

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:32 PM.

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

**ROLL CALL**

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

ABSENT: None

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

All present stood for Salute to Flag

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**COUNCIL REORGANIZATION**

**Appointment of Council President**

*Mr. Baldwin invited a motion to open the nomination for Council President. Mr. Siebert motioned to open the nominations, seconded by Mr. Manginelli.*

**ROLL CALL VOTE:** Yes: Ms. Fama, Mr. Manginelli, Mr. Siebert, Mr. Baldwin  
Nay: Mr. Pak

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

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

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

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

NAYS: Mr. Pak

ABSENT: None

ABSTAIN: None

**Appointment of Deputy Council President**

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

**ROLL CALL VOTE:** Yes: Ms. Fama, Mr. Manginelli, Mr. Siebert, Mr. Baldwin  
Nay: Mr. Pak

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

*There being no further nominations, Mr. Baldwin offered a motion to close the nominations, seconded by Mr. Siebert.*

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

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

NAYS: Mr. Pak

ABSENT: None

ABSTAIN: None

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**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**MAYOR'S APPOINTMENTS TO PLANNING BOARD**

Council President Baldwin stated that the Mayor asked him to announce, for the record, his appointments to the Planning Board:

Daniel Romanov	Class II	1 Year Term: 01/01/2019 to 12/31/2019
Joel Natter	Class IV	4 Year Term: 01/01/2019 to 12/31/2022
Richard Wallace	Alt. #1	2 Year Term: 01/01/2019 to 12/31/2020

Mr. Baldwin expressed his appreciation for all the volunteers who take the time to serve in these positions and stated that their service helps to make Tinton Falls a wonderful place to live. Council President Baldwin thanked the Mayor for his appointments.

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**REPORT OF MAYOR/COUNCIL ADMINISTRATION**

**Mayor's Report- Vito Perillo**

Mayor Perillo had no report. However, he took this opportunity to thank a Council member for checking up on him on New Year's Day. He appreciated them calling to make sure he was alright.

**Engineer's Report- Thomas Neff**

Mr. Neff reported that the Borough received notification that they were chosen to receive a \$250,000 Monmouth County Open Space grant for the Walz Property Acquisition. He explained that the Borough received the full amount of the requested grant and explained that they are one of only two towns in Monmouth County to receive the full amount. He briefly discussed various construction projects and road improvement repairs.

**Director of Finance- Thomas Fallon**

Mr. Fallon reported that the Borough received comments from Moody's Investment Service, he explained that the last time the Borough was rated was in 2016. He discussed the purpose of this program and how the Borough received a high rating of AA2 in 2016. Mr. Fallon briefly read from the report and shared some positive comments about the Borough's financial position. He reported that the State of New Jersey has extended the Municipal Budget Calendar for introductions from February 10<sup>th</sup> to March 29<sup>th</sup> and for adoption from March 20<sup>th</sup> to April 30<sup>th</sup>.

**Borough Administrator- Michael Skudera**

Mr. Skudera reported that a request for the purchase of police vehicles will be on the agenda at next month's Council Meeting. He also discussed the new Reverse 911 system for the Borough. He explained that this new system encompasses new features at a lower cost. Councilwoman Fama inquired about text capability and inquired whether this new system will provide that feature. Mr. Skudera confirmed that this system will have a text alert capability providing another avenue to reach Tinton Falls residents in emergency situations. Mr. Baldwin inquired about the process in which residents will have to register for text alerts and Mr. Skudera explained that they are transferring resident information from the previous system and working to include those who wish to receive the new text alerts.

**Director of Law- Kevin Starkey**

Mr. Starkey reported that the contract for the new 911 system should be ready within the next couple of days.

**Borough Clerk's Report- Melissa Hesler**

Ms. Hesler had no report.

**Council's Report**

Ms. Fama wished everyone a Happy New Year and reported that she attended a meeting at the library where they are preparing for fundraising events. She inquired about the status of the library grant application and Mr. Neff explained that the State has continued to push back the release date to the spring of 2019. Mr. Siebert inquired if anyone has been in the library during its' closure. DPW Director Mark Shaffery ensured that the building is checked once a week. Mr. Neff explained that he has been in contact with library board member Brian Perry and the board is aware of the pushback date for the grant application. Ms. Fama recognized the fire and emergency officials who were sworn in for 2019 and commended them for their bravery and service to the community. She also thanked Mr. Paul Abrahams for his dedicated work in providing a top shelf publication for area residents.

Mr. Pak reported that he recently had the opportunity to attend the Tinton Falls School Board swearing in and briefly discussed the referendum and new projects.

