

**REGULAR/WORKSHOP MEETING
APRIL 7, 2009
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:30 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, Dr. Mayer, 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 Hilla Jr., Borough Engineer

APPROVAL OF MINUTES

Mr. Ford offered a motion to approve the minutes of January 20, 2009, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Ford offered a motion to approve the minutes of February 3, 2009, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered a motion to approve the minutes of February 10, 2009, seconded by Mr. Morrill.

Mr. Skudera advised that on page four, Mr. Berube referred to Case Law, but there was not a Case Law cited and therefore, asked for it to be removed.

Mr. Berube stated whether he cited a specific Case Law or indicated that there was New Jersey Case Law, it is referred to in the summary as a referred to Case Law.

Mr. Berube suggested this not be removed from the minutes because although he referred to Case Law, it doesn't mean it is a citation to Case Law as Mr. Skudera has indicated.

ROLL CALL

AYES: Mr. Ford, Dr. Mayer, Mr. Morrill, Mr. Baldwin

NAYS: Mr. Skudera

ABSENT: None

ABSTAIN: None

Mr. Morrill offered a motion to approve the minutes of February 17, 2009, seconded by Dr. Mayer.

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ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin advised before the Reports section of the meeting, the Mayor has brought a few guests which he has allowed to come in because of the subject and intensity of same. There is going to be a proposal presented to Council on the Laurelwood Housing at Earle Naval Weapons Station.

Mayor Maclearie stated with everything going on in Earle, Tinton Falls has supported the Schools efforts and NOPE over the last year. Looking for alternate solutions has always been a main goal of Tinton Falls. The issue at hand is going forward with using the housing for civilians.

Mayor Maclearie advised that last week he was fortunate enough to meet with the persons who are before Council tonight, James Manning, Paul Caverly, Neptune Housing Authority and Carl Accettola, author of the proposal.

Mr. Accettola advised that he is private citizen from Colts Neck, 5 Pheasant Drive. Mr. Accettola advised that Colts Neck and Tinton Falls are facing a real problem with the privatization of Laurelwood Housing and asked for Council's help in order to present a workable plan which will stop the impact of 300 families moving into Laurelwood.

The solution at hand is reserving these units for senior citizen disabled veterans. These units, through New Jersey tax credits, can be reconfigured, rehabilitated, at virtually no cost to the developer and made into one-bedroom units, which will comply with Section 504. This will comply with handicap accessibility requirements. The units could be made Section 8 homes where veterans would pay 30% of their adjusted gross income and the housing would be restricted for senior veterans only, therefore having absolutely no impact whatsoever on the school district while at the same time, rewarding veterans.

Mr. Accettola informed that he is a professional consultant to the Neptune Housing Authority but because of the importance of this item and the impact it will have on his hometown and the surrounding areas, he is waving any kind of financial benefit that he could receive by doing this. Mr. Accettola reiterated that fact that he will not be benefiting in anyway from this proposal financially.

Paul Caverly, Acting Director of the Neptune Township Housing Authority, thanked the Mayor, Council President and members of the Council for making time for this presentation. The Neptune Township Housing Authority would apply to the Secretary of Hudd to get 300 project-based vouchers. Project-based means the vouchers would only be applicable to one project, which would be the 300 homes at Laurelwood. They would be restricted to Senior, Veterans and Senior Disabled Veterans. They would then go to the State and get tax credits which would help the developer to reconvert the homes into disabled and/or housing suitable for seniors. Mr. Caverly advised that it is a win/win situation.

They would do the interviewing process, start the waiting list, a federal background check, a financial background check and getting the 300 vouchers from the Secretary of Hudd. Presently, they have close to 300 vouchers out of the Neptune Township Housing Authority and their own inspectors.

James Manning, Sr., 3618 State Highway 33, Senior Vice-President of the VFW in Neptune and Housing Authority Commissioner, stated how much this is appreciated in the veteran community.

Mr. Skudera stated if any of these ideas fail, Tinton Falls will be educating hundreds of children that live on the border of Colts Neck. He would like for the towns to work together and get along however, at the end of the day he represents the taxpayers of Tinton Falls, not Colts Neck.

Mr. Baldwin stated he would like to propose a letter duplicating the Mayor's letter in support jointly signed by the Mayor and Council.

Mayor Maclearie read his letter of support into the record.

