

**REGULAR/WORKSHOP MEETING
MARCH 19, 2019
BOROUGH COUNCIL**

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

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

ROLL CALL (*Executive Session at 7:02 PM*)

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

ABSENT: Mr. Siebert

ALSO PRESENT: Melissa A. Hesler, Borough Clerk

Kevin Starkey, Director of Law

Vito Perillo, Mayor

Michael Skudera, Borough Administrator

Thomas Fallon, Director of Finance

Thomas Neff, Borough Engineer

Brian Nelson, Special Counsel

Mr. Siebert arrived at 7:04 PM.

EXECUTIVE SESSION

Council President Baldwin asked Mr. Nelson to read the Executive Session Resolution:

R-19-055 RESOLUTION TO ENTER EXECUTIVE SESSION

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

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

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

- 1) **Potential Property Acquisitions or Sales** – N.J.S.A. 10:4-12(b)(5)
Potential Property Sale/Auction (ATOD May 2019)

- 2) **Personnel Matters** – N.J.S.A. 10:4-12(b)(8)
None

- 3) **Contract Negotiations** – N.J.S.A. 10:4-12(b)(4) or (b)(7)
None

- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)
None

Mr. Siebert offered the following resolution and moved its adoption, seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Council President Baldwin advised that at this time Council would move into Executive Session.

Council President Baldwin advised that Council was back on the record at 7:30 for the regular meeting

Council President Baldwin asked Mr. Starkey for a brief summary of the Executive Session.

Mr. Starkey advised that that the following was discussed in executive session, but no formal action taken:

Potential Property Sale/Auction

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ROLL CALL (*Regular Meeting*)

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

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVAL OF MINUTES - None

2019 Budget Presentation - Michael Skudera, Tom Neff and Tom Fallon

Mr. Skudera started the presentation with a message from last year's budget which stated that the budget as presented is a fiscally sound and responsible plan, is crafted with a strong consideration of the impact on future year's budgets and on continued fiscal health of the Borough. He explained the breakdown of the pie chart in his presentation stating the Mayor and Council are directly responsible for less than 25 cents for each tax dollar collected while the remaining tax funds go to the Schools, County, Fire Districts and Open Space. The increases in the 2019 budget were \$188,500 for recycling disposal costs and payment of \$172,279 which is a 9.12% increase in mandatory pension payments. Municipal aid from the State of New Jersey was zero. This has remained flat funded for 10 years. He highlighted a 3.6% decrease in the municipal tax rate while aggressively amortizing debt and strengthen balance sheet. The municipal tax rate reduction for a residential household with an average assessment of \$358,040 will see a reduction of \$60 in their municipal taxes. He discussed funding needs to various Borough projects which included parks, sidewalks, roads and sewers. Capital projects in 2019 of \$5,045,000 consisting of \$4,180,000 in general capital improvements and \$865,000 in sewer utility capital improvements. He explained where the funds were utilized and what improvement projects were funded. One of the improvement projects is the accelerated road repaving program scheduled for 2019/2020 which will repave 11 roads. The design work will start in 2019 with bid and construction in 2020. Also, sanitary sewer pump station upgrades; vehicle upgrades and replacements; street lighting improvements in the former Ft. Monmouth area. He thanked Council for their support of the Recreation Master Plan. The first 5-year capital study to update and enhance the Borough's parks and open spaces. One of the park improvements will be Hockhockson Park ball fields.

