

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
September 4, 2007

Borough Clerk calls the meeting to order at 7:30 p.m.

Borough Clerk reads 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 New Coaster at least 48 hours prior to the meeting."

All present stand for the salute to the Flag.

ROLL CALL:

PRESENT: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

ABSENT: None

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Administrator
James E. Berube, Director of Law
Stephen Pfeffer, Chief Financial Officer
Karen Mount-Taylor, Borough Clerk
Kelly Johns, Deputy Borough Clerk
Gerald Freda, Borough Engineer

APPROVAL OF MINUTES March 6, 2007 & March 20, 2007

Mr. Tobin offers a motion to approve the minutes of March 6, 2007, seconded by Mr. Baldwin.

ROLL CALL:

AYES: Mr. Ford, Mr. Tobin, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill, Mr. Baldwin

Mr. Tobin offers a motion to approve the minutes of March 20, 2007, seconded by Mr. Morrill.

ROLL CALL:

AYES: Mr. Tobin, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Ford, Mr. Morrill, Mr. Baldwin

MAYORS REPORT

Mayor Maclearie thanks everyone for coming out for Community Day. He states that it was extremely hot and gives the volunteers a lot of credit for putting up with that heat.

ADMINISTRATORS REPORT

Mr. Dempsey states that Q Send, the company that would be doing the website, held a presentation for the Borough. All department heads were in attendance and felt that it was a positive solution. Mr. Dempsey states that there will be a Resolution on the next Agenda approving the Pay to Play vendor of Q Send. He also states that the money will come from the Comcast Grant to fund the website.

Mr. Dempsey reports that all the commercial properties have been revaluated by the Tax Assessor.

The Alcohol Beverage Control is asking that we pass a beer Keg Ordinance. Mr. Dempsey states that this subject should be put on a workshop Agenda and we should also have the Chief look into it.

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Mr. Dempsey also states that a proposed ordinance for prohibiting or consumption of Alcoholic Beverages on private property by persons under the legal drinking age of twenty-one.

Mr. Dempsey states that there is a meeting scheduled for September 5, 2007 with the green Acers people and our appraisers to go out and look at the property.

Mr. Morrill states that there will be an Open Space Committee meeting and they will be making their master Plan presentation on September 18, 2007. There will also be resolutions for the Grant applications. He states that as of the September 10, 2007 meeting they will have completed the inventory list that Mr. Pfeffer had given them. Mr. Morrill states that he will return that as soon as possible.

Mr. Ford states that tonight we will be having a library presentation. Mr. Ford states that on October 28, 2007 there will be a Tinton Falls Foundation walk or run, that has been successful in the past.

Mr. Baldwin gives a report on the Planning Board of August 22, 2007 meeting. He states The Lawson funeral home preliminary site plan has been accepted.

Mr. Baldwin also states that Seabrook Village Phase III was approved. This project will add about 380 units and a community building.

Mr. Baldwin states the new business brought before the Planning Board was Suddler Management Corporation seeking preliminary and final site plan approvals. He states that this project will bring Match Point Tennis, a high end fitness center to the Borough. It will be located on the south side of Pinebrook Road between Park road and Hope Road. It is a high end, family oriented sports complex.

Mr. Tobin states that he will not be attending the September 18, 2007 meeting but he does state he is in favor of the cell tower Ordinance and also the Open space projects.

Mr. Tobin states that he would like to welcome home Mike DiDonato from the US Army, Mike is home on a two week leave from where he has been stationed in Bagdad since the start of the war, after his leave is up he will be returning to Bagdad. He is a member of Fire Company #1.

Mr. Skudera states that the technology committee will be meeting Thursday September 6, 2007 at seven thirty.

Mr. Dempsey has provided a report from Bill Birdsall regarding the square footage of the old municipal building. He states that its size is approximately 7,000 square feet.

Mr. Ford asks if there are any numbers on the cost to take down the house portion of the old municipal building. Mr. Dempsey explains that they haven't gone out to bid on it yet because the bid would have to be separated due to the fact that when you tear down the old portion of the building you will have to support the one side where it attaches to the brick structure.