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Mr. Morrill offered a motion to authorize Council President to sign the Mayor's letter on behalf of Council, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Environmental Commission Presentation

Jeffrey King, Vice Chairman of the Environmental Commission, and resides at 44 Plum Street, updated Council and the administration on some of the items they are currently discussing and working on for the environmental movement in Tinton Falls to become "Green".

Robert Sandberg, 172 Riveredge Road, briefly updated Council and the administration on the water quality work that he is leading.

Beth Roxbury, 8 Brown Drive, attended presentation to show support of Environmental Commission.

Mayor's Report

Mayor Maclearie thanked the Eagle Scouts and the community for all their help and participation.

FMERPA

Mayor Maclearie advised that we are moving forward with the study of infrastructure on Fort Monmouth and informed the public that the monthly meeting will be held at Borough Hall next week.

Stavola

There was a press release regarding the Stavola property which stated that they have completed the purchase of approximately twenty acres of property along Shafto Road which was a subject of an application to construct an Asphalt Plant. By letter dated April 3rd, the applicant has withdrawn their application to construct an Asphalt Plant which was pending before the Tinton Falls Zoning Board of Adjustment.

Proclamation – Arbor Day

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our files, and countless other products; and

WHEREAS, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, Tinton Falls has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, PETER MACLEARIE, Mayor of the Borough of Tinton Falls, do hereby proclaim April 24, 2009 as

ARBOR DAY

in the Borough of Tinton Falls, and I urge all citizens to support efforts to care for our trees and woodlands and to support our Borough's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Proclamation – National Donate Life Month

Every human life has matchless value, and during National Donate Life Month, we reaffirm our commitment to raising awareness about organ donation and the importance of making the decision to donate. We also express our appreciation to those who have donated organs, tissue and marrow.

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Over 100,000 of Americans, over 4,500 in New Jersey, are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants. I urge all New Jersey residents to register with the state's donor registry; say yes to organ and tissue donation on their driver's license; and share their decision with family and friends. By taking these steps, Jerseyans can help save lives. My Administration is committed to strengthening organ and tissue donation programs and to increase the number of organs available for transplantation in order to save lives. The kindness and generosity of donors reflect the compassionate spirit of our state.

During National Donate Life Month, we celebrate the life-saving work of medical professionals and researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit www.DonateLifeNJ.org to learn more about organ and tissue donation and how they can give the gift of life.

NOW, THEREFORE, I, PETER MACLEARIE, Mayor of the Borough of Tinton Falls, by virtue of the authority vested in me by the citizens of Tinton Falls, do hereby proclaim April 2009 as Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our State.

Council's Report

Mr. Skudera suggested Council honor the Eagle Scouts at the next meeting for all the work they have done to help the Borough.

Mr. Morrill informed Council and the public of the Eagle Scout projects that are currently going on.

Stacey Slowinski, 755 Tinton Avenue, brought Council up-to-date on the ground penetrating radar done at the Crawford House.

Mr. Baldwin stated for the record that he would like to thank Mr. Tobin for the effort he has contributed.

Mr. Morrill informed Council and the public of the upcoming Open Space and Community Activities Committee meetings.

Dr. Mayer pointed out the Eagle Scout project which is being completed at Liberty Park II and commended all the Eagle Scouts for their continuous efforts.

Dr. Mayer gave a brief update on the Technical Advisory Committee meetings.

Administrator's Report – Mr. Dempsey

Age Restricted Bill

The Age Restricted Bill is currently awaiting the Governor's signature. Our Legislators have contacted him regarding our opposition to that bill.

Crawford House

The Borough is currently awaiting proposals for the Crawford House roof.

Mr. Dempsey advised that he met with our grant writer today to discuss the Community Development Block Grant. The project would be an ADA ramp to the Crawford House as well as possibly doing something with the bathrooms and an ADA parking area. Mr. Dempsey stated that he will be meeting with the County representative on April 17th or 19th regarding the funding of this project.

Energy Audit Program

On April 15th Steve and he will be attending an Energy Audit Program to see if the Borough is eligible for any grants and/or funding.

Director of Law's Report – Mr. Berube

Double AA and Forgotson

The State has returned documents that we need to record which has been received today and now we can move forward with these properties.

