

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

Council President called regular meeting to order at 7:33 P.M.

Deputy 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 New Coaster at least 48 hours prior to the meeting."

All present stood for Salute to Flag.

ROLL CALL

PRESENT: Mr. Baldwin, Mr. Ford, Mr. Morrill (arrived at 8:43 P.M.), Mr. Skudera, Mr. Tobin

ABSENT: None

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Administrator
James Berube, Director of Law
Kelly M. Johns, Deputy Borough Clerk
Maggie Pereira, Assistant to Borough Clerk
Al Hill Jr., Borough Engineer

APPROVAL OF MINUTES

Mr. Baldwin offered a motion to approve the minutes of July 1, 2008, seconded by Mr. Ford.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council President's Report

Mr. Tobin advises that he is tendering his resignation immediately; (7:35 P.M.) he states that "this is not a joke, it has been a long time coming, it is not some whim idea, thank you very much and good luck to you".

Mr. Tobin hands his resignation letter to Mr. Berube and Mr. Berube reads it into the record as follows:

August 19, 2008 To the Administration of the Borough of Tinton Falls, I hereby tender my resignation from the Tinton Falls Borough Council effective immediately. Thank You Sincerely, Brendan P. Tobin.

Mr. Skudera comments that this is all very sudden and asks if we have to do anything as a Council to accept this.

Mr. Berube explains that Council can entertain a resolution to accept it with regret, but it doesn't require action on part of Council except that in the unavailability of the Council President the Deputy Council President will serve.

Mr. Berube thanks Mr. Baldwin for already stepping in.

Mr. Baldwin asks Council to pass a resolution to accept it and give thanks to Mr. Tobin for the years of service he has put into the Borough. He states that he has done an outstanding job.

Mr. Skudera offers a motion to amend the agenda, seconded by Mr. Ford.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Mr. Berube advises Council to move an oral resolution to accept the resignation of Brendan Tobin as Council President.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

Mr. Berube will memorialize Resolution R-08-278 in later form.

Deputy Borough Clerk states that resolution will be known as R-08-278

Mr. Ford offers a motion to accept Resolution R-08-278, seconded by Mr. Skudera

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Council Reports

Mr. Skudera informs Council that he would like an Ordinance to notify the associations of the release of performance and maintenance guarantees.

Mr. Skudera states that the email system has been switched over and everyone now has official Borough email addresses and that there should be a policy in place if it's official borough business. Those emails should be used. He also states that there should be some kind of retention policy in place.

Mr. Skudera inquires about expanding the School Board Liaison position to include the High School.

Mr. Skudera addresses a report on building permits for Sam Drive, Orla Court, Shea Lane, and Willowbrook. He states that he researched his home with the Borough since he and his wife purchased the home on 22 Shea Lane in 2004. All permits and modifications to the house done after that time have permits and the only modification being done was a hot water heater. He states that he and his wife purchased the home with the existing finished basement and while researching with the Borough he found out the basement does not have a permit but the work was done by the previous owner and he does have a copy of the MLS Listing that states full basement, finished, heated.

He states that he just wants to clarify for the record that he bought the house as is and the finished basement was already included.

Mr. Ford asks Mr. Skudera why he brought that up.

Mr. Skudera states it's because of the report he received about building permits.

Mayor Maclearie states that this issue came up due to homeowners in certain neighborhoods not having building permits. One of the issues were that people could buy a house where there basement was done before they moved into it. What can we do as a Borough? What is the recourse? He states that for tax proposes they are all on the tax rolls now, and there may have been issues in the past, but we are trying to figure out how to send inspectors out to these homes and how to enforce it going forward.

Mr. Ford announces that he is pleased to have a presentation tonight from the Board of Education.

Mr. Ford acknowledges that the Neighbors Opposed to Privatization of Earl had a presentation that they attended and that it is another big issue for Tinton Falls.

Mr. Ford states that the Library held a party for the children for how many books they read, about two-hundred people showed up and it was a wonderful celebration. He states that the Library Board has a meeting on August 21, 2008 at 7:00 P.M.