Mr. Berube states that adjoining property owners are interested in the vacation of Blossom Street. Mr. Berube states he will be making some recommendations at the next meeting.

Linda Zuccaro a member of the Tinton Falls Library Board presents a presentation on behalf of the library committee and states the extensive number of reasons why the Library is insufficient for Tinton Falls. The presentation is to inform Council of their acute needs for additional space.

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Mrs. Zuccaro introduces the Director Rosemary Tunnicliffe, and their young adult Librarian Jane Cleveland.

Mr. Tobin asks if they have an idea of the size of the building they think they would need to accommodate a town that is going to approach 20,000 people.

Mr. Morrill asks how many residents are actually members of the Library. Mrs. Zuccaro states there are approximately 3770 residents.

Mr. Ford introduces Mike Stanton of the library Committee for his presentation. Mr. Ford states that Mr. Stanton has done a wonderful job of getting everyone organized, getting the architects in, making sure there were great attendance at all the meetings.

Mr. Stanton reads the report that was submitted to the Borough Council last Friday for the record. The Library committee was formed by the Mayor six months ago to explore the idea of building a new library. The Committee membership consists of people from town government, the Library Board and staff, and town residents. The committee includes the Mayor, Peter Maclearie, and Paul Ford from the Borough Council. From the Library there are Linda Zuccaro, the Library Board President, Rosemary Kotchman a member of the Library Board, and Rosemary Tunnicliffe the Library Director. From the community there are Percy Berry, Carol Collins, Bea Gardella, Mimi Keenan, and Michael Stanton. The first step the committee took was to solicit the town's thoughts on the Library. We distributed a survey to the residents through the Spring Borough newsletter, the Borough Website, points in the Library and town hall, hand outs in the public schools and to the Tinton Falls senior Residence and Seabrook. The survey was mentioned in articles about the library in the local newspaper, The Coaster, on April 26 and July 13. A copy of the survey is attached to this report.

342 survey forms were returned and the results compiled. Of the 92% who answered the question on rating the services provided by the library, 76% rated the services excellent, 18% very good, 4% good, 1% fair and 1% poor. Of the 90% who answered the question on rating the facilities, 18% rated them poor, 39% fair, 21% good 12% very good, and 10% excellent. Of the 96% who answered the question on whether they would support improving and expanding the library through community funding, 74% defiantly would, 21% probably, 4% probably not, and 1% defiantly not. From these results, plus the dozens of additional comments filled in, it was apparent to the committee that the community is extremely happy with the services the library offers, and feels the current library is too small and missing some necessary facilities. In addition, they overwhelmingly support using community funding to expand and improve the library.

After working on the survey, we then took the next logical step in exploring the process of library construction. The construction of a library consists of a set of steps, which can be broken up into two pieces. The first is a feasibility study, the out put of which is a needs assessment, program information, site analysis, concept sketches, and estimated budget. The second piece is the actual construction which starts with the architectural schematic design, design development and generation of construction documents, and proceeds to bid solicitation and the actual construction. While not always, both pieces are typically guided by an architect.

We asked architects experienced in building libraries in New Jersey, and listed in the NJ Library Construction Bond Fund: Architects List, to present their qualification packages to the committee and to meet with us to discuss them. After meeting with them and discussing the matter internally, we decided to forward a Request for proposal (RFP) to Arcari+Iovino Architects P.C. and Dennis Kowal Architects. The (RFP) solicited a proposal for services in completing a feasibility study for a new community library in Tinton Falls. The committee received the proposals from both firms, reviewed them, discussed experiences in visits to the libraries the firms had architected, and came to a decision.

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It is the decision of the Library Evaluation Committee that we ask the Borough council to adopt a resolution to contract the services of Dennis Kowal Architects for the completion of a feasibility study for the library in Tinton Falls. It is expected that the

\$25,000.00 library grant from the state will be sufficient to cover all expenses for this work.

Respectfully submitted, Michael Stanton, Chairman, Tinton Falls Library Evaluation Committee

Mr. Tobin states for the record "I have been receiving angry chastising emails claiming I do not support the library, as Mrs. Tunncliffe will tell you I have spoke to you how many times? About different ideas and different ways to come up with a building to get it done, to come up with this. My kids use the library and we love it, so lets get that out there ok"!