Litigation – Wade vs. Borough of Tinton Falls

We have received the opinion of the Honorable Peter Wilson, US District Court Judge, who commends the actions of Chief Turning in handling both the logistics of it as well as the potential suspension. The Borough received summary judgment dismissing us from the suit and summary

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judgment affirming our counter-claim for the recovery of wages paid to Mr. Wade during the temporary suspension and through the trial period.

NJ League of Municipalities

At the request of the League, S2711 has been introduced, which allows a much more flexible approach for assessors to target particular neighborhoods which may disproportionately decrease in value as opposed to an overall borough-wide decrease in value.

Ordinances for Introduction

Ordinance No. 09-1269 is the most current and latest of our new Land Use Ordinance to repeal the prior Land Use Ordinance and accept the recommendations of our planner. This Ordinance includes all of the public comment that occurred at the March 3, 2009 Borough Council meeting as well as the additional comment of councilmembers and the report of Mr. Gleitz at the March 17, 2009 Borough Council meeting.

Ordinances for Final Consideration

Ordinance No. 09-1267 allows the entry of dogs on a leash in the Borough parks. It prohibits them only from Borough fields.

Ordinance No. 09-1268 is the Road Improvement Program Ordinance for Council's consideration.

Chief Financial Officer's Report – Mr. Pfeffer

Mr. Pfeffer advised that Green Acres recently notified him that the Borough has been recommended for a \$500,000.00 award, which was originally intended to help offset the cost on the Somer's property. That recommendation will be going forth to the Legislator, which makes the final decision.

Engineer's Report – Mr. Hilla

Somer's Property

The draft documents have been submitted to DEP Green Acres for the Somer's property.

Pine Street Project

The plans are finally out of the Engineer's office, are with the Purchasing Agent, and should be advertised early next week.

PETITIONS

Mrs. Mount-Taylor advised that there is a Municipal Election to be held on Tuesday, May 12, 2009, and on the March 19, 2009 deadline the Clerk's office received the following petitions (read in the order pulled for position on the ballot):

Tinton Falls Taxpayers First
Michael Skudera, Mayor
Nancyanne Fama, Councilmember-at-Large
Scott Larkin, Councilmember-at-Large

Proven Leadership, Real Results
Peter Maclearie, Mayor
Michael Stanton, Councilmember-at-Large
Robert W. Harvey, Councilmember-at-Large

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 09-1269 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. Morrill offered a motion to introduce Ordinance No. 09-1269, seconded by Mr. Skudera.

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ROLL CALL

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

Ordinance No. 09-1269 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 09-1267 entitled: AN ORDINANCE AMENDING ARTICLE 8-1: ANIMAL CONTROL ORDINANCE OF 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. 09-1267, 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. Morrill offered a motion to close the Public Hearing on Ordinance No. 09-1267, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 09-1267, seconded by Mr. Morrill.

ROLL CALL

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

Mrs. Mount-Taylor advised that the Ordinance is adopted.

Borough Clerk read Ordinance No. 09-1268 entitled: AN ORDINANCE OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE 2009 ROAD IMPROVEMENT PROGRAM FOR THE BOROUGH OF TINTON FALLS AND APPROPRIATING \$1,000,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$950,000 IN BONDS OR NOTES OF THE BOROUGH OF TINTON FALLS TO FINANCE THE SAME

Mr. Skudera offered a motion to open the Public Hearing on Ordinance No. 09-1268, 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. Morrill offered a motion to close the Public Hearing on Ordinance No. 09-1268, seconded by Dr. Mayer.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Morrill offered a motion to adopt Ordinance No. 09-1268, seconded by Dr. Mayer.

Mr. Ford stated he is against the Road Program due to the idea of bonding monies during the current economic crisis.

Mr. Skudera stated there are roads in town that need to be paved but he does not feel, looking at the current budget, the increase of spending over the last year, and the remaining budget surplus, the Borough can afford to do this project at this time.

Mr. Morrill stated he feels it is very important to have a Road Program in place. The Borough went without it for so many years and roads deteriorated. He feels it costs a lot more the worse the roads get.

Mr. Baldwin stated there are two types of repairs that can be done such as potholes which can be done by Public Works and are currently being done and more in depth repairs which can not be done by the Public Works department. Those repairs have to be completed in a reasonable and in an affordable manner. This year our budget allows us to bond, whereas next year may be a different story.