Mr. Ford acknowledges that the summer camp came to a conclusion which is an excellent program.

He informs the Public of programs coming up for the New Year, which he believes are great programs; there will be Tinton Falls Tennis, Golf, Theater Arts and Music, and Scholastic Fitness, through the Tinton Falls Recreation Department.

Mr. Baldwin gives a review of the last Planning Board Meeting. There was one application for approval. It was the Parkway Falls 2008-05 where four lots were combined into one with frontage onto Wayside Road just south of Drift Road. The plans call for building a thirty-six thousand square foot office with a single entry off of Wayside Road.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

Mayor's Report

Fort Monmouth

The Mayor announces that the regular monthly meeting will be held here in the municipal building August 20, 2008 at 7:00 P.M. There will be a meeting August 27, 2008 at Monmouth Regional to vote on the overall plan.

The Mayor states that the Planning Board officially replied to FMERPA. and there were two issues at hand, the first being that he would not support the plan unless we got a definitive answer from Trenton on the affordable housing elements. The second item the Planning Board really pushed for was local control.

The Mayor states that the affordable housing plan needs to be done before December. He also states that they had OPRA'd how the round three obligations were calculated. He remarks that Eatontown's calculations were far off for land development versus what is actually there. He would like support in putting together the same analysis for our Borough because he believes the numbers will be as skewed here as they were there.

Engineer's Report – Al Hill, Jr.

2008 Road Program

Mr. Hilla reports that the contractor is currently completing the punch list items remaining on the project and should be complete by the end of next week.

Sycamore Soccer Complex Trails

Lucas Construction was the successful bidder. The pre-construction meeting was held last week and the physical work will commence after Labor Day.

Sycamore Avenue Sidewalks

The design of that is 95% complete and they are awaiting the soil conservation permit. He states that they modify the edge of the road in a few spots and are also awaiting comments from the County. They are also sending out a second round of notices to the property owners and they plan to go to bid with this project next month.

Mr. Baldwin asks Mr. Hilla to keep an eye on the Monmouth County Planning Board for the low lying areas on Asbury Avenue and Pine Street with the water issues.

Mr. Hilla informs Mr. Baldwin that they have received their soil conservation permit.

Director of Law's Report

Mr. Berube does not have a report but a few notes regarding the Agenda, Ordinance for introduction (Personnel and Policy) was in the packets at the request of the former Council President. He leaves it to Council whether to move that Ordinance in light of the prior discussions. He reminds Council that if they choose to move the Ordinance they can modify it prior to the vote or they can fail to move it and the Ordinance will die. Connected with that is Resolution R-08-272 which would amend the policy and procedures manual to conform with what Council decided with regards to the health benefits and the Ordinance.

Mr. Berube asks that Resolution R-08-203 be carried to the September 2, 2008 meeting due to a vacation schedule.

PETITIONS

Mr. Baldwin reads into the record that the Council is officially accepting a petition that was turned in on July 31, 2008 with three hundred ninety-one names for a softball multi-use park in Tinton Falls. It states, *we, the undersigned voters of Tinton Falls, petition the Borough to acquire land to build a multi-use park that would include a cloverleaf softball complex for the Tinton Falls girls Softball League, as well as other recreational facilities.*

SCHOOL BOARD PRESENTATION

Mr. Karavites presents a PowerPoint Presentation regarding the growing school district population.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

ORDINANCES FOR INTRODUCTION

Deputy Borough Clerk read Ordinance No. 08-1250 - AN ORDINANCE AMENDING SECTION 9-1 OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS - PERSONNEL POLICIES

(Mr. Morrill arrived 8:43 P.M.)

Ordinance failed for lack of motion.