Mr. Tobin asks Mr. Stanton what kind of space they think they need. Mr. Stanton states from the information given by the library board and statistics generated by the New Jersey State library Association, the library would need to be approximately 17,000 square feet.

Mr. Skudera asks Mr. Stanton to state for the record why they chose Dennis Kowal Architects. Mr. Stanton states the committee had seen buildings built by both architects, they had interviewed both of them and a lot had to do with the style of the architect and whether or not the people in town would be comfortable working with him. They felt that he was competent. He states that they felt both architects were competent, but Dennis Kowal was a level above what they had from Arcari+Iovino Architects P.C

Mr. Morrill asks if the feasibility study is going to cover both revamping the old municipal building as well as building a new building.

Mr. Stanton states that they asked the architects to return a response for developing on the old municipal site. Then there were two other options to that. One of which was if they decided to build on Fort Monmouth property how much it would be to augment that feasibility study. The second option was what would be the cost of determining how the brick portion of the old municipal building could be used.

Mr. Stanton states that current construction costs are approximately one hundred ten to two hundred dollars per square foot finished.

Mr. Morrill asks if the library is able to become self reliant beyond the initial costs of building a new building or would it still need money from the town to support it. He is advised that there is no way that Tinton Falls Public Library is self reliant and they appreciate all the Borough does for them. Mr. Morrill states that he only asked because he was unsure how it was done.

Mr. Ford states that Council has a number of serious decisions that need to be made, and number one being what we do with the old building and do we want to look at a location because those are real costs that will affect us.

Mr. Ford states there is no question Tinton Falls needs a new library and the feasibility study will be covered from the \$25,000.00 grant so it will not cost the Borough anything.

Mr. Baldwin asks if there is time limit on this grant. Mr. Stanton states that he believes it has to be renewed every year. He states that it has already been extended twice.

Mr. Baldwin asks if there is a chance we could loose that grant. Mr. Pfeffer states that we just got another extension till the end of the year. Mr. Pfeffer states that if we award the contract he will submit a new report to the state stating that we now have an architect, the study is moving forward and the money has been committed. He

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states that there are no guarantees but if we run past December 31, 2007 he will apply for another extension.

Mr. Tobin states that he is in favor of moving on this project. He recommends they try and stay away from the option of using Fort Monmouth property, due to the fact it will prolong the process possibly five to ten years.

Mayor Maclearie states that the Borough has asked for five acres of the Fort Monmouth property. Which would accommodate a number of facilities one of which being the library. The public benefit and conveyance that we have asked for, we should find out in a couple months. There is a process when they meet every month and they are starting to look at all the requests from the different towns. He states that he defiantly thinks the Fort Monmouth property should be considered.

Mr. Dempsey gets clarification on what the \$25,000.00 exactly should be spent on. Council decides to use it towards the old municipal building feasibility study.

Mr. Berube states that he has concerns regarding the Pay to Play, and this contract would be subject to both state and our Ordinance Pay to Play laws. He will make sure that the architect has not violated the Ordinance Pay to Play laws.

Mr. Freda states that Mr. Stanton brought up the cost of construction at being approximately one hundred ten dollars per square foot, he states that the costs are likely to double or triple with renovating the old municipal building.

Mr. Freda states that he believes they are going in the wrong direction with the old building, he believes it could serve a purpose alone with no additions. He wants council to understand that they will have to work around the existing structure if they decide to use this for the library.

Mr. Stanton states that he left out Gene Phillips who is also a member of the library committee.

Mrs. Tunncliffe states for the record that she is handing over a petition to Council with over six hundred names.

Ordinance for Introduction

Borough Clerk reads Ordinance No. 07-1228 AN ORDINANCE OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ESTABLISHING REQUEST FOR CRIMINAL HISTORY BACKGROUND CHECKS.

Mr. Tobin offers a Motion to introduce Ordinance No. 07-1228, seconded by Mr. Ford.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Public Hearing to be set at the convenience of the Borough Clerk.

