied that he does plan to utilize pop-up drains.

Mr. Siebert congratulated Matthew on his project and his accomplishment on getting to this step toward Eagle Scout.

Mr. Baldwin expressed his support for Matthew and his project.

Denise Catalano, a resident, spoke in favor on the Eagle Scouts and their projects.

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REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Vito Perillo

Mayor Perillo expressed his appreciation for having his team in place.

Engineer's Report – Thomas Neff

Mr. Neff discussed the resolution releasing the Performance Guarantee upon posting of Maintenance Guarantee for IPP Solar, as well as the resolution releasing Performance Guarantee for Greenbriar Falls Phase III.

Mr. Manginelli expressed his concern that the resolution regarding Greenbriar Falls' Performance Guarantee is on tonight's agenda, as he was not aware and led residents to believe the same. Discussion ensued regarding same. Decision was made to keep the resolution on tonight's agenda.

Finance Director – Thomas Fallon- No report

Administrator – Elizabeth Perez- Ms. Perez gave a report on winter storm Grayson, and complimented the Borough's Department of Public Works, Police Department and volunteers on a great job managing the storm.

Director of Law – Brian Nelson- Mr. Nelson stated that there is an ordinance on tonight's agenda setting salaries for The Director of Administration and the Director of Public Safety, which is in line with the proposed contract also on tonight's agenda. He also stated that there will be an executive session at the end of this meeting to discuss the affordable housing settlement agreement and a PBA contract.

Borough Clerk's Report – Maureen L. Muttie- No report

Council's Report

Councilwoman Fama had no report but thanked everyone for coming to tonight's meeting. Mr. Neff let Ms. Fama know that a team went out to the library today, and will begin putting together their report. Ms. Fama thanked Mr. Neff, and stated that by the end of February we should have a report to give to the library officials.

Councilman Seibert echoed Ms. Perez's sentiments regarding the great job the town did with the storm. Mr. Seibert also stated that he had been working with Gary Gebele on the traffic light on Swimming River and Normandy Roads, and as of tonight Naval Weapons Station Earle has the signal back to normal operations.

Councilman Manginelli had no report.

Council President Baldwin reported that at last week's Planning Board meeting, final approval of forty-five (45) single family homes was given to Lennar as part of the Fort Monmouth Redevelopment Agreement. Mr. Neff confirmed that at the February 14th Planning Board meeting Lennar will be seeking approval for 243 condo/ townhome units and about 70,000 square feet of retail space.

ORDINANCES FOR INTRODUCTION

Ms. Muttie read Ordinance No. 2018-1424 entitled:

ORDINANCE SETTING SALARIES FOR CERTAIN DEPARTMENT HEADS

ORDINANCE NO. 18-1424

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE SETTING SALARIES
FOR CERTAIN DEPARTMENT HEADS**

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

WHEREAS, the Borough of Tinton Falls ("the Borough") currently has a ordinance establishing these salaries, which is updated and adopted annually; and

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

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following department head salaries be established as follows:

SECTION ONE – DEPARTMENT HEAD

Director of Administration	\$140,000
Director of Public Safety	\$ 5,000

SECTION TWO – REPEALER

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

SECTION THREE – EFFECTIVE DATE

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

Ms. Fama offered a motion to introduce Ordinance No. 2018-1424, seconded by Mr. Manginelli.

ROLL CALL

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

ORDINANCES FOR FINAL CONSIDERATION- None

PUBLIC DISCUSSION

Ms. Fama offered a motion to open the Public Discussion, seconded by Mr. Manginelli. .

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC DISCUSSION OPEN

Nancy Britton, 158 Cloverdale Circle- Ms. Britton asked if the remaining spots on the Mayor’s advisory committee had been filled. Mayor Perillo stated that all spots have been filled. Ms. Britton asked if all residents that applied for the positions had been notified of same. Mayor Perillo replied that they were contacted, and Ms. Britton questioned why she was not contacted. Mr. Baldwin advised that Mayor Perillo would speak privately with Ms. Britton on said matter after tonight’s meeting.

