

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:33 P.M.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the New Coaster at least 48 hours prior to the meeting."

All present stood for Salute to Flag.

ROLL CALL

PRESENT: Mr. Ford, 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 Hill Jr., Borough Engineer

APPROVAL OF MINUTES – None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mr. Baldwin referenced Resolution R-09-028 and advised that at the January 6, 2009 Council meeting that the Mayor and himself had discussed, with Council's approval, the necessity to take public stand through a Resolution along with a letter to the Navy that memorializes the Borough's opposition to the privatization of the Laurelwood Housing area on the Naval complex.

Attached to the Resolution is a multi-page letter that was addressed to the Assistant Secretary of the Navy, which details the Borough's objection to this privatization plan. The letter will become part of the public record after the Resolution is called tonight for a vote on approval. It will also be included in the final environmental impact statement that is issued by the Navy.

The Resolution memorializes the support of the Tinton Falls School Board and the Monmouth Regional High School District, both in opposition to the potential tax impact of this privatization plan. Lastly, the Resolution memorializes the Borough's support of the effort that the neighborhoods opposing the privatization of Earl through a group called NOPE.

Mayor Maclearie gave Council a follow-up from a meeting he attended Thursday night with the School Board representatives and Councilman Ford.

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

R-09-028 RESOLUTION – LAURELWOOD HOUSING PROJECT AT NAVAL WEAPON STATION EARL

WHEREAS, the Department of Navy has announced its intention to privatize 300 rental units existing at the Laurelwood Section of NWS Earle, Colts Neck, New Jersey, and;

WHEREAS, the impacts of that privatization are only now being disclosed to the public through a Draft Environmental Impact Statement issued by the Department of the Navy on November 28, 2008, and;

WHEREAS, the Mayor and Borough Council of the Borough of Tinton Falls, along with elected State and Federal Representatives have requested additional time to secure competent criticism of a Draft Environmental Impact Statement for which a minor extension was granted by the Navy, and;

WHEREAS, the Mayor and Borough Council of the Borough of Tinton Falls believes it is in the best interest of the residents of the Borough of Tinton Falls to provide comment, response, and criticism of the Draft Environmental Impact Statement provided by the Department of the Navy in conjunction with the comments and criticisms of elected State and Federal Representatives; and

WHEREAS, the Mayor and Borough Council of the Borough of Tinton Falls have directed the drafting of a certain letter containing the Borough's opposition to the Laurelwood Project, comment and criticism of the Draft Environmental Impact Statement submitted and continued concerns as they relate to the impact of the taxpayers of the Borough of Tinton Falls,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, that the attached joint letter of the Mayor and Borough Council of the Borough of Tinton Falls shall:

1. Memorialize the opposition of the Borough of Tinton Falls to the proposed privatization of the Laurelwood Housing Project at Naval Weapons Station Earle,

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

2. Memorialize its support of the efforts of the School Board of the Tinton Falls School District and the Monmouth Regional High School District in opposing the project and raising legitimate concerns regarding the potential tax impact on the taxpayers of the Borough of Tinton Falls,

3. Memorialize its support of the efforts of the Neighbors Opposing the Privatization Earle (NOPE) and their opposition to the Environmental Impact Statement as stated

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mayor's Report

Mayor Maclearie advised that the Borough got a thank-you letter from Senator Beck and Assemblyman Declan O'Scanlon and Assemblywoman Caroline Casagrande for our participation in the Little Soldiers Program. The local municipalities participated and were able to raise more than 1,000 gifts for children of our soldiers.

There was a meeting held at the Borough last Monday to discuss Council trying to extend the affordable housing controls over at the units in Society Hill.

Tinton Falls has been working with the Environmental Committee since the summer to work on setting up our "green team" and becoming a part of Sustainable Jersey.

Council's Report

Mr. Morrill advised that Dr. Mayer and he would be meeting with Mr. Pfeffer to go over the Open Space funds. Mr. Morrill also advised that he would be meeting with Mr. Hilla on Thursday to take and work on finding the property lines on the Crawford House property so the Open Space Committee can move forward with that project.

