

**REGULAR/WORKSHOP MEETING
AUGUST 4, 2009
BOROUGH COUNCIL**

Deputy Council President called regular meeting to order at 7:32 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.

Mr. Baldwin advised Council and the public that Mr. Morrill, Council President, had a medical appointment and will be attending the meeting afterwards.

ROLL CALL

PRESENT: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill (arrived at 7:37 P.M.)

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor
W. Bryan Dempsey, Administrator
Brian M. Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer

Mrs. Mount-Taylor suggested Council begin with reports and hold the Minutes for Approval until Mr. Morrill arrives.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

NOPE

Mayor Skudera updated Council on the NOPE meeting he attended.

CECOM

The CECOM building was completed this morning; it is officially down.

Council's Report

Dr. Mayer:

- updated Council on the upcoming Technical Advisory Committee and Environmental Commission meetings.

- advised that Stacy Slowinski of the Historic Commission worked out an arrangement with a professor from Monmouth University who will be doing an archeological dig at the Crawford House. There is a 17th century burial ground at the Crawford House which is associated with one of the first iron works in the nation, containing many of the slaves that worked there (in that burial ground).

Mr. Morrill arrived: 7:37 P.M.

Mr. Larkin:

- stated that he had the opportunity to attend the previous Environmental Commission meeting and discussed a number of issues in town such as the use of non-chemical pesticides in the Borough's public parks.

- advised that Monmouth Regional recently completed its energy audit from BPU and he looks forward to working with the Borough on this project. Mr. Larkin briefly discussed some of the recommendations that were made and some of the lessons and ideas he got out of it.

Ms. Fama:

- informed Council that she had also attended the NOPE meeting and suggested if the Borough plans on making an impact, they need to mobilize people to attend rallies and voice their concerns on the proposal regarding civilianizing housing.

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Council President's Report – Mr. Morrill

The Community Activities Committee has been moving along with their plans for Community Day, which is going to be held on September 26th as well as Volunteer Day, which is going to be held on September 19th.

Mr. Morrill stated that he received a letter in his mailbox regarding John Bucciero and the great work he has performed, signed by all of the Public Works employees. Mr. Morrill stated it is heartfelt to see that the workers feel that strongly about the job that Mr. Bucciero is doing. Mr. Morrill advised that after seeing this letter he hopes the Mayor would reconsider his decision of keeping him as a holdover rather than reappointing him as it is very rare to find someone who does their job so well and is liked by their workers.

Administrator's Report – Mr. Dempsey

Crawford House

A new roof will be put on the Crawford House within the next couple of months; it will be funded out of money received from a violation incurred several years ago.

Energy Audit

Mr. Dempsey advised that he is working with David Marks to get that ready for a presentation by T&M Associates.

Wind Study

There are some contact issues trying to get the status on same.

Shafto Road

3000 Shafto Road is an application that was in front of the Zoning Board of Adjustment that requires a no left turn ordinance; it was a requirement of the Monmouth County Planning Board and will be placed on an upcoming agenda.

Sycamore Sidewalks

Next week the sidewalk project on Sycamore Avenue from the parkway bridge to Delwood Lane will begin and is being funded with the State DOT Transportation Trust Fund monies. This project will provide sidewalks that hold access on the South side.

Chief Financial Officer's Report – Mr. Pfeffer

Mr. Pfeffer advised that he had no report other than the budget items that were placed on the agenda.

Engineer's Report – Mr. Marks

Road Program

Mr. Marks advised that he has been working on an upcoming Road Program as either a 2009 or 2010 program and would be able to make a presentation at a future meeting.

Grant Applications

There are a number of grant applications currently being looked at. Two that currently stick out are Green House Reduction Program Grants and a FEMA Grant, where the Borough could do some pre-disaster mitigation.

Director of Law's Report – Mr. Nelson

Mr. Nelson advised that there will be a need for executive session for him to brief Council on several items.

Mr. Nelson recommended that Resolution R-09-235 be carried forward so the brokers who are present can provide Council with a presentation on the insurance program.

Borough Clerk's Report

Mrs. Mount-Taylor presented Council with two "pretty resolutions" for signature, one being for the Eagle Scout in which the Mayor would hopefully be presenting to him at his Court of Honor.

Mrs. Mount-Taylor requested Council amend the agenda to include a raffle license for ARC, which came in very late after the agenda deadline, as well as for a resolution releasing escrows and guarantees for the American Red Cross who had abandoned part of their approval and are looking to get the money back. The engineer has provided a letter making the recommendation.