Mr. Baldwin advised that he is firmly in favor of a Road Program for 2009 and encouraged his colleagues to vote for this project as he feels the amount is affordable this year and very sensible.

ROLL CALL

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

Mrs. Mount-Taylor advised that the Ordinance fails.

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Leo Christofili, 328 Riveredge Road, commented on the 2009 Road Program. Mr. Christofili also gave his opposition on proclamations being placed on the agenda and read publicly, however his comments were inaudible.

Chief Gerald Turning, Tinton Falls Police Department, stated that his wife and he recently joined Tinton Falls CURE. Chief Turning advised that this organization exists to assist the residents of Tinton Falls whose children or family to pay their medical bills. Chief Turning informed Council, administration and the public of the event date along with ticket information and requested that persons with means support the Tinton Falls CURE who have been around since 1997. This organization has more need now than ever as there are four new families who are in dyer need of funding.

Chief Turning also thanked Gary Vialonga, President of Stavola, for his generous donation he has already made to the Tinton Falls CURE.

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

Mrs. Mount-Taylor stated that there was a gentleman that approached her before the meeting and was going to speak during the Public Discussion. Mrs. Mount-Taylor advised that she is not aware if, since he has not attended the Borough's meetings, he was versed.

Mr. Morrill withdrew his motion.

Dr. Mayer withdrew his second.

Todd Cohen, Attorney in Freehold, stated that he represents the Fritz Family Partnership, Scott and Joanne Fritz who reside at 711 Sycamore Avenue. Mr. Cohen advised that he was not aware that comment was not suppose to be made during the introduction of the Land Use Ordinance and advised he would attend the Planning Board meeting and would come back and comment during the Public Hearing.

Leo Christofili, 328 Riveredge Road, commented on an article he came across which was incorrect.

Mr. Christofili requested that the entire Section 8 be removed.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Morrill advised that April 18th would be the next day the trails at the Crawford House would be worked on.

Dr. Mayer requested an update from the Environmental Commission.

RESOLUTIONS

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

**R-09-138 RESOLUTION - AMENDING R-01-003 AUTHORIZING CASH
MANAGEMENT PLAN**

WHEREAS, R-01-003 Authorizing Cash Management Plan was adopted by the Borough Council of the Borough of Tinton Falls on January 2, 2001, and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Tinton Falls, and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

Central Jersey Bank
TD Bank
Sun National Bank
Two River Community Bank
N.J. Cash Management Fund

WHEREAS, the banks listed above with the exception of State of N.J. Cash Management Fund have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

In addition, all banks protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Resolution R-01-003 be amended as stated above, and

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BE IT FURTHER RESOLVED, that the Chief Financial Officer and/or designated Borough Officials are hereby authorized to execute any documents and/or contracts as required by the individual depositories, and

BE IT FURTHER RESOLVED, that the Borough's authorized signatories are the Mayor, Borough Administrator, Chief Financial Officer and Tax Collector.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-139 RESOLUTION – 2009 EMERGENCY TEMPORARY APPROPRIATIONS #2

WHEREAS, due to the expected delay of the adoption of the 2009 municipal budget, contractual obligations and the need to purchase additional automated refuse containers and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

CURRENT FUND APPROPRIATIONS:	\$ 4,266,026.15
MUNICIPAL SEWER UTILITY:	\$ 1,354,595.00

	\$ 5,620,621.15
	=====

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations:

CURRENT FUND:

Purchase of Automated Refuse Containers	\$ 25,000.00
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2. That said emergency temporary appropriation will be provided for in the 2009 budget under the following titles:

CURRENT FUND:

Purchase of Automated Refuse Containers	\$ 25,000.00
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3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-140 RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY AT TWO PUBLIC ONLINE AUCTIONS IN MAY AND NOVEMBER, 2009

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities will join together to bring surplus vehicles and miscellaneous equipment to one location for two (2) Public ONLINE auctions this year; one online auction commencing Saturday, May 2, 2009 at 9:00 AM EST and closing on Wednesday, May 6, 2009 at 7:00 PM EST, and another being held in November, date as yet unknown; and

WHEREAS, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ 07724 will conduct the online auction at a commission rate of 5.5% of the gross selling price, which commission rate is 2% less than the current State Contract vendor; 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 equipment and any other miscellaneous items received prior to, through the process of two (2) Public ONLINE auctions in May and November, 2009 as described above; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract of Stephan J. Miranti Liquidation Services for the Borough of Tinton Falls as specified herein above.

