

**REGULAR/WORKSHOP MEETING
DECEMBER 1, 2009
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:37 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. Baldwin, Ms. Fama, Mr. Larkin (arrived at 7:42 P.M.), Dr. Mayer, Mr. Morrill

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

APPROVAL OF MINUTES

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Larkin

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Resignation of Administrator

Mayor Skudera advised that Mr. Dempsey will be leaving Tinton Falls and joining Spring Lake as of January 1, 2010. Mayor Skudera stated that Mr. Dempsey was an asset to Tinton Falls and everyone will be sad to see him go. Mayor Skudera added that he wishes Mr. Dempsey the best of luck in Spring Lake. Since January 1st is coming up quickly a temporary appointment will need to be made and in the meantime, the Mayor advised that he will be searching for a new administrator.

Fire Districts

The fire districts budgets are looking good and they have requested a meeting with Council to review the land for Wayside Fire Department. Their lease agreement is also expiring in October and will be brought before Council.

Fort Monmouth

Mayor Skudera briefly overviewed the Fort Monmouth meeting he attended regarding the bill and advised that it would be further discussed during the Workshop portion of the meeting.

Engineer's Report – Mr. Marks

Asbury Avenue

The Monmouth County intersection improvements at Asbury Avenue are still moving forward. T&M Associates is in the process of preparing the conceptual designs. Once the County has reviewed the designs, they will be presented to the borough for comment.

Road Program

All of the preliminary investigation work has been taken and the cost estimates have been modified. Mr. Marks advised that he will review the numbers with the Mayor to make sure he is in line with what Council would like.

Energy Audit

They met with members of the borough last week and began the investigation of all the buildings. A request for proposal to have the audit done will be prepared.

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Rowan Wind Study

The wind meter has been installed at Borough Hall. Mr. Marks advised that he will follow-up with the Supervising Professor from Rowan University to see how the data collection process is going and how soon, if they have a schedule prepared, the borough will be receiving any information.

Chief Financial Officer's Report – Mr. Pfeffer

State Aid for Municipalities

The State has cut their State Aid payments to municipalities and the borough is at risk for that entire State Aid line item, referred to as Compra-Aid. The payment to the borough represented \$7,416.05 and this year in the 2009 budget, the State Aid line item equaled \$148,321.00. Mr. Pfeffer emphasized that there is a good chance this would be eliminated for the 2010 budget year.

Tax Collections

The borough has had very strong tax collections through November 30, 2009 compared to the past several years.

Budget Hearings

Budget Hearings were held on November 23rd and 25th and we are proceeding with the budget in making any changes discussed after holding the hearings.

LOSAP

We have also been notified by the EMS Squads that additional members have or will qualify for LOSAP for 2009. The borough budgeted \$37,000 based upon prior experience; we are now expecting 36 to qualify, which would equal \$47,312.00. Once a definite number is received, a transfer after year-end will be proposed to fully fund the LOSAP line item.

December 15, 2009 Council meeting

Normally there are resolutions that need to be done at year-end in order to closeout the books. All the needed Resolutions will be on the December 15th meeting so the books can be closed out effectively. Since the last meeting is on the 15th, Mr. Pfeffer requested permission for a final bill list around December 31st to clear-out any items that are lingering.

Administrator's Report – Mr. Dempsey

Mr. Dempsey advised that he had no report for tonight and thanked everyone for the opportunity to be the administrator for the past four years. Mr. Dempsey stated that he has enjoyed working in Tinton Falls and will miss everyone and everything that goes along with the position.

Director of Law's Report – Mr. Nelson

Monmouth Economic Revitalization Authority

Mr. Dempsey and he attended a lengthy meeting with the 12th District Legislators regarding a legislation being created known as the Monmouth Economic Revitalization Authority, which is the entity to FMERPA. Mr. Nelson advised that this item would be further discussed in the Workshop portion of the meeting.

Somer's Property

An Ordinance authorizing the sale of the Somer's property at a public auction will be prepared for January.

General Election

The election results have been certified and an Ordinance will be prepared regarding the implementation of the Open Space tax reduction.

Workshop

Mr. Nelson briefly overviewed the Workshop items.

Borough Clerk's Report – Mrs. Mount-Taylor

Mrs. Mount-Taylor stated that she will be out of the country in the beginning of next year and since neither of her assistants have obtained their RMC as of yet, the meetings scheduled for that particular time might have to be rescheduled.

Council's Report

Ms. Fama:

The Tinton Falls PTA is having a holiday spree at the Atchison's School Thursday from 7:00 – 9:30 P.M.