Mr. Siebert wished everyone a Happy New Year.

Mr. Manginelli also wished everyone a Happy New Year and inquired about any updates on the Hance and Sycamore intersection. Mr. Neff referenced some new traffic studies and stated that he will reach out to Monmouth County engineer Joe Ettore for more information.

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

Mr. Baldwin reported that the Planning Board will hold their Reorganization Meeting tomorrow, January 9, 2019.

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**ORDINANCES FOR INTRODUCTION**-None

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**ORDINANCES FOR FINAL CONSIDERATION**- None

**PUBLIC DISCUSSION**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION OPEN**

*Sandie Berk, 20 Chelsea Court-* Ms. Berk requested that Council consider tabling Resolution R-19-02 pending more information and review. She expressed that five years ago Council presented her with a wonderful opportunity and appointed her as 1<sup>st</sup> Alternate Member of the Zoning Board, a position in which she is privileged to hold. She explained that she would like to be considered for a permanent position on the board however was told that she was not considered for a full-time position because of her attendance. Ms. Berk explained that she only misses three meetings a year and makes an effort to fly back from Florida to attend as many meetings as possible. She expressed that she is a dedicated and committed member of the Zoning Board and once again asked Council to consider tabling the Resolution for further consideration. Council President Baldwin explained the purpose of Resolution R-19-02 is to reappoint the Alternate 2 position which expired on December 31, 2018 and further explained that there currently is no full time position open.

*Gerry Turning, 32 Periwinkle Circle-* Mr. Turning expressed that he is here tonight to discuss the Monmouth County Landfill and the extensive complaints being made about the foul odor at the site. He explained that he recently put in an OPRA request to the Monmouth County Regional Health Commission #1 for some information on the processes in which residents can submit a complaint to the Health Commission. He found that reporting an issue of odor to the MC Health Commission is essentially a useless endeavor and explained that many complaints are not addressed or seen as "invalid." Through his OPRA request he asked for the reports that were submitted in the years 2017 and 2018, he found only 5 complaints in the year 2017 and 6 in 2018. According to protocol set forth by the NJDEP they are required to investigate every complaint which has not been done. He explained that he also requested the phone log of complaints for 2017 & 2018 and received none. Mayor Perillo inquired about solutions to control the odor of the landfill. Mr. Turning continued his discussion on the complaint process and explained that residents deserve to be informed on how to properly submit a complaint. Mr. Turning recommended that this Administration meet with the Monmouth County Regional Health Commission and the County Landfill to review the possibility of changing their protocol and complaint process and have investigators respond to resident complaints in a timely manner. Councilman Siebert stated that he has seen the increase of complaints on social media regarding the odor and the landfill and recently took a tour of the reclamation center to see the construction projects that are contributing to the putrid smell. Mr. Siebert explained that he has been in contact with a representative from the landfill and received notice that the project should be complete in about two weeks. Councilman Pak thanked Mr. Turning for bringing this vital information to Council's attention and suggested that Council act on Mr. Turning's suggestion for remediating this issue. Mr. Neff stated that the tremendous amount of rain can impact the odor issues. Mr. Turning stated that the massive amount of rain has contributed significantly to this horrible odor and the issue has yet to be solved because of the failing complaint system. Borough Administrator Mike Skudera stated that he has scheduled meeting this week with the Monmouth Regional Health Commission and other borough officials to address this matter.

*Paul Abrams, 23 Taylors Run-* Mr. Abrams wished everyone a Happy New Year and thanked Ms. Fama and Council for their kind words this evening. He explained that he was not intending to speak about the Monmouth County Landfill, however he found Mr. Turning's research to be quite interesting and informative. Mr. Abrams discussed implementing a system that would encourage residents to pursue these complaints in a fashion that will yield results rather than using social media to converse about the matter. He inquired about the status of the Green Grove Road improvements and the issues with pot holes. Mr. Neff explained that the road is shared with Ocean Township therefore Ocean Township has taken the lead on repaving, with plans to begin in the spring. However, because of the heavy rain in 2018 the drainage system must be addressed before the paving can take place.

Mr. Turning returned to provide council with the complaint form number EFO-002 and cited statute NJAC7:27-5.2a.

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

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

Ms. Fama inquired about the status of the feral cat issue.

Mr. Starkey explained that he has been gathering information from towns that have a similar problem such as Aberdeen, North Brunswick and Howell and discussed programs such as TNR (Trap Neuter, Release.) Mr. Starkey has been investigating the towns to see what kind of action they have taken such as the TNR program or enforcing laws to try and prevent residents from feeding and supporting these cat colonies.

