

**REGULAR/WORKSHOP MEETING
OCTOBER 28, 2008
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:35 P.M.

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. Ford, Mr. Lomangino, Mr. Morrill, Mr. Skudera, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Peter Maclearie, Mayor
W. Bryan Dempsey, Administrator
James Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
Al Hill Jr., Borough Engineer

APPROVAL OF MINUTES – None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council's Report

Mayor Maclearie informed Council that he has a conference call scheduled for tomorrow with FMERPA to talk about how we want to setup the next level of the Planning Authority. We have some Legislative Officials who are going to attend that meeting. Mayor Maclearie added that Monday night he has a Shared Services meeting with FMERPA.

Mr. Ford commented on the Halloween party and gave credit to the Recreation Department. Mr. Ford also mentioned the Basketball sign ups will begin October 22nd.

The Board of Education had the Foundation Run. Mr. Dempsey came in 10th place. Mr. Ford suggested they make it an annual event.

Mr.Lomangino commented on the Halloween party and stated with the amount of people that showed up, it turned out to be a great success.

Mr. Lomangino advised that the bridge over by the Crawford House is rusted and asked Council to take a look at it. Mr. Dempsey replied that the County Bridge Department is responsible for that and he will contact them to see what they can do.

Mr. Morrill mentioned the two railway systems that are currently operating in Tinton Falls and advised anyone who is interested in walking them to contact the Open Space Committee. Mr. Morrill also mentioned that there would be an Open Space presentation tonight to advise the Council and public what their goals are for the future.

Council President's Report

Mr. Baldwin stated that the Planning Board met on October 21st and they approved the East Coast Power System's application. Their application was to reoccupy and refinish the old building that has been sitting at Shafto Road for a number of years.

Mr. Baldwin brought Council up to date on the Planning Board's comments on the revised Ordinance.

Administrator's Report

Mr. Dempsey reported that November 13th is the opening of the outlet center and everyone will be invited for the cutting of the ribbon so the date should be marked on everyone's calendars.

Director of Law's Report

On the agenda tonight, there are certain Ordinances for introduction (08-1258 & 08-1259) which were amendments of a prior Ordinance that allowed the sale of the Double A and Forgottson

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properties that were subdivided. He asked that be amended to reflect Mr. Imbriacco's, Tax Assessor, minimal sale bids.

There should be a minimum sale bid of \$200,000.00 for 08-1258 and minimum sale bid of \$310,000 for 08-1259. These were revised following review of the initial determination under the old Ordinance.

He also asked Council President to allow an amendment to the agenda to provide the Resolution that is before Council - Terminating the Interlocal Service Agreement of the Tinton Falls Board of Education. Mr. Berube advised that this is required for the purpose of following up with Mr. Dempsey's recommendation on our IT Services and the 60 day provision which, in the existing agreement, requires action by the Board and a 60 day grace period.

Mr. Berube also asked for a brief Executive Session at the end of tonight's meeting in which afterwards no further action will be taken by the Council. That Executive Session would anticipate discussion for acquisition of interests in real property for potential in COAH units and the applicability of affordability restrictions in the Master Deeds, etc.

Chief Financial Officer's Report

Since there is not a Council meeting until late November Mr. Pfeffer asked for permission to run a bill list in the interim at some point between now and the next meeting in order to keep the bills current. Council agreed that would be fine.

Borough Clerk's Report

Karen Mount-Taylor reminded everyone that November 4th is Election Day. It is not only a Presidential Election but we also have local candidates on the ballot.

Open Space Presentation

Mr. Mayer and Guy Buck presented reasons why the Borough has open space, benefits of same, how to determine if a piece of property can be used for Open Space and gave an update on the trail systems.