Mr. Fallon discussed the 2019 budget appropriations of \$26,470,049 by function and listed fifteen functional categories with their dollar cost and percentages. He explained the breakdown of the pie chart for 2019 budget revenue anticipated and reviewed all categories. He discussed the Borough's bond rating of Aa2 and how Moody's Investors Service ratings are determined. Also, he stated that municipal gross debt over the last eight years decreased from \$5,500,000 at 22% from 24.4% to 18.9%. It is projected based on the Borough's capital needs and debt management strategy that as of December 31, 2020 that the gross debt will be further reduced by \$16,900,000 which is a very favorable trend. He discussed the Capital Budget Section-A graphic for general improvements which included the road program and all the individual road projects and the appropriation of \$2,552,000, less the grant fund and capital improvement fund, which would total an authorized debt of \$2,040,000. Continuing with general improvements the Capital Budget Section-B graphic listed all the maintenance improvements, building upgrades, acquisitions of equipment and open space projects. All these improvements will not be authorizing any debt. These are all appropriated either through the operating budget, a small appropriation thru a prior bond ordinance of \$60,000 and utilizing open space trust funds of \$866,500. Also listed were the sewer improvement projects which are appropriated in full in the operating budget in the amount of \$865,000.

Mr. Neff discussed the details of the Capital Projects – Road Repaving and realigning the schedule to allow for the design and permits to be completed first then schedule the bids and project start time the beginning of the year. This realigning of the schedule allows for better pricing from the contractors who would have had a slow project schedule in the winter months and better project valuation for the Borough. He explained in detail the 11 roads to be repaved which would be approximately three miles of road. Also, the capital projects will include some drainage projects on various roads. He mentioned waiting on a NJDOT grant of \$365,000 to pave Hope Road. If awarded, it would be the largest NJDOT local aid grant that the Borough has received. The area to be paved on Hope Road is from Sycamore to Tinton Avenue. As part of the 2018 road program a small sidewalk project is planned from Portofino's Restaurant on Water Street and Sycamore to Rutgers Drive on Wayside Road and connecting Deanna's Way to Valencia Drive. This will assist children walking safely in this residential area. There will be drainage improvements for Heritage Boulevard retention basin and Edison Avenue flooding and icing issues. Pump station upgrades at Rutgers and Nutmeg are necessary for general maintenance. The Water Street sanitary sewer extension, Phase II, on the western end will be scheduled if all the residents agree to come off septic to sewer. Mr. Neff explained the pump station solar conversion project. The present system is unreliable and causes DPW response delays when a pump station has a problem. The solar conversion system would mitigate many of the present issues and provide DPW reliable notifications when there is a pump station problem.

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Mr. Skudera thanked the Mayor for his support and all the participants for their great work on the budget and all the staff that were involved in the budget process. The public hearing is scheduled for April 16, 2019.

Mr. Baldwin and the Mayor thanked everyone for their efforts on the budget.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Vito Perillo

Mayor Perillo stated he visited the Fox Chase and Park Place developments to ascertain how the smell of the landfill was affecting this area. He did not smell any odors at this time and stated he is checking in with residents and keeping a close watch on this issue.

Engineer's Report – Thomas Neff

Mr. Neff reported on the road program that Earle Asphalt Co. is in the process of paving Old Mill Road and Marlin Lane aggressively with three trucks/crews consisting of concrete, milling and paving instead of the usual one truck/crew assignment. They are also paving and milling on Wheeling and Liberty Courts tomorrow and next will be milling and paving work on Fox Chase Drive. Also, beginning next week Heritage Boulevard will have a new traffic pattern due to the new bump outs on Bernard Drive, Cannonball Drive and Annapolis Street to help reduce speeding on these roads. Mr. Neff further explained what a bump out is and the design layout for Heritage Boulevard.

Finance Director – Thomas Fallon

Mr. Fallon had no report.

Borough Administrator – Michael Skudera

Mr. Skudera had no report.

Director of Law – Kevin Starkey

Mr. Starkey had no report.

Borough Clerk's Report – Melissa Hesler

Ms. Hesler had no report.

Council's Report

Ms. Fama thanked the Police Department and Sgt. Delucia who assisted her and her neighbors with information regarding forming a neighborhood watch due to a rash of car burglaries in her neighborhood. He educated the neighbors on protective measures and informed them of a free service called "house watch". He explained what it is and how residents can use this service. Ms. Fama requested this information be posted to the Borough website. Ms. Fama attended the Library Board meeting and asked Mr. Skudera why the library was not funded in this budget.