Gerald Turning, 32 Periwinkle Circle- Mr. Turning read the following quote: “The times of residents being in the dark as major decisions are being made during special meetings are over.” Mr. Turning stated that on December 15th he submitted a letter to Ms. Muttie requesting copies of the executive session minutes for the last ten years. He further stated that none of said minutes had ever been reviewed by council. Mr. Turning expressed his desire to discuss topics of past executive sessions, and his frustration that he cannot do so as the minutes have not been made public as of yet. He further expressed that it would not be fair to council to discuss said minutes until council had time to review them. Mr. Turning continued to discuss the executive session minutes as a public record, Mr. Nelson clarified what portions of these minutes may have to be redacted before becoming public.

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Mr. Turning asked Mr. Fallon to explain how the Open Space Tax is assessed. Mr. Fallon explained same.

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Pak
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - None

RESOLUTIONS:

Ms. Fama offered a motion to approve Resolution R-18-030, seconded by Mr. Manginelli.

ROLL CALL

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

R-18-030 - RESOLUTION- CONSENTING TO APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION AND DIRECTOR OF PUBLIC SAFETY AND AUTHORIZING EMPLOYMENT AGREEMENT FOR THESE POSITIONS

WHEREAS, sections 2-6 and 2-8 of the General Revised Ordinances of the Borough of Tinton Falls (“the Borough”) provide for the position of Borough Business Administrator to serve as the Director of the Department of Administration; and

WHEREAS, section 2-12 of the General Revised Ordinances of the Borough provide for the position of the Director of the Department of Public Safety; and

WHEREAS, pursuant to N.J.S.A. 40:69A-43 these appointments are authorized to be made by the Mayor with the advice and consent of the Borough Council; and

WHEREAS, the Mayor hereby appoints Michael Skudera as the Borough’s Director of the Department of Administration to serve as the Borough Business Administrator and also appoints him to serve simultaneously as the Borough’s Director of Public Safety; and

WHEREAS, an Employment Agreement has been negotiated between the Borough and Michael Skudera to serve in these positions, the salary terms of which will be further memorialized in the Borough’s 2018 Salary Ordinance.

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 provides advice and consent to the Mayor’s appointment of Michael Skudera as the Borough’s Business Administrator to serve as the Director of the Department of Administration and as the Director of the Department of Public Safety.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the Employment Agreement attached hereto and made part hereof for the Borough’s Director of the Departments of Administration and Public Safety pursuant to the terms and conditions contained therein.

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Resolution R-18-031 Failed for lack of motion

R-18-031- RESOLUTION- CONFIRMING APPOINTMENT OF KEVIN STARKEY AS DIRECTOR, DEPARTMENT OF LAW

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Kevin Starkey as Director, Department of Law by Mayor Vito Perillo, is hereby confirmed.

Mr. Siebert offered a motion to approve Resolution R-18-038, seconded by Mr. Baldwin.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: Mr. Manginelli

R-18-038 RESOLUTION- RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE- GREENBRIAR FALLS- PHASE III BLOCK 16, LOT 1 & BLOCK 19, LOT 11.01 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – GREENBRIAR FALLS – PHASE III BLOCK 16, LOT 1 & BLOCK 19, LOT 11.01

WHEREAS, the developer has requested the release of Performance Guarantee posted for Greenbriar Falls – Phase III, Block 16, Lot 1 & Block 19, Lot 11.02; and

WHEREAS, by letter dated December 27, 2017, the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee and remaining engineering escrow fees for Greenbriar Falls – Phase III, Block 16, Lot 1 & Block 19, Lot 11.02 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

CONSENT AGENDA

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

ROLL CALL (to approve Consent Agenda)

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

NAYS: None

ABSENT: Mr. Pak

ABSTAIN: None

R-18-033 RESOLUTION AUTHORIZING CO-LOCATION AND SUB-LEASE WITH AT&T UNDER THE BOROUGH’S SITE LEASE AGREEMENT WITH T-MOBILE

