

**REGULAR/WORKSHOP MEETING
OCTOBER 7, 2008
BOROUGH COUNCIL**

Deputy Council President called regular meeting to order at 7:33 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

ABSENT: Mr. Baldwin

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

APPROVAL OF MINUTES

Mr. Ford offered a motion to approve the minutes of August 5, 2008, seconded by Mr. Morrill.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: Mr. Lomangino

Mr. Ford offered a motion to approve the minutes of August 19, 2008, seconded by Mr. Morrill.

ROLL CALL

AYES: Mr. Ford, Mr. Skudera

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: Mr. Morrill, Mr. Lomangino

Borough Clerk stated the minutes will be brought back for approval at the October 21, 2008 Borough Council meeting because the vote does not carry.

Mr. Ford offered a motion to approve the minutes of September 2, 2008, seconded by Mr. Morrill.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Network Administrator's Report

John Legere, the Borough's Network Administrator, came before Council to discuss the archiving of emails and electronic documents that we currently have stored in our servers at the Borough. We are looking to see what the costs would be to archive as well as what the requirements are from the State regarding years, months, weeks, etc. that we have to store these documents for.

REPORTS OF MAYOR/COUNCIL/ADMINISTRATION

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Mayor's Report

Mayor Maclearie gave an update on FMERPA's meetings. He also stated we are working towards a Memorandum of Understanding but there is still nothing official; it still has to go through the COAH Committee in Trenton.

As far as COAH goes, he also attended a meeting with a gentleman from Matrix Design. They have gone through the planning process for Fort Monmouth; the next phase in going to be the implementation phase.

Council's Report

Mr. Morrill advised the public and Council of the Open Space meeting next week.

Administrator's Report

Community Day

Community Day will be held on Saturday from 4:00 P.M. – 7:00 P.M. There will be a moving, Happy Feet, playing.

Trailer

The search team received a trailer from State OEM that will be delivered sometime in November.

Sycamore Soccer Complex

The walking trail around Sycamore Soccer Complex is now complete.

Borough Hall

Landscaping was started yesterday and today around Borough Hall.

Society Hill

The pavers over at Society Hill is complete and was finished early last week.

Chief Financial Officer's Report

Mr. Pfeffer reported the budget process in underway. The departments have been given their worksheets and they are expected back at the end of October. We will have public hearings open to the public at the end of November, which will be advertised in the newspaper as well as on the Borough's website.

Through September 30th, our revenues appear to be on target. We are slightly ahead in several areas. There are no deficit positions at this point however, we don't know what happened on Wall Street will impact us towards the end of the year with the exception of debt issuance.

Engineer's Report – Al Hilla Jr.

Road Program

The project is basically done. There is a very short punch list that remains to be completed by the contractor, which should be rapped up within the next week or two.

Sycamore Trails

They have been completed and there is a short punch list there that remains to be completed by the contractor.

Riveredge Drainage Project

We achieved the DEP permits to replace that outfall which goes back at least a year and half. We finally have achieved the permit and our final design for bidding is now in progress.

Director of Law's Report

Mr. Berube stated he is happy to report that on the agenda for tonight are two Ordinances authorizing the Borough to return two COAH units for the Affordable Housing Stock. A purchaser has already been qualified for one of the units. The second unit is in the Housing Affordability Services Process. We are pursuing three others very vigorously as well.

On tonight's agenda you will see a number of Ordinances that tie up both Seabrook and the Route 66 Premium Outlets Project. As to Seabrook, there is a Resolution accepting a certain lot and block that was part of the developer's agreement. As to the Route 66 and the Premium Outlet Malls, you will see a number of Resolutions that tie up Deeds of Easement for construction, etc.

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Another item is the actual dedication of Hovchild Boulevard. Mr. Berube apologized as that came in originally before the Council decided to accept a request to change that name to Hovchild from Victoria Boulevard. Mr. Berube requested Council modify same once approved.

Lastly, there is a Resolution awarding an emergency repair contract for the repair of sewer pumps at the station that serves the south end of town. Mr. Berube asked that the agenda be amended to provide for that Resolution. Mr. Bucciero did pass out a memo regarding the emergency nature of that work.

Borough Clerk's Report

Karen Mount-Taylor asked if any of the residents would like to volunteer to help the Clerk's office on Election Day.

Mrs. Mount-Taylor asked Council to amend the agenda to include a raffle license for the school that just came in.