Mr. Morrill stated that the Borough is looking for residents who are interested in joining the new Community Activities Committee that they are currently in the process of forming.

Dr. Mayer updated Council on the Technical Advisory Committee's assignments this year.

Administrator's Report – Mr. Dempsey

COAH

The Governor came out and the State addressed the one-year proposed moratorium on the 2.5 fee for non-residential development for COAH, which would have a substantial impact on Tinton Falls. The details have not come out yet so we will have to wait and see what happens due to the issue that it could have an affect on the plan that the Borough submitted to COAH.

Local Energy Audit

There is a program available, which pays for 75% of the energy audit once it is completed. It would also pay the remaining 25% of that audit if the net investment installed recommended efficiency measures exceed the remaining energy audit costs. To start the process we will need a Resolution to participate in the Local Energy Audit program along with a list of locations we would like audited as well as a contact in regards to the program. Once completed, we would submit same, and do an RFP, which would go out to the five firms that are pre-qualified by the State. They then submit their proposals back to us and Council would then select one firm.

Library Modular Office

The three-sided building is not an option as the Library wishes not to pursue same. Our option is the modular. Rosemary sent a letter advising what the Library needed and did not need. Mr. Dempsey advised that he has moved forward with that and scheduled a meeting with the mover of the trailer for this week along with the Building Inspector to pick the location. The trailer will not be attached to the existing building. They will have electric to it but there will be no water or sewer to the building. It will serve as a storage area and be utilized for their staff with steps leading to it rather than a ramp. This is the most cost effective way to do it. The transformer needed for the electric is going to cost approximately \$6,000.00 and the remaining work is going to be limited. The location and setting up of the trailer will be covered by the agreement the Borough has with Oceanport.

Director of Law's Report – Mr. Berube

The Governor indicated his desire to postpone the COAH contribution for non-residential development. It suspends the imposition, if it is enacted, of that fee but does not suspend the obligation of the Boroughs to provide that housing or to provide it in their spending plans and

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

jeopardizes what it is already in place and required to be in place by the end of last year. We will be carefully monitoring that and the League of Municipalities has already taken very strenuous objection to any proposal that does not include a suspension of the plan as well.

The first Ordinance for introduction – 09-1262 is an amendment to background check ordinances. You may recall that the Borough passed a very vigorous ordinance requiring background checks for volunteers in the recreation department which included both fingerprint and NCIC checks. The fingerprint has become a difficult issue for vendors. As a result, the Borough Administrator has recommended that we use a vendor that does not do fingerprint checks in order to save some money but does do all of the background criminal checks. The amendment Council is being asked to vote on allows for the option to provide the NCIC and background criminal checks without the fingerprints, if that is the vendor we choose to use.

The second Ordinance for introduction – 09-1263 is the Ordinance which would implement the Master Plan revisions recommended by the Planning Board. The Borough ran out of time on the calendar clock. The Ordinances were originally introduced in their original form and sent to the Planning Board for review and comment in 2008 however, December 31st occurred and Mr. Berube, at that time, recommended that Council allow the Ordinance to die and to re-introduce them; tonight is the re-introduction of them. This is the same Ordinance Council had let die; there have been no changes.

R-09-023 Authorizing the Execution of Documents for Conveyance of Various Blocks and Lots – there are some 14 lots that we were ordered to convey pursuant to an agreement of the prior administration to Mazza Brothers and Borough Properties is their Corporate entity. The efforts, on behalf of the Borough, were complete, title was acquired, so this is Council's authorization to allow the Mayor to execute documents to transfer that and satisfy our obligations under the Court Order and finalize that litigation.

Chief Financial Officer's Report – Mr. Pfeffer

Mr. Pfeffer stated he recently sold bond anticipation notes to fund various projects within the Borough. On that sale we had four bidders. The net interest rates ranged from 1.5455 to 2.4622. The amount of the note was \$2,803,166.00 and the winning bidder was RBC with a net interest rate of 1.5455%.

We have a final and audited number for surplus. Surplus was down \$277,954.87 from the prior year (about 8%) but we closed the gap quite a bit from where we were in the beginning of the month. Overall, we did pretty well. Our collection rate was up 98.59% in the prior year. We have actually increased the percentage of collection in light of the economy. Our revenues were strong, in total they generated 1.9 million dollars of additional money into that surplus number to help finish the year where it did.