Ms. Fama discussed the TNR program and the presentation that was given at a previous Council meeting. She stated that after 30 days if the program does not yield any results the Borough could cancel the program at no cost. She referenced pictures that were submitted by a resident of a cat colony which she described as disturbing and encouraged council to have the issue on the next possible agenda for a vote.

Mr. Starkey agreed that action must be taken on this issue however he wants to ensure that he presents Council with all possible options before they make a decision on the TNR program.

Ms. Fama and Mr. Siebert asked Ms. Hesler to arrange for Brian Becker to be present at the next Council meeting to discuss the TNR program. Ms.

Council President Baldwin agreed that Council must do right by the residents whose lives have been disrupted by these cat colonies. However, he also wants to ensure the Borough does not enter an agreement that would not be effective.

Mr. Skudera stated that he would like to ensure that the Council has all possible information in place in order to have this on the agenda at the first meeting in February.

Ms. Fama would like to invite Brian Becker to the February 5, 2019 Council Meeting. Council decided that there is no need for another presentation and agreed that they would like to take action on this issue as soon as possible.

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**RESOLUTIONS**

*Mr. Siebert offered a motion for Resolution R-19-001, seconded by Mr. Pak*

**R-19-001 RESOLUTION – APPOINTING CLASS III MEMBER TO PLANNING BOARD**

**BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that Gary A. Baldwin is hereby appointed as the Borough Council's appointment to the Planning Board as a Class III Member. Term to expire December 31, 2019.

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

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

Ms. Hesler read Resolution R-19-002

**R-19-002 RESOLUTION – APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT**

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

William L. Kuzmin          Alternate Member #2          Term to Expire 12/31/2020 (2-Year Term)

*Mr. Pak offered a motion to approve Resolution R-19-002, seconded by Mr. Manginelli*

**ROLL CALL**

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

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

ABSENT: None  
ABSTAIN: None

Ms. Hesler read Resolution R-19-003

**R-19-003 RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION**

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

Robert Sandberg	Regular Member – Term 01/01/2019 – 12/31/2021
Teresa Maltz	Regular Member – Term 01/01/2019 – 12/31/2021
Martine Ladd	Alt. Member #1 – Term 01/01/2019 – 12/31/2020

*Mr. Siebert offered a motion to approve Resolution R-19-003, seconded by Mr. Manginelli.*

**ROLL CALL**

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

Ms. Hesler read Resolution R-19-004

**R-19-004 RESOLUTION – APPOINTING MEMBERS OF HISTORIC COMMISSION**

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

Stacey Slowinski	Class A Member	Term 01/01/2019 – 12/31/2022
Kathleen DeAngelo	Class C Member	Term 01/01/2019 – 12/31/2022
Andreas Palomino	Alternate #1	Term 01/01/2019 – 12/31/2020

*Mr. Manginelli offered a motion to approve Resolution R-19-004, seconded by Mr. Pak.*

**ROLL CALL**

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

Ms. Hesler read Resolution R-19-005

**R-19-005 RESOLUTION – APPOINTING MEMBERS OF SHADE TREE COMMISSION**

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

Jim Vint	Term 01/01/2019 – 12/31/2023
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*Mr. Pak offered a motion to approve Resolution R-19-005, seconded by Ms. Fama.*

**ROLL CALL**

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

Ms. Hesler read Resolution R-19-006

**R-19-006 RESOLUTION - APPOINTING COUNCIL LIAISONS**

**BE IT RESOLVED** that the Borough Council of the Borough of Tinton Falls appoints the following liaisons for a one-year term to expire December 31, 2019:

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

*Ms. Fama offered a motion to approve Resolution R-19-006, seconded by Mr. Pak.*

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**ROLL CALL**

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

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**CONSENT AGENDA**

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

**ROLL CALL**

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

**R-19-007 RESOLUTION – 2019 TEMPORARY MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40a:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2019 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, the date of this resolution is within the first thirty days of January, 2019; and

**WHEREAS**, the total appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$23,167,033 and \$5,213,870 for the General Budget and Sewer Utility Budget respectively; and

**WHEREAS**, 26.25% of the total appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2018 budget is the sum of \$6,081,346 and \$1,368,641 for the General Budget and Sewer Utility Budget respectively.

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

**R-19-008 RESOLUTION - 2019 DEBT SERVICE**

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

**WHEREAS**, the date of this resolution is subsequent to December 19, 2018; and

**WHEREAS**, principal and interest will be due on various dates from January 1, 2019 to December 31, 2019, inclusive, on bonds issued and outstanding.