PROCLAMATION – PUT THE BREAKS ON

WHEREAS, across the nation, traffic crashes caused more than 41,000 fatalities in 2007, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 724 individuals lost their lives in traffic crashes in 2007; and

WHEREAS, alcohol related crashes accounted for 28% of the State's traffic fatalities, while 25% of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 78 motorcyclists, 12 bicyclists and 144 pedestrians were killed in New Jersey in traffic-related crashes in 2007; and

WHEREAS, safer driver behaviors such as buckling up every ride; obeying the posted speed limits; avoiding aggressive driving behaviors and aggressive drivers; never drinking and driving; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I, PETER MACLEARIE, MAYOR of Tinton Falls do hereby proclaim October 10, 2008 Put the Breaks on Fatalities Day and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

PROCLAMATION – NATIONAL ASSISTED LIVING WEEK

WHEREAS, the number of elderly and disabled Americans is dramatically increasing; and

WHEREAS, assisted living is a long-term care service that fosters choice dignity, independence and autonomy in our elderly

WHEREAS, the National Center for Assisted Living proudly created National Assisted Living Week; and

WHEREAS, the theme of National Assisted Living Week 2008 "Filing Life with Love" highlights the opportunity to bestow on our residents a multitude of events and activities that show them how much we care for and love them;

NOW, THERE, I, PETER MACLEARIE, MAYOR of Tinton Falls, proclaim the week of September 7th – September 13th, 2008 as National Assisted Living Week in the Borough of Tinton Falls. I urge all citizens to visit friends and loved ones who reside at these facilities and also to learn more about assisted living services and how they benefit our communities.

LIBRARY PRESENTATION – DENNIS KOWAL

Mr. Kowal reported Tinton Falls is in the category of a library approximately between 14,000 to 27,000 square feet needed to meet grant criteria. In the year 2025, it is estimated that the population would be 20,659 residents so the library would be designed around that population number going forward. They designed a 25,800 square foot library as the base plan meeting the correct criteria. The library would fit on the site; the cars would fit and we would have to interface with the public works. The building would be a sustainable design using vegetation screening with the potential of turning the liability of the public works back and turn it into an asset.

The program room is 150 seats and is accessible from the exterior. It has a wall that opens up into the entire library so when it isn't being used as a program room it can be used as part of library space and vice versa.

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Mayor Maclearie stated we put in a notice of interest for parcels in Fort Monmouth. In total we asked for about 9 different parcels including 50 acres for Open Space. One of things we asked for in our Downtown Main Street area was a parcel that could be identified for a library and whether we could get the builder of the property to perhaps build a library for us. It is documented in the plan as a 27,000 square foot library. We would like to see it incorporated in our Main Street. Our plan at this point is we would like to see the developer who comes in to develop on Fort Monmouth to actually pay for this so it doesn't burden the taxpayers.

Mr. Skudera stated there are still many costs involved such as deferred maintenance costs, utilities, salary, as well as everything else involved in the upkeep of a library that Council has not received numbers for.

Mr. Kowell advised that the Library Board is working on getting amounts for these expenses.

Mr. Kowell stated Tinton Falls would need a library that addresses specific population segments such as meeting spaces, quiet study, special places for young adults, etc. It was cost estimated by their professional cost estimating team in the amount of \$5.8 million if built next year plus another million for the site work and to add the parking. This would be a \$6.8 million dollar project for bricks and water. There will be other costs such as moving costs (minimal), furniture (approximately \$300,000 - \$500,000), data and communications (approximately \$100,000), along with some other costs such as deferred costs that Mr. Kowall stated he wasn't ready to report on.

Mayor Maclearie stated the absolute close date for Fort Monmouth is September 2011. This parcel (the library) could go sooner than later; we do not have to wait for 2011. The plan has been submitted to Washington. Within 60 – 90 days we will get our update on where they are as to whether our plans are accepted and whether or not there is any lawsuits involved in that or if that slows down the process as far as the next phase. If it is going to be placed on a ballot, it has to be by next August.

PETITIONS – None

ORDINANCES FOR INTRODUCTION

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. Ford offered a motion to introduce Ordinance No. 08-1252, seconded by Mr. Morrill.

ROLL CALL

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

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

Ordinance No. 08-1252 in Full/Ordinance Book #4

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 IF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mr. Ford offered a motion to introduce Ordinance No. 08-1253, seconded by Mr. Mr. Morrill.

ROLL CALL

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

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

Ordinance No. 08-1253 in Full/Ordinance Book #4

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

Mr. Ford offered a motion to introduce Ordinance No. 08-1254, seconded by Mr. Morrill.

Mr. Berube advised that the published Ordinance would use the term Hovchild Boulevard rather than Victoria Boulevard pursuant to the Council’s authorization under Resolution for that.

Borough Clerk read for the record Ordinance No. 08-1254 with the amended name.
AN ORDINANCE ACCEPTING THE DEDICATION OF HOVCHILD BOULEVARD – A PORTION OF BLOCK 135, LOT 1.02 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ROLL CALL

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

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

Ordinance No. 08-1254 in Full/Ordinance Book #4

Borough Clerk read Ordinance No. 08-1255 entitled: AN ORDINANCE REPEALING BOROUGH ORDINANCE NO. 99-982 (FORMER LAND USE ORDINANCE) AND ESTABLISHING AND CREATING A LAND USE ORDINANCE TO ESTABLISH STANDARDS FOR DEVELOPMENT AND USE OF LAND AND BUILDINGS WITHIN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY PURSUANT TO THE PROVISIONS OF THE MASTER PLAN AND THE MASTER PLAN RE-EXAMINATION REPORT OF THE TINTON FALLS PLANNING BOARD

Mr. Ford offered a motion to introduce Ordinance No. 08-1255, seconded by Mr. Morrill.