Mr. Skudera explained the grant was forecasted to be released by the Governor's Office in the spring/summer but was not released to the public. After communicating with the State Library, it appears the grant process will be finalized sometime next year, therefore the line item was removed from the budget. Ms. Fama asked if the grant is processed in 2019 can we use the funds in 2019 to open the library. Mr. Fallon replied there is a process whereby the funds can be available in 2019 and further explained that process. Ms. Fama appreciated the explanation especially for the audience members from the library attending this meeting.

Mr. Pak had no report but asked Mr. Starkey to clarify if the No-Knock Ordinance 2019-1440 pertains to politicians. Mr. Starkey explained how residents can register at the Police Department for this ordinance. Residents can provide their name and address to the Police Department who will in turn provide this No-Knock list to the solicitors. When registering you will be charged a small fee for a sticker which the resident can place at their homes entrance to prevent any solicitors. There is an exception for political campaigns/politicians who do not have to register. Also, he stated that non-profits organizations such as boy scouts, girl scouts and sports organizations will have to register and follow the No- Knock Ordinance but the sticker fee will be waived. Mr. Baldwin recommended that any minor be accompanied by an adult when soliciting in a neighborhood for safety reasons.

Mr. Siebert thanked Mark Shaffery, DPW Director, for repairing several potholes and repairing the damaged swing at Liberty Park. He thanked Mr. Fallon for reviewing the budget with him and answering his questions. Also, thanking the Mayor, Administrator and Council for addressing quality of life issues in the Borough.

Mr. Manginelli had no report.

Mr. Baldwin had no report.

ORDINANCES FOR INTRODUCTION

Ms. Hesler read Ordinance 2019-1445 entitled: **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

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Mr. Pak offered a motion to introduce Ordinance No. 2019-1445, seconded by Mr. Manginelli.

Mr. Fallon recommends the Council routinely adopt this Ordinance each year. It is not needed to adopt the budget, but he explained how it provides flexibility in the future.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing/Adoption will be held on April 2, 2019.

ORDINANCE NO. 2019-1445

BOROUGH OF TINTON FALLS

COUNTY OF MONMOUTH

CALENDER YEAR 2019

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Tinton Falls in the County of Monmouth finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$211,299.08 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Tinton Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$739,549.78 and that the CY 2019 municipal budget for the Borough of Tinton Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

ORDINANCES FOR FINAL CONSIDERATION

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Ms. Hesler read Ordinance No. 2019-1440 entitled: **ORDINANCE AMENDING CHAPTER 5-6 OF THE BOROUGH CODE, ENTITLED “PEDDLING, CANVASSING AND SOLICITING” TO CREATE A NO-KNOCK REGISTRY AND TO MAKE VARIOUS OTHER CHANGES**

Mr. Pak offered a motion to open the Public Hearing on Ordinance 2019-1440, seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public Mr. Siebert offered a motion to close the Public Hearing on Ordinance 2019-1440, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Siebert offered a motion to adopt Ordinance 2019-1440 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 Ordinance No. 2019-1441 entitled: **ORDINANCE AMENDING CHAPTER VIII OF THE BOROUGH CODE, ENTITLED “ANIMAL CONTROL” TO PROHIBIT THE FEEDING OF WILDLIFE INCLUDING FERAL CATS**

Mr. Pak offered a motion to open the Public Hearing on Ordinance 2019-1441 seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING OPEN

Denise Catalano, 11 Alpine Trail – Ms. Catalano wanted to know if “wildlife” meant you cannot feed the birds. Mr. Starkey stated this ordinance only refers to feral cats.

Leo Lomangino, 93 Colonial Drive – Mr. Lomangino questioned the terms of contract we have with the SPCA regarding feral cats. Mr. Pak explained the TNR program with all the humane steps involved and how it will reduce the feral cat population.