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The Tinton Falls Woman's Club is looking for new members. Anyone who is interested may contact her and she will forward them to the President of the Woman's Club.

The Library is collecting new and handmade mittens, scarves and hats. If interested, those items can be dropped off at the Library.

Mr. Larkin:

Last week Ms. Fama and he met with Mr. Harrison and Mr. Cosentino from FMERPA. Mr. Larkin expressed his gratitude toward both for their time and effort that they have taken with FMERPA and for how accommodating both were.

Dr. Mayer:

Dr. Mayer updated Council on the upcoming Environmental Commission and Technical Advisory Committee meeting dates and projects.

Mr. Baldwin:

Mr. Baldwin advised that he had no report for tonight.

Council President's Report

Mr. Morrill informed the public that the Borough's Christmas Tree Lighting would be held at Village Green on December 6th at 5:30 P.M.

December 13th is the annual candy cane run, when the fire trucks go around the neighborhoods and hand out candy canes to all the children.

The Community Activities Committee, at their last meeting, discussed the possibility of moving Volunteer Appreciation Day to May 22nd in 2010. In the past, it has been held in September, a week before Community Day.

PETITIONS – None

ORDINANCES FOR INTRODUCTION

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 09-1285 entitled: AN ORDINANCE AMENDING 2-2.15 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 09-1285, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

Leo Christofili, 328 Riveredge Road, questioned if the Ordinance is applicable to Public Hearing times and if a citizen can come before Council to discuss a matter more than once during the course of a meeting. Mr. Nelson referred to the Open Public Meetings Act and advised that the time limit and coming before Council more than once during the course of a meeting is at the discretion of the Council President.

Jerry Spumberg, 11 Alpine Trail, commented that he was in favor of Ordinance No. 09-1285.

There being no further comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 09-1285, seconded by Dr. Mayer.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 09-1285, seconded by Dr. Mayer.

ROLL CALL

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

Mayor Skudera informed Council that John Bucciero could not attend tonight's meeting as he is out of State however, Senior Foreman Gary Gebele, has attended to answer any questions Council may have on this Ordinance.

Borough Clerk read Ordinance No. 09-1286 entitled: BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,095,000 FOR VARIOUS ITEMS OF EQUIPMENT FOR AND BY THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,040,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 09-1286, seconded by Mr. Baldwin

ROLL CALL

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

PUBLIC HEARING OPEN

Leo Christofili, 328 Riveredge Road, expressed his concerns with Council adopting bond ordinances due to the amount of the bond as well as the principal and interest that will be paid by the taxpayers.

Leo Lomangino, 93 Colonial Drive, stated that he was for the Police Department's request for new vehicles but was not in favor of Public Works' equipment request.

Denise Catalano, 11 Alpine Trail, questioned if Council should vote this Ordinance down, what is the alternative that the town has looked at. Mr. Dempsey replied that there is no backup plan; this is equipment that is needed. If it is something that Council does not want to fund, then the borough would continue to operate as we do now with a prayer. If a truck goes and the borough does not have enough trucks then it is either we borrow from another town or the services would be backed up and will not be provided in a timely fashion as they are currently.

Gary Gebele, Senior Foreman, advised that he has worked with the Public Works Department for 33 years, and explained the garbage trucks and the purpose(s) of each.

Charles Lomangino, 3 Helena Street, stated that he owns garbage trucks and knows the expertise of how long they should last and compared the longevity he has gotten out of his garbage to what the borough has gotten out of theirs (years). Mr. Lomangino expressed his objections to the purchase(s) of new Public Works equipment.

Carl Bowles, 46 Diane Drive, spoke as a taxpayer and on behalf of the Public Works Department and stated that things have to change for the better. Mr. Bowles discussed the useful life of the vehicles with the added fact that these vehicles are on the road five days a week through rain, hail, snow, salt, etc. to provide the service(s), in a proper manner.

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing on Ordinance No. 09-1286, seconded by Mr. Baldwin.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 09-1286, seconded by Mr. Larkin.

Mrs. Mount-Taylor advised Council that the Supplementary Debt Statement was not sent back, stamped with approval, from the Division of Local Government Services however, they have emailed Mr. Pfeffer.

Mrs. Mount-Taylor read for the record the email sent to Mr. Pfeffer with regards to Ordinance No. 09-1286: "a Supplementary Debt Statement was acknowledged on November 18, 2009 for utility equipment for \$1,040,250.00".

Mr. Gebele, at Council's request, further detailed the requested items of equipment along with their life expectancy and purpose(s) served.