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Lastly, everyone has received their audit report which is on for adoption this evening. Once the Resolution is adopted, a signature sheet will be passed around, which must go to the State of New Jersey stating that Council has read it and understands it.

Hartford Insurance Presentation

(Need names and spelling) Gave a brief background of their insurance program and explained their specialization of pulling the plan away from the State program into a private insurance company who manages the claims better and can do it at a reduction.

Ms. Fama asked if it was possible to have the employees pay a contribution to save money. Mr. Dempsey replied that would be a negotiated item in the union contracts.

2009 Municipal Budget

Mr. Baldwin offered a motion to open the Public Hearing on the 2009 Municipal Budget Amendment, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

Richard Calanni, 1 Old Farm Road, questioned the increase amount of the local tax bills due to the budget amendment. Mr. Pfeffer explained that the amendment that the borough is proposing increases the borough's share of the taxes by \$92 on the average residential property owner.

Mr. Calanni also questioned, with relation to the budget amendment, the issue of sidewalks and who would be responsible to inspect the sidewalks in Tinton Falls. Mayor Skudera replied that he has asked Mr. Marks, the Borough Engineer, to look at the streets and come up with a comprehensive plan of what streets are in bad condition, what streets can be prepared, etc. There will be a presentation in the near future to let Council know how that list is going about. Mr. Nelson further advised Mr. Calanni that if he reports the specific locations where there may be issues, the Code Enforcement Official could go out, check the site, and make a determination as to who is responsible and address the issue from there.

Vito Perillo, 30 Clearview Drive, requested Council vote the budget amendment down.

Leo Christofili, 328 Riveredge Road, requested that the salaries to the volunteer librarians at the Tinton Falls Library be discontinued along with discontinuing paying the dedicated funds to the Monmouth County Library.

Denise Catalano, 11 Alpine Trail, asked who decides what percent rate an employee gets and what criteria is used to determine the raise. Mr. Dempsey informed Ms. Catalano that the he, with the Mayor's authorization, determines the raise increase and it is for the purpose of an added responsibility, title change, or, for unions, a step increase as provided in their contract(s).

Ms. Catalano also commented on reducing staffing in the building department since revenues have drastically decreased in 2009 and suggested employees contribute more towards their health benefits and work a forty-hour workweek rather than thirty-five hour workweek.

Ms. Catalano also suggested cuts be taken in the recreation department and commented on the number of hourly part-time employees and the fees taken in compared to the costs expended in this department.

Jerry Spumberg, 11 Alpine Trail, spoke regarding the State's funding and the affects on the towns/cities/boroughs/etc. due to the lack of same. Mr. Spumberg suggested Council consider creating an Economic Advisory Counsel that could consider redeveloping unused properties without impacting the boroughs lifestyle.

Leo Christofili, 328 Riveredge Road, questioned the mandate that the municipal governments must participate by dedicated tax in the Monmouth County Library system. Mr. Nelson informed Mr. Christofili that there is a statute that requires a specific payment be made to the municipal library and stated that he will further look into the contribution in the county system.

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Leo Lomangino, 93 Colonial Drive, asked Council to work together on the budget and not politicize it.

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing on the 2009 Municipal Budget Amendment, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Larkin offered a motion to adopt the 2009 Municipal Budget as amended, seconded by Ms. Fama.

Mr. Baldwin expressed his opinion that certain things will have to be done in the near future to cut costs however, there are certain prices to pay to live in a town with the quality of life that Tinton Falls offers.

Mayor Skudera emphasized that this is an inherited budget. There were many great ideas regarding cuts, however, it is already August and the monies have been spent. Therefore, these ideas will be taken into consideration for the 2010 budget.

Ms. Fama seconded Mayor Skudera's comments and stated that it is her goal to take some of the raised issues about possible givebacks, looking to speak to the unions, etc.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin
NAYS: Dr. Mayer, Mr. Morrill
ABSENT: None
ABSTAIN: None

APPROVAL OF MINUTES

Dr. Mayer offered a motion to approve the May 19, 2009 minutes, seconded by Mr. Larkin.

ROLL CALL

AYES: Mr. Baldwin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: Ms. Fama, Mr. Larkin

Discussion on R-09-299 - Open Space Referendum

Mr. Nelson advised Council that a non-binding referendum can be placed on the ballot 74 days prior to this year's General Election. The deadline is August 27th; Council has one more meeting where it can be considered. Any action Council takes cannot be effectuated until after Election Day and would not apply until 2010.