ORDINANCES FOR FINAL CONSIDERATION

Deputy Borough Clerk read Ordinance No. 08-1246 – BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS 246 HOCKHOCKSON ROAD FOR OPEN SPACE PRESERVATION PURPOSES IN THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROPRIATING \$525,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mr. Baldwin offered a motion to carry Ordinance No. 08-1246 to September 16, 2008, seconded by Mr. Ford.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Deputy Borough Clerk read Ordinance No. 08-1249 - AN ORDINANCE AMENDING CHAPTER 9-7.9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS -DEFINED CONTRIBUTION RETIREMENT PROGRAM

Mr. Skudera offered a motion to open the Public Hearing on Ordinance No. 08-1249, seconded by Mr. Morrill.

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Skudera offered a motion to close the Public Hearing, seconded by Mr. Morrill.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Ford offered a motion to adopt Ordinance No. 08-1249, seconded by Mr. Skudera.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION

PUBLIC DISCUSSION OPEN

Phyllis Borgo, 904 Sycamore Avenue, spoke regarding sidewalks being installed near her home. She states the Borough should be more concerned about the flooding instead of sidewalks.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

Lauren Mayer, 46 Sam Drive, advises that that the sidewalk on Tinton Avenue and Water Street is hazardous and would like to see a trail put in for bicycle riding to and from the Library.

Charles Lomangino, 3 Helena Street speaks regarding work being done to homes without permits in the Borough. He would ask that everyone be on the same page going forward on how they will handle these issues. He states that there is a ton of equipment in the back by the public works department that the borough has, that can be auctioned off.

Donald Romelfanger, 11 Gun Club Road, spoke regarding sewers being installed on Green Grove Road. He states that he would like to know if Liberty Park is useable to the public while it is not in use for an event.

Mr. Dempsey advises that it is available for use.

Mr. Romelfanger is unhappy and expresses that he can't get satisfaction from Code Enforcement and he would like something done about it.

Andrew Mayer, 46 Sam Drive, spoke regarding the School Board Presentation and how important it is for open space and population.

Carol Redfurn, 345 Riverdale Avenue West, spoke regarding the students that reside on Fort Monmouth going to the Tinton Falls School District. She states that the landscapers for Willowbrook are terrible and there is always debris left behind.

Leo Christofili, 328 Riveredge Road spoke regarding missing pages from the copy of the budget and he would like to see those pages. He also spoke with regards to competitive bidding (most of which is inaudible).

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Morrill announces that the Borough had the 7th graduation for the Junior Police Cadets and it's a great program.

Mr. Skudera recommends that all information regarding the vacancy go through the Borough Clerk.

Mr. Skudera offers a motion to adjourn for a five minute recess, seconded by Mr. Morrill.

ROLL CALL

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

Council recessed at 9:42 P.M.
Council reconvened at 9:52 P.M.

RESOLUTIONS

Mr. Morrill offered to carry the following Resolution to September 2, 2008, seconded by Mr. Ford.

**R-08-203 RESOLUTION – ADVICE AND CONSENT OF MAYORS APPROVAL
(PROSECUTOR APPOINTMENT)**

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

Mr. Skudera offers a motion to carry R-08-253 to September 2, 2008, seconded by Mr. Ford.

**R-08-253 RESOLUTION - RELEASING MAINTENANCE GUARANTEES PARK PLACE
III TOPEKA COURT BLOCK 124.50 LOT 252**

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offers a motion to carry R-08-254 to September 2, 2008, seconded by Mr. Ford.

**R-08-254 RESOLUTION - RELEASING MAINTENANCE GUARANTEES PARK
PLACE II PHASE A SECTION 2 BLOCK 124.50 LOT 1001**

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offers a motion to carry R-08-255 to September 2, 2008, seconded by Mr. Ford.

**R-08-255 RESOLUTION - RELEASING MAINTENANCE GUARANTEES PARK PLACE
II PHASE A SECTION 2 (AMENDED) BLOCK 124.50 LOT 1001**

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Ford.