Brian A., 42 Danbury Road – Mr. A asked what problems are being solved by not feeding the cats. Mr. Baldwin explained the TNR process whereby the cat colony will stay together to be inventoried, managed and fed on a schedule. Other than a cat colony that is in the TNR program no one should be feeding cats. Ms. Fama added that feeders are leaving food out all the time which has been attracting turkey buzzards and other wild animals. Mr. A stated the open dumpsters in his neighborhood are attracting the black vultures. He suggested making sure the dumpsters at the apartments be closed to avoid attracting more black vultures. Mr. Baldwin explained the habits and characteristics of black vultures and why they are difficult to contain. He agreed that closing dumpsters would be a positive step towards reducing this problem.

Paul Abrams, 23 Taylors Run – Mr. Abrams suggested fixing the title to prevent confusion. Mr. Starkey stated the title is a summary title within the ordinance chapter and that is why it mentions wildlife also.

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Unnamed woman in the audience – Asked if someone can register a colony? Mr. Pak explained the TNR program will establish care taker liaisons that are vetted by SPCA to take care of the registered colonies and more information will be forthcoming when the program is established.

Rosemary Kalinowski, 52 Garrison Drive – Ms. Kalinowski suggested the ordinance should make clear it is illegal to dump/abandon animals. Mr. Pak commented this ordinance is a first step and they will examine the possibility of licensing cats to further provide an accountability of animals in the Borough.

There being no further comments from the public Mr. Pak offered a motion to close the Public Hearing on Ordinance 2019-1441, seconded by Mr. Manginelli.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Pak offered a motion to adopt Ordinance 2019-1441, seconded by Mr. Siebert.

ROLL CALL

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

Ms. Hesler Read Ordinance No. 2019-1442 entitled: **ORDINANCE AMENDING CHAPTER XL OF THE BOROUGH CODE, ENTITLED “LAND USE REGULATIONS” TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS EXCEPT FOR RESCUE OR DONATED ANIMALS**

Mr. Manginelli offered a motion to open the Public Hearing on Ordinance 2019-1442 seconded by Mr. Siebert.

ROLL CALL

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

PUBLIC HEARING OPEN

Tom Leach, address not audible, - Mr. Leach represents a coalition of pet stores and their owners in New Jersey. He asked the Council to consider the merits of individual pet stores and the business owners who abide by the appropriate local and State licensing rules. He stated there have been several municipalities who have passed similar ordinances which have resulted in no puppy mills being closed. His business clients are thriving and opening new businesses, and this is not a dying business sector. Other municipalities have embraced these businesses and stating problems with commercial breeders are in the past. Noting NJ Department of Consumer Affairs has the most restrictive laws in the U.S. protecting animals and it is enforced throughout the State. He asked Council to consider tabling this ordinance for tonight and learn more about the business side of this issue.

Mr. Baldwin thanked Mr. Leach for the information and stated he has reviewed the materials. The ordinance will not prohibit new pet store businesses but will only require a use variance which will list where the pet store owners acquired their animals.

Mr. Pak also stated he has researched this issue and most retail pet store distributors get their animals from puppy mills for the cost margin. Currently there are no retail stores in the Borough, but this ordinance does not prevent them from establishing a business here. He stated passing this ordinance is the right thing to do and clarifying the business rules will help prevent any possible future lawsuits.

Matty Giuliano, Chaplain Monmouth County SPCA, Eatontown – Mr. Giuliano had a prepared statement to read in support of this ordinance prohibiting the retail sale of cats and dogs in pet stores.

Janice Fisher, Manasquan – Ms. Fisher is the coordinator of the Puppy Mill Awareness Campaign for Friends of Animals united in New Jersey. She is familiar with this issue having worked on the puppy mill pet store connection issue for the last ten years at the local, county and statewide legislation. She has worked with customers who have purchased animals from unscrupulous pet store owners. She provided a history of the pet store business and highlighted the issue that the State laws in place are not being enforced due to lack of resources and the USDA data

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on breeders is no longer available to consumers. She is in support of this ordinance which will also help prevent animal cruelty.