ROLL CALL

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

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

Ordinance No. 08-1255 in Full/Ordinance Book #4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 08-1251 entitled: AN ORDINANCE AMENDING ORDINANCE #96-918 PROVIDING FOR INCLUSION OF BLOCK 110.02, LOT 46.01

Mr. Ford offered to open the Public Hearing on Ordinance No. 08-1251, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC HEARING OPEN

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Mr. Berube advised Council of a typographical error, paragraph 1, under the “Whereas” clause it is shown as Block 100.02; it is actually 110.02.

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Morrill offered a motion to adopt Ordinance No. 08-1251, seconded by Mr. Lomangino.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC DISCUSSION OPEN

Linda Zucaro, 127 Mill Lane, spoke as a resident and President of the Tinton Falls Library Board. Ms. Zucaro requested the Mayor reconvene the Library Committee to discuss modifications to Mr. Kowal’s presentation.

Carol Redfern, 345 Riverdale Avenue West, gave her opposition on the building of a new library.

Brendan Tobin, 5 Chestnut Court, spoke regarding the Resolution on the agenda for the acceptance of his resignation of former Council President from August 19th.

Mr. Berube advised for the purpose of the record at the August 19th meeting, when Mr. Tobin resigned as Council President there was a voice vote to amend the agenda to accept his nomination whereas that was improper procedure.

Mr. Tobin stated for the record that it is upsetting for the taxpayers of this town, because the Borough Clerk was not here at the time, the Deputy Clerk was here. We have a Director of Law who is also a judge and a council member; we have a Mayor who is also a council member; we have an administrator who is also a registered clerk and no one knew how to handle this situation.

Mr. Tobin also spoke regarding the meeting of the Freeholders and no one from Council or the Borough showed up. He accepted the flag for the County and placed it up outside.

Mr. Tobin also spoke about the millings that are picked up and taken to the landfill; an energy audit with regards to a wind energy study; picking up trash on opposite sides of the streets and recycling once a month in order to save money; vehicle savings with regards to costs on purchases, fuel and insurance; the position of the Borough’s Fire Marshall, as well as the Website Ordinance brought up at the last Council meeting.

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

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ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Ford suggested the consideration of suspending any discretionary or appropriated large purchases that have not yet been made such as trucks, cars, etc.

RESOLUTIONS

Mr. Morrill offered a motion to amend the agenda to include Resolution to Approve Raffle License Application RA-08-19, Monmouth Regional High School PTSA – On Premises 50/50, seconded by Mr. Ford.

ROLL CALL

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

R-08-300 RESOLUTION - MAYORS EXEMPTION RESOLUTION

Mayor Maclearie stated this Resolution is still in progress.

Mr. Berube recommended Council move this Resolution to the October 28th meeting.

Mr. Morrill offered a motion to carry Resolution R-08-300 to October 28, 2008, seconded by Mr. Lomangino.

ROLL CALL

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

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

Borough Clerk stated Mr. Berube is going to charge the Council. Mr. Lomangino has to rescue himself from this since he was not on the Council when it happened.

Mr. Berube stated he apologizes but technically he has made this Resolution retroactive to that resignation date so he wasn't technically appointed until the Council approves this Resolution. Mr. Berube advised Mr. Lomangino not to vote on this Resolution.

Mr. Ford offered a motion, seconded by Mr. Morrill.

**R-08-341 RESOLUTION - CONFIRMING COUNCIL ACCEPTANCE OF THE
RESIGNATION OF BRENDAN P. TOBIN**

WHEREAS, Brendan P. Tobin, former Council President of the Borough Council of the Borough of Tinton Falls tendered his resignation at the start of its regular Council meeting on August 19, 2008, by delivery of a resignation letter to the Borough Clerk; and

WHEREAS, the resignation letter was read into the record and is contained in the meeting minutes of August 19, 2008; and

WHEREAS, the Borough Council, by a unanimous vote accepted the resignation of Brendan P. Tobin at its meeting on August 19, 2008; and

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WHEREAS, the Director of Law has reviewed the minutes of the meeting of August 19, 2008 and has determined that the motion to amend the agenda for the meeting of August 19, 2008 to provide for an oral motion to accept the resignation of Brendan P. Tobin, was allowed to proceed without sufficient roll call vote; and

WHEREAS, the Director of Law has recommended that the acceptance of the resignation of Brendan P. Tobin be ratified and confirmed in writing,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the resignation letter of Brendan P. Tobin,, dated August 19, 2008 and delivered August 19, 2008, and made a part of the record of the Borough Council meeting on that date be accepted and is deemed effective as of the date of delivery of said letter of resignation on August 19, 2008.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: Mr. Lomangino