**R-08-263 RESOLUTION - RELEASE PERFORMANCE GUARANTEES ASTURA
ESTATES (COLTS VIEW ESTATES) BLOCK 77.01 LOTS 1.02-1.14**

WHEREAS, the developer has requested the release of Performance Guarantees, and
WHEREAS, by letter dated July 28, 2008, (said letter is hereby attached and made part of this resolution) the Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released upon the posting of Maintenance Guarantees and upon the payment of any outstanding engineering and inspection fees.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Ford.

**R-08-264 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES
RED BANK VETERINARY HOSPITAL BLOCK 15.01, LOT 6**

WHEREAS, the developer has requested the release of Performance Guarantees for Red Bank Veterinary Hospital Block 55, Lot 3.02

WHEREAS, BY LETTER DATED April 24, 2007, Engineer, Leon S Avakian, Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer, Leon S Avakian, Inc.'s letter of April 24, 2007, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Ford.

**R-08-265 RESOLUTION AMENDING RESOLUTION R-07-170 EXTENDING NON-FAIR
& OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES –
SHARK RIVER ROAD IMPROVEMENTS - CONTRACT PS #18-05**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-05-477 on December 27, 2005, wherein Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 was awarded a contract for the above project for an amount not to exceed \$21,500.00; and

WHEREAS, this contract was extended one (1) additional year on May 15, 2007 by Resolution R-07-170; and

WHEREAS, the contract requires another extension of one (1) additional year at no additional cost as the project is not yet complete; and

WHEREAS, Leon S. Avakian, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Leon S. Avakian, Inc. has not made any reportable contributions to a political candidate in the Borough of Tinton Falls in the previous one year and that the contract will prohibit Leon S. Avakian, Inc. Inc. from making any reportable contributions through the term of the contract, and

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

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 is hereby retained to provide engineering services as described above for an additional one year for the original amount not to exceed \$21,500.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, 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.

Mr. Morrill offered the following Resolution and moved its adoption, seconded by Mr. Skudera

**R-08-266 RESOLUTION AMENDING RESOLUTION R-07-171 EXTENDING NON-FAIR
& OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES –
WARDELL ROAD IMPROVEMENTS- CONTRACT PS #19-05**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-05-478 on December 27, 2005, wherein Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 was awarded a contract for the above project for an amount not to exceed \$117,000.00; and

WHEREAS, this contract was extended one (1) additional year on May 15, 2007 by Resolution R-07-171; and

WHEREAS, the contract requires another extension of one (1) additional year at no additional cost as the project is not yet complete; and

WHEREAS, Leon S. Avakian, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Leon S. Avakian, Inc. has not made any reportable contributions to a political candidate in the Borough of Tinton Falls in the previous one year and that the contract will prohibit Leon S. Avakian, Inc. Inc. from making any reportable contributions through the term of the contract, and

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

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 is hereby retained to provide engineering services as described above for an additional one year for the original amount not to exceed \$117,000.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized 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.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Morrill offered the following Resolution and moved its adoption, seconded by Mr. Skudera.

**R-08-267 RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO
EXECUTE AN INTERLOCAL SERVICE AGREEMENT WITH THE TOWNSHIP
OF NEPTUNE SEWERAGE AUTHORITY**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Interlocal Service Agreement with the Township of Neptune Sewerage Authority upon the approval of the Director of Law.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-08-268 RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO
EXECUTE AN INTERLOCAL SERVICE AGREEMENT WITH THE TOWNSHIP
OF OCEAN FOR GREEN GROVE ROAD SEWER SERVICE**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Interlocal Service Agreement with the Township of Ocean for Green Grove Road Sewer Service upon the approval of the Director of Law.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-08-269 RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO
EXECUTE AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP
OF COLTS NECK FOR VIDEO CONFERENCING EQUIPMENT FOR THE
MUNICIPAL COURT OF COLTS NECK**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Interlocal Services Agreement between the Borough of Tinton Falls and the Township of Colts Neck for the provision of video conferencing equipment for the Municipal Court of Colts Neck. Said agreement to be executed upon the approval of the Director of Law.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Ford.