The following list (in no particular order) is from the presentation provided to Council:

Tinton Falls Open Space Committee: Open Space Vision Update;

Presented by Guy Buck Andrew Mayer:

1. Benoit
2. Demenus
3. McDowell (Blueberry Farm)
4. Swimming River (near reservoir)
5. Next to Atchison
6. Hockhockson (Pine Brook & DeLage)
7. Walz Farm
8. Wardell Pieces
9. FMERPA – Charles Wood Area (99 Acre green belt, 3.25 miles of trails)
10. Gun Club

Council commented and questioned same.

A copy of the Open Space Presentation Slide is on file and can be obtained in the Borough Clerk's Office

PETITIONS – None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 08-1257 entitled: AN ORDINANCE PROVIDING FOR ELECTRONIC PUBLIC RECORDS TO MAINTAIN AND DISSEMINATE PUBLIC INFORMATION OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mr. Skudera offered a motion to introduce Ordinance No. 08-1257, seconded by Mr. Ford.

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ROLL CALL

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

Council President stated the Public Hearing will be set at the discretion of the Borough Clerk.

Ordinance No. 08-1257 in Full/Ordinance Book #4

Borough Clerk read Ordinance No. 08-1258 entitled: AN ORDINANCE AMENDING ORDINANCE #04-1118 AUTHORIZING THE SALE OF PROPERTY OWNED BY THE BOROUGH OF TINTON FALLS, DESIGNATED AS BLOCK 69, LOT 4.01 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mr. Skudera offered a motion to introduce Ordinance No. 08-1258, seconded by Mr. Morrill.

Mr. Berube requested that Council's vote reflect that the amount that is currently blank in the Ordinance be filled as a minimum bid in the amount of \$200,000 for Block 69, Lot 4.01.

ROLL CALL

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

Council President stated the Public Hearing will be set at the discretion of the Borough Clerk.

Ordinance No. 08-1258 in Full/Ordinance Book #4

Borough Clerk read Ordinance No. 08-1259 entitled: AN ORDINANCE AMENDING ORDINANCE #04-1119 AUTHORIZING THE SALE OF PROPERTY OWNED BY THE BOROUGH OF TINTON FALLS, DESIGNATED AS BLOCK 66, LOT 4.01 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Karen Mount-Taylor stated for the record, as Mr. Berube had placed on the record, this Ordinance would be for \$310,000.

Mr. Morrill offered a motion to introduce Ordinance No. 08-1259, seconded by Mr. Skudera.

ROLL CALL

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

Council President stated the Public Hearing will be set at the discretion of the Borough Clerk.

Ordinance No. 08-1259 in Full/Ordinance Book #4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 08-1246 entitled: 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, 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. Berube stated this Ordinance sets up the ability of the Borough and the authorization to enter into a contract for the purchase of this property. If necessary, and if later required by the Council, it also authorizes the issuance of bonds or notes for \$525,000, which represents an estimate of acquisition costs, related environmental engineering and soft costs.

Mr. Morrill offered a motion to adopt Ordinance No. 08-1246.
Mr. Morrill withdrew his motion to adopt Ordinance No. 08-1246.

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Mr. Skudera offered a motion to open the Public Hearing on Ordinance No. 08-1246, seconded by Mr. Lomangino.

PUBLIC HEARING OPEN

Leo Christofili, 328 Riveredge Road, spoke regarding the issue of this ordinance being bonded for or paid in cash. Mr. Christofili also spoke regarding the condition of the land as well as the negotiated purchase price.

Mr. Berube answered that there are ongoing negotiations on this property, therefore, he cannot comment and he recommended that the administration not comment as to what terms might have been discussed, resolved, etc. There is no Resolution at present that has been recommended for Council's consideration. If and when the terms of a offer are at the point where they deserve recommendation, it will be brought to Council's attention.

John Slazick, 10 Daniel Court, gave a brief background on the property, and stated he is against the price that the Borough is willing to pay.

Leo Lomangino, 93 Colonial Drive, asked why this piece of property is being considered and commented on same.

Mr. Morrill answered that they are trying to create a trail way system and to prevent building. This is allowing Council to have the power to negotiate this piece of property; this Ordinance does not obligate Council to purchase it.