Ms. Fama stated that although she understands the need for replacing vehicles and maintenance, she feels that council should re-look this Ordinance, as it is not paying for itself. Ms. Fama suggested perhaps instead of one million dollars for a bond, this be looked at to be a lesser amount and rather than replacing the two older vehicles, maybe Public Works could replace just one.

Dr. Mayer questioned what would happen if the borough were to operate with four rear loaders instead of five. Mr. Gebele replied that out of the five on the property, one is not in use. Four trucks are currently in use and it causes a very big struggle for the department, mainly because they cannot keep them in for maintenance. Most days it is difficult to have one out of service hence the request for the fifth.

Mr. Baldwin commented that the Public Works Department is a key department. Equipment items such as the ones being proposed are built to work and do not pay for themselves but it is what the borough has to spend to do the job we have to do. The borough needs to give the people who are doing that job dependable equipment, and give the maintenance persons time to maintain the equipment so that life can be extended. Mr. Baldwin added that although it is a big investment, he feels strongly that it is an important investment.

Mr. Morrill questioned the choice of SUVs over cars. Chief Turning explained to Council the reason for the request of each of the five vehicles and added that their request for SUVs rather than cars is due to bonding issues; police cars cannot be bonded; only SUVs can be bonded.

Mr. Larkin questioned the purpose of the asphalt hotbox and planer. Mr. Gebele explained what each is used for and the purpose(s) each serve. Mr. Larkin stated that he has trust that the borough hires properly and if the Public Works Department and Police Department are stating that they "need" this equipment in order to maintain the level of service that they do for the residents, then he trusts them and stands by their request.

ROLL CALL (on adoption)

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

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Charles Lomangino, 3 Helena Street, further commented on Ordinance No. 09-1286 and expressed his opposition on Council adopting same.

Denise Catalano, 11 Alpine Trail, requested that Council and Administration challenge all decisions on behalf of the taxpayers.

Bernadette Chwalek, 6 Duke Court, came before Council to state that she supports the Public Works Department and their decision 100%.

Leo Lomangino, 93 Colonial Drive, addressed his comments to Mr. Baldwin and Mr. Morrill and stated that the public should not be badgered for trying to bring their personal expertise before the board.

Leo Christofili, 328 Riveredge Road:

- discussed an article he read in the Hub regarding hazardous sites on the Fort Monmouth property
- requested the borough consider that certain persons in supervisory positions file an after action report following their attendance at the League of Municipalities
- commented on the adoption of the Bond Ordinance and opionated that he felt it could have been dealt with in a more "ready" way with the previous administration
- advised that he received documentation from the borough Tax Assessor and overviewed the number of qualified farms in Tinton Falls as well as other municipalities

Jerry Spumberg, 11 Alpine Trail, commented on Ordinance No. 09-1286 and suggested Council look into subcontracting out certain responsibilities.

Mike Ruther, 11 Leonard Place, requested that during the Workshop discussion of Fort Monmouth, Council consider the reuse, fighting the closure, and encouraging other federal agencies to come into the area.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Dr. Mayer requested an updated status on the traffic light at Hance & Sycamore Avenue. Mr. Dempsey advised that he has a call in to Joe Attore of the Traffic Division in order to setup a date to discuss this item with him.

RESOLUTIONS

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Ms. Fama.

**R-09-412 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-19
PTSA MONMOUTH REGIONAL HIGH SCHOOL – ON PREMISES 50-50**

WHEREAS, The PTSA Monmouth Regional High School has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-19; 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# 09-19 be and the same is hereby approved as follows:

NAME: PTSA MONMOUTH REGIONAL HIGH SCHOOL
IDENTIFICATION NO.: 343-5-35212
LOCATION: ONE NORMAN J. FIELD WAY, TINTON FALLS, NJ 07724
DATE: FEBRUARY 5, 2010 TO BE DRAWN AT 11:00 PM

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ROLL CALL

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

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Ms. Fama.

**R-09-413 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-20
PTSA MONMOUTH REGIONAL HIGH SCHOOL – ON PREMISES RAFFLE**

WHEREAS, The PTSA Monmouth Regional High School has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-20; 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# 09-20 be and the same is hereby approved as follows:

NAME: PTSA MONMOUTH REGIONAL HIGH SCHOOL
IDENTIFICATION NO.: 343-5-35212
LOCATION: ONE NORMAN J. FIELD WAY, TINTON FALLS, NJ 07724
DATE: FEBRUARY 5, 2010 TO BE DRAWN AT 11:00 PM

ROLL CALL

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

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

**R-09-414 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES –
UNITED TELETECH FEDERAL CREDIT UNION - BLOCK 15.01, LOT 16.04**

WHEREAS, the developer has requested the release of Performance Guarantees for United Teletch Federal Credit Union, Block 15.01, Lot 16.04, and

WHEREAS, BY LETTER DATED November 17, 2009 (said letter hereby attached and made part of this Resolution) the Borough 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's, Birdsall Engineering, Inc. letter of November 17, 2009, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL

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

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

**R-09-415 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES
HYDE PARK/PARKPLACE II – BLOCK 124.51, LOT 1008**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Hyde Park/Park Place II, Block 129.51, Lot 1008, and

WHEREAS, BY LETTER DATED November 17, 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 November 17, 2009, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

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.