Ordinances for final Consideration

Borough Clerk reads Ordinance No. 07-1226 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 07-1215 (WHICH PROVIDES FOR THE 2007 ROAD AND RECREATION TRAIL RECONSTRUCTION, CONSTRUCTION AND RESURFACING PROGRAM) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 6, 2007, TO AMEND THE DESCRIPTION SET FORTH THEREIN

Mr. Tobin offers a Motion open the Public Hearing, seconded by Mr. Ford

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ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Public Hearing to be set at the convenience of the Borough Clerk.

PUBLIC HEARING NOW OPEN

Mr. Tobin offers a Motion to close Public Discussion, seconded by Mr. Baldwin

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Tobin offers a Motion to adopt Ordinance No. 07-1226, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Skudera clarifies for Mr. Ford that there was money left over and it can be used for the streets.

Borough Clerk reads Ordinance No. 07-1227 AN ORDINANCE AMENDING SECTION 2-12.1 OF THE ORDINANCES OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS

Mr. Tobin offers a Motion open Public Discussion, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Berube states that he presented comments from the PBA that were given to him for certain amendments to that Ordinance. He would like to offer those for public discussion as well. if Council is so inclined to seek an amendment to comply with those requests. Mr. Berube states that the PBA has requested that a PBA designate actually handles the scheduling of the private duty assignments. The second item being that there is a process in place incase there is a dispute over compensation. The third item is to set the hourly rate in accordance with the PBA contract.

PUBLIC HEARING NOW OPEN

Chief turning states that he has never seen that proposal that was submitted by the PBA.

Mr. Tobin offers a Motion close Public Hearing, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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PUBLIC HEARING NOW CLOSED

Mr. Tobin offers a Motion to carry Ordinance No. 07-1227 to September 18, 2007, seconded by Mr. Baldwin

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mrs. Mount-Taylor states for the record, you have carried this Ordinance and conducted your public hearing as it was advertised. It has not been amended. It has been carried in its entirety.

Mr. Tobin offers a Motion to open Public Discussion, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Leo Christofili, 328 Riveredge Road, Mr. Christofili states he has been a resident of the Borough since 1975 and would like to address the discussion on the library. He states down the road towards the Eastern Branch library there is an eight million dollar addition to that library, which the county tax payers are paying the bill for. He states that the first budget under Mayor Maclearie had two things he noticed on it. Item one being that there was \$25,000.00 fund that had to be requested from the state to have an architect design a library. He states that two budgets ago under Mayor Ann McNamara's regime the library was sited at \$2,500,000.00. He states that he sees two items on the Agenda for Bonding, he also states he has family in the banking business and asked how many dollars a bank can loan out if they have one on deposit. The answer he received was somewhere around nineteen or twenty. He states that with the boroughs numbers it is about five or six.

He states that he did receive the survey from the library, but chose not to fill it out because it was bogus. Three hundred seventy two responses is pretty niggling especially when its probably driven by a certain special interest. He asks Council to consider that. He states that he talked to the librarians of Tinton Falls, he also says he uses the Tinton Falls Library once for every fifty times, he uses the eastern branch, and once for every ten times he uses the Red Bank Library. He states that he has spoken to the librarians and has asked them why not use the brick portion of the old municipal building. The only objection he sees is water problems and understands you can not have books around water. He suggests that setting up a sump pump may help.

Mr. Christofili states that he had another conversation with one of the librarians who is all for the idea of a new library along with Mayor McNamara, who in phase III wanted to have it in the new municipal complex. Everyone had their turn to stipulate how much square feet they needed for their particular agency or interest. The library apparently didn't get a consideration.

He states that he has been to the library when there has been a children's event going on there and he counted the empty parking spaces which totaled 38, and he wonders why they are using an argument of why they don't have enough parking.

He has also asked if they have checked the unused school buildings during the high weeks of library activities. He states that the response that he got was that swimming River School would accommodate them but it was too far to travel.