WHEREAS, after conducting a bidding process under the Local Lands and Buildings Law in 2014, in 2015, the Borough of Tinton Falls entered into a Site Lease Agreement with T-Mobile to construct and utilize a wireless telecommunications monopole on the premises of the Borough’s municipal complex that allows for up to five carriers to co-locate subject to the Borough’s consent; and

WHEREAS, the Borough’s telecommunications consultant has now presented a Site License Agreement and correspondence requesting the Borough’s consent to sub-lease part of the wireless telecommunications monopole to AT&T for an initial annual rent of \$51,517.20 on top of the rent being collected from T-Mobile; and

WHEREAS, the Borough’s telecommunications consultant recommends granting consent pursuant to these terms.

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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 the Mayor and Borough Clerk are hereby authorized to execute instruments consenting to a sub-lease with AT&T for an initial annual rent of \$51,517.20 to escalate at a rate of 3% annually subject to the terms and conditions of the Borough's underlying Site Lease Agreement with T-Mobile and final review and approval as to form by the Director of Law.

R-18-034 RESOLUTION COMPENSATED ABSENCE - RETIREE

WHEREAS, Gary Gebele has been employed by the Borough of Tinton Falls since July 12, 1976, and as Public Works Director since January 1, 2011; and

WHEREAS, on March 1, 2018, Gary Gebele will retire with over 41 years of dedicated service to the Borough, and with the Division of Pensions and Benefits; and

WHEREAS, Gary Gebele will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$109,000.00. The breakdown of this payment is \$97,500.00 for accrued vacation time, \$7,500.00 for accrued sick time, \$4,000.00 for accrued compensatory time; and

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits; and

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Gary Gebele receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCES

R-18-035 RESOLUTION COMPENSATED ABSENCE -RETIREE

WHEREAS, Jill Morgan has been employed by the Borough of Tinton Falls as a Senior Secretary since January 26, 1998; and

WHEREAS, on February 1, 2018, Jill Morgan will retire with 20 years of service to the Borough, and with over 29 years of service with the Division of Pensions and Benefits; and

WHEREAS, Jill Morgan will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$5,850.00. The breakdown of this payment is \$5,300.00 for accrued vacation time, \$550.00 for accrued compensatory time; and

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits; and

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Jill Morgan receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND - ACCUMULATED ABSENCES

R-18-036 RESOLUTION COMPENSATED ABSENCE - RETIREE

WHEREAS, Michael Jones has been employed by the Borough of Tinton Falls as a Truck Driver since March 30, 1998; and

WHEREAS, on February 1, 2018, Michael Jones will retire with over 19 years of service to the Borough, and the Division of Pensions and Benefits; and

WHEREAS, Michael Jones will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$7,800.00. The breakdown of this payment is \$6,800.00 for accrued vacation time, \$1,000.00 for accrued sick time; and

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WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits; and

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Michael Jones receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCE

R-18-037 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE – IPP SOLAR, LLC BLOCK 111 LOT 4.01

WHEREAS, the developer has requested the release of Performance Guarantee posted for IPP Solar, LLC, Block 111, Lot 4.01; and

WHEREAS, by letter dated January 5, 2018, the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee and remaining engineering escrow fees for IPP Solar, LLC, Block 111 Lot 4.01, be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

R-18-038 – Removed from consent, voted on separately under Resolution portion.

R-18-039 RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR PROFESSIONAL SPECIAL/CONFLICTS COUNSEL FOR CONFLICT SERVICES CONTRACT PS #1-18

WHEREAS, the Borough of Tinton Falls has a need for professional Special/Conflicts Counsel for Conflict 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 McOmber & McOmber, 54 Shrewsbury Avenue, Red Bank, NJ 07701 is so recognized; 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; and

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of McOmber & McOmber, 54 Shrewsbury Avenue, Red Bank, NJ 07701 is 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, 2018;

R-18-040 RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR PROFESSIONAL AUDITING SERVICES CONTRACT PS #2-18

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

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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 Holman Frenia Allison, P.C., 912 Highway 33, suite 2, Freehold, NJ 07728 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$45,275.00 which includes \$44,225.00 for the 2018 Audit of financial statements and \$1,050.00 for Review of the Statement of Net Assets Available for Length of Service Award Plan (LOSAP); and

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Holman, Frenia & Allison, P.A., 912 Highway 33, Suite 2, Freehold, NJ 07728 is hereby retained as Borough Auditor as described above for an amount not to exceed \$45,275.00 for the 2018 Audit of the Borough of Tinton Falls' financial records and review of the Borough's Length of Service Award Program (LOSAP).