**R-08-270 RESOLUTION - CERTIFICATION TO LOCAL FINANCE BOARD OF
REVIEW OF 2007 ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS and RECOMMENDATIONS, and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: GENERAL COMMENTS and RECOMMENDATIONS as evidenced by the group Affidavit from the Governing Body, and

WHEREAS, such Resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the Affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Tinton Falls, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required Affidavit to said Board to show evidence of said compliance.

Mr. Ford states that he would like to make sure there is a corrective action plan in place.

Mr. Dempsey states that there are only limited things that can be done with the court. They only have limited power, but there is a corrective action plan in place.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-08-271 RESOLUTION - TINTON FALLS EMS NORTH PAYMENT
AUTHORIZATION IN ACCORDANCE WITH POLITICAL CONTRIBUTION
DISCLOSURE**

WHEREAS, the Tinton Falls EMS North has requested payment of the 2008 first aid appropriation, \$50,000, from the 2008 municipal budget, and;

WHEREAS, the Tinton Falls EMS North has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Tinton Falls as follows:

I hereby certify funds are available as follows:

Current Budget:

First Aid – Other Expenses \$50,000

1612-4035

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Chief Financial Officer is authorized to make the above payment to the Tinton Falls EMS North.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Ford offered the following Resolution and moved its adoption, seconded by Mr. Skudera.

**R-08-272 RESOLUTION - AMENDING THE BOROUGH OF TINTON FALLS
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, it has come to the attention of the Borough Council of the Borough of Tinton Falls that the Personnel Policies and Procedures Manual may be in conflict with certain Borough Ordinances regarding the extension of health insurance benefits to elected officials in the Borough of Tinton Falls; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has solicited the input of its members, its professionals and has sought the public discussion on the issue; and

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

WHEREAS, the Borough Council of the Borough of Tinton Falls believes it is in the best interest of the Borough of Tinton Falls and its residents to more properly amend the Personnel Policies and Procedures Manual to conform to the Borough ordinances regarding this subject,

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

1. The Borough of Tinton Falls Policies and Procedures Manual previously adopted by the Borough Council under Resolution 05-126 on May 3, 2005, shall be amended at page 37 as follows:
The Policy and Procedures Manual shall concur with Borough Ordinance section 9-3(e) as may be enacted or here in after amended by the Borough Council.

Mr. Ford asks for some clarification on this Resolution.

Mr. Berube explains that Borough ordinance section 9-3 prohibits the Mayor and Council in participation in the health benefit plan. The policy and procedures manual adopted later provides for health benefits. This resolution along with the ordinance that failed tonight was at the request of the prior Council President to coordinate the ordinance and the policy and procedures manual. The resolution that is before you can be amended to follow the policies and procedure manual ordinance.

Council decides on September 30, 2008 as the cut off date for termination of the heath benefits for Mayor and Council.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Ford offered the following Resolution and moved its adoption, seconded by Mr. Skudera.

**R-08-273 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL
CERTIFICATE OF SALE**

WHEREAS, Tax Sale certificate #2423 was issued to the Borough of Tinton Falls for delinquent sewers on Block 129.09, Lot 50 (10 Fennec Court), assessed to Kimberly Vinson, at a tax sale held on July 11, 2007; and,

WHEREAS, an attorney, James E. Berube, Jr., has redeemed Certificate #2423 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 #2423 for cancellation.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Ford offered the following Resolution and moved its adoption, seconded by Mr. Skudera.

R-08-274 RESOLUTION – APPROVAL OF BILLS – August 19, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending August 19, 2008,

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	119,106.33
TRUST	13,702.07
CAPITAL	47,548.40
DEVELOPER ESCROW	28,835.50
DOG TRUST	61.80
GRANT FUND	5,355.00
SEWER UTILITY	11,040.14
ADDITIONS	<u>1,028,492.78</u>
	1,254,142.02

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: None

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

CONSENT AGENDA

Mr. Skudera offered a motion to accept the Consent Agenda in its entirety, seconded by Mr. Morrill.