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R-09-416 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Department of Public Works is in need of one (1) 2010 Utility truck; and
 WHEREAS, Flemington Buick Chevy Pontiac GMC, LLC, 211 Routes 202 & 31, P. O. Box 487, Flemington, NJ 08822 has valid State Contract #A74180 for a 2010 Chevrolet Silverado 2500 HD Regular Cab 4 WD with utility body in the amount of \$22,679.00 with options listed below for a total purchase price in the amount of \$32,019.00; and
 WHEREAS, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and
 WHEREAS, John Bucciero, Director of Public Works recommends this purchase;
 NOW, THEREFORE BE IT HEREBY RESOLVED that the Borough Council authorizes the following purchase under the valid 2009 State Contract:

One (1) 2010 Silverado 2500 HD Regular Cab 4WD with utility body		\$22,679.00
	OPTIONS	
Fisher 8' minute mount snow plow		4,495.00
Air Conditioning		800.00
Spare Wheel, tire & mount with jack		334.00
LT 245/75R 16 on/off road tires, all season spare		44.00
Camper/trailer tow high-visibility outside rearview mirrors		70.00
Roof marker lamps, amber		55.00
Trailer brake controller, integrated, requires hitch & plug		200.00
Snow plow prep package		285.00
HD locking rear axle		325.00
Battery auxiliary HD 600 CCA		135.00
Provision for cab roof mounted beacon,	beacon additional	30.00
Backup Alarm		138.00
Wheatland Yellow color		275.00
Steel cutting edge for Fisher		175.00
Front Axle Timbren Load Boosters		450.00
Master Locking for utility body		275.00
Class III hitch with wiring and trailer plug		475.00
Combination ball/pintle		245.00
Cab roof light, single amber strobe		385.00
DOT Safety kit, 1 st aid kit, fire extinguisher & safety triangles		<u>149.00</u>
	TOTAL	\$32,019.00

ROLL CALL

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

Mrs. Mount-Taylor advised 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-09-417 RESOLUTION – APPROVAL OF BILLS – DECEMBER 1, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 1, 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.

	<u>SUMMARY</u>	
GENERAL		\$ 2,375,847.37
TRUSTS		11,113.32
CAPITAL		20,932.50
DEVELOPER ESCROW		9,661.05
SEWER UTILITY		13,657.40
ADDITIONS		<u>176,328.96</u>
		\$ 2,607,540.60

ROLL CALL

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

CONSENT AGENDA

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

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WHEREAS, an overpayment of 2009 4th quarter taxes on the following property has been paid in error creating an overpayment by the Attorney and by the Mortgage Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Patricia King c/o Devincens & Associates, LLC 611 Main Street Toms River, NJ 08753	26	166	\$1,184.27

Re: Terranova/Lombardi from King
6 Beaumont Court

and,

WHEREAS, said error has resulted in a overpayment of 2009 4th quarter taxes paid in the amount of \$1,184.27 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 \$1,184.27 be and hereby is approved for the aforementioned property.

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-09-422 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 4th quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and by the Mortgage Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Gregg & Jeanne Quinn 60 Periwinkle Drive Tinton Falls, NJ 07712	123	53.22	\$2,060.58

and,

WHEREAS, said error has resulted in a overpayment of 2009 4th quarter taxes paid in the amount of \$2,060.58 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 \$2,060.58 be and hereby is approved for the aforementioned property.

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-09-423 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company twice.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
BAC Tax Service Corp. P.O. Box 10211 Vay Nuys, CA 91410-0211	80.01	1.03	\$2,239.49

Re: Mark & Rona Lehtonen
280 Water Street
Loan #213046070

and,

WHEREAS, said error has resulted in a overpayment of 2009 4th quarter taxes paid in the amount of \$2,239.49 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 \$2,239.49 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-424 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 4th 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>
Foundation Title 214 Hwy. #18 - 3 rd Floor E. Brunswick, NJ 08816	19	6.01	\$2,337.34

Re: Glenn R. Speakman
729 Sycamore Avenue

and,

WHEREAS, said error has resulted in a overpayment of 2009 4th quarter taxes paid in the amount of \$2,337.34 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 \$2,337.34 be and hereby is approved for the aforementioned property.