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He states that we should be doing a comprehension study on a tax data base to handle this, and whatever the Council Members understand by stabilizing taxes. He states that with the last two budgets we have had a surplus of five or six million dollars. At five or six dollars per dollar for bonding that brings you to thirty million dollars of bonding and he doesn't think that is stabilizing.

Mr. Christofili states that he came upon information from a professional road paver that Mayor McNamara had one road paved in front of her daughter's home. One block down from the Mayor, Braeburn up towards Hance. The whole complex of Riveredge and Glenwood, when it is milled and repaved will cost one million dollars. The Mayor who wants this library so much and is very involved has her daughter's road paved. He states "this is the special interest he is talking about". He states that he has called Public Works about the four or five inch dip at the end of his driveway that hasn't been paved in yet. He states that lawyers are special interest groups, as well as bankers and developers. "Mr. Dempsey you are the business administrator, here the taxpayers are your customers, every single one of them, and not a special interest group that can be mounted and driven into a place like this, basically a show! Now I would ask you people to start doing some serious foot work and some hunting around to uncover the specious and spurious presentation you got from all the speakers that I heard tonight". Mr. Gustav thanks Council for their time.

Randy Dickman 13 Woodchuck Court, Ed McCullah 15 Woodchuck Court, Ms. Dickman asks Mr. Dempsey if Nutmeg has gone around to the buildings and check all the footings and the second story posts.

Mr. McCullough states they met with Gene in Public Works and they were suppose to give him information on the dimensions of the bins they will be using and asks Brian if he could follow up and have someone get back to them.

Mr. Dempsey states that Gene was off last week but he will follow up.

Brenda Walenczyk 41 Brightview Avenue, Mrs. Walenczyk states that she is a school teacher staying home raising her kids. She states that she knows what a school library is suppose to look like, her children bring home books some of which are out dated, there are no librarians on staff only volunteers, but the resources aren't there for that. She states that if you are going to have a library, and parking issues, you must look at the whole building. If there is a basketball game going on those thirty eight spots that Mr. Christofili mentioned are used by parents. She also states that she has gone to functions with the children and there is no where to park. She states that parents have returned home for that reason.

Mrs. Walenczyk states that the tent works well as long as weather permits.

Jeff Stratton 47 Knollwood Drive, Mr. Stratton states he doesn't know if it is worth keeping a library here anymore, he also states that three miles down the road there is a huge library that everybody pays taxes on.

Mr. Tobin offers a Motion to open Public Discussion, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

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Mr. Tobin asks Mr. Dempsey if we can get wireless modems for internet use in the new building. Mr. Dempsey replies, "yes we can".

Mr. Tobin asks if we can also have no food or beverage signs displayed on both sides of the doors for the court room, and real signs instead of the paper ones that are hung as directories for visitors.

Mr. Ford states that he would really like to see the Tinton falls emblem sign on the parkway side of the building. Mr. Dempsey states that Public Works is working on it.

RESOLUTIONS

Mr. Tobin offers a motion to carry Resolution R-07-206 to the October 2, 2007 meeting, seconded by Mr. Baldwin

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

R-07-319A - 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:

Keith Radhuber, four year term, said term to expire February 28, 2011

Michael Ruther, Alternate #1, two year term, said term to expire July 14, 2009

Oneda Murphy, Alternate 2, two year term, said term to expire February 7, 2009

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

R-07-320 - RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMSPROJECT: RANNEY SCHOOL

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to to execute TWA-1 forms on behalf of the Borough of Tinton Falls for the Ranney School project:

Mayor.....Peter Maclearie

Administrator.....W. Bryan Dempsey

Director of Public Works.....John Bucciero

Mr. Ford asks if we have enough capacity, Mr. Dempsey states that we do.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-321 - RESOLUTION AUTHORIZING CANCELLATION
OF MUNICIPAL CERTIFICATE OF TAX SALE CERTIFICATE #2425**

WHEREAS, Tax Sale certificate #2425 was issued to the Borough of Tinton Falls for delinquent sewers on Block 129.09, Lot 74 (34 Fennec Court), assessed to David M. Low, at a tax sale held on July 11, 2007; and,

WHEREAS, the mortgage company, Hudson City Savings Bank, has redeemed Certificate #2425 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2425for cancellation.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