Mr. Nelson overviewed and explained the draft resolution he provided to Council.

Mr. Nelson also advised Council that the Open Space Referendum could be placed on the ballot by Resolution instead of Ordinance to avoid waiting for advertisement, etc.

Council had a lengthy discussion on whether or not to place an Open Space Referendum on the November ballot and if so, at what decrease amount.

Mr. Pfeffer advised that he has done the analysis of the Open Space Trust from 1.5 cents to 3 cents and what it generates and the expenses that were projected out over the next five years. At this stage, because we raised money in 2009 at the full rate, Mr. Pfeffer stated he does not see a danger at this point, at any level, as far as completely exhausting the fund. The analysis does have some issues that need to be dealt with such as whether to pay cash for a couple of acquisitions or to spread them out over a longer term and pay the debt service. Due to

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discussions in the past (and could predate some of the current councilmembers) we were looking to pay these in cash in order to pay them off as quickly as possible. These acquisitions included the Somers Tract and Wayside Road (the DeLisa Tract). All the scenarios have shown that these properties were going to be paid off in cash by 2011. The borough does have existing debt service that is owed amounting to almost two million dollars on open space bonds that are outstanding for at least twenty years. At this point, the assessments are steady enough to support whatever amount council chooses to do whether it is 1.5 cents or 3 cents.

Mr. Pfeffer stated his personal opinion leans towards not decreasing the Open Space tax. Development costs more in the long-term than the preservation of the properties. All the studies read show the same thing, chasing the ratables increase taxes because the services outcast what can be generated in the taxes from that specific ratable.

Mrs. Mount-Taylor stated for the record that she received two emails from Stacey Brody and Ed Butler asking the Borough Council not to cut the Open Space funding. Mrs. Mount-Taylor explained that back in 1998, that particular administration did a survey because not every homeowner in the Borough of Tinton Falls is a registered voter.

Mr. Nelson advised that he would need direction from Council as to what to have prepared by the next meeting or if Council chooses to have nothing happen this year.

PETITIONS - None

ORDINANCES FOR INTRODUCTION - None

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

Dr. Mayer offered a motion to open the Public Discussion, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Brendan Tobin, 5 Chestnut Court, stated that he works with every Public Works Department in the State of New Jersey, Eastern Pennsylvania, Downstate New York, Long Island and in fourteen other states but to have a group write a letter in favor of their boss staggers his mind. It is very rare to hear a group of employees, especially in the Public Works Departments, who respect and enjoy working for their boss.

Mr. Tobin commented on raising budget fees in Recreation and stated Tinton Falls offers such great programs that as a resident, he would be willing to pay more to have his children continue to be enrolled in these programs.

Lastly, Mr. Tobin commented on the Open Space referendum and the quality of life Tinton Falls offers.

Herman Silbiger, 24 Mulberry Lane, expressed his opposition on the Open Space referendum.

Leo Christofili, 328 Riveredge Road, expressed his conformity on the Open Space referendum.

Charles Lomangino, 3 Helena Street, discussed the construction of the new intersection of Pine Street, the Open Space referendum, and the future budgets.

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Joe Fama, 36 Gallant Fox Road, commented on the Open Space referendum. Mr. Fama emphasized that the foreclosure rate has drastically increased; people are fighting for their homes, not open space and therefore, Council should greatly consider placing the Open Space referendum on the November ballot.

Robert Sandberg, 172 Riveredge Road, commented on the Open Space referendum. Mr. Sandberg advised Council that he voted in favor of Open Space tax as development has decreased the quality of life in Tinton Falls as in any other town/city/borough.

Leo Lomangino, 93 Colonial Drive, advised Council that he was in favor of the Open Space referendum.

Jerry Spumberg, 11 Alpine Trail, commented on redevelopment as it relates to Open Space.

Mr. Baldwin offered a motion to extend the meeting past 11:00 P.M., seconded by Mr. Morrill.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Lisa Mayer, 46 Sam Drive, came before Council to voice her opinion on the value of Open Space.

Leo Christofili, 328 Riveredge Road, further spoke about the Open Space referendum.

Gerald Turning, Chief of Tinton Falls Police Department, advised Council that the graduating cadet class would be held next Friday at 7:00 P.M.