Lastly, the State has formally extended the budget deadlines. It pushes back the dates a little over one month. The Mayor-Council Faulkner Act budget transmission date was moved to February 23rd. Municipal introduction was pushed back to March 17th and adoption to April 28th. Mr. Pfeffer stated he believes these dates will be extended and he will keep everyone posted as more comes from the State.

Engineer's Report – Al Hilla, Jr.

Pine Street Project

Mr. Hilla advised that he spoke with Joseph Ettore, County Engineer, regarding the Pine Street relocation, the Phase I of their project. The final agreements were had with the affected property owners to "pave the way" for the relocation of Pine Street. Last week Mr. Ettore advised he was in the process of putting together a schedule that was going to be first submitted to Freeholder D'Amico and once approved by the Freeholders, then it would be released for public consumption.

Shovel Ready Projects

We have contacted the State on one of these projects which would be the Riveredge drainage project. We are about 95% complete with the design. We have the permits in hand from DEP. Based on a bulletin that we received from the DEP, the Environmental Infrastructure Trust, Mr. Hilla advised that he will be sending an email to tomorrow to their representative in the event that stimulus funds do become available for this project.

Borough Clerk's Report

Mrs. Mount-Taylor stated it was her pleasure to introduce to the Mayor, Council, and to the public, the newest member of the Borough Clerk's Office, Maureen Murphy. Mrs. Mount-Taylor welcomed her and stated she hopes she stays with the Borough for a long time.

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

Mrs. Mount-Taylor clarified which meeting the Council would like the planner and Mr. Bayer to come before Council to discuss COAH.

Mr. Baldwin replied that he would like the presentation scheduled for the second meeting in February and for the Council to have a Workshop meeting regarding COAH issues for the first meeting in February.

PETITIONS – None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 09-1262 entitled: AN ORDINANCE OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 07-1228 FOR BOROUGH VOLUNTEER RECREATION PERSONNEL FOR CRIMINAL BACKGROUND CHECKS

Mr. Morrill offered a motion to introduce Ordinance No. 09-1262, seconded by Mr. Ford.

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 Public Hearing will be set at the convenience of the Borough Clerk.

Ordinance No. 09-1262 in Full/Ordinance Book No. 4

Borough Clerk read Ordinance No. 09-1263 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

Dr. Mayer offered a motion to introduce Ordinance No. 09-1263, 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 Public Hearing will be set at the convenience of the Borough Clerk.

Ordinance No. 09-1263 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION – None

PUBLIC DISCUSSION

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

ROLL CALL

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

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

PUBLIC DISCUSSION OPEN

Brendan Tobin, 5 Chestnut Court, discussed Ordinance No. 09-1262 amending the background checks. Mr. Tobin advised that when he was Council President he pushed that we needed to do background checks on our employees. He had also requested that the Borough go back on the last seven years and look through everyone's records to see if anyone had lied and was advised that the Borough was not going to do so. Mr. Tobin went into details about a previous employee of the Borough who was a multi-convicted person.

Mr. Tobin accused Mr. Skudera of knowing this information at the time, and not taking action on same. Mr. Tobin also advised that he contacted Mr. Berube with this information once he received it.

Mr. Skudera advised that he did not have this information and stated he was not Council President at that time.

Mr. Tobin stated that he would bring the person, whom supposedly gave Mr. Skudera the information, to the next Council meeting to discuss this issue further.

Mr. Berube stated for the record to the Councilmembers and Mr. Tobin that the names not be used because this is a matter, which could involve personnel issues. If there is interest, Council can certainly bring this to executive session.

Mr. Berube advised that there was a discussion as to what length of time we would consider going back in terms of background checks, whether there was criteria to evaluate, and what action should be taken based on that criteria if we found current employees who had either felony convictions or were not able to be employed by a governmental entity for which that restriction was not in place when they were hired.

Leo Lomangino, 93 Colonial Drive, spoke regarding Mr. Tobin's comments and asked if it would be appropriate that Chief Turning prepare for the town what the cost would be for at least a preliminary background check for all of the Borough's employees.