R-07-322 - RESOLUTION IN OPPOSITION TO THE SALE OF STATE ASSETS

WHEREAS, a great number of residents use New Jersey's toll roads to commute to work on a daily basis and many businesses rely on these major transportation arteries to receive and deliver goods and services, and

WHEREAS, New Jersey's high cost of living and even higher property taxes have placed such a financial strain on taxpayers and business owners that the state is fast becoming an unaffordable place for them to live and work, and

WHEREAS, Governor Jon S. Corzine and key legislative leaders are pushing a plan to sell New Jersey assets, starting most likely with the toll revenues generated by the New Jersey Turnpike, Garden State Parkway and Atlantic City Expressway, and

WHEREAS, language was included in the FY 2008 state budget authorizing the Corzine Administration to spend whatever amount of money it deems necessary to prepare for the lease or monetization of state assets, and

WHEREAS, the Corzine Administration has publicly stated that specific details of the asset sale until not be disclosed to the public until after the November legislative elections, but it has confirmed the revenue it would produce is needed to balance a projected multi-billion-dollar hole in the FY 2009 state budget, and

WHEREAS, the Corzine Administration and key legislative leaders are examining the possibility of creating a new public agency that would sell billions of dollars of bonds to private investors backed by future toll road revenue, and

WHEREAS, administration and legislative officials have confirmed annual toll increases, over several decades, will be necessary to make the bonds attractive to private investors, and

WHEREAS, in the past six years, state debt has more than doubled, from \$15 billion to \$37 billion, and the asset sale would instantly add billions of dollars to the debt load and intensify the pressure to raise taxes, and

WHEREAS, experience has shown that whenever tolls are increased, more trucks choose to use state and local roadways to save the expensive, and

WHEREAS, increased truck traffic will accelerate the deterioration of state and local roadways, result in more traffic congestion and create a safety hazard to motorists and pedestrians alike, now therefore be it

RESOLVED, that the Borough of Tinton Falls opposes any plan to sell, lease or monetize state assets, particularly state toll roads and the revenue they produce, because it will make New Jersey more unaffordable for residents and business owners, jeopardize the fiscal integrity of the state, and make our roads less safe.

A certified copy of this resolution shall be sent to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Leonard Lance, Assembly Minority Leader Alex DeCroce all state legislators representing our legislative district.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07- 323 - RESOLUTION FOR THE BOROUGH OF TINTON FALLS TO SECURE A LICENSE AGREEMENT FROM THE
DEPARTMENT OF THE ARMY FOR THE INGRESS AND EGRESS TO THE BOROUGH OF TINTON FALLS MUNICIPAL
COMPLEX**

WHEREAS, the Borough of Tinton Falls is desirous of securing a certain license agreement in order to more accurately memorialize the use of certain federal lands for the purposes of ingress and egress to its municipal complex; and,

WHEREAS, the Borough of Tinton Falls has had prior agreements with the US Government for the use of this property, but seeks to memorialize said use during the course of the present base realignment actions and eventual closure of Ft. Monmouth; and,

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WHEREAS, various members of the Administration have met with the Department of the Army, and the Army Corps of Engineers, FMERPA, and other appropriate governmental entities for the purposes of securing a license agreement for the lands described in the legal description attached to this Resolution; and,

WHEREAS, the Department of the Army has notified the Borough of Tinton Falls of its agreement to provide said license agreement upon certain terms and conditions; and,

WHEREAS, the Department of the Army shall prepare said license agreements satisfactory to the Director of Law and has indicated that said costs for said license to be not more than Two Thousand and 00/00 (\$2,000.00) Dollars, pursuant to the communication between representatives of the Department of the Army and the Director of Law; and,

WHEREAS, the Borough Council and Administration have deemed it to be in the best interests of the Borough to secure said license agreement according to the above terms,