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

**R-08-310 RESOLUTION - AUTHORIZING THE EXECUTION OF A CERTAIN NJDOT
JURISDICTIONAL AGREEMENT NO. 4635 FOR ROUTE 66 (PARKWAY TO
JUMPING BROOK ROAD)**

WHEREAS, the Borough of Tinton Falls in conjunction with the Township of Neptune, State of New Jersey and State of New Jersey Turnpike Authority has participated in the improvements of certain roads in and around a certain project known as Premium Outlets, and more particularly described as "State Route 66, Construction of a New Bridge Over State Route 66, new roadways known as Premium Outlets Boulevard, McNamara Way, Hovchild Boulevard, the widening of Route 66 and alterations to Jumping Brook Road; and

WHEREAS, said improvements have been accomplished pursuant to certain development agreements executed by all parties; and

WHEREAS, the NJ DOT seeks to clarify the rights and obligations of the parties regarding highway maintenance and control of these roadways pursuant to NJSA 27:7-4 et seq.; and

WHEREAS, the Borough has been furnished with a proposed NJDOT Jurisdictional Agreement No. 4635 regarding the jurisdiction, maintenance, and control of these roadways; and

WHEREAS, the said agreement has been reviewed by the Borough Engineer and Director of Public Works who have recommended the execution of same; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined it is in the best interest of the residents of the Borough of Tinton Falls to execute the attached agreement,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, and Borough Clerk are authorized to execute the attached Jurisdictional Agreement.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-311 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN
CONTRACT FOR RFP #5-08 PROFESSIONAL PLANNING SERVICES REVISED
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Borough of Tinton Falls has a need for professional planning services for work related to a revised housing element and fair share plan as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional Planning services can only be provided by licensed professionals, and the firm of Heyer, Gruel & Associates, P.A., 63 Church Street, 2nd Floor, New Brunswick, NJ 08901 is so recognized; and

WHEREAS, the Director of Law has determined that the value of the contract may exceed \$17,500.00; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals for said services, and proposals were received on Friday, December 21, 2007; and

WHEREAS, Heyer, Gruel & Associates were appointed by the Planning Board at their meeting held on March 26, 2008 for general planning services to the Planning Board, Code Enforcement and the Borough; and

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WHEREAS, this contract is to be awarded for an amount not to exceed \$16,000.00 plus miscellaneous reimbursables for professional planning services for the Revised Housing Element and Fair Share Plan as described above through December 31, 2008;

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

1. The firm of Heyer, Gruel & Associates, 63 Church Street, 2nd Floor, New Brunswick, NJ 08901 is hereby retained to provide professional planning services for the Revised Housing Element and Fair Share Plan for an amount not to exceed \$16,000.00 plus miscellaneous reimbursables for the hourly rates listed in their proposal.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-312 RESOLUTION- ACCEPTING CERTAIN DEEDS OF EASEMENT FOR
CONSTRUCTION OF ROUTE 66 AND HOVCHILD BOULEVARD, TINTON
FALLS, NJ**

WHEREAS, Hovtown, Inc. is the owner of certain parcels located in the Borough of Tinton Falls and more particularly described in the attached easements and rights of way dedications noted below; and

WHEREAS, Hovtown, Inc. pursuant to development approvals for the project known as Premium Outlet Mall in the Borough of Tinton Falls was required to provide the attached Deeds of Easements to the Borough of Tinton Falls; and

WHEREAS, Hovtown, Inc. has tendered the following executed deeds of easement in fulfillment of the obligations under the terms of the applicable Resolution of the Planning Board of the Borough of Tinton Falls:

1. Deed of Easement for Temporary Construction (B-1);
2. Deed of Easement for Temporary Construction (B-2);
3. Deed of Easement for Permanent Drainage (B-3);
4. Deed of Easement for Permanent Slope (B-4)
5. Deed of Easement for Temporary Construction (B-5);
6. Deed of Easement for Temporary Construction (D-2); and

WHEREAS, the Director of Law and the Engineering Firm of Leon S. Avakian, Inc., have reviewed same and recommended the acceptance of the above Deeds of Easement,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Administrator and Borough Clerk are hereby authorized to accept the attached Deeds of Easement after recording thereof.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-313 RESOLUTION - AUTHORIZING THE EXECUTION OF A CERTAIN
AGREEMENT WITH THE SOCIETY HILL AT TINTON FALLS SINGLE
FAMILY HOMEOWNER'S ASSOCIATION**

WHEREAS, the Borough of Tinton Falls has been requested by residents of Society Hills at Tinton Falls for the redesign of the center island contained in the right of way owned by the Borough, known as Society Hill Way; and

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WHEREAS, the Borough Council of the Borough of Tinton Falls has accepted a certain bid for the improvement of said island contained in the right of way as noted above; and

WHEREAS, the property owners in Society Hill at Tinton Falls has requested retention of certain landscaped areas around existing tress presently contained in the center island located on Society Hill Way; and