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ROLL CALL

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

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

**R-09-141 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES
DUNKIN DONUTS – BLOCK 15.03, LOT 16.06**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Dunkin Donuts Block 15.03, Lot 16.06, and

WHEREAS, BY LETTER DATED March 10, 2009 (said copy herby 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 maintenance 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 Birdsall Engineering Inc.'s letter of March 10, 2009, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

AYES: Mr. Ford, Dr. Mayer, 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. Ford.

**R-09-142 RESOLUTION – DENYING RELEASE OF MAINTENANCE GUARANTEES –
DANIEL COURT ESTATES – BLOCK 105, LOTS 42, 43, 49.07, 49.08**

WHEREAS, Daniel Court Estates, Block 105, Lots 42, 43, 49.07, 49.08, has requested the release of Maintenance Guarantees; and

WHEREAS, an inspection by the Borough Engineer (Birdsall Engineering Group) has revealed that some of the bonded improvements must be repaired prior to the release of the guarantees as set forth in their letter of March 17, 2009 (letter hereby attached and made part of this Resolution).

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 Borough Engineer's (Birdsall Engineering Group) letter of March 17, 2009, the release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

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

**R-09-143 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-08 –
MONMOUTH REGIONAL HIGH SCHOOL PTSA – ON PREMISES 50/50**

WHEREAS, Monmouth Regional High School PTSA, has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-08; 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# 09-08 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
DATE: MAY 8, 2009

ROLL CALL

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

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

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**R-09-144 RESOLUTION – AUTHORIZING THE BOROUGH ADMINISTRATOR TO
EXECUTE CERTIFICATION OF NJDEP LURP#2 PERMIT APPLICATION
WITH NEW JERSEY AMERICAN WATER FOR NEWMAN SPRINGS GRAVITY
MAIN REPLACEMENT**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it is hereby authorizes W. Bryan Dempsey, Borough Administrator, to execute certification of NJDEP LURP #2 with New Jersey American Water for Newman Springs Gravity Main Replacement.

ROLL CALL

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

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

**R-09-145 RESOLUTION - ACCEPTANCE OF STREET LIGHTING – GREENWOOD
ESTATES - PURSUANT TO N.J.S.A. 40:55D-53.6**

WHEREAS, the developer of Greenwood Estates has requested that the Borough of Tinton Falls accept the street lighting, and

WHEREAS, pursuant to N.J.S.A. 40:55D-53.6, the Borough of Tinton Falls, upon notification from the developer, shall accept street lighting on a dedicated public street that has been installed and accepted for service by the public utility so long as certificates of occupancy have been issued for at least 50% of the dwelling units and that the acceptance of said dedication pursuant to this section shall not be deemed to constitute acceptance of the street by the Borough of Tinton Falls, and

WHEREAS, by letter dated March 23, 2009, Lori Paone, Land Use Administrator, has certified that according to her records, the project has met the requirements as set forth in N.J.S.A. 40:55D-53.6.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to N.J.S.A. 40:55D-53.6, that the street lighting for Greenwood Estates be and the same is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

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

Mrs. Mount-Taylor stated unless Council has something to offer, there are no exceptions.

R-09-146 RESOLUTION – APPROVAL OF BILLS – APRIL 7, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 7, 2009; and

WHEREAS, the Borough Council has reviewed said claims,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Treasurer for approval and payment.

SUMMARY

GENERAL	\$ 2,580,168.02
TRUSTS	21,334.92
DEVELOPER ESCROW	22,702.07
DOG TRUST	1,881.63
GRANT FUND	14,841.64
SEWER UTILITY	404,763.76
ADDITIONS	<u>140,423.30</u>
	\$ 3,186,115.34

ROLL CALL

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

CONSENT AGENDA

**REGULAR/WORKSHOP MEETING
APRIL 7, 2009
BOROUGH COUNCIL**

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

R-09-147 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March 2009 fees totaling \$65.00 were paid by a resident of Tinton Falls for their child's participation in spring soccer program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2009;

WHEREAS, during the month of March 2009, the Recreation Superintendent informed the resident that the program fees were \$48.00 and an overpayment of \$17.00 shall be issued.