**NOW, THEREFORE, BE IT RESOLVED** that the following appropriations be made to cover the period from January 1, 2019 to December 31, 2019 inclusive:

**DEBT SERVICE – CURRENT FUND**

Principal on Bonds	\$1,590,000
Interest on Bonds	530,813
Interest on Notes	101,897
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	\$2,222,710
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**R-19-009 RESOLUTION - AMENDING R-01-003 AUTHORIZING CASH MANAGEMENT PLAN**

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

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

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

Kearny Federal Savings Bank

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

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

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

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

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

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

**R-19-010 RESOLUTION – AUTHORIZING PETTY CASH FUNDS**

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

Department of Audit, Accounts & Control (Administered by Tax Collector)	\$250.00
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**R-19-011 RESOLUTION – DESIGNATION OF OFFICIAL NEWSPAPERS FOR THE BOROUGH OF TINTON FALLS**

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

**R-19-012 RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR PROFESSIONAL AFFORDABLE HOUSING PLANNING SERVICES CONTRACT PS #1-19**

**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, 2019.

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

**R-19-013 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #1-19 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, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 15, 2018, the solicitation for receipt of proposals from engineering firms for said services, and four (4) proposals were received and documented on Thursday, December 6, 2018; 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

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

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 \$160.00 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 \$160.00 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, 2019.

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

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

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

I hereby certify funds availability as follows, contingent upon the necessary funds being appropriated by the governing body in the 2019 Municipal Budgets: General Engineering, General Storm water Management, Open Space Fund and Sewer Utility: \$155,000.00

**R-19-014 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #2-19 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, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 16, 2018, the solicitation for receipt of proposals from legal firms for said services, and seven (7) proposals were received and documented on Thursday, December 6, 2018; 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, 2019.

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 2019 Municipal Budget: Legal: \$40,000.00

**R-19-015 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #3-19 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, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 16, 2018, the solicitation for receipt of proposals from legal firms for said services and five (5) proposals were received and documented on Thursday, December 6, 2018; and



**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**WHEREAS**, the Borough has reviewed all proposals received and it was determined that Archer & Greiner PC, 10 Highway 35, Red Bank, NJ 07701, satisfies the requisites contained in the request for proposals to be considered for professional Bond Counsel services that the Borough may require during the contract year; and

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

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

1. The firm of Archer & Greiner PC, 10 Highway 35, Red Bank, NJ 07701 is hereby retained to provide professional bond counsel services for the unit price or fixed fee amounts and hourly rates listed in their proposal for a term expiring December 31, 2019.
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-19-016 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #4-19 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, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 16, 2018, the solicitation for receipt of proposals from legal firms for said services, and three (3) proposal were received and documented on Thursday, December 6, 2018; and

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

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

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

1. The firm of Pashman, Stein, Walder & Hayden PC , 28 Leroy Place, Red Bank, NJ 07701 is hereby retained to provide professional Affordable Housing Counsel services at an hourly rate of \$185.00 per hour for an amount not to exceed \$35,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2019.
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 2019 Municipal Budget as follows: Affordable Housing Trust \$30,000.00 Legal \$5,000.00

**R-19-017 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #5-19 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, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, 16, 2018, the solicitation for receipt of proposals from legal firms for said services, and seven (7) proposals were received and documented on Thursday, December 6, 2018; and

**WHEREAS**, the Borough has reviewed all proposals received, and it was determined the firm of McOmber & McOmber, 54 Shrewsbury Avenue, Red Bank, NJ 07701 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

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**WHEREAS**, this contract is to be awarded for an hourly rate of \$155.00 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 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 \$155.00 per hour for an amount not to exceed \$17,500.00 plus miscellaneous reimbursables for a term expiring December 31, 2019.
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 2019 Municipal Budget as follows: Legal \$17,500.00

**R-19-018 RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #6-19 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, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through the “fair and open” process, advertised on its website and in the Asbury Park Press on Friday, November 16, 2018, the solicitation for receipt of proposals from appraisal firms for said services and one (1) proposal was received and documented on Thursday, December 6, 2018; 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, 2019 through December 31, 2019; 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, 2019.
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 2019 Municipal Budget: Tax Assessor \$17,000.00

**R-19-019 RESOLUTION - AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #7-19 BOROUGH PLANNER**

**WHEREAS**, the Borough of Tinton Falls has a need for professional Planning Services during the contract year January 1, 2019 through December 31, 2019; and

**WHEREAS**, the Borough has, through a fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 16, 2018, the solicitation for receipt of proposals from legal firms for said services, and two (2) proposals were received and documented on Thursday, December 6, 2018; 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

