

**REGULAR MEETING
DECEMBER 19, 2023
BOROUGH COUNCIL**

Deputy Council President Clay called the Regular Meeting to order at 7:33 PM.

The 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 and filing with the Borough Clerk all on December 20, 2022."

ROLL CALL (Regular Meeting)

PRESENT: Ms. Buckley, Mrs. Clay, Dr. Dobrin
ABSENT: Mr. Nesci, Mr. Manginelli
ALSO PRESENT: Michelle Hutchinson, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Charles Terefenko, Business Administrator
Thomas Fallon, Director of Finance
Thomas Neff, Borough Engineer

All present stood for a salute to the Flag.

APPROVAL OF MINUTES

Ms. Buckley offered a motion to approve the December 5, 2023, Regular Session Meeting Minutes seconded by Dr. Dobrin.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mrs. Clay announced the proclamation celebrating the retirement of Commissioner Lilian Burry. Mrs. Clay presented the certificate of recognition for Monmouth Regional High School Monmouth County and NJ State Teacher of the Year, Mr. Joseph Nappi, and provided a brief biography and list of accomplishments from his teaching career and volunteer endeavors.



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Borough Engineer – Tom Neff

Mr. Neff reported on Resolutions R-23-209 and R-23-210 which are authorizing cooperative purchasing agreements to be awarded to contractors to complete the softball fields project at Sycamore Recreation Complex.

Director of Finance - Thomas Fallon

Mr. Fallon had no report. He wished everyone Happy Holidays.

Administrator – Mr. Terefenko

Mr. Terefenko also wished everyone Happy Holidays and stated the Menorah Lighting and Tree Lighting were successful events. The Police Department hosted their *Shop with a Cop* event and he reminded everyone that EMS/Fire are volunteers and to support their fundraiser efforts of selling holiday trees.

Director of Law- Kevin Starkey

Mr. Starkey reported on tonight's Board of Health meeting and stated Council President is aware of the MC Reclamation Center issues and he has contacted the MC Commissioner, Thomas Arnone, inviting him to a council meeting in January to speak to the concerns regarding the landfill.

Borough Clerk – Michelle Hutchinson

Ms. Hutchinson had no report.

Council's Reports

-Ms. Buckley also wished everyone Happy Holidays. She attended the Menorah Lighting and *Shop with a Cop* at the Jersey Shore Outlet Mall, both were successful and very well attended events. She thanked the fire departments for the Santa drive-by efforts. Ms. Buckley reported that tomorrow night is the last meeting of the year for FMERA and on the agenda is a proclamation presentation for Commissioner Lillian Burry and invited anyone who is interested. Also mentioned there are vacancies on the Environmental and Shade Tree Commissions for anyone interested in volunteering.

-Dr. Dobrin reported it was a great year for the Library Association and was looking forward to the library opening in the spring. He is aware, as is all the Council and Administration, of residents' concerns regarding the MC Reclamation issues and hopefully something will get resolved. Very happy with the new DPW calendar and the feedback has been very positive. Thanked the fire departments for their fun holiday event. He wished everyone Happy Holidays.

-Mrs. Clay reported on the following staff members who received recognition for their exemplary performance by our K8 school district:

Mahala F. Atchison School

Teacher of the Year: Mrs. Claire Volpe, Educational Service Professional: Mrs. Jenna Ebert, School Psychologist Support Staff

Member: Mrs. Kathleen Kurowski, Paraprofessional

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Swimming River School
Teacher of the Year: Mrs. Katherine Black,
Educational Service Professional: Mrs. Amylynn Ocello, School Social Worker Support Staff Member: Mr. Sean Finucane, Desktop Support

Tinton Falls Middle School
Teacher of the Year: Mrs. Deborah Gulbin
Educational Service Professional: Mrs. Kathy Nevins, School Nurse
Support Staff Member: Mr. Connor Bishop, Custodian

Mrs. Clay explained how the awards are voted on and the community should be aware of these educational accomplishments. She attended the Pre-K Expansion Committee meeting on December 11th. The K8 district is in discussion with the State for grant funding for pre-K for all. Shout out to the town for all the wonderful holiday events and the Police, Fire and DPW for all their efforts. Mrs. Clay also wished everyone a Happy Holiday and a healthy New Year.