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 into Workshop, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:55 P.M.

Council Recessed at 9:55 P.M.

Council Reconvened at 10:07 P.M.

WORKSHOP MEETING

New Business

Draft – Solar/Wind Ordinance

Mr. Nelson briefly overviewed the draft Ordinance (model Ordinance that was developed by the Board of Public Utilities) and advised that the Planning Board will need to review same before further action is taken as it is a Land Use Ordinance.

Mr. Morrill recommended that Council take this as a basic draft and submit it (as a draft) to the Planning Board, Engineer, Zoning Officer and Environmental Commission.

Dr. Mayer commented on Section III Paragraph I and requested the restrictions on metering be minimal.

Mr. Dempsey commented on the allowance for the solar panel ground raise and stated that this may cause issues with residents as the allowance is fifteen feet and the borough's fence ordinance only permits a six foot fence in a side yard..

Draft – Citizen Service Act Ordinance

Mr. Nelson advised that this the Citizen Service Act was signed at the end of October targeting various problems that were arising in municipalities. Such problems included vacancies on various boards and commissions, issues regarding when the terms began and ended, the ability to remove persons for poor attendance and providing the public the ability to have greater access to the information and opportunities to volunteer on the various boards and commissions. Mr. Nelson further explained that the purpose of this Ordinance is to “mold” those requirements in the manner which the borough would like the borough clerk to implement them. This Ordinance would require the clerk to maintain a uniform application for persons who may be interested in

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servicing various boards and commissions and maintaining a public list of persons applying for such positions.

Discussion – Resolution re: Fort Monmouth/Monmouth Revitalization Act

Mayor Skudera advised Council that before tonight’s Council meeting the Administrator, Director of Law and he had attended a meeting regarding Fort Monmouth and the proposed bill. Mayor Skudera informed Council of the letter he prepared to advise the legislators what he feels was/is wrong with the bill and what items should be amended in the bill. Mayor Skudera requested Council prepare a Resolution in their efforts to support same.

Mr. Nelson advised that during the meeting they went through every section of the bill in its entirety with Mr. Cosentino, the EDA, the legislators, Mayors and other representatives and counsel from the other host municipalities.

Mr. Nelson stated with respect to the composition of the authority itself, the State isn’t going to cede control over the entire authority but the question is to what extent could we enhance the local representation. It does appear that the State is willing to ensure that the third appointee is going to be a resident of Monmouth County.

Financial Disclosures and Pay-to-Play provisions that were not in the initial draft are going to be included to ensure that anybody who becomes a member of authority has to file a personal financial disclosure as well as pay-to-play provisions for redevelopers.

The item subject to a majority of discussion was the loss of local zoning and redevelopment powers, which the legislation clearly says supersedes. Mr. Nelson overviewed how the land use process would work and expressed his objections.

They were including amendments relating to condemnation to ensure that it was for a clear, public purpose and only used in limited circumstance, where necessary.

During the COAH obligations discussion it was advised that they would not address COAH obligations in this legislation. They feel that with the new administration coming in, there is going to be significant changes to COAH. Mr. Nelson added that we still have the Memorandum of Understanding that is yet to be executed by COAH.

Mr. Nelson further explained that the reason for this discussion on tonight’s meeting is to hear the Council’s thoughts and opinions based on this bill, the amendments that will hopefully make it into the bills, and what action Council wants to take.

Council had a lengthy discussion as to their concerns and asked Mr. Nelson any questions they had regarding this matter.

Council agreed that they would like to send a letter, prepared by Mr. Nelson, signed by the Mayor and Council President along with an executed Resolution supporting the Mayor’s letter.

Mr. Nelson overviewed the Resolution passed by Middletown asking the Governor to petition the President to keep Fort Monmouth open and maintain facilities for the support of service members and their families.

Council agreed they would like to have this Resolution on the agenda at the next Council meeting.

Appointment of Administrator

Mr. Morrill requested that since the appointment of Administrator is with the advice and consent of Council, when the Mayor has gotten down to three persons he is considering for the position, if he could put together a “meet and greet” with Council to better help Council make their decision. Mayor Skudera stated he has not put together anything as of yet as everything happened recently but there will be a search committee, resumes, etc.

Ordinances

Ms. Fama requested in the future, when there are Ordinances on the agenda, Mr. Nelson give a brief statement/explanation for each of the Ordinances. Mr. Nelson agreed to do so.

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ADJOURNMENT

Ms. Fama offered a motion to adjourn the meeting, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 11:02 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: DECEMBER 15, 2009