Mr. Lomangino also inquired when CECOM would become an income-generating piece of property.

Mr. Pfeffer replied that it would not become an income-generating piece of property until that building is demolished and a new project is built.

Charles Lomangino, 3 Helena Street, requested an update on the CECOM building.

Mr. Dempsey replied that the CECOM building was suppose to be down in the middle of January. They had some issues with one of their subcontractors. Mr. Dempsey advised that he was informed last week that the new environmental group should be starting within ten days.

Mr. Lomangino also commented on Pine Street as to the Borough moving forward with that and requested an update from Chief Turning on how everything is going at the Outlet Mall as far as staffing.

Chief Turning replied that the Outlet Mall has been a pleasant surprise. Call for services as a result of the Outlet Mall and several other developments including Avalon Bay for the month of November and December increased approximately 100 per month which equates to about 25 per week, which is not a lot. The level of calls for service are very minor and the Chief advised that he is quite surprised at the calls for service not being what he had anticipated. For the month of November and December Tinton Falls' criminal reports were down 50% in both of those months even though there was a higher rate of calls for service. We are still waiting to see what the summer months will bring.

Leo Christofili, 328 Riveredge Road, majority of this portion of the Public Discussion was inaudible. Mr. Christofili spoke regarding net debt of the nation and in general and requested a Workshop on the issue of debt.

Mr. Christofili asked if there was any direct vote as to the rate, which could maybe effectively redeem \$400,000 or \$500,000 that is going to the Open Space fund by controlling the rate against a neutral matter.

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

Mr. Baldwin replied that the rate has to be revenue neutral and it does impact everyone except the zero people in the middle. Some property assessments will increase and some will decrease. The revenue generated by that has to remain neutral. This three cent tax that was put in by referendum affects every homeowner in one way or another.

Mr. Christofili requested a referendum to reduce the Open Space Trust Fund by half.

Mr. Baldwin advised that Council will put this on a Workshop and if Council chooses to go a referendum, it will be placed on the ballot for the General Election.

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

RESOLUTIONS

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

R-09-015 RESOLUTION - AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, various departments/divisions have utilized open-end contracts for routine, recurring items in the year 2008 and will do so in 2009, which may, in the aggregate, have exceeded, or will exceed \$29,000.00 per annum; and

WHEREAS, these purchases are permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, these purchases are made on a unit price basis with the certification of availability of funds being provided by the Chief Financial Officer on each Purchase Order/Voucher for such items,

NOW, THEREFORE BE IT HEREBY RESOLVED that the Borough Council authorizes purchasing under valid 2008 and 2009 State Contracts and subsequent renewals or extensions of the following companies:

<u>CONTRACT</u>	<u>VENDOR</u>	<u>NUMBER</u>
Automotive Lubricants, Engine Oils, etc. 1/11/08 – 1/10/09	Total Lubrication Services	70844
Automotive Parts & Accessories 1/1/04-4/14/08	Air Brake & Equipment F & C Automotive National Parts & Supplies Naylors Rittenhouse-Kerr Ford Shrewsbury Auto/Naylors	57727 57816 57789 57821 57804 57819
Fuel Oil, Diesel, #1, 2 & Winter Mix 1/1/00 – 6/30/09	Taylor Oil Co.	41867
Gasoline, Automotive 4/1/06 – 3/31/09	Allied Oil, LLC	65046
Minicomputer/Microcomputers & Associated Products 7/1/97 – 12/31/08	Bits & Bytes	81213
Parts Only for Heavy Duty Equip. 6/1/03 – 2/28/09	Allied Diesel Cambria CCC Heavy Duty Trucks F & C Automotive Foley, Inc. Johnson & Towers Sanitation Truck Repairs	55119 55083 55135 55126 55121 55112
Parts & Repairs for Road Maintenance Equipment 9/1/07 – 8/31/10	Foley, Inc. Giles & Ransome Jet Vac	69705 69706 69719