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

1. The Mayor, Borough Administrator and Borough Clerk are authorized to execute any and all documents deemed necessary by the Director of Law to secure a certain license for the use of the premises described in the attached legal description for the purposes of ingress and egress to the Municipal Complex of the Borough of Tinton Falls; and,
2. The Borough Chief Financial Officer is authorized to expend the sum of up to Two Thousand and 00/00 (\$2,000.00) Dollars in order to secure said license, which monies represent reimbursement to the Department of the Army for administrative costs and document preparation as detailed in communication with the Director of Law.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-324 - RESOLUTION FOR THE BOROUGH OF TINTON FALLS TO ACQUIRE PROPERTY
FROM THE US DEPARTMENT OF THE INTERIOR**

WHEREAS, certain real property owned by the United States of America, located in the Borough of Tinton Falls, County of Monmouth, State of New Jersey has been declared surplus and, at the discretion of the US Department of the Army, may be assigned to the Secretary of the Interior for disposal for public park or recreational purposes under the provisions of 40 U.S.C. section 550 (e), and any regulations and policies promulgated pursuant thereto, more particularly described as follows:

Approximately 50 acres of existing Fort Monmouth property adjacent to the Borough of Tinton Falls Municipal Center on Tinton Falls, Borough of Tinton Falls, New Jersey, the precise acreage is unknown; and,

WHEREAS, the Borough of Tinton Falls needs and will use said property in perpetuity for public park or recreational purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder;

NOW THEREFORE BE IT RESOLVED, that the Borough of Tinton Falls shall make application to the National Park Service for, and secure the transfer to, the above mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto.

BE IT FURTHER RESOLVED, that the Borough of Tinton Falls has legal authority, and is willing and able, to properly develop, maintain, operate, and assume liability of the property, and that Peter Maclearie, Mayor, and Karen Mount-Taylor, Borough Clerk, Borough of Tinton Falls, are hereby authorized, for and on behalf of the Borough of Tinton Falls to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation of instruments, or other costs identified with the acquisition of said property.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-325 - RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 07-14
LEGAL SECRETARIES ASSOCIATION OF MONMOUTH - OFF PREMISE 50/50**

WHEREAS, the Legal Secretaries Association of Monmouth has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 07-14, and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received, and

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WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.
NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 07-14 be and the same is hereby approved as follows:

NAME: Legal Secretaries Association of Monmouth
Identification No.: 223-5-24875
LOCATION: Holiday Inn, Route 36 at Hope Road, Tinton Falls, New Jersey
DATE: February 7, 2008 7:30 p.m.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-326 - RESOLUTION AUTHORIZING CHANGE ORDER #27
INCREASING CONTRACT #04-3 IN THE AMOUNT OF \$126,063.00
TINTON FALLS NEW MUNICIPAL CENTER**

WHEREAS, Contract #04-3 for the Tinton Falls New Municipal Center was awarded to G & P Parlamas, Inc., P.O. Box 189, Allenhurst, NJ 07711 by Resolution R-05-095 in the amount of \$8,924,850.00 at a meeting held on April 5, 2005; and

WHEREAS, Change Orders #1 through #26 have been adopted at previous meetings increasing the contract to date to the amount of \$9,635,016.97; and

WHEREAS, Change Order #27 (Parlamas #63) dated May 31, 2007 from Kaplan, Gaunt, DeSantis Architects for G & P Parlamas, annexed hereto and part hereof, requests an increase in the amount of \$126,063.00 to furnish and install a front-end system in the Municipal Center; and

WHEREAS, attached letter from Birdsall Engineering, Inc., dated July 12, 2007 recommends same;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #27, not to exceed \$126,063.00 is hereby authorized for the above contract awarded to G & P Parlamas, Inc., for a total contract in the amount of \$9,761,079.97.

I hereby certify funds are available from: Capital Account #06-1181-4575 \$126,063.00

Mr. Tobin asks why Honeywell never quoted for the front end system. Mr. Dempsey states they did quote at \$126,000.00 but you are required to use their contractor, with the Johnson system you can choose any contractor.

Mr. Ford asks Mr. Pfeffer how much money is left after the change order. Mr. Pfeffer states that there is an excess of \$350,000.00.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera

NAYES: Mr. Tobin

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

R-07-327 - RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 4, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 4, 2007,

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 Treasurer for approval and payment.