ORDINANCES FOR INTRODUCTION

There were no ordinances for introduction this evening.

ORDINANCES FOR FINAL CONSIDERATION

Ms. Hutchinson read the title of the Ordinance: **2023-1508 AN ORDINANCE AMENDING CHAPTER 2, SECTION 12 OF THE BOROUGH CODE TO AMEND THE PAYMENT TERMS FOR SPECIAL DUTY ASSIGNMENTS BY POLICE OFFICERS**

Dr. Dobrin offered a motion to open the Public Hearing on Ordinance No. 2023-1508, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Nesci, Mr. Manginelli
ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments, Dr. Dobrin offered a motion to close the Public Hearing on Ordinance No. 2023-1508, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Nesci, Mr. Manginelli
ABSTAIN: None

PUBLIC HEARING CLOSED

Dr. Dobrin offered a motion to adopt Ordinance No. 2023-1508, seconded by Mr. Nesci.

ROLL CALL

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

PUBLIC DISCUSSION

Dr. Dobrin offered a motion to open the Public Discussion, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Nesci, Mr. Manginelli
ABSTAIN: None

Mrs. Clay asked the Clerk if there were any public comments submitted and the response was none.

Mitch Kulberg, 21 Cedar Place – Mr. Kulberg asked for the January meeting regarding MC Reclamation Center try to have DEP officials also attending the meeting.

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Frank Matula, 43 Lennox Drive – Mr. Matula gave kudos to the fire department for their Santa Run event. He commented on a sinkhole that is forming at the beginning of Riverdale Avenue West which DPW has marked out. He wanted to know when road repaving is scheduled for their street. He also commented on his observation of cars with obstructed license plate covers and wondered if the police department are taking that into consideration.

Richard Klein, 13 Horseshoe Court – Mr. Klein commented on the many vehicles speeding on Shafto Road and questioned what would be done about racing. He would like more patrols at night.

There being no further comments, Dr. Dobrin offered a motion to close the Public Discussion, seconded by Ms. Buckley.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Nesci, Mr. Manginelli
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Dr. Dobrin thanked Mayor Perillo, Charles Terefenko, Business Administrator; Tom Fallon, CFO; Tom Neff, Engineer and Kevin Starkey, Director of Law for their excellent work. He thanked the Borough Clerk, Michelle Hutchinson, and her staff for all their efforts in assisting the council members.

RESOLUTIONS - None

CONSENT AGENDA

Dr. Dobrin offered a motion to approve the Consent Agenda, seconded by Ms. Buckley.

ROLL CALL

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

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-195

**RESOLUTION DESIGNATING MEETINGS OF THE
BOROUGH COUNCIL FOR THE YEAR 2024**

WHEREAS, the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-8a, et seq.) requires the governing body of a municipality to designate and disseminate schedules, meeting dates, times and location.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following dates are hereby designated as scheduled meetings of the Borough Council for calendar year 2024 to be held at the Borough of Tinton Falls Municipal Court Room, 556 Tinton Avenue, Tinton Falls NJ 07724.

BE IT FURTHER RESOLVED, that written public comments may be emailed to the Clerk at boroughclerksoffice@tintonfalls.com or via regular mail to the attention of the Borough Clerk at 556 Tinton Avenue, Tinton Falls, NJ 07724. Written public comments may not be submitted via any other form of electronic communication and must include the individual's name, full address and contact information (telephone number and/or email address). If the information is incomplete and the Borough is unable to verify the individual's identity, the written comment will not be read into the record. Written public comments must be received by the Borough Clerk by 9:00 a.m. on the day of the meeting in order to be included in the meeting. Any written comments received after 9:00 a.m. on the day of the meeting will not be read into the record or become part of the meeting record.