WHEREAS, the Society Hill at Tinton Falls Single Family Homeowner's Association has agreed to undertake the continued maintenance of the landscaped areas according to the terms and conditions of the attached agreement; and

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough of Tinton Falls to enter into said agreement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, Municipal Clerk, and/or other applicable Administrative Official are hereby authorized to execute an agreement with the Society Hill at Tinton Falls Single Family Homeowner's Association for continued maintenance of landscaped areas on the island located along Society Hill Way, in the form annexed, or as may be recommended and approved by the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-314 RESOLUTION - AUTHORIZING THE EXECUTION OF A CERTAIN
AMENDMENT TO THE COMMUNITY SERVICE AGREEMENT WITH THE
SOCIETY HILL AT TINTON FALLS CA**

WHEREAS, the Borough of Tinton Falls has been requested by residents of Society Hills at Tinton Falls for the redesign of the center island contained in the right of way owned by the Borough, known as Churchill Downs Drive; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has accepted a certain bid for the improvement of said island contained in the right of way as noted above; and

WHEREAS, the property owners in Society Hill at Tinton Falls has requested retention of certain landscaped areas around existing tress presently contained in the island located on Churchill Downs Drive; and

WHEREAS, the Society Hill at Tinton Falls, CA has agreed to undertake the continued maintenance of the landscaped areas according to the terms and conditions below; and

WHEREAS, the parties have agreed to the modification of the existing Qualified Community Service Agreement entered into and between the Borough of Tinton Falls and Society Hill at Tinton Falls in order to provide the terms and conditions of the agreement attached hereto;

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough of Tinton Falls to enter into said agreement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, Municipal Clerk, and/or other applicable Administrative Official are hereby authorized to execute an amendment to the Community Service Agreement with the Society Hill at Tinton Falls CA for continued maintenance of landscaped areas on the island located along Churchill Downs Drive, in the form annexed, or as may be recommended and approved by the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-315 RESOLUTION - AUTHORIZING THE AWARD OF CONTRACTS WITHOUT
PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6**

WHEREAS, there is an emergency condition at the Jumping Brook Pump Station requiring immediate emergency repairs consisting of repair to two dimminuters (grinders), and electrical work necessary, for an undetermined amount; and

WHEREAS, provisions of NJSA 40A: 11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, John Bucciero, Director of Public Works has declared this situation an emergency condition in memo attached;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award contracts for the repairs necessary for the safe operation of the Jumping Brook Pump Station.

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BOROUGH COUNCIL**

ROLL CALL

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

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

**R-08-316 RESOLUTION – ESTABLISHING PROCEDURE FOR NOTIFICATION TO
CONDOMINIUM ASSOCIATION UPON THE REDUCTION/RELEASE OF
PERFORMANCE/MAINTENANCE GUARANTEES**

WHEREAS, it has come to the attention of the Borough Council that many times performance/maintenance guarantees are reduced/released without notification to the Condominium Associations located in the Borough of Tinton Falls, and

WHEREAS, Borough Council would like to establish a procedure for notification to the Associations upon the receipt of the Engineer's recommendation to the Borough Clerk, and

WHEREAS, the Borough Council hereby directs the Borough Clerk to send a copy of the Engineer's Recommendation to the Condominium Association of said development within 3 days of receipt of recommendation and request any objections, comments to be placed in written to Borough Clerk within 10 days of the Association's receipt of recommendation, prior to placing the resolution on the Borough Council's agenda. .

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that said policy is hereby adopted immediately.

ROLL CALL

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

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

**R-08-317 RESOLUTION - AUTHORIZING ACCEPTANCE OF A CERTAIN PROPOSED
DEED OF DEDICATION FOR BLOCK 128.03, LOT 5**

WHEREAS, Tinton Falls Campus II, LLC, a Maryland Limited Liability Company , has received approvals from the Planning Board of the Borough of Tinton Falls, for the development of Phase III at Seabrook Village, also known as Block 128.03, Lots 19.04 and 19.05, in the Borough of Tinton Falls, County of Monmouth in the State of New Jersey; and

WHEREAS, pursuant to the authorizing resolution of the Planning Board of the Borough of Tinton Falls and the May 22, 2008 Developers Agreement with the Borough, Tinton Falls Campus II, LLC, has agreed to convey certain real property known as Block 128.03, Lot 5 to the Borough of Tinton Falls for consideration of ONE DOLLAR (\$1.00); and

WHEREAS, Tinton Falls Campus II, LLC, has tendered the attached Deed of Dedication regarding Block 128.03, Lot 5, together with appropriate conveyance documents; and

WHEREAS, the Director of Law has reviewed the Planning Board Resolution and the relevant Developer's Agreement involved and has recommended the acceptance of the attached Deed of Dedication; and

WHEREAS, Tinton Falls Campus II, LLC has prepaid certain real property tax liabilities for Block 128.03, Lot 5 through December 31, 2008, for which reimbursement has been agreed to by the Borough for any unaccrued portion of that tax liability following acceptance of the attached dedication by the Borough of Tinton Falls; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, and other authorized Borough Officials are hereby authorized to accept the delivery of the Deed of Dedication for Block 128.03, Lot 5 in the form attached hereto.