Denise Catalano, 11 Alpine Trail, commented that having the Open Space referendum on the ballot is a great idea as it gives the taxpayers to opportunity to express their feeling(s) on same.

Jeffrey King, 44 Plum Street, stated for the record, that his personal opinion is to preserve Open Space.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS

Dr. Mayer offered a motion to carry the Resolution R-09-235 to August 18, 2009, seconded by Mr. Baldwin.

**R-09-235 RESOLUTION - AUTHORIZING PARTICIPATION IN THE EMPLOYEE
BENEFIT PROGRAM OF HARTFORD INSURANCE**

ROLL CALL (to carry)

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

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Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Mr. Larkin.

**R-09-287 RESOLUTION - CERTIFICATION TO LOCAL FINANCE BOARD OF
REVIEW OF 2008 ANNUAL AUDIT**

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

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

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

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS and RECOMMENDATIONS, and

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

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

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

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

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

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

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Mr. Larkin.

R-09-288 RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR 2008

WHEREAS, the Directive by the Division of Local Government Services, Local Finance Notice CFO 97-16 dated November 19, 1997, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendations in the annual audit report; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has reviewed said Corrective Action Plan for the year 2008

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Corrective Action Plan is hereby approved.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

Mrs. Mount-Taylor advised Council that she has received a letter from the Engineer however, one of the lots was left off and she is awaiting a corrected letter. Red Bank Cabinets has been waiting a considerable amount of time for their release. Mrs. Mount-Taylor asked Council to adopt this Resolution and advised that it would not be released until the corrected letter from the Engineer is received.

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R-09-289 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR RED BANK CABINETS, BLOCK 13.04, LOTS 67 and 69.01

WHEREAS, the developer has requested the release of Maintenance Guarantees for Red Bank Cabinets, Block 13.04, Lots 67 & 69.01, and

WHEREAS, by letter dated July 2, 2009 (said letter attached and hereby made part of this Resolution), by the Engineer (Birdsall Engineering, Inc.) has certified that all bonded site work is in good condition and recommends the release of the guarantees.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees for Red Bank Cabinets, be released upon the payment of all outstanding inspection fees.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-290 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-12 – TINTON FALLS FOUNDATION FOR EXCELLENCE IN EDUCATION – ON PREMISES 50-50 RAFFLE

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# 09-12; 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# 09-12 be and the same is hereby approved as follows:

NAME: TINTON FALLS FOUNDATION IDENTIFICATION NO.: 343-5-37560
FOR EXCELLENCE IN EDUCATION
LOCATION: 658 TINTON AVENUE, TINTON FALLS, NJ 07712
DATE: SEPTEMBER 11, 2009 TO BE DRAWN AT 7:30 PM

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-291 RESOLUTION - HONORING EAGLE SCOUT ACHIEVEMENT OF DOMINIC DEBONIS

WHEREAS, Dominic DeBonis has been involved in scouting since 2003, and

WHEREAS, Dominic has earned 26 merit badges, hiked 65.3 miles, camped out 79 nights, and volunteered over 119 hours of community service, and

WHEREAS, Dominic, as a member of Troop 124, achieved many honors such as Arrow of Light, Den Chief, Senior Patrol Leader, and

WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting, and

WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Dominic for his achievement in reaching a goal that a few Scouts acquire.

NOW, THEREFORE BE IS RESOLVED, by the Mayor and Borough Council of Tinton Falls that Dominic DeBonis be congratulated for receiving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 124.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-292 RESOLUTION – AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

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WHEREAS, Tax Sale Certificate #2515 was issued to the Borough of Tinton Falls for delinquent sewers on Block 26.01, Lot 2 (16 Players Circle), assessed to Valerie B. Carter, at a tax sale held on June 11, 2009; and,

WHEREAS, the Borough of Tinton Falls has redeemed Certificate #2515 through the COAH payment, paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2515 for cancellation.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-293 RESOLUTION – AUTHORIZING CANCELLATION OF MUNICIPAL
CERTIFICATE OF SALE**

WHEREAS, Tax Sale Certificate #2516 was issued to the Borough of Tinton Falls for delinquent sewers on Block 26.01, Lot 12 (6 Players Circle), assessed to Troy Brandstetter, at a tax sale held on June 11, 2009; and,

WHEREAS, the Borough of Tinton Falls has redeemed Certificate #2516 through the COAH payment, paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2516 for cancellation.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-294 RESOLUTION – AUTHORIZING CANCELLATION OF MUNICIPAL
CERTIFICATE OF SALE**