Meetings of Borough Council for 2024 Where Formal Action May Be Taken

Tuesday January 2, 2024	7:30 (Reorganization Regular/Workshop)
Tuesday January 16, 2024	7:30 Regular/Workshop
Tuesday February 6, 2024	7:30 Regular/Workshop
Tuesday February 20, 2024	7:30 Regular/Workshop
Tuesday March 5, 2024	7:30 Regular/Workshop
Tuesday March 19, 2024	7:30 Regular/Workshop
Tuesday April 2, 2024	7:30 Regular/Workshop
Tuesday April 16, 2024	7:30 Regular/Workshop
Tuesday May 7, 2024	7:30 Regular/Workshop
Tuesday May 21, 2024	7:30 Regular/Workshop
Tuesday June 11, 2024	7:30 Regular/Workshop
Tuesday July 9, 2024	7:30 Regular/Workshop
Tuesday August 13, 2024	7:30 Regular/Workshop

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Tuesday September 3, 2024	7:30 Regular/Workshop
Tuesday September 17, 2024	7:30 Regular/Workshop
Tuesday October 1, 2024	7:30 Regular/Workshop
Tuesday October 15, 2024	7:30 Regular/Workshop
Tuesday November 12, 2024	7:30 Regular/Workshop
Tuesday December 3, 2024	7:30 Regular/Workshop
Tuesday December 17, 2024	7:30 Regular/Workshop
Tuesday January 7, 2025	7:30 P.M. (Reorganization/Regular/Workshop)

*Unless otherwise noticed workshop meetings will begin immediately following the regular meeting.

BE IT FURTHER RESOLVED, that as needed, all executive sessions of the Borough Council shall be held at 6:30 p.m. or immediately following the conclusion of the Regular Meeting as noticed by 4:30 p.m. the Friday before the meeting week and convene with the public reading of a Resolution onto the record prior to the Borough Council's vote to enter executive session pursuant to the OPMA. When an executive session is held, the executive session Resolution shall be re-read onto the record at the beginning of the public portion of any applicable workshop, regular or special meeting so the public will know what issues were addressed during the executive session without having to be present for the earlier public reading of the Resolution. When necessary, executive sessions may be continued upon the adjournment of the public portion of any meeting with the reading of the Resolution for entry into executive session reciting the issues to be continued for executive session deliberations.

BE IT FURTHER RESOLVED that this Resolution shall supersede any, and all Resolutions previously adopted by the Borough specifying meetings of the Borough Council.

BE IT FURTHER RESOLVED, that the Borough Clerk shall post a copy of this Resolution in Borough Hall and that copies of this Resolution shall be forwarded by the Borough Clerk to the official newspapers, The Asbury Park Press, The Coaster and the Newark Star Ledger as previously designated by the Borough and to individuals requesting same under the New Jersey Open Public Meetings Act.

**BOROUGH OF TINTON FALLS
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R-23-196

**RESOLUTION DESIGNATING THE
PUBLIC AGENCY COMPLIANCE OFFICER FOR 2024**

WHEREAS, in accordance with N.J.A.C. 17:27-3.2, each public agency shall designate an individual by January 10th of each year to serve as its Public Agency Compliance Officer; and

WHEREAS, Shanon Rathyen, QPA, is the appropriate employee of the Borough to serve as the Public Agency Compliance Officer;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Shanon Rathyen, QPA be, and is hereby designated to serve as the Public Agency Compliance Officer on behalf of the Borough of Tinton Falls.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-197

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #1-24 POOL OF ENGINEERS**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved "pool" of qualified engineers to provide various special engineering services as may be required by the Borough for matters that may arise during the contract year of January 1, 2024 through December 31, 2024; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 8, 2023, the solicitation for receipt of proposals from engineering firms for said services, and six (6) proposal were received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed all the proposals received and it was determined the following firms have satisfied the requisites contained in the request for proposals to be considered for those services that the Borough may require during the contract year:

**T & M Associates, 11 Tindall Road, Middletown, NJ 07748
Suburban Consulting Engineers, 96 US Highway 206, Suite 101, Flanders, NJ 07836
Remington & Vernick Engineers, 429 Route 79, Suite 21, Morganville, NJ 07751
Morgan Engineering LLC/Morgan Municipal, 130 & 137 Central Avenue, Island Heights, NJ 08732**

WHEREAS, the Borough Administrator has recommended these firms be included in the 2024 Engineering pool for various professional engineering services described above, and

NOW, THEREFORE BE IT RESOLVED, by the Borough of Tinton Falls hereby authorizes the establishment of an Engineering Pool for various Professional Engineering Services listed above as may be required and authorized by the Borough Administration during the contract year with participation by the above firms for the unit price, fixed fee amounts and/or hourly rates listed in their proposals:

1. 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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2. 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.

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

I hereby certify funds contingent upon the necessary funds being appropriated by the governing body in the 2024 Municipal Budget: Funds to be certified upon approval of specific projects.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-198

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #2-24 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, 2024 through December 31, 2024; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 8, 2023, the solicitation for receipt of proposals from legal firms for said services, and four (4) proposals were received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed all the proposals received, and it was determined that the firms of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830, Victoria A. Flynn, LLC, 15 Grandview Drive, Holmdel, NJ 07733, Cleary, Giacobbe, Alfieri and Jacobs, LLC, 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 and Florio, Perrucci, Steinhardt, Cappelli, and Tipton, LLC, 91 Larry Holmes Drive, Suite 200, Easton, PA 18042 satisfy 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 amount not to exceed \$40,000, plus miscellaneous reimbursable 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 firms of Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ 08830, Victoria A. Flynn, LLC, 15 Grandview Drive, Holmdel, NJ 07733, Cleary, Giacobbe, Alfieri and Jacobs, LLC, 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 and Florio, Perrucci, Steinhardt, Cappelli and Tipton, LLC, 91 Larry Holmes Drive, Suite 200, Easton, PA 18042 are hereby retained to provide professional Labor Counsel services for an amount not to exceed \$40,000 plus miscellaneous reimbursable for a term expiring December 31, 2024.

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 2024 Municipal Budget: Legal: \$40,000

**BOROUGH OF TINTON FALLS
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R-23-199

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #3-24 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, 2024 through December 31, 2024; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 8, 2023, the solicitation for receipt of proposals from legal firms for said services and two (2) proposals were received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed all the proposals received and it was determined that Dilworth Paxson LLP, 4 Paragon Way, Suite 400, Freehold, NJ 07728, 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 Dilworth Paxson LLP, 4 Paragon Way, Suite 400, Freehold, NJ 07728 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, 2024.

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.

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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.

**BOROUGH OF TINTON FALLS
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R-23-200

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #4-24 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, 2024 through December 31, 2024; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 8, 2023, the solicitation for receipt of proposals from legal firms for said services, and one (1) proposal was received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed all the proposals received, and it was determined the firm of Pashman, Stein, Walder & Hayden PC, 101 Crawfords Corner Road, Suite 4202, Holmdel, NJ 07733, 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 amount not to exceed \$35,000, 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 Pashman, Stein, Walder & Hayden PC, 101 Crawfords Corner Road, Suite 4202, Holmdel, NJ 07733 is hereby retained to provide professional Affordable Housing Counsel services for an amount not to exceed \$35,000 plus miscellaneous reimbursables for a term expiring December 31, 2024.