SUMMARY	
GENERAL	3,590,689.23
TRUST	14,409.41
CAPITAL	20,183.09
DEVELOPER	19,271.89
DOG TRUST	1,840.01
GRANT FUND	10,192.44
SEWER UTILITY	278,951.25
ADDITIONS	99,928.00
	<u>4,035,465.32</u>

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

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NAYES: None
ABSENT: None
ABSTAIN: None

CONSENT AGENDA

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

R-07-328 - RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Service Link 4000 Industrial Blvd. Alquippa, PA 15001 Re: Gerard & Kelly Ryan 14 Homestead Pkwy West	48.03	3	\$2,041.75

and,

WHEREAS, said error has resulted in an overpayment of 2007 3rd quarter taxes in the amount of \$2,041.75, 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 \$2,041.75 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$2,041.75.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

R-07-329 - RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
James F. & Michelle M. Kriete c/o Donald L. Marcovitz, Esq. 90 Beechwood Avenue West Long Branch, NJ 07764-1851 Re: Kriete to Crotzer 54 Sugar Maple Lane	34.01	17	\$2,016.18

and,

WHEREAS, said error has resulted in an overpayment of 2007 3rd quarter taxes in the amount of \$2,016.18, 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 \$2,016.18 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$2,016.18.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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Alquippa, PA 15001
Re: Gerard & Kelly Ryan
14 Homestead Pkwy West

and,

WHEREAS, said error has resulted in an overpayment of 2007 3rd quarter taxes in the amount of \$2,041.75, 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 \$2,041.75 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$2,041.75.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

WORKSHOP MEETING BEGINS AT 9:15 P.M.

Mr. Tobin offers a motion to move to the Workshop Meeting, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

ADMINISTRATORS REPORT

None

ENGINEERS REPORT

Mr. Freda reports on current contracts. He states that the force main is being installed on Squankum Road, and the pump station will follow. He states that Squankum Road is also part of the road program and we need to give the trench a chance to settle so that road will probably be done last.

CHIEF FINANCIAL OFFICER REPORTS

Mr. Pfeffer states that on September 11, 2007 the state will be holding a seminar on the 4% levy cap. The first set of rules are out. He states that these rules are going to severely impact the municipality's ability to continue to provide the services that they provide today. He states he will update Council after he returns from the seminar.

UNFINISHED BUSINESS

Mr. Skudera states that Heyer & Gruel would not be attending tonight's meeting as expected, but they are starting to write the Ordinances based on the way the Master Plan is now. Mr. Skudera states that Council needs to decide whether or not they are going to form a committee for the Master Plan.

NEW BUSINESS

Mr. Berube states that he has contacted the surrounding towns and also the County regarding the Pay to Play Ordinance. Mr. Berube states he will report with updates at the next meeting.

Mr. Skudera states that the EMS Building is owned by the Borough and it is rented to the EMS. He states that they feel they should not have to pay the quarterly sewer bill which is \$97.50

Mr. Tobin states that it is our building and we do fund the EMS so sending them the bill is silly.

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Mr. Baldwin agrees that the Borough probably ought to be paying the sewer bill.

Mr. Ford asks how long they have been paying the sewer bill and why are they just coming to us now. Mr. Skudera states he was told they have brought this to the attention of the administration previously. Mr. Dempsey states that is true, but before just deciding to pay the bill it should be used as a negotiation tactic. He states they do not allow groups who are not affiliated with the EMS to use their facility.

Mr. Tobin states that the EMS stopped allowing the public to use the facilities due to the volunteers having to clean up after a function.

Mr. Ford states that buildings that are owned by should be accessible to the towns people.

Mr. Morrill states that he is in favor of paying their sewer bill as for letting the public n use the facility he believes it is a separate issue and should be discussed at a later date.

Mr. Ford requests that the use of public buildings be put on for a workshop meeting.

Mr. Dempsey states that he believes the next item the EMS will be looking to waive is their fuel bill.

Mr. Baldwin offers a motion to adjourn the meeting, seconded by Mr. Ford

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT:

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

Approved at a meeting held on: November 27, 2007.