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

	Old Dominion Brush	69773
	Seely Equipment	69713
	Trico Equipment	69726
	Van Sant	69714
	W. E. Timmerman	69716
Police & Homeland Security Equipment & Supplies 2/4/07 – 2/3/09	General Sales Administration t/a Major Police Supply Lawmen Supply Co. Ray's Sport Shop	67886 67872 67874
Power Tools & Accessories 8/1/06 - 1/31/09	Snap-On Tools	66103
Sporting Goods 10/1/06 – 9/30/09	Leisure Unlimited	66833
Stationery & Office Supplies 9/1/04 - 10/31/08	W. B. Mason	59767
Tires & Tubes 6/9/08 – 6/8/09	Goodyear Service Store (Edwards Tire Co.)	71688
Uniform Traffic Tickets 10/15/03 – 1/14/09	Miami Systems	56570
WSCA Computer Contract 10/17/07 -8/31/09	Dell Gateway	70256 70261

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. Skudera.

R-09-016 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-01 – SAINT ANSELM CHURCH – OFF PREMISES RAFFLE

WHEREAS, Saint Anselm Church has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-01; 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# 09-01 be and the same is hereby approved as follows:

NAME: SAINT ANSELM CHURCH

IDENTIFICATION NO.: 456-1-19385

LOCATION: 1028 WAYSIDE ROAD, TINTON FALLS, NJ 07712

DATED: MARCH 7, 2009 10:00 PM.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Dr. Mayer

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

R-09-017 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-02 – MONMOUTH REGIONAL HIGH SCHOOL PTSA – DRAMA COMMITTEE – ON PREMISES 50/50

WHEREAS, Monmouth Regional High School PTSA – Drama Committee, has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-02; 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# 09-02 be and the same is hereby approved as follows:

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

NAME: MONMOUTH REGIONAL HIGH SCHOOL PTSA
LOCATION: 1 NORMAN J. FIELD WAY, TINTON FALLS, NJ 07724
DATED: APRIL 2, 2009 AT 9:00 P.M.
APRIL 3, 2009 AT 9:00 P.M.
APRIL 4, 2009 AT 9:00 P.M.

IDENTIFICATION NO.: 343-5-35212

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-09-018 RESOLUTION - DESIGNATING PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, in accordance with N.J.A.C. 17:27-3.5, each public agency shall annually designate an officer or employee to serve as its Public Agency Compliance Officer; and

WHEREAS, Darriel R. Anderson, RPPO, QPA, Purchasing Agent, is the appropriate employee of the Borough to serve as the Public Agency Compliance Officer for 2009;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Darriel R. Anderson, RPPO, QPA be, and is hereby designated to serve as the Public Agency Compliance Officer on behalf of the Borough of Tinton Falls.

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. Morrill.

**R-09-019 RESOLUTION – RELEASING PERFORMANCE GUARANTEES UPON THE
POSTING OF MAINTENANCE GUARANTEES – RANNEY SCHOOL BLOCK
28.01, LOT 1, & BLOCK 29, LOT 1.01**

WHEREAS, the developer has requested the release of Performance Guarantees posted for Ranney School, Blocks 28.01, Lot 1 and Block 29, Lot 1.01; and

WHEREAS, by letter dated January 8, 2009, the Borough Engineer (Birdsall Engineering) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

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-09-020 RESOLUTION – RELEASING PERFORMANCE GUARANTEES UPON THE
POSTING OF MAINTENANCE GUARANTEES – SILVESTRE/CANNONBALL
DRIVE BLOCK 124.11, LOT 25**

WHEREAS, the developer has requested the release of Performance Guarantees posted for Silvestre/Cannonball Drive, Block 124.11, Lot 25; and

WHEREAS, by letter dated January 7, 2009, the Borough Engineer (Birdsall Engineering) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

ROLL CALL

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

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

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

**R-09-021 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES –
WILLOWBROOK PHASE III**

WHEREAS, the developer has requested the release of Performance Guarantees for Willowbrook – Phase III; and

WHEREAS, BY LETTER DATED December 29, 2008, (said letter hereby attached and made part of this resolution) the Borough’s 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 Borough Engineer’s, Birdsall Engineering, Inc., letter of December 29, 2008, that the developer’s request for a release of the Performance 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 Dr. Mayer.