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 2024 Municipal Budget as follows: Affordable Housing Trust \$30,000 Legal \$5,000

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R-23-201

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #5-24 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, 2024 through December 31, 2024; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 8, 2023, the solicitation for receipt of proposals from legal firms for said services, and four (4) proposals were received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed all proposals received, and it was determined the firms of Caruso & Baxter P.A., 1129 Broad Street, #103, Shrewsbury, NJ 07702 and Victoria A. Flynn LLC, 15 Grandview Drive Holmdel, NJ 07733 satisfy the requisites contained in the Request for Proposals to be considered for professional Special/Conflict Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for Special/Conflict Counsel Matters for an amount not to exceed \$50,000.00, plus miscellaneous reimbursables for professional Special/Conflicts Counsel services; and

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

1. The firms of Caruso & Baxter, P.A., and Victoria A. Flynn LLC are hereby retained to provide professional Special/Conflict Counsel Services for an amount not to exceed \$50,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2024.

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.

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I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2024 Municipal Budget as follows: Legal \$50,000.00

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R-23-202

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #7-24 BOROUGH PLANNER**

WHEREAS, the Borough of Tinton Falls has a need for professional Planning Services during the contract year January 1, 2024 through December 31, 2024; and

WHEREAS, the Borough has, through a fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, November 8, 2023, the solicitation for receipt of proposals from legal firms for said services, and one (1) proposal was received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed all 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 amount not to exceed \$55,000 for planning services, plus miscellaneous reimbursables from January 1, 2024 through December 31, 2024; 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 for an amount not to exceed \$55,000 plus miscellaneous reimbursables for a term expiring December 31, 2024.
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 2024 Municipal Budget as follows: COAH: \$30,000 Housing: \$25,000

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R-23-203

**RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR
RFP #12-24 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 readings; and

WHEREAS, the Borough has, through the fair and open process, advertised on the website and in the Asbury Park Press Wednesday, November 8, 2023, the solicitation for receipt of proposals from firms for said services and one (1) proposal was received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed the proposal 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:
\$11,498.25 per month for 12 months for servicing 15 pump stations;
\$ 650.00 per month for 12 months for flow meter readings;
\$ 1,533.60 per quarter for 4 months for laboratory analysis of Jumping Brook Pump Station as well as additional testing required by MCRC & TNSA for a total contract not to exceed \$151,913.40 from January 1, 2024 through December 31, 2024, plus \$400.00 flat rate for each emergency service call, and \$625.00 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 \$151,913.40, plus \$400.00 flat rate for emergency callouts described in the proposal and \$625.00 for each additional pump station added through the contract year January 1, 2024 through December 31, 2024.
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.

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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 2024 Municipal Budget: Sewer Utility \$151,913.40

**BOROUGH OF TINTON FALLS
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R-23-204

**RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #13-24 PROFESSIONAL AUDITING SERVICES FOR 2024 AUDIT**

WHEREAS, the Borough of Tinton Falls has a need for a professional Auditor for the 2024 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 Wednesday, November 8, 2023, the solicitation for receipt of proposals for Auditing Services, and one (1) proposal was received and documented on Tuesday, December 5, 2023; 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 2024 audit; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$46,625 for the 2024 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 \$46,625 for the 2024 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 2024 Municipal Budget as follows: Division of Finance – Audit Services: \$30,000
Sewer Utility – Other Expenses: \$16,625

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-205

**RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #14-24 FINANCIAL CONSULTANT SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Financial Consultant Services for matters that may arise during the contract year January 1, 2024 through December 31, 2024; 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 Wednesday, November 8, 2023, the solicitation for receipt of proposals for Financial Consultant Services, and three (3) proposals were received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined that NW Financial Group, LLC, 2 Hudson Place, 3rd Floor, Hoboken, NJ 07030 satisfies the requisites contained in the Request for Proposals to be considered for Financial Consultant; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$30,000; and

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

1. The firm of NW Financial Group, LLC, 2 Hudson Place, 3rd Floor, Hoboken, NJ 07030 is hereby retained as the Financial Consultant for an amount not to exceed \$30,000.