BE IT FURTHER RESOLVED THAT THE Chief Municipal Finance Officer is hereby authorized to reimburse Tinton Falls Campus II, LLC for any unaccrued real property taxes prepaid by them following receipt of the fully executed Deed of Dedication attached.

Mr. Berube stated there are points in the Resolution, which indicates that Tinton Falls Campus LLC is referred to as Tinton Falls Campus II LLC, which he stated will be amended.

ROLL CALL

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

**REGULAR/WORKSHOP MEETING
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BOROUGH COUNCIL**

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

**R-08-318 RESOLUTION - AUTHORIZING ACCEPTANCE OF THE EXECUTION OF
AN AGREEMENT FOR ASSIGNMENT AND ASSUMPTION OF SEWER
CAPACITY RELATED TO THE CONVEYANCE OF BLOCK 128.03, LOT 5**

WHEREAS, Tinton Falls Campus, LLC, a Maryland Limited Liability Company (hereinafter called Tinton Falls Campus LLC) is a party to a certain agreement dated June 9, 1997, between the Township of Neptune, Township of Neptune Sewerage Authority, Tinton Falls Campus, LLC and the Borough of Tinton Falls, regarding sewer capacity for certain real property, including Block 128.03, Lot 5 in the Borough of Tinton Falls; and

WHEREAS, pursuant to said agreement and the Developers Agreement between Tinton Falls Campus II, LLC and the Borough of Tinton Falls, dated May 22, 2008, Tinton Falls Campus II, LLC agreed to assign certain rights to the Borough as to the development for Block 128.03, Lot 5 and to assign sewer capacity equal to eighty equivalent service units (as described in the service agreement noted above), subject to the terms and conditions of the Developer's Agreement; and

WHEREAS, the Borough of Tinton Falls desires to accept the assignment of these eighty equivalent service units in accordance with the terms of the service agreement dated June 9, 1997, as referenced above and the attached Assignment and Assumption of Sewer Capacity Agreement; and

WHEREAS, the Director of Law has reviewed same and has recommended the acceptance of the attached Assignment and Assumption of Sewer Capacity; and

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough of Tinton Falls to accept the rights and obligations contained in the Assignment and Assumption of Sewer Capacity Agreement attached; and

WHEREAS, Tinton Falls Campus , LLC has prepaid certain reservation fees for the said eighty equivalent service units for a period of 7/15/08 to 7/14/09, at a daily rate of \$39.45 per day, the unreimbursed portion of which was agreed to be reimbursed to Tinton Falls Campus , LLC, following full execution of this agreement,

NOW, THEREFORE, be it resolved that the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, Director of Law or other appropriate Administration Officials are hereby authorized to execute the attached agreement, any and all closing statements related thereto and the Chief Municipal Finance Officer is authorized to refund any prepaid reservations for the period following receipt of the fully executed Agreement by the Assignor.

Mr. Berube advised that it is also referred to as Tinton Falls Campus II LLC in this agreement and the agreement should be referred to as Assignment and Assumption of Sewer Capacity.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-319 RESOLUTION - COMPENSATED ABSENCE-RETIREE

WHEREAS, Robert C. Wilson, Jr. has been employed by the Borough of Tinton Falls as a Driver for the Department of Public Works since December 9, 1987, and;

WHEREAS, on September 1, 2008, Robert C. Wilson, Jr. will resign with over 20 ½ years of dedicated service, and;

WHEREAS, Robert C. Wilson, Jr. will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c. The benefits are not to exceed \$4,000.00, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds availability by the Chief Financial Officer, that Robert C. Wilson, Jr. receive the aforementioned compensated absence benefits.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-320 RESOLUTION - AMENDING RESOLUTION R-07-209 INCREASING &
EXTENDING FAIR & OPEN CONTRACT FOR PROFESSIONAL AFFORDABLE
HOUSING COUNSEL CONTRACT RFP #1-07E**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-044 on February 6, 2007, wherein Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 was awarded the above contract for an amount not to exceed \$17,500.00; and

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-209 on June 12, 2007 which increased the contract an additional \$15,000.00 for Fox Chase II and other COAH matters for a total contract not to exceed \$32,500.00; and

WHEREAS, the contract requires an extension of time through December 31, 2008 as contract is not yet complete and an increase of \$5,000.00 for Fox Chase II matters, for a total contract amount not to exceed \$37,500.00; and

WHEREAS, Gluck Walrath, LLP has by signed certification acknowledges that it complies with Borough Ordinance #05-1146 and has not made any political contributions that would bar it from being awarded an increase of \$5,000.00 as well as an extension of time through December 31, 2008.