David Elkin, 692 Tinton Avenue – Mr. Elkin stated this is a topic near and dear to he and his wife who have volunteered to rescue dogs and have fostered abused ones over the past thirteen years. Rescued pets make wonderful companions. He is in support of this ordinance.

There being no further comments from the public Mr. Siebert offered a motion to close the Public Hearing on Ordinance 2019-1442, seconded by Mr. Pak.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Siebert stated he reviewed the list of AKC recognized breeder clubs throughout the US which prohibit the sale of their animals to pet stores. He noted the dogs in pet stores clearly did not come from AKC breeders which assisted him in his decision.

Mr. Pak offered a motion to adopt Ordinance 2019-1442, seconded by Ms. Fama.

ROLL CALL

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

Mr. Baldwin thanked all who had communicated with Council, by writing or phone, on this matter that is important to them.

Mr. Baldwin explained why Ordinances No. 2019-1443 and 2019-1444 are being carried due to late information provided by the Borough's COAH Counsel, Andrew Bayer, Esq.

Ms. Hesler Read Ordinance No. 2019-1443 entitled: **AN ORDINANCE OF THE BOROUGH OF TINTON FALLS TO IMPLEMENT THE BOROUGH'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF TINTON FALLS AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015), THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.**

Mr. Pak offered a motion to carry to April 2, 2019 the Public Hearing on Ordinance 2019-1443 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 Ordinance No. 2019-1444 entitled: **AN ORDINANCE AMENDING CHAPTER XXIII (DEVELOPMENT FEES) AND DELETING CHAPTER 39 OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS AMENDING THE MANDATORY DEVELOPMENT FEES AND OTHERWISE UPDATING THE BOROUGH CODE TO ENSURE CONSISTENCY WITH THE BOROUGH'S SETTLEMENT IN ITS MT. LAUREL LITIGATION, THE FAIR HOUSING ACT AND COAH'S REGULATIONS**

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Mr. Pak offered a motion to carry to April 2, 2019 the Public Hearing on Ordinance 2019-1444 seconded by Mr. Manginelli.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Anthony DeSantis, 17 Dover Court – Mr. DeSantis thanked Mayor Perillo for returning his call and answering his questions regarding the Monmouth County Reclamation Center. He asked for the current status of the situation and the health and environmental issues.

Mr. Baldwin stated he forwarded Mr. DeSantis's letter to Senator Gopal and Freeholder Tom Arnone. He received a call back from Ms. Terri O'Connor, County Administrator. Mr. Baldwin expressed his opinion that County representatives should attend our council meetings and provide a status update on the landfill project to our residents. Ms. O'Connor agreed to setup an informational meeting in the future to address the resident's concerns and offered landfill tours to residents to assist with project transparency.

Mr. Baldwin provided the updated information he did have from the County regarding the topics requested. He stated there have been no record of health hazards reported to them even though the odor is awful. The County has drilled more wells than previously reported and have hired a second vendor to speed up this process. The drilling assists with pulling up the methane gas to process within their methane plant. They have installed more misting pipes to help with the odor control process and there is an inspector there twice a week to oversee the contractors work. Mr. Baldwin requested the County provide an afterhours phone number that residents can call to report odor complaints and is awaiting a response.

Mr. DeSantis thanked Mr. Baldwin for all his efforts in providing follow-up, answers and suggestions to the County. He asked what the stance of the Council is regarding testing the community area outside the property of the landfill. Mr. Mack, OEM Coordinator, stated the NJ Department of Environment is charged with testing the area outside the landfill property and to date have not provided him with any updates. Mr. DeSantis is free to contact NJDEP directly and the contact information will be provided. Mr. Siebert clarified that NJDEP usually are prompted to test further outside an area when a hot well inside the designated area is found. Mr. Pak added that we are relying on the County and NJDEP to give their assessment of the area and steps will be taken to apply pressure where needed to obtain answers. Mr. Baldwin commented early in this process the MC Health Commission was asked if anything coming from the landfill was toxic to our residents and was verbally assured by them and Freeholder Arnone there was zero health issues. He assumed this information was provided by NJDEP but also stated there is nothing in writing confirming this response. Mr. Siebert added the County just recently approved funding to address the landfill issues and we should give them some time to get their controls in place. Mr. DeSantis commented he attends the County and SWAC meetings and tries to ascertain who oversees certain processes but there is the feeling of getting the run around from these agencies. He appreciates the Council keeping the dialogue open to the concerns of the residents regarding the landfill issues. He is hopeful there will be more concrete answers to his questions from NJDEP and others.