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 are available from: Funds to be certified upon approval of specific projects.

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**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-206

**RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #15-24 AFFORDABLE HOUSING ADMINISTRATIVE SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Administrative Services that may arise during the contract year January 1, 2024 through December 31, 2024; 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 Wednesday, November 8, 2023, the solicitation for receipt of proposals for Affordable Housing Administrative Services, and one (1) proposal was received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined that CME, 1460 Route 9 South, Howell, NJ 07731 satisfies the requisites contained in the Request for Proposals to be considered for the Affordable Housing Administrative Services; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$34,000; and

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

1. The firm of CME, 1460 Route 9 South, Howell, NJ 07731 is hereby retained for the Affordable Housing Administrative Services as described above for an amount not to exceed \$34,000.
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 are available from: Affordable Housing Trust Fund

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-207

**RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR
RFP #16-24 AFFORDABLE HOUSING PLANNING SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Planning Services that may arise during the contract year January 1, 2024 through December 31, 2024; 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 Wednesday, November 8, 2023, the solicitation for receipt of proposals for Affordable Housing Planning Services, and two (2) proposals were received and documented on Tuesday, December 5, 2023; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined that Acuity Consulting Services, 65 Capri Drive, Brick, NJ 08723 satisfies the requisites contained in the Request for Proposals to be considered for the Affordable Housing Planning Services; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$30,000; and

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

1. The firm of Acuity Consulting Services, 65 Capri Drive, Brick, NJ 08723 is hereby retained for the Affordable Housing Planning Services as described above for an amount not to exceed \$30,000.
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 are available from: Affordable Housing Trust Fund

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**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-208

**RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR
PROFESSIONAL APPRAISAL SERVICES
CONTRACT PS #1-24**

WHEREAS, the Borough of Tinton Falls has a need for professional Appraisal 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 Gagliano & Company, 287 Rumson Road, Little Silver, NJ 07739 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,000 for professional Appraisal 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 Gagliano & Company, 287 Rumson Road, Little Silver, NJ 07739 is hereby retained to provide professional Appraisal services for an amount not to exceed \$17,000;

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2024 Municipal Budget: Tax Assessor

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-209

**RESOLUTION AUTHORIZING PURCHASE UNDER
SOURCEWELL COOPERATIVE PURCHASING AGREEMENT**

WHEREAS, the Borough of Tinton Falls, Sycamore Recreation Complex Softball Field is in need of improvements; and

WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative Purchasing Agreement as approved by Resolution #R-16-123; and

WHEREAS, Athletic Fields of America, 150 River Road, Building G, Unit 4B, Montville, NJ 07045 is a valid vendor on the Sourcewell Cooperative Purchasing Agreement, for the work associated with the improvements needed for the Sycamore Recreation Complex Softball Field. The total cost for this improvement is in the amount of \$2,467,806.27; and

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

WHEREAS, Tom Neff, Borough Engineer recommends this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes this purchase under the valid Sourcewell Cooperative Purchasing Agreement:

I hereby certify funds are available from: Open Space Trust Fund - \$600,000.00
Ordinance #23-1503 - \$1,867,806.27

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-210

**RESOLUTION AUTHORIZING PURCHASE UNDER
SOURCEWELL COOPERATIVE PURCHASING AGREEMENT**

WHEREAS, the Borough of Tinton Falls, Sycamore Recreation Complex Softball Field Lighting is in need of upgrades; and

WHEREAS, the Borough of Tinton Falls is a current member of the Sourcewell Cooperative Purchasing Agreement as approved by Resolution #R-16-123; and

WHEREAS, Musco Sports Lighting, LLC, 100 First Avenue West, Oskaloosa, IA 52577 is a valid vendor on the Sourcewell Cooperative Purchasing Agreement, for the field lighting upgrades to Sycamore Recreation Complex Softball Field which includes the purchase and installation one new steel light pole, re-aiming 24 existing fixtures on the four existing poles, and replacing 18 light visors on existing poles to provide the necessary lighting levels for both the softball field and soccer field at Field #4. The total cost for all necessary materials and installation is in the amount of \$94,900; and