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**WHEREAS**, it is recommended this contract is to be awarded for an hourly rate of \$160.00 per hour for an amount not to exceed \$55,000.00 for planning services, plus miscellaneous reimbursables from January 1, 2019 through December 31, 2019; and

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753, is hereby retained to provide professional Planning services for the Borough at an hourly rate of \$160.00 per hour for an amount not to exceed \$55,000.00 plus miscellaneous reimbursables for a term expiring December 31, 2019.
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 2019 Municipal Budget as follows: COAH: \$30,000.00 Housing: \$25,000.00

**R-19-020 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #12-19 PROFESSIONAL SERVICING & MAINTENANCE OF SEWER SYSTEM**

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

**WHEREAS**, the Borough has, through the fair and open process, advertised on the website and in the Asbury Park Press Wednesday, November 16, 2018, the solicitation for receipt of proposals from firms for said services and two (2) proposal were received and documented on Thursday, December 6, 2018; 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:  
\$9,825.00 per month or \$117,900.00 for 12 months for servicing 14 pump stations;  
\$ 600.00 per month or \$7,200.00 for 12 months for flow meter readings;  
\$ 650.00 per quarter or \$2,600.00 for 4 months for laboratory analysis of Jumping Brook Pump Station for a total contract not to exceed \$127,700.00 from January 1, 2019 through December 31, 2019, 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 \$127,700.00, 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, 2019 through December 31, 2019.
2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession requiring licensure.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2019 Municipal Budget: Sewer Utility \$127,700.00

**R-19-021 RESOLUTION AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #13-19 PROFESSIONAL AUDITING SERVICES FOR 2019 AUDIT**

**WHEREAS**, the Borough of Tinton Falls has a need for a professional Auditor for the 2019 audit; and

**WHEREAS**, the Borough of Tinton Falls has, through the fair and open process, advertised on its website and in the Asbury Park Press on Friday, November 16, 2018, the solicitation for receipt of proposals for Auditing Services, and two (2) proposal were received and documented on Thursday, December 6, 2018; and

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

**WHEREAS**, the Borough has reviewed the proposal received, and it was determined the firm of Holman, Frenia & Allison, P.A., 912 Highway 33, Suite 2, Freehold, New Jersey 07728 satisfies the requisites contained in the Request for Proposals to be considered for the Auditor for the 2019 audit; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$44,225.00 for the 2019 Audit; and

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

1. 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 \$44,225.00 for the 2019 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 2019 Municipal Budget as follows: Division of Finance – Audit Services: \$44,225.00

**R-19-022 RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On 10/16/17, Michael J. Jackson, 15 Society Hill Way, Tinton Falls, NJ 07724, posted a \$250.00 street opening cash repair deposit for a driveway installation at 17 Society Hill Way, Tinton Falls, NJ 07724.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Michael J. Jackson, 15 Society Hill Way, Tinton Falls, NJ 07724 has completed the work described in Street Opening Permit 2017-10-008; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Michael J. Jackson, 15 Society Hill Way, Tinton Falls, NJ 07724, be released.

**R-19-023 RESOLUTION REFUNDING STREET OPENING BOND**

WHEREAS, On 10/16/17, Michael J. Jackson, 15 Society Hill Way, Tinton Falls, NJ 07724, posted a \$250.00 street opening cash repair deposit for a driveway installation at 17 Society Hill Way, Tinton Falls, NJ 07724.

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Michael J. Jackson, 15 Society Hill Way, Tinton Falls, NJ 07724 has completed the work described in Street Opening Permit 2017-10-003; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$250.00 posted by Michael J. Jackson, 15 Society Hill Way, Tinton Falls, NJ 07724, be released.

**R-18-024 RESOLUTION - REFUNDING TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2018 4<sup>th</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and the Management Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lereta	75	49	\$1,280.23

Attn: Returns and Refunds

**REORGANIZATION/REGULAR MEETING  
JANUARY 8, 2019  
BOROUGH COUNCIL**

1123 Park View Drive  
Covina, CA 91724

Re: David Jordan  
22 Rambling Meadows Court  
and,

**WHEREAS**, said error has resulted in an overpayment of 2018 4<sup>th</sup> quarter taxes in the amount of \$1,280.23, 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 \$1,280.23 is hereby approved, as per the December 18, 2018 bill list, for the aforementioned property.

**ADJOURNMENT**

*Mr. Siebert offered a motion to adjourn, seconded by Mr. Pak.*

**ROLL CALL**

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

TIME: 8:59

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

**APPROVED AT A MEETING HELD ON: FEBRUARY 19, 2019**