**R-09-022 RESOLUTION - AMENDING RESOLUTION R-08-044 INCREASING NON-
FAIR & OPEN CONTRACT TO \$7,000.00 FOR PROFESSIONAL SPECIAL
LEGAL SERVICES CONTRACT -PS #4-07**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-043 on February 6, 2007 wherein Dasti, Murphy, McGuckin, et als, 620 W. Lacey Road, Forked River, NJ was awarded a contract for Special Legal Services for an amount not to exceed \$25,000.00; and

WHEREAS, the Borough adopted Resolution R-08-044 on February 19, 2008 extending this contract an additional year for an additional amount not to exceed \$25,000.00 for a total contract in the amount of \$50,000.00 plus miscellaneous reimbursables; and

WHEREAS, the contract requires additional services through December 31, 2008 for an amount not to exceed \$7,000.00 for a total contract in the amount of \$57,000.00 for services rendered through the end of 2008; and

WHEREAS, Dasti, Murphy, McGuckin, et als has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate in the Borough of Tinton Falls in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, Local Public Contracts Law NJSA 40A: 11-1 et. set. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

1. The firm of Dasti, Murphy, McGuckin, et als, 620 W. Lacey Road, Forked River, NJ 08731 is hereby retained to provide additional Special Legal Services as described above for an additional amount of \$7,000.00 through December 31, 2008, for a total contract not to exceed \$57,000.00, plus miscellaneous reimbursables.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

AYES: Mr. Ford, 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-09-023 RESOLUTION - AUTHORIZING THE EXECUTION OF
DOCUMENTS FOR THE CONVEYANCE OF VARIOUS BLOCKS AND
LOTS IN THE BOROUGH OF TINTON FALLS PURSUANT TO THE
ORDER OF THE HONORABLE ALEXANDER D. LEHER, J.S.C., DATED
JUNE 8, 2008**

WHEREAS, the Borough Council of the Borough of Tinton Falls adopted Ordinance Number 99-1007 on November 23, 1999 providing for the sale and transfer of certain properties to Mazza Brothers, A NJ Partnership, together with the authorization to the parties involved to secure title to

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

certain parcels of real property noted therein under certain terms and conditions; and

WHEREAS, the Borough of Tinton Falls did enter into a certain Ratification and Memorialization Agreement with Recycling Technology Center, Inc, a NJ Corporation and Mazza Brothers, a NJ Partnership dated December 22, 2004 as authorized under resolution of the Borough Council of the Borough of Tinton Falls Number 04-485 for the transfer of certain real property and the obligation to secure title to certain other properties listed below; and

WHEREAS, Borough Property, LLC., successor in interest to Mazza Brothers, Mazza & Sons, Inc., Dominick J. Mazza, James F. Mazza, Recycling Technology Center, Inc., and Magnum Management & Acquisitions, LLC, instituted a certain action against the Borough of Tinton Falls in the Superior Court of New Jersey Chancery Division, Monmouth County under Docket No. C-83-07 seeking to compel the Borough of Tinton Falls to complete performance under the above noted Agreement, enabling Ordinance and Resolution; and

WHEREAS, by Order of the Honorable Alexander D. Leher, J.S.C., Presiding Judge of the Chancery Division, Monmouth County dated June 8, 2007, the Borough of Tinton Falls was ordered, inter alia, to secure title and convey title to certain lots and blocks as detailed in the Ratification and Memorialization Agreement noted above and as more further detailed in the Order of Judge Leher as aforesaid and in the proposed Deed and Affidavit of Title attached hereto and made a part hereof, and;

WHEREAS, the Borough Council of the Borough of Tinton Falls has deemed that it is in the best interest of the Borough of Tinton Falls to further the compliance of the Borough of Tinton Falls with the above captioned Order of the Chancery Court as aforesaid, and;

WHEREAS, the Director of Law of the Borough of Tinton Falls has recommended the execution of the attached documents in further compliance with the Order of the Chancery Court as aforesaid,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor, Municipal Clerk, and appropriate Municipal Officials are hereby authorized to execute the attached Deed and Affidavit of Title and any and all other closing documents deemed reasonable and necessary for the purpose of the conveyance of title to the properties shown on the attached Deed and Affidavit of Title in furtherance of and in accordance with the Order of the Honorable Alexander D. Leher, J.S.C., dated June 8, 2007.