Sandy Gould, 28 Neville Street, Library Board Secretary – Ms. Gould thanked Ms. Fama for providing clarification concerning the budget for the library. The library has created a fund-raising committee. Ms. Gould has requested a copy of the memo by Mr. Skudera to the Council providing the library budget explanation in order to be consistent and transparent with their fund-raising promotional efforts. Ms. Gould provided information regarding their recent fundraising event and their future endeavors.

Bill Dunn, 23 Little Rock Lane – Mr. Dunn referenced the current project at the landfill and inquired if there is a process in which the landfill must notify the Borough of any additional work outside their daily operations. Council President Baldwin agreed that there must be a line of communication between the Borough and the landfill, he believes due to recent events, the communication will improve. Mr. Dunn suggested getting an agreement in writing that would require the landfill to inform the Borough about projects so that residents will receive a proper warning. Mr. Starkey, Borough Attorney agreed with Mr. Dunn and said it would be an excellent idea to perhaps include this

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within the Host Benefit Agreement. Mr. Dunn stated that at recent SWAC meetings, the finger has been pointed back at the Borough, stating that the Borough should be taking the lead on this issue. Mr. Manginelli stated that this message was not conveyed at the January 28th meeting with Senator Gopal and the Freeholders. Mr. Pak believes that the Borough must be more aggressive and hold the County accountable while the Host Community Agreement is being negotiated. He hopes that the County's weekly updates will begin to reach residents affected by the issues of odor. Mr. Skudera added that the Borough website has a link to the County's website that has the weekly updates.

Bill Keasler, 71 Edgebrook Court - Mr. Keasler stated that he attended the Freeholder's Meeting last night in which he thought quality of life measures are included in the Host Benefit Agreement. Mr. Starkey explained that the Host Benefit Agreement comes out of a specific state statute in which they are required to provide a certain level of benefits to the Borough. He stated that the Borough is working to incorporate things, periodic updates being one. However, the Borough does not have the authority to mandate certain levels of the agreement. Mr. Starkey does not believe that metrics on quality of life can be included in the Host Benefit Agreement. Mr. Keasler suggested requiring the County to provide notifications and Mr. Starkey stated that he will look into it.

Gerry Turning, 32 Periwinkle Circle - Mr. Turning referenced a letter from Monmouth County Regional Health Commission dated March 14, 2019 and asked if any members of Council or Administration received the letter. He inquired about the agreement that the Regional Health Commission terminated with the County as well as the agreement between the Health Commission and the Borough of Tinton Falls. He noted that the contract states that the MC Regional Health Commission will investigate and respond to all odor and air pollution complaints. Mr. Starkey explained that because the Health Commission breached their contract and has stopped providing the service the Borough has stopped paying them. Mr. Skudera explained the County Environmental Health Act (CEHA) stating that the Monmouth County Board of Health is CEHA compliant, the Borough is waiting to see how the Board of Health and the NJDEP will construct a system to administrate odor complaints. Mr. Turning once again referenced the contract between the Borough and the Regional Health Commission and explained that according to that contract they are still obligated to inspect all odor complaints. Mr. Turning discussed issues with leachate stating that he saw trucking removing leachate from the landfill. Mr. Neff explained that they are not trucking leachate above or beyond the allowable amount.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER- Mr. Pak briefly mentioned Kerry Morganthaler who will be working with the Monmouth County SPCA.