WHEREAS, Tax Sale Certificate #2574 was issued to the Borough of Tinton Falls for delinquent sewers on Block 129.10, Lot 112 (17 Jockey Lane), assessed to Mary Jean Jones, at a tax sale held on June 11, 2009; and,

WHEREAS, Wells Fargo Home Mortgage has redeemed Certificate #2574 by paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2574 for cancellation.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-295 RESOLUTION – PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 317
RIVEREDGE ROAD**

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Johnson, Rita M. & John W. 317 Riveredge Road Tinton Falls, NJ 07724	32.04	7	\$230.76

WHEREAS, N.J.S.A. 40:48-2.14 provides where obnoxious growth, garbage, trash and debris are destroyed or removed from any dwelling or lands, the cost shall be certified to the governing body, which shall examine the certificate and if found correct shall cause the cost to be charged against said dwelling or lands; and

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a cleanup on the above mentioned property totaling \$230.76 pursuant to a letter dated July 13, 2009 from John N. Bucciero, Director of Public Works (said letter hereby attached and made part of this Resolution).

NOW, THEREFORE BE IT RESOLVED, that a debris lien in the amount of \$230.76 is hereby charged to the property known as 317 Riveredge Road and shall become part of the taxes next to be assessed and levied.

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ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

**R-09-296 RESOLUTION – APPOINTING BOARD OF EDUCATION LIAISON FOR THE
BOROUGH OF TINTON FALLS**

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

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

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls appoints Scott Larkin to act as a liaison to the Tinton Falls School Board with a one-year term to expire June 30, 2010.

Council President Morrill opened the floor for nominations.

Mr. Morrill offered a motion to nominate Scott Larkin as the Board of Education Liaison for the Borough of Tinton Falls, seconded by Dr. Mayer.

There being no further nominations, nominations were closed.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

**R-09-297 RESOLUTION – APPOINTING RECREATION LIAISON FOR THE
BOROUGH OF TINTON FALLS**

BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls appoints Duane Morrill to act as a liaison to the Tinton Falls Recreation Department with a one-year term to expire June 30, 2010.

Council President Morrill opened the floor for nominations.

Dr. Mayer offered a motion to nominate Duane Morrill as the Recreation Liaison for the Borough of Tinton Falls, seconded by Ms. Fama.

There being no further nominations, nominations were closed.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

**R-09-298 RESOLUTION – APPOINTING LIBRARY COMMITTEE LIAISON FOR THE
BOROUGH OF TINTON FALLS**

WHEREAS, the Tinton Falls Library Committee has requested that a Council Liaison be appointed; and

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

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls appoints Nancyanne Fama to act as a liaison to the Tinton Falls Library Committee with a one-year term to expire June 30, 2010.

Council President Morrill opened the floor for nominations.

Mr. Baldwin offered a motion to nominate Ms. Fama as the Library Committee Liaison for the Borough of Tinton Falls, seconded by Mr. Morrill.

There being no further nominations, nominations were closed.

**REGULAR/WORKSHOP MEETING
AUGUST 4, 2009
BOROUGH COUNCIL**

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

The following Resolution, R-09-299, fails for lack of a motion.

R-09-299 RESOLUTION - AUTHORIZING THE SUBMISSION TO THE VOTERS OF THE BOROUGH OF TINTON FALLS AT THE GENERAL ELECTION ON NOVEMBER 3, 2009 A PROPOSITION AUTHORIZING AN ANNUAL LEVY IN AN AMOUNT BETWEEN ONE AND A HALF AND THREE CENTS (\$.015 AND \$.03) PER \$100 OF ASSESSED VALUE OF REAL PROPERTY FOR THE OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

Mr. Larkin offered a motion to have the Director of Law compose a referendum question establishing an Open Space Tax Rate of 2.25 cents, seconded by Ms. Fama.

ROLL CALL (directing Director of Law to establish a tax rate of 2.25 cents)

AYES: Ms. Fama, Mr. Larkin, Mr. Morrill
NAYS: Mr. Baldwin, Dr. Mayer
ABSENT: None
ABSTAIN: None

Ms. Fama offered a motion to have the Director of Law compose a referendum question establishing an Open Space Tax Rate of 1.50 cents, seconded by Mr. Baldwin.