There being no further comments from the public, Mr. Ford 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

Council had a lengthy discussion regarding this Ordinance.

Mr. Pfeffer explained how they came up with \$525,000 for this Ordinance.

Mr. Morrill offered a motion to adopt Ordinance No. 08-1246, seconded by Mr. Lomangino.

ROLL CALL

AYES: Mr. Morrill, Mr. Baldwin

NAYS: Mr. Ford, Mr. Lomangino, Mr. Skudera

ABSENT: None

ABSTAIN: None

Karen Mount-Taylor stated this Ordinance fails.

Borough Clerk read Ordinance No. 08-1252 entitled: AN ORDINANCE AUTHORIZING THE SALE OF AFFORDABLE HOUSING UNIT OWNED BY THE BOROUGH OF TINTON FALLS, DESIGNATED AS BLOCK 129.09, LOT 50 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mr. Skudera offered a motion to open the Public Hearing on Ordinance No. 08-1252, seconded by Mr. Ford.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

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Leo Christofili, 328 Riveredge Road, questioned the purchase costs verses the construction costs and the tax rates in regards to it being based on the purchase price or the cost of construction.

Mr. Berube replied that the COAH units are assessed subject to a formula that COAH provides for us.

There being no further 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. Morrill offered a motion to adopt Ordinance No. 08-1252, seconded by Mr. Skudera.

ROLL CALL

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

Borough Clerk read Ordinance No. 08-1253 entitled: AN ORDINANCE AUTHORIZING THE SALE OF AFFORDABLE HOUSING UNIT OWNED BY THE BOROUGH OF TINTON FALLS, DESIGNATED AS BLOCK 26, LOT 45 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Mr. Skudera offered a motion to open the Public Hearing on Ordinance 08-1253, seconded by Mr. Morrill.

ROLL CALL

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

PUBLIC HEARING OPEN

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

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Skudera offered a motion to adopt Ordinance No. 08-1253, seconded by Mr. Lomangino.

ROLL CALL

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

Borough Clerk read Ordinance No. 08-1254 entitled: AN ORDINANCE ACCEPTING THE DEDICATION OF HOVCHILD BOULEVARD (FORMERLY VICTORIA BOULEVARD) – A PORTION OF BLOCK 135, LOT 1.02 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Mr. Skudera offered a motion to open the Public Hearing on Ordinance 08-1254, seconded by Mr. Morrill.

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ROLL CALL

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

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. Skudera offered a motion to adopt Ordinance No. 08-1253, seconded by Mr. Morrill.

ROLL CALL

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

PUBLIC DISCUSSION

Mr. Morrill offered a motion to open the Public Discussion, seconded by Mr. Skudera.

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Leo Christofili, 328 Riveredge Road, commented on an article he read in the newspaper regarding Andrew Mayer's dominions argument on Open Space. Mr. Christofili also gave his opinion on connecting Open Space with Education.

Andrew Mayer, 46 Sam Drive, replied to Mr. Christofili's comments.

Michael Stanton, 9 Bowles Lane, questioned what size property Council would consider adequate for purchase.

Mr. Berube stated he wanted to direct Council's attention to the tax referendum that was passed by the voters that allowed the tax levy for the Open Space trust fund. While limiting development might be a side effect of good Open Space planning, the tax referendum directed Council to dedicate those tax funds exclusively to the acquisition, conservation and maintenance of lands for Open Space, Recreation and for Farmland preservation purposes.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Ford updated Council and the Public on the discussion he had with the Board of Education President regarding entering into an agreement with the Borough.

Mr. Skudera requested a list of properties with an estimated number of buildable lots.

RESOLUTIONS

Mr. Morrill offered a motion to amend the agenda to include Resolution R-08-361, seconded by Mr. Lomangino.