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

WHEREAS, Tom Neff, Borough Engineer recommends this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes this purchase under the valid Sourcewell Cooperative Purchasing Agreement:

I hereby certify funds are available from: Ordinance #23-1503

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**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-211

**RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR WAYSIDE MANOR
BOROUGH OF TINTON FALLS BLOCK 119, LOTS 2.01, 2.02, 2.03**

WHEREAS, a request has been made for the release of Maintenance Guarantees for Wayside Manor Borough Of Tinton Falls Block 119, LOTS 2.01, 2.02, 2.03 and

WHEREAS, by letter dated December 8, 2023 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-212

**RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR 7th DAY, LLC
BOROUGH OF TINTON FALLS BLOCK, 146 LOT 6.01 & 7**

WHEREAS, a request has been made for the release of Maintenance Guarantees for 7th TH Day, LLC Borough Of Tinton Falls Block, 146 Lot 6.01 & 7 and

WHEREAS, by letter dated December 8, 2023 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-213

**RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR PHIPPS PLACE ROADWAY IMPROVEMENTS
BOROUGH OF TINTON FALLS BLOCKS 105.03 & 105; LOTS 23-26, 11, 12 & 14**

WHEREAS, a request has been made for the release of Maintenance Guarantees for Phipps Place Roadway Improvements Borough Of Tinton Falls Blocks 105.03 & 105; Lots 23-26, 11, 12 & 14 and

WHEREAS, by letter dated December 8, 2023 (said letter attached and hereby made part of this Resolution), the Borough Engineer (T&M Associates) has certified that all bonded items remain in acceptable condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees and remaining engineering escrow fees associated with this project be released subject to the payment of any and all outstanding engineering and inspection fees.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-214

RESOLUTION - CANCEL BUDGET APPROPRIATIONS

WHEREAS, the following Sewer Operating Fund budget appropriation balance remains unexpended:

Capital Outlay	\$250,000
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WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be canceled to Operations;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the above listed unexpended balances of Sewer Operating Fund budget appropriations be canceled.

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**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-215

RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, the 2023 2nd Installment Sewer bill on the following property has been paid in error by the Homeowner making a duplicate payment.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Claudia Giron-Torres 51 Pear Street Tinton Falls, NJ 07724	11.02	21	\$200.00

and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$200.00 is hereby approved for the aforementioned property.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$200.00.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-216

RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, overpayments of 2023 Taxes have been made as a result of duplicate payments made in error for the year 2023.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
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(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)

and,

WHEREAS, said duplicate payments have resulted in overpayments of the 2023 taxes by Homeowners, Title Companies and Mortgage Companies in the total amount of \$25,262.73 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that refunds totaling \$25,262.73 are approved for the attached properties.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls, hereby certify the total amount of overpayments to be \$25,262.73.

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

R-23-217

RESOLUTION – APPROVAL OF BILLS – DECEMBER 19, 2023

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 19, 2023; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	933,701.30
SEWER UTILITY	183,548.98
GENERAL CAPITAL	10,476.75
GRANT FUND	3,321.43
TRUST FUNDS	20,582.14
DOG TRUST FUND	3.60
ESCROW	168.75
ADDITIONS	1,406,833.54
TOTAL	2,558,636.49

CERTIFICATION OF FUNDS:

EXECUTIVE SESSION

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BOROUGH COUNCIL**

ADJOURNMENT

Ms. Buckley offered a motion to adjourn, seconded by Dr. Dobrin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Nesci, Mr. Manginelli

ABSTAIN: None

TIME: 8:00pm

Respectfully Submitted,

Michelle Hutchinson, Borough Clerk

Risa Caly, Deputy Council President

APPROVED AT A MEETING HELD ON: January 16, 2024.