RESOLUTIONS

Ms. Hesler read Resolution R-19-056 by title: Introduction of 2019 Municipal Budget

Mr. Pak offered a motion to approve the Resolution R-19-056, seconded by Mr. Manginelli

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Fallon stated that the Public Hearing on the budget will take place in four weeks on April 16, 2019 the summary was published in the newspaper and will be available on the Borough's website. Complete hard copies will also be available to anyone interested in obtaining one.

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Resolution R-19-056
MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Tinton Falls, County of Monmouth for the Fiscal Year 2019
Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2019;
Be It Further Resolved, that said Budget be published in the Coaster
in the Issue of March 28, 2019
The Governing Body of the Borough of Tinton Falls does hereby approve the following as the Budget for the Year 2019:

Offered:

Seconded:

RECORDED VOTE

(Insert last name)

Abstained 1

Ayes {

Nays {

Absent {

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough _____
of Tinton Falls, County of Monmouth, on March 19, 2019.
A Hearing on the Budget and Tax Resolution will be held at Borough Hall, on April 16, 2019 at
7:30 o'clock p.m. at which time and place objections to said Budget and Tax Resolution for the Year 2019 may be presented by
taxpayers or other interested persons.

I Melissa A. Hesler, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Governing Body of the Borough of Tinton Falls on March 19, 2019.

Melissa A. Hesler, Borough Clerk

Sheet 2

CONSENT AGENDA

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-19-057 RESOLUTION OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ADOPTING AN AFFORDABLE HOUSING SPENDING PLAN AND REQUESTING JUDICIAL REVIEW AND APPROVAL OF SAME

WHEREAS, the Borough of Tinton Falls (“Borough”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about April 20, 2018 establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the court order approving the Settlement Agreement and regulations adopted by the New Jersey Council on Affordable Housing (“COAH”) require a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by the Council on Affordable Housing prior to spending any of the funds in its Trust fund; and

WHEREAS, these regulations required a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

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3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
7. A plan to spend the trust fund balance in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Borough of Tinton Falls has prepared an Spending Plan consistent with the Borough's Settlement Agreement; and

WHEREAS, the Borough of Tinton Falls is seeking review and approval of its Spending Plan as part of its obligations under the court approved Settlement Agreement between the Borough of Tinton Falls and Fair Share Housing Center.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, hereby adopts the amended Spending Plan attached hereto;

BE IT FURTHER RESOLVED THAT the Borough of Tinton Falls hereby requests that the Court review and approve its amended Spending Plan.

R-19-058 RESOLUTION OF THE BOROUGH OF TINTON FALLS ADOPTING A REHABILITATION PROGRAM MANUAL TO MANAGE THE BOROUGH'S REHABILITATION PROGRAM OF QUALIFIED AFFORDABLE HOUSING UNITS

WHEREAS, the Borough of Tinton Falls ("Borough") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about April 20, 2018 establishing the Borough's Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Borough Council of the Borough of Tinton Falls desires to implement the Borough's Third Round Housing Plan Element and Fair Share Plan consistent with the terms of a Settlement Agreement reached between the Borough and Fair Share Housing Center; and

WHEREAS, in accordance with the terms of the Settlement Agreement with Fair Share Housing Center and applicable COAH regulations, the Borough of Tinton Falls is required to adopt a rehabilitation program manual to meet its rehabilitation obligation in connection with its affordable housing obligation for the 1999-2025 time period.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, New Jersey, hereby adopts the Rehabilitation Program Manual, dated December 2018.

R-19-059 RESOLUTION OF THE BOROUGH OF TINTON FALLS ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR AFFORDABLE HOUSING UNITS WITHIN THE BOROUGH

WHEREAS, the Borough of Tinton Falls ("Borough") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

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WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about April 20, 2018 establishing the Borough's Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, in accordance with COAH'S regulations at N.J.A.C. 5:93-1, et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26., et seq., and the terms of the Settlement Agreement with Fair Share Housing Center, the Borough of Tinton Falls is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 4, which encompasses Mercer, Monmouth and Ocean counties; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Tinton Falls shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
- B. The Borough of Tinton Falls has a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Tinton Falls. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all of the following strategies:
 1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 1. All newspaper articles, announcements and requests for application for low and moderate income units shall appear in the Trentonian, Asbury Park Press, and The Beacon.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall

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provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.