ROLL CALL

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

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

**R-08-361 RESOLUTION – TERMINATING THE INTERLOCAL SERVICES
AGREEMENT WITH THE TINTON FALLS BOARD OF EDUCATION**

WHEREAS, the Borough of Tinton Falls and the Borough of Tinton Falls Board of Education had entered into a certain agreement pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1, et seq., for the provision of network services; and

WHEREAS, the Borough Administrator has recommended the termination of that Municipal Services Agreement; and

WHEREAS, said agreement provides the ability of the Council to terminate such agreement upon sixty (60) days notice and action of the Council and the Borough Council has determined that it is in the best interest of the Borough to terminate said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Interlocal Services Agreement with the Borough of Tinton Falls School District, dated July 31, 2006, shall be terminated on or about sixty (60) days from the date of this Resolution.

Mr. Berube advised that early on it was recommended to enter into an interlocal agreement with the School Board to provide network services for our up and coming computer systems. During the course of that agreement, Council authorized the adoption of an agreement dated September 27, 2006 and was adopted at the first meeting in October although it is originally dated July 31, 2006. There has been Council discussion and at the last meeting, the Borough Administrator recommended that it might be more cost effective for the Council to consider the administration to hire in-house people. One would be a Network Administrator and two part-time operational people that would be at the Borough everyday of the week. The agreement with the Board of Education requires a sixty-day advanced notice procedure. Mr. Berube asked Council to consider the termination of that agreement so that on the first of next year we may go into the other system that has been recommended by the Administrator.

Mr. Dempsey explained the cost differences between the authorized agreement for services verses having a part-time Network Administrator.

ROLL CALL

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

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

**R-08-356 RESOLUTION – APPOINTING MONMOUTH REGIONAL HIGH SCHOOL
BOARD OF EDUCATION LIAISON FOR THE BOROUGH OF TINTON FALLS**

WHEREAS, the Tinton Falls Borough Council and the Monmouth Regional High School Board of Education face issues of mutual concern; and

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WHEREAS, the Tinton Falls Borough Council desires to have a formal channel of communication regarding those issues; and

NOW, THEREFORE BE IT RESOLVED, that the Tinton Falls Borough Council appoints Paul Ford to act as a liaison to the Monmouth Regional High School Board of Education with a one-year term to expire June 30, 2009.

Karen Mount-Taylor, Borough Clerk, stated that the name that has been placed in the Resolution is Mr. Paul Ford.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-357 RESOLUTION AMENDING RESOLUTION R-08-093 AUTHORIZING SALE
OF PERSONAL PROPERTY TO REFLECT DATE CHANGE FROM NOVEMBER
1, 2008 TO NOVEMBER 8, 2008**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-08-093 on March 18, 2008 authorizing two public auctions for Saturday, May 3 and November 1, 2008; and

WHEREAS, the date for the second auction has been changed to Saturday, November 8, 2008; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of sale of said property via the adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold; and

WHEREAS, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days nor later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works vehicles, equipment, and any other miscellaneous items through the process of two (2) public auctions, one which was held on Saturday, May 3, 2008 and the second which will be held on Saturday, November 8, 2008 at 10:00 AM.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-358 RESOLUTION - PERSON-TO-PERSON TRANSFER PLENARY RETAIL
CONSUMPTION LICENSE LIQUOR LICENSE 1336-33-014-008**

WHEREAS, Village Falls, L.L.C. has made application to the Borough Council for a person-to-person transfer of plenary retail consumption License No. 1336-33-014-008 heretofore issued to Stark Enterprises, L.L.C., for premises located at the Grist Mill, 1213 Sycamore Ave, Tinton Falls, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

WHEREAS, no written objection to the transfer has been received by the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls does hereby approve the transfer of the aforesaid Plenary Retail Consumption License #1336-33-014-008 to Village Falls, LLC., and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to endorse the transfer on the face of the license certificate showing the State assigned license number to be 1336-33-014-009 effective this date.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Karen Mount-Taylor, Borough Clerk stated that the new owner of Village Falls, LLC, is Mr. Jim Brooks.