ROLL CALL (directing Director of Law to establish a tax rate of 1.50 cents)

AYES: Mr. Baldwin, Ms. Fama
NAYS: Mr. Larkin, Dr. Mayer, Mr. Morrill
ABSENT: None
ABSTAIN: None

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

R-09-300 RESOLUTION - AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A DEED OF OPEN SPACE EASEMENT FOR BLOCK 35, LOT 1.04 – RIVERDALE AVENUE EAST

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a Deed of Open Space Easement for the property known as Riverdale Avenue East – Block 35, Lot 1.04 upon approval of the Director of Law.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

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

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

R-09-301 RESOLUTION – APPROVAL OF BILLS – AUGUST 4, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending August 4, 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	\$ 4,624,898.02
TRUSTS	19,107.96
DEVELOPER ESCROW	18,588.00
DOG TRUST	71.40
SEWER UTILITY	202,840.71
ADDITIONS	<u>382.49</u>
	\$ 4,865,888.58

**REGULAR/WORKSHOP MEETING
AUGUST 4, 2009
BOROUGH COUNCIL**

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Mrs. Mount-Taylor requested, at this time, Council amend the agenda to include Resolutions R-09-302 and R-09-303.

Dr. Mayer offered a motion to amend the agenda to include Resolutions R-09-302 and R-09-303, seconded by Mr. Baldwin.

ROLL CALL (to amend agenda)

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-09-302 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-13 –
THE ARC OF MONMOUTH – OFF PREMISES GIFT RAFFLE**

WHEREAS, The ARC of Monmouth has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-13; 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# 09-13 be and the same is hereby approved as follows:

NAME: THE ARC OF MONMOUTH IDENTIFICATION NO.: 456-4-14925
LOCATION: 1158 WAYSIDE ROAD, TINTON FALLS, NJ 07712
DATE: OCTOBER 8, 2009 TO BE DRAWN AT 8:00 PM

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-09-303 RESOLUTION – RELEASING ESCROW AND GUARANTEES FOR
AMERICAN RED CROSS, BLOCK 124.63, LOT 30**

WHEREAS, the American Red Cross has requested the release of escrow and guarantees for Block 124.63, Lot 30, due to the abandonment of Board approval to install the communications tower and front free-standing sign and waterfall, and

WHEREAS, by letter dated June 26, 2009 (said letter attached and hereby made part of this Resolution), by the Engineer (Birdsall Engineering, Inc.) has recommended that guarantees and escrow balances be returned.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that escrow and guarantees for American Red Cross, be released upon the payment of all outstanding inspection fees and the approval of the Director of Law.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

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

R-09-304 RESOLUTION - TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

**REGULAR/WORKSHOP MEETING
AUGUST 4, 2009
BOROUGH COUNCIL**

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session at this time to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) Potential Property Acquisitions or Sales – N.J.S.A. 10:4-12(b)(5)
 - a. Pending property auctions
- 2) Personnel Matters – N.J.S.A. 10:4-12(b)(8)
 - a. PBA Grievance
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
 - a. Host Agreement With County of Monmouth
 - b. Disability Insurance Option
 - c. Terms of Contracts for Professional Services
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
 - a. Borough Property LLC v. Tinton Falls, et al.
 - b. COAH objections

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 11:29 P.M.

Council Recessed at 11:29 P.M.

Council Reconvened at 11:36 P.M.

WORKSHOP MEETING

Unfinished Business

Hunting/Firearms Ordinance

Dr. Mayer requested the Hunting and Firearms Ordinance be re-evaluated.

Cherry Street

Ms. Fama advised Council that she received a letter from a resident regarding parking on both sides of Cherry Street as it causes an issue for emergency vehicles as well as placing a stop sign on Cherry Street. Mr. Dempsey stated that he would have Traffic Safety look at it.

Society Hill Stop Sign

Mr. Baldwin advised that Jim Allan was in the audience but had to leave before he had a chance to ask Council and Mr. Dempsey if the sign that is in Society Hill, which previously had been knocked over, would be replaced. Mr. Dempsey advised that it would be replaced.

Gates on GreenBriar

Mr. Larkin asked if the gates located in GreenBriar Falls are proper. Mr. Dempsey replied that they are owned by the association.

EXECUTIVE SESSION

Dr. Mayer offered a motion to adjourn to Executive Session, seconded by Mr. Baldwin.

**REGULAR/WORKSHOP MEETING
AUGUST 4, 2009
BOROUGH COUNCIL**

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 11:43 P.M.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 12:33 A.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: FEBRUARY 2, 2010