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. Skudera.

R-09-024 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of November, 2008 fees totaling \$85.00 were paid by a resident of Tinton Falls for their child's participation in basketball program.

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

WHEREAS, during the month of January 2008, the Recreation Superintendent was informed by the resident that their child, John Patti was unable to continue his participation in the program and a refund in the amount of \$75.00 shall be issued.

Al/ Ann Patti	\$ 75.00
<hr/>	
Total	\$ 75.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$75.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Morrill offered a motion to move the following Resolution with a nomination of Robert D. Markoff, seconded by Dr. Mayer.

**R-09-025 RESOLUTION – APPOINTING ALTERNATE MEMBER TO OPEN SPACE
COMMITTEE – TERM TO EXPIRE 6/12/2010**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Robert D. Markoff is hereby appointed as Alternate Member #4 (to fill the Vacant Term) to the Open Space Committee for a three year term (Term to Expire: June 12, 2010).

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

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. Morrill.

**R-09-026 RESOLUTION – AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE DEED OF SHADE TREE EASEMENT, BLOCK 15.03, LOT 1.01
WITH MCDONALDS RESTAURANT – RHC ASSOCIATES**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute Deed of Shade Tree Easement, Block 15.03, Lot 1.01 with McDonalds Restaurant – RHC Associates, upon the approval of the Director of Law.

ROLL CALL

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

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

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

R-09-027 RESOLUTION – APPROVAL OF BILLS – JANUARY 20, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 20, 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	\$ 120,402.90
TRUSTS	4,192.14
CAPITAL	977.50
DEVELOPER ESCROW	184.50
SEWER UTILITY	<u>38,914.71</u>
	\$ 164,671.75

ROLL CALL

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

WORKSHOP MEETING

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

ROLL CALL

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

TIME: 8:54 P.M.

WORKSHOP MEETING

Unfinished Business – Earl Housing Discussion

Mr. Berube advised that the committee that discussed both the four page response letter and the Resolution that the Council passed earlier, also asked that the Borough send it to all the elected State and Federal representatives so that they are aware of Council's position. This will be done and Council's objection will be entered into the record and will be part of the final Environmental Impact Statement that is issued by the Navy.

**REGULAR/WORKSHOP MEETING
JANUARY 20, 2009
BOROUGH COUNCIL**

Mr. Ford advised that the School Board went through it item by item and they created a strong opposition letter. We did the same, which Mr. Baldwin discussed earlier and we passed a Resolution; Mr. Ford asked if this is the final stage.

Mr. Berube advised that is correct and it will be sent out by 10 A.M. tomorrow morning.

Mr. Berube advised as a follow-up, any public member who would be interested in equally sending some comments to the Department of the Navy are required to address each of the comments in the final Environmental Impact Statement which has an anticipated due date of Spring/early Summer of 2009. The draft of Environmental Impact Statement is available online at laurelwoodhousing.com.

Chief Turning stated that the Tinton Falls Police Department, and more specifically himself, has sent a letter to Senator Beck outlining, at her request, along with Declan O'Scanlon and Caroline Casagrande, the opposition of the Laurelwood Project as it would affect the Borough of Tinton Falls Police Department and Security. That was brought to Mr. Dempsey's attention last week. Chief Turning also advised that he is having a meeting with those folks on the 24th in Colts Neck. They have asked him to attend and he will be representing the Police Department in our opposition to this project.

New Business

Mr. Morrill asked Mr. Dempsey if we had anyone check on the Somers house in regards to the pipes since it has been cold.

Mr. Dempsey replied that all the heat was shut off and the pipes were drained but he will have one of the guys go over to check to make sure there are no problems with the pipes or anything else.

Mr. Berube updated Council that the final sampling has been done by Mr. Somers and sent to the State DEP with a request for the issuance of a "No Further Action" letter. Mr. Hilla's office has been monitoring that for us. As soon as we can receive that, we can put the house up for auction.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:03 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: APRIL 7, 2009