Kim Welsh	\$ 17.00
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Total	\$17.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$17.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-148 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March 2009, fees totaling \$65.00 were paid by a resident of Tinton Falls for their child's participation in our tee ball program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2009;

WHEREAS, during the month of March 2009, the Recreation Superintendent was informed by the resident that their child, Rachel Jacoves was unable to continue their participation in the program and a refund in the amount of \$55.00 shall be issued. \$65.00 amount paid less the \$10.00 processing fee.

Kevin/Brittney Jacoves	\$ 55.00
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Total	\$ 55.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$55.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-149 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March, 2009 fees totaling \$80.00 were paid by a resident of Tinton Falls for their participation in our Father Daughter Dance.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2009;

WHEREAS, during the month of March 2009, the Recreation Superintendent was informed by the resident they were unable to attend due to unforeseen circumstances and a refund in the amount of \$70.00 shall be issued. \$80.00 minus \$10.00 processing fee, cancellation occurred March 27, 2009.

Marcus Murphy	\$ 70.00
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Total	\$ 70.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$70.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

**REGULAR/WORKSHOP MEETING
APRIL 7, 2009
BOROUGH COUNCIL**

ABSTAIN: None

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

R-09-150 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March, 2009 fees totaling \$80.00 were paid by a resident of Tinton Falls for their participation in our Father Daughter Dance.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2009;

WHEREAS, during the month of March 2009, the Recreation Superintendent was informed by the resident they were unable to attend due to unforeseen circumstances and a refund in the amount of \$80.00 shall be issued.

Stephen/Ulrick Aberle	\$ 80.00
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Total	\$ 80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offered a motion to move to Workshop, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:22 P.M.

Council Recessed at 9:22 P.M.

Council Reconvened at 9:29 P.M.

WORKSHOP MEETING

New Business

Amending Fire Protection Ordinance – Fire Marshall to attend

Cary Costa, Fire Marshall, advised that some of the associations had approached him in reference to doing more with fire zones and fire lanes within their developments. The Ordinance itself needed to be revamped. Some of the biggest key points was increasing fees for reviews, fire lanes, board up procedures for structures, fire extinguisher locations, etc, fire insurance proceeds for properties that are burnt down, fire plans for businesses, fire service key elevators, fire watch, etc.

Council asked Mr. Costa numerous questions.

Council agreed to introduce the amended Fire Protection Ordinance at the May 5, 2009 Council meeting.

Pension Payments: PFRS \$910,932/PERS \$365,001 – Mr. Pfeffer to report

Mr. Pfeffer stated that over the course of several budget discussions, the issue of pensions and the pending legislation with the State regarding the pension deferral has come up. The bill went through a few different re-writes at the legislative level until it ended up where it is today, law. The Borough is not eligible for the deferral as it is for towns that were suffering from severe fiscal problems. The payments to the pension systems are due to the State this month and will be made this week. Mr. Pfeffer advised that the full amount was budgeted in the 2009 budget.

2009 Municipal Budget

**REGULAR/WORKSHOP MEETING
APRIL 7, 2009
BOROUGH COUNCIL**

Mr. Skudera suggested more items be cut in the budget and as done in the past, budget hearings should be set up so each line item can be reviewed by Council and the Department Heads.

Mr. Pfeffer advised that we are well below CAP. The base CAP on the levy is 4%; the base CAP on the spending side is 2.5%. We are almost \$600,000 below the spending CAP and close to \$900,000 below the levy CAP.

Council had a lengthy discussion regarding the budget as to surplus and budget cuts.

Mr. Skudera briefly went over certain department line items that have increased over the last year or so.

Mr. Skudera and Mr. Berube discussed the issue of health benefits with professionals.

Mr. Baldwin suggested Council introduce the 2009 Municipal Budget at the May 5, 2009 Borough Council meeting.

Environmental Commission

Mr. Baldwin advised that Council should consider who they would like to serve as Council Liaison to the Environmental Commission.

Mr. Morrill volunteered Dr. Mayer for the position of Council Liaison to the Environmental Commission.

Dr. Mayer replied that he would be more than happy to volunteer for that position.

Mr. Berube suggested Council do a Resolution appointing same at the next Council meeting.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:42 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: JULY 7, 2009