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

1. The firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is hereby retained to provide additional Affordable Housing Counsel services for Fox Chase II matters as described above for an additional amount not to exceed \$5,000.00 for a total contract in the amount of \$37,500.00 as well as an extension of time through December 31, 2008.
2. The contract was awarded as a Fair & Open contract with proposals received on December 6, 2006.
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.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-321 RESOLUTION - TINTON FALLS EMS SOUTH POLITICAL CONTRIBUTION
DISCLOSURE**

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

WHEREAS, the Tinton Falls EMS South 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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-322 RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND
DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS PROJECT:
ROSE GLEN AT TINTON FALLS**

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BE IT RESOLVED by the Borough council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 forms on behalf of the Borough of Tinton Falls for the Rose Glen a Tinton Falls project:

Mayor	Peter Maclearie
Administrator	W. Bryan Dempsey
Director of Public Works	John Bucciero

ROLL CALL

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

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

R-08-323 RESOLUTION - RELEASING MAINTENANCE GUARANTEES MONMOUTH WIRE & RECYCLING, BLOCK 145, LOT 14.01

WHEREAS, the developer of Monmouth Wire & Recycling Block 145, Lot 14.01, has requested the release of the Maintenance Guarantee

WHEREAS, by letter dated September 9, 2008 (said letter hereby attached and made part of this resolution) the Engineer (Leon S. Avakian, Inc.) has certified that the bonded items are in satisfactory condition and therefore recommends the release of the Maintenance Guarantee 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 the Maintenance Guarantee for Monmouth Wire & Recycling Block 145, Lot 14.01 be ad the same is hereby released upon the payment of any outstanding engineering and inspection fees.

ROLL CALL

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

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

R-08-324 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES GREENBRIAR (STERLING FALLS) PHASE 1B, 2A, & 2B

WHEREAS, the developer has requested the release of Performance Guarantees for Greenbriar (Sterling Falls) Phase 1B, 2A, & 2B,

WHEREAS, BY LETTER DATED September 24, 2008, (said letter hereby attached and made part of this resolution) Engineer, Birdsall Engineering, 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, Birdsall Engineering, Inc., letter of September 24, 2008, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL

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

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

Borough Clerk stated unless Council has something to offer, there are no exceptions.

R-08-325 RESOLUTION – APPROVAL OF BILLS – OCTOBER 7, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 7, 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.

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SUMMARY

GENERAL	2,538,837.30
TRUST	46,728.58
CAPITAL	3,159.46
DEVELOPER ESCROW	48,217.89
GRANT FUND	11,024.95
SEWER UTILITY	402,732.50
ADDITIONS	<u>182,895.50</u>
	3,233,596.18

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

CONSENT AGENDA

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

**R-08-326 RESOLUTION - REFUNDING AUTOMATED/SEMI – AUTOMATED
CONTAINER FEE - PAUL BRENNER**

WHEREAS, one automated container was leased for 929 Sycamore Ave Road, Tinton Falls. From the Department of Public Works on April 29, 2008 for the sum of \$55.00

WHEREAS, the container was returned to the Department of Public Works on September 30, 2008..

WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes, and

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$50.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$50.00 be and hereby is granted to Paul Brenner 929 Sycamore Ave Tinton Falls NJ 07724.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-327 RESOLUTION - REFUNDING AUTOMATED/SEMI – AUTOMATED
CONTAINER FEE – ROBERT MCKINLEY \$45.00**

WHEREAS, one automated container was leased for 89 Stratford Road, Tinton Falls. From the Department of Public Works on April 3, 2006 for the sum of \$55.00

WHEREAS, the container was returned to the Department of Public Works on August 27, 2008.

WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes, and

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$40.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$40.00 be and hereby is granted to Robert McKinley 89 Stratford Road Tinton Falls NJ 07724.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-328 RESOLUTION - REFUNDING STREET OPENING FEE

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WHEREAS, on July 3, 2008, New Jersey American Water Company applied for a street opening permit for 137 Hance Avenue; and

WHEREAS, a check in the amount of \$138.00 was received with the permit which was deposited by the Borough of Tinton Falls; and

WHEREAS, Permit #2008-07-003 was issued in error as Hance Avenue is a County road;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the street opening fee paid by New Jersey American Water Company in the amount of \$138.00 be released.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-329 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEE CROCS
STORE #827, JERSEY SHORE PREMIUM OUTLET MALL - \$677.00**

WHEREAS, a permit fee in the amount of \$677.00 was paid by Elan General Contracting for the Crocs Store #827, 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 \$677.00 and has requested a refund, and

WHEREAS, by Memorandum dated September 16, 2008 from Robert Corby has recommended a refund in the amount of \$677.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$677.00 be issued to Elan General Contracting, Inc.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-330 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of September 2008 fees totaling \$50.00 were paid by a resident of Tinton Falls for use of Hockhockson Park, Hock #2 with lights.

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

WHEREAS, during the month of September 2008 , the Recreation Superintendent was informed by the resident that the game has been cancelled and park and lights for this field need not be turned on and a full refund in the amount of \$50.00 shall be issued.