R-18-041 RESOLUTION AUTHORIZING THE AWARD OF A "NON-FAIR AND OPEN" CONTRACT FOR PROFESSIONAL AFFORDABLE HOUSING PLANNING SERVICES CONTRACT PS #3-18

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Planning 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 \$20,000.00 for professional Affordable Housing Planning services; and

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of CME, 1460 Route 9 South, Howell, NJ 07731 is hereby retained to provide professional Affordable Housing Planning services for an amount not to exceed \$20,000.00 for a term expiring December 31, 2018.

R-18-042 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #1-18 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, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from engineering firms for said services, and five (5) proposals were received and documented on Tuesday, November 28, 2017; 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 \$153.00 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 \$153.00 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, 2018.

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.

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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.

R-18-043 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #2-18 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, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from legal firms for said services, and eight (8) proposals were received and documented on Tuesday, November 28, 2017; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC, 5 Ravine Drive, P. O. Box 533, Matawan, NJ 07747 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 \$145.00 per hour for an amount not to exceed \$40,000.00, plus miscellaneous reimbursables for professional Labor Counsel Services; and

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

1. The firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC, 5 Ravine Drive, P. O. Box 533, Matawan, NJ 07747 is hereby retained to provide professional Labor Counsel services at an hourly rate of \$145.00 per hour for an amount not to exceed \$40,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2018.

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-18-044 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #3-18 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, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from legal firms for said services and eight (8) proposals were received and documented on Tuesday, November 28, 2017; and

WHEREAS, the Borough has reviewed all proposals received and it was determined that Gibbons P.C., One Gateway Center, Newark, NJ 07102, 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 Gibbons P.C., One Gateway Center, Newark, NJ 07102 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, 2018.

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.

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

R-18-045 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #4-18 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, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from legal firms for said services, and four (4) proposal was received and documented on Tuesday, November 28, 2017; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611, 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 \$175.00 per hour for an amount not to exceed \$35,000.00, plus miscellaneous reimbursables for professional Affordable Housing Counsel 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, LLC, 428 River View Plaza, Trenton, NJ 08611 is hereby retained to provide professional Affordable Housing Counsel services at an hourly rate of \$175.00 per hour for an amount not to exceed \$35,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2018.

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 2018 Municipal Budget as follows: Affordable Housing Trust \$30,000.00 Legal \$5,000.00

R-18-046 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #5-18 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, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from legal firms for said services, and seven (7) proposals were received and documented on Tuesday, November 28, 2017; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firm of James E. Berube, Jr., 494 Sycamore Avenue, Suite 203, Shrewsbury, NJ 07702 satisfies 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 \$125.00 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 firm of James E. Berube, Jr., 494 Sycamore Avenue, Suite 203, Shrewsbury, NJ 07702 is hereby retained to provide professional Special/Conflict Counsel Services and Redevelopment of Fort Monmouth Matters for a rate of \$125.00 per hour for an amount not to exceed \$17,500.00 plus miscellaneous reimbursables for a term expiring December 31, 2018.

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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-18-047 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #6-18 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, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through the “fair and open” process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from appraisal firms for said services and two (2) proposal were received and documented on Tuesday, November 28, 2017; and

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, 2018 through December 31, 2018; 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, 2018.
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-18-048 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #7-18 BOROUGH PLANNER

WHEREAS, the Borough of Tinton Falls has a need for professional Planning Services during the contract year January 1, 2018 through December 31, 2018; and

WHEREAS, the Borough has, through a fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 15, 2017, the solicitation for receipt of proposals from legal firms for said services, and four (4) proposals were received and documented on Tuesday, November 28, 2017; 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 \$155.00 per hour for an amount not to exceed \$55,000.00 for planning services, plus miscellaneous reimbursables from January 1, 2018 through December 31, 2018.