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

**R-08-359 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEE SUN GLASS
HUT STORE, JERSEY SHORE PREMIUM OUTLET MALL - \$115.00 LESS DCA
FEE**

WHEREAS, a permit fee in the amount of \$115.00 was paid by Marco Contractor's, Jersey Shore Premium Outlet Mall, and

WHEREAS, said monies were deposited by the Borough of Tinton Falls in accordance with law, and

WHEREAS, the applicant was over charged in the amount of \$115.00 and has requested a refund, and

WHEREAS, by Memorandum dated October 2, 2008 from Robert Corby has recommended a refund in the amount of \$115.00 less DCA fee.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$115.00 less DCA fee be issued to Marco Contractor's.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-360 RESOLUTION – APPROVAL OF BILLS – OCTOBER 28, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 28, 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	\$ 102,399.19
TRUST	3,376.07
CAPITAL	732,616.58
DEVELOPER ESCROW	38,745.00
GRANT FUND	1,200.00
SEWER UTILITY	37,126.99
ADDITIONS	<u>38,460.60</u>
	\$ 953,924.43

Karen Mount-Taylor, Borough Clerk, stated unless someone has something to offer, there are no exceptions.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

EXECUTIVE SESSION

Mr. Berube stated there is a request for an Executive Session for the purposes of potential acquisition of interest in Real Estate and the extension of affordability controls under certain COAH units.

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

**R-08-362 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE
SESSION**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to N.J.S.A. 10:4-13, the Borough Council shall adjourn to Executive Session for the purpose of potential acquisition of interest in real estate and the extension of affordability controlled under certain COAH units.

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BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Berube stated for the record there will be no action contemplated following the adjournment from Executive Session.

Mr. Skudera offered a motion to move into the Workshop portion of the meeting, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Council Recessed at 9:49 P.M.

Council Reconvened at 9:57 P.M.

WORKSHOP MEETING

Unfinished Business – Zoning Board Vacancy

Mr. Baldwin advised that they were awaiting Mr. Palmeri's, Zoning Board Chairman, list of candidates that have surfaced for that position. Mr. Baldwin stated he feels Council would first like to get a recommendation from the Zoning Board.

New Business

Mr. Ford asked if the Borough would entertain a land-locked piece of property.

Mr. Berube advised that he is uncomfortable with Mr. Ford's discussion due to the fact that any discussion about acquisitions would be better done in Executive Session. Mr. Berube also advised that if Mr. Ford is asking to state a position to represent to the School Board as a Liaison, Mr. Berube stated he doesn't know that Mr. Ford would want Council to take a position on an acquisition that is not yet presently before it. There is no proposal that has been set forth. When and if that proposal comes before the Council, Mr. Berube advised he will make some recommendations. Also, for the record Mr. Berube advised it is illegal to transfer land-locked property in New Jersey; it has to have access.

Inventory of Open Space Parcels

Mr. Skudera asked what Council can do to push this forward in order to look at each property and make some kind of determination as to what priority, number of buildable lots there could be, if we can do that internally, estimated cost, etc.

Mr. Morrill stated Open Space was not created to prevent development; it was created to give us a way to take and create parks, to maintain these lands, and so forth.

Mayor Maclearie stated that the properties that we have purchased were high-density parcels and they did come before Council with the plan.

Clerk's Office

Karen Mount-Taylor, Borough Clerk, advised that the Clerk's Office is now down to herself and Maggie Pereira. There is a position open that has to be posted for 10 days in house. After the 10 days have expired it will go on the website and be advertised as a Clerk Typist position.

Mr. Skudera offered a motion to adjourn to Executive Session, seconded by Mr. Lomangino.

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ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:11 P.M.

Karen Mount-Taylor, Borough Clerk, advised the Public that no further action will be taken.

ADJOURNMENT

Mr. Skudera offered a motion to adjourn the meeting, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:41 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: DECEMBER 16, 2008