Glen Quinton	\$ 50.00
<hr/>	
Total	\$ 50.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$50.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-08-331 RESOLUTION - CANCELING & REFUNDING TAX OVERPAYMENT FOR A
TOTALLY DISABLED VETERAN**

WHEREAS, an overbilling and a overpayment of 2008 Taxes has been made as a result of a 100% Totally Disabled Veteran for the prorated year of 2008 (from April 23, 2008 to December 31, 2008) to be exempt on the following property.

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<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCELLED</u>	<u>REFUND</u>	<u>AMOUNT</u>
Daniel & Mirta Anderson 32 Buford Court Tinton Falls, NJ 07753	129.13	20.16	\$2,610.14	\$509.18	\$3,119.32

and,

WHEREAS, said exemption has caused an overbilling and an overpayment of the 2008 taxes by the property owner in the amount of \$3,119.32 as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$2,610.14, be cancelled for the year 2008 and that a refund in the amount of \$509.18 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-332 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2007 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Joel M. Meyers, Esq. as Attorney for Massaro Realty, LLC 37 Beach Road Monmouth Beach, NJ 07750	145	14.01	\$7,436.71

Re: Massaro Realty, LLC
3250 Shafto Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2007 taxes by the property owner in the amount of \$7,436.71, 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 \$7,436.71, is hereby approved for the aforementioned property. Said overpayment shall be credited against future taxes.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-333 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 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>
Philip J. Eager, III 1 Rambling Meadows Court Tinton Falls, NJ 07724	75	67	\$1,300.00

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,300.00, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,300.00 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-334 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 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>
U.S. Bank Home Mortgage 4801 Frederica Street Owensboro, KY 42304	124.48	6	\$1,427.04

Re: Thomas Riccoboni
72 Jonathan Drive

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,427.04, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,427.04 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-335 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Robert & Ailish Kuldaneck 4 Austin Street Tinton Falls, NJ 07712	124.62	52	\$1,287.62

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,287.62, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,287.62 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-336 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
James Gates 12 Hunt Court Tinton Falls, NJ 07753	129.11	44	\$1,212.40

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,212.40, as certified by the Borough Tax Collector.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,212.40 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-337 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Antonios Koutsoubos 37 Thistledown Street Tinton Falls NJ 07753	129.15	33.71	\$1,427.36

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,427.36, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,427.36 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-338 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and by the State of New Jersey Homestead Rebate.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Frances A. Stevenson 32 Green Meadow Drive Tinton Falls, NJ 07724	33	19	\$1,925.93

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,925.93, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,925.93 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-339 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and by the State of New Jersey Homestead Rebate.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Geraldine R. Holguin 36 Society Hill Way Tinton Falls, NJ 07724	24.02	26	\$830.96

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and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$830.96, 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 \$830.96 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-08-340 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Jacqueline Pugliano 148 Hamilton Road Tinton Falls, NJ 07724	93	1.02	\$1,200.00

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$1,200.00, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,200.00 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Mr. Skudera stated for the record, the next Resolution was amended in error of numbering; instead of R-08-341, it should have been R-08-342.

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

**R-08-342 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-19
MONMOUTH REGIONAL HIGH SCHOOL PTSA - ON PREMISES 50/50**

WHEREAS, Tinton Falls Foundation for Excellence in Education, has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-19, 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# 08-19 be and the same is hereby approved as follows:

NAME: Monmouth regional High School PTSA

Identification No. : 343-5-35212

LOCATION: 1 Norman J. Field Way Tinton Falls, NJ 07724

DATED: December 4, 5, & 6 at 9:30 P.M.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**REGULAR/WORKSHOP MEETING
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ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

TIME: 9:19 P.M.

Council recessed at 9:19 P.M.

Council reconvened at 9:32 P.M.

WORKSHOP MEETING

Unfinished Business

Mr. Morrill stated Mr. Dempsey contacted Manchester and is setting up a date for them to go look at those globes to see how they are utilized.

Mr. Dempsey stated there is a difference of opinion and they will get the information when they go there and will report back on same.

Mr. Ford questioned if we implemented any of the ideas we received during our energy study that cost us approximately \$1,600. Mr. Dempsey replied that they were implemented when the building was built.

New Business

Mr. Skudera read an email that he received today from John Cohen of the Environmental Commission and asked the Borough Clerk to forward it to the Council members that did not receive it.

Mr. Ford advised that he does not receive any Borough emails under his yahoo email address. The Borough Clerk stated that is something they need to address because she sends numerous emails a week that he needs to be aware of.

Mr. Morrill asked if Council had to have a Borough email account. Mr. Berube advised that Council is public officials. Everything they create, any documents, correspondence, anything that they do in furtherance of Borough business is able to be discovered under OPRA. Mr. Berube suggested that they only do Borough business on the Borough network under their Borough domain name.

Mr. Skudera discussed a policy for using Borough email and archiving requirements.

Council had a lengthy discussion regarding this issue along with the new website.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

TIME: 9:58 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: NOVEMBER 25, 2008