R-08-275 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2008 fees totaling \$26.00 were paid by a resident of Tinton Falls for their child's participation in a summer camp trip to Funtime America.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of August 2008, the Recreation Superintendent was informed by the resident that the child due an injury at the campsite was unable to attend the trip and the Recreation Superintendent advised the parent the child should not attend and a full refund in the amount of \$26.00 would be issued for child Jon Patrick Kinney.

Natalie and John	\$ 26.00
<hr/>	
Total	\$ 26.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$26.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-08-276 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-16 –
WOODMERE SCHOOL PTA - ON PREMISES RAFFLE**

WHEREAS, the Woodmere School PTA. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-16, and

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

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# 08-16 be and the same is hereby approved as follows:

NAME: Woodmere School PTA . Identification No. : 122-5-34733
LOCATION: 700 Hope Road, Tinton Falls, NJ
DATE: October 24, 2008 7:00 – 11:00 pm

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Morrill offered a motion to move into Workshop, seconded by Mr. Skudera.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:03 P.M.

WORKSHOP MEETING

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

Unfinished Business

Personnel Policies Background Checks on New Employees

Mr. Dempsey states that they need to consult with the Attorney to make sure what they are going after in a background check pertains to the job. He states that some individuals may have issues on their background that is not job related.

Mr. Baldwin asks if there are certain levels of background checks that can be done.

Mr. Dempsey states that there are different levels of background checks.

Mr. Berube informs Council that he has had discussions with the Director of Public Safety and the Department of Public Works Chair as to the background checks that may be available or necessary for various hires and various position levels within the borough. They are undertaking a review of criteria to be evaluated in the event a background check reveals a criminal violation or credit history problem. He states that they are developing a policy for implementation. He states that he is not ready to suggest that to Council yet. It will take more review.

Council decides to put this item on a future workshop when they have more information.

Length of Borough Council Meetings

Mr. Morrill comments that the meetings are averaging approximately ten people speaking during the Public Discussion portion of the meeting at ten minutes each which is an hour and forty minutes. Mr. Morrill suggests cutting the time allowance to five minutes instead of ten.

Mr. Berube advises that five minutes has been upheld as a reasonable time limit should the Council so decide.

Mr. Ford states that we are here to serve the public and there should be as much public input as possible.

The Mayor informs Council that at the Fort Monmouth meetings there are two public speaking portions of the meeting. The first portion you can discuss any agenda item and the other is for general issues.

Mr. Morrill advises if something isn't done and the situation gets worse he may be forced to resign as Mr. Tobin did. He states that he can't let it affect his job.

He asks Council to at least give the five minutes a try and see if it works out.

School Board Liaison

Mr. Skudera would like to extend the liaison position to include Monmouth Regional High School.

Mr. Ford agrees and he believes we do need representation there, and he will reach out to the President.

New Business

Conveyance of Block 110.02 Lot 46.01 Stavola Realty

Mr. Berube explains that this is a lot 25'x100' that was omitted by prior Administration in a foreclosure they accomplished back in 1975. It was part of an agreement with Stavola Realty to swap properties. Stavola conveyed certain properties to the Borough and the Borough conveyed properties to Stavola after the foreclosure. It didn't appear to be a problem until an attorney for Stavola Realty contacted the Borough Administrator. Mr. Berube states that the Borough did take title but never gave title back to them. He states that they also did not notice conveyance of that title or collect any consideration at that time. Somewhere down the line the Borough did assess them for it beginning around the year 2000. There has been an improper assessment of minimal value for approximately five years. He recommends amending the original ordinance as part of the land swap to provide this property as a corrective deed for consideration and the Tax Assessor has pegged that as approximately \$4,450.00 to correct the misassessment. He states that you can go back two years to correct an assessment and he has given them credit for the taxes they have paid.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 19, 2008**

ADJOURNMENT

Mr. Ford offered a motion to adjourn the meeting, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:33 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: OCTOBER 21, 2008