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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 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 \$155.00 per hour for an amount not to exceed \$55,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2018.
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.

R-18-049 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #12-18 PROFESSIONAL SERVICING & MAINTENANCE OF SEWER SYSTEM

WHEREAS, the Borough of Tinton Falls has a need for Professional Servicing and Maintenance of 14 pump stations and standby generators as well as lab sampling and flow meter reading; and

WHEREAS, the Borough has, through the fair and open process, advertised on the website and in the Asbury Park Press Wednesday, November 15, 2017, the solicitation for receipt of proposals from firms for said services and one (1) proposal was received and documented on Tuesday, November 28, 2017; 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:
\$9,350.00 per month or \$112,200.00 for 12 months for servicing 14 pump stations;
\$ 600.00 per month or \$7,200.00 for 12 months for flow meter readings;
\$ 550.00 per quarter or \$2,200.00 for 4 months for laboratory analysis of Jumping Brook Pump Station for a total contract not to exceed \$121,600.00 from January 1, 2018 through December 31, 2018, 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 \$121,600.00, 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, 2018 through December 31, 2018.
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.

R-18-050 RESOLUTION AUTHORIZING TEMPORARY WAIVER OF LATE FEES FOR DOG LICENSE RENEWALS IN 2018

WHEREAS, section 8-1.5j of the General Revised Ordinances of the Borough of Tinton Falls requires that a \$5 late fee be assessed by the owner of any dog who fails to renew its license on or before January 31st of each year; and

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WHEREAS, due to changes being made with the Borough's dog license database, the mailing of renewal notices were delayed for 2018; and

WHEREAS, the Borough Council believes that late fees should not be assessed due to this delay, and therefore, wishes to temporarily waive all late fees for renewals received through the close of business on Tuesday, February 20, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the temporary waiver of late fees assessed pursuant to section 8-1.5j of the General Revised Ordinances of the Borough for all dog license renewals received through the close of business on Tuesday, February 20, 2018.

R-18-051 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of November 2017 fees were paid by a resident of Tinton Falls for their child's participation in our Basketball Program; and

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of November 2017; and

WHEREAS, during the month of January 2018, the Recreation Superintendent was informed by the resident Dorothy and James Anderson that their son, James, due to scheduling conflicts will not be participating in the basketball program this season and a refund in the amount of \$77.00 shall be issued. The \$10.00 processing fee has been applied.

Now therefore, be it resolved, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$77.00 be issued Dorothy and James Anderson.

R-18-052 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2018 taxes on the following property has been paid in error by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lauren C. Stefanakis 15 Spring Meadow Drive Tinton Falls, NJ 07724	75	85	\$850.00

and,

WHEREAS, said error has resulted in an overpayment of 2018 taxes paid in the amount of \$850.00, 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 \$850.00 is hereby approved for the aforementioned property.

R-18-053 RESOLUTION – APPROVAL OF BILLS – JANUARY 16, 2018

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 16, 2018; 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.

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SUMMARY

GENERAL	\$ 102,947.24
SEWER UTILITY	12,830.77
CAPITAL	1,061.44
GRANT FUND	1,809.30
TRUST FUNDS	9,751.27
DOG TRUST	3.60
ESCROW	16,673.49
	<hr/>
	145,077.11

EXECUTIVE SESSION

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

ROLL CALL

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

R-18-054 - RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)
None
- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)
None
- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4)
PBA Contract (ATOD February 2018)
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)
In the matter of the Borough of Tinton Falls (Affordable Housing)
(ATOD April 2018)

Council President Mr. Baldwin advised that at this time Council would move to Executive Session at 8:21p.m.

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ADJOURNMENT

Mr. Pak offered a motion to adjourn, seconded by Ms. Fama.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:17p.m.

Respectfully Submitted,

Maureen Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: July 10, 2018