3. The advertisement shall include a description of the:
 - i. Location of the units;
 - ii. Direction of the units;
 - iii. Range of prices for the units;
 - iv. Size, as measured in bedrooms, of units;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees.
4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Monmouth County and the other two of which shall be circulated primarily outside of Monmouth County but within the housing region.
5. The following regional radio station shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
 - i. 1450 WCTC (Beasley Broadcast Group)
6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
 - i. Borough Hall
 - ii. Borough Public Library
 - iii. Borough Website
 - iv. Developer's Sales/Rental Office
 - v. Mercer County Library Headquarters
 - vi. Monmouth County Headquarters Library
 - vii. Ocean County Library

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.
7. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Mercer, Monmouth, and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
 - i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Mercer County Board of Realtors

Monmouth County Board of Realtors

Ocean County Board of Realtors

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- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Mercer, Monmouth, and Ocean:

Welfare or Social Service Board

Rental Assistance Office (local office of DCA)

Office on Aging

Housing Authority

Community Action Agencies

Community Development Departments

- iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed on Attachment A in accordance with the Region 4 Affirmative Marketing Plan.
- iv. Quarterly informational circulars, applications, and copies of press releases and advertisements of the availability of low and moderate income housing shall be sent to the following additional community and regional organizations:

Fair Share Housing Center

New Jersey State Conference of NAACP

Asbury Park/Neptune

Greater Freehold NAACP

Greater Red Bank NAACP

Long Branch NAACP

Senior Citizens United Community Services (SCUCS)

STEPS Conference

Supportive Housing Association

The Latino Action Network

8. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4 comprised of Mercer, Monmouth, and Ocean Counties.
9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
10. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

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12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

R-19-060 RESOLUTION CERTIFYING COMPLIANCE WITH UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that it hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

R-19-061 RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF TINTON FALLS AND THE MONMOUTH COUNTY S.P.C.A. FOR A TRAP, NEUTER AND RELEASE PROGRAM

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

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

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

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

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

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

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

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

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

R-19-062 RESOLUTION AUTHORIZING THE AWARD OF A "FAIR AND OPEN" CONTRACT FOR RFP #14-19 REAL PROPERTY DATA COLLECTION AND VERIFICATION SERVICES IN ACCORDANCE WITH THE ASSESSMENT DEMONSTRATION PROGRAM

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WHEREAS, the Borough of Tinton Falls has a need for a Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program; 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 Monday, December 17, 2018, the solicitation for receipt of proposals for Real Property Data Collection and Verification Services in Accordance with the Assessment Demonstration Program, and one (1) proposal was received and documented on Tuesday, January 8, 2019; and

WHEREAS, the Borough has reviewed the proposal received, and it was determined the firm of Realty Data Systems, 55 White Road, Suite C, Shrewsbury, NJ 07702 satisfies the requisites contained in the Request for Proposals; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$208,764.00 over five (5) years.

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

1. The firm of Realty Data Systems, 55 White Road, Suite C, Shrewsbury, NJ 07702 is hereby retained as described above for an amount not to exceed \$208,764.00 over the five (5) year term of the Agreement.

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: Assessor: Other - \$41,752.80

R-19-063 RESOLUTION – APPROVAL OF BILLS – March 19, 2019

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 19, 2019; 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	2,201,392.51
SEWER UTILITY	102,184.49
TRUST FUNDS	19,308.29
GRANT FUND	76,347.00
GENERAL CAPITAL	9,492.52
DOG TRUST	2,559.00
ESCROW	13,785.92
ADDITIONS	1,206,907.92
TOTAL	3,631,977.65

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:58 PM

Respectfully Submitted,

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Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: MAY 7, 2019