

**REORGANIZATION MEETING
JULY 1, 2009
BOROUGH COUNCIL**

Mrs. Mount-Taylor advised that Mr. Baldwin, Council President, would be running the meeting however, he is traveling and will be participating via telecommunications.

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

All present stood for Salute to Flag.

Dr. Mayer and Mr. Morrill, for the purpose of the record, agreed that they recognized Mr. Baldwin's voice.

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."

ROLL CALL

PRESENT: Dr. Mayer, Mr. Morrill, Mr. Baldwin (via telecommunications)

ABSENT: None

ALSO PRESENT: Karen Mount-Taylor, Borough Clerk
Maggie Pereira, Assistant to Borough Clerk
Maureen L. Murphy, Secretary to Borough Clerk
W. Bryan Dempsey, Borough Administrator
Stephen Pfeffer, Chief Financial Officer

Mr. Baldwin thanked his colleagues for the indulgence and help that each of them had given him over the past year.

STATEMENT OF ELECTION

I, Karen Mount-Taylor, Borough Clerk of the Borough of Tinton Falls hereby certify the following is a statement of the Municipal Election held within the Borough of Tinton Falls on May 12, 2009:

Number of Registered Voters:	12,249
Number of Ballots Cast:	3,158

Mayor

Michael Skudera	1,669
Peter Maclearie	1,510

Borough Council

Nancyanne Fama	1,700
Scott Larkin	1,714
Robert W. Harvey	1,381
Michael Stanton	1,429

I, Karen Mount-Taylor, Borough Clerk of the Borough of Tinton Falls, place the date of July 1, 2009 as official.

SWEARING IN CEREMONY

Mayor

Lillian Burry, Monmouth County Freeholder, swore Michael Skudera into office, Mayor of the Borough of Tinton Falls, term to expire June 30, 2013.

Ms. Burry stated public service is probably the most challenging but most rewarding endeavor that anyone could undertake and Michael is no stranger to public service. Ms. Burry commented that Michael is in a position to do it even better now as he has the energy, intelligence, drive and the support of many good people to accomplish anything he chooses.

Mr. Baldwin congratulated Mr. Skudera.

Councilmembers-at-Large

Joseph Azzolina, Former Senator, swore Nancyanne Fama into office, Councilmember-at-Large of the Borough of Tinton Falls, term to expire June 30, 2013.

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Mr. Azzolina and Mr. Baldwin congratulated Ms. Fama.

Mrs. Mount-Taylor, Borough Clerk, swore Scott Larkin into office, Councilmember-at-Large of the Borough of Tinton Falls, term to expire June 30, 2013.

Mr. Baldwin congratulated Mr. Larkin.

At this time, Mayor Skudera and Councilmembers Fama and Larkin took their seat on the dais.

ROLL CALL (with newly elected officials)

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

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor
Karen Mount-Taylor, Borough Clerk
Maggie Pereira, Assistant to Borough Clerk
Maureen L. Murphy, Secretary to Borough Clerk
W. Bryan Dempsey, Borough Administrator
Stephen Pfeffer, Chief Financial Officer

COUNCIL REORGANIZATION

Appointment of Council President

Council President Baldwin opened the floor for nominations of Council President.

Dr. Mayer offered a motion to nominate Duane Morrill as Council President, seconded by Ms. Fama.

There being no further nominations, nominations were closed.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

At this point, Mr. Baldwin congratulated Mr. Morrill and handed the meeting over to him; Mr. Morrill took the Council President's seat on the dais.

Mr. Morrill thanked Mr. Baldwin for the great job he did as Council President and presented Mr. Baldwin with a gift, crystal paperweight with the Borough's insignia engraved on it as well as Mr. Baldwin's name, title and term, on behalf of Council.

Appointment of Deputy Council President

Council President Morrill opened the floor for nominations of Deputy Council President.

Dr. Mayer offered a motion to nominate Gary Baldwin as Deputy Council President, seconded by Ms. Fama.

There being no further nominations, nominations were closed.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

APPOINTMENT OF TAX ASSESSOR

Mayor Skudera announced that his appointment was Scott Imbriaco as the Tax Assessor.

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

R-09-225 RESOLUTION – CONFIRMING APPOINTMENT OF TAX ASSESSOR

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Scott Imbriaco as Tax Assessor, by Mayor Michael Skudera is hereby confirmed.

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ROLL CALL

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

APPOINTMENT OF DIRECTORS

Department of Administration

Mayor Skudera announced that his appointment was W. Bryan Dempsey as Director, Department of Administration.

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

**R-09-226 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR,
DEPARTMENT OF ADMINISTRATION**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of W. Bryan Dempsey as Director, Department of Administration, by Mayor Michael Skudera is hereby confirmed.

ROLL CALL

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

Department of Public Safety

Mayor Skudera announced that his appointment was W. Bryan Dempsey as Director, Department of Public Safety.

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

**R-09-227 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR,
DEPARTMENT OF PUBLIC SAFETY**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of W. Bryan Dempsey as Director, Department of Public Safety, by Mayor Michael Skudera is hereby confirmed.

ROLL CALL

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

For the record, Dr. Mayer stated: “Personally, I would like to see John Bucciero carry on that position as he has done an outstanding job over the last several years and I would like that put on as a potential consideration so I vote no.”

Mr. Morrill stated “I also think Mr. Bucciero has done an phenomenal job for the past ten years here and I would like to see him nominated as well, so I am going to vote no.”

Department of Law

Mayor Skudera announced that his appointment was Brian M. Nelson as Director, Department of Law.

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

**R-09-228 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR,
DEPARTMENT OF LAW**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Brian M. Nelson as Director, Department of Law by Mayor Michael Skudera is hereby confirmed.

Dr. Mayer stated personally he would like to see Jim Berube continue as he has over thirty years of experience and has served the Borough well over the last four years. The Borough has some very delicate issues that are going to continue over the next several years with Earle, Fort Monmouth, COAH, the Borough’s Land Use Ordinance, etc.

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Dr. Mayer added that Jim has extensive background and Brian Nelson is just beginning so therefore, he would like Jim to be considered for this position. Considering experience of a “Senior” lawyer versus a “Junior” lawyer, Jim’s salary should be almost double of what Brian Nelson should be getting.

Dr. Mayer also mentioned that another concern of his would be that Brian Nelson is currently the Attorney for Middletown as well as working for Menna’s Law Firm, who is the Mayor of Red Bank. If the Borough has issues with their neighboring towns, there is a potential conflict of interest.

Ms. Fama stated that although she is in full support of the appointment of Brian Nelson, Jim Berube has been a great asset to the Borough. His integrity and character is above reproach however, she feels very confident in Mr. Skudera’s pick of Mr. Nelson who has many years of municipal experience.

Mr. Baldwin stated he respects the Mayor’s authority to make this appointment and feels that keeping Jim Berube as special counsel serves his desires to have him available to be in the leadership through these difficult issues facing the Borough.

Mr. Morrill stated he would also have liked to see Jim Berube stay with the Borough for more than just a short period of time. As he is sure Mr. Nelson is a very confident attorney, Mr. Morrill stated Jim Berube has a proven track record of leading and protecting this town and he can not see any reason why we would take and remove him. Mr. Berube has done an impeccable job.

Dr. Mayer stated with his request for open public records, a complaint was sent to the government records counsel regarding Mr. Skudera and would like to make it clear that Mr. Nelson had been proving advice to Mr. Skudera over the past year.

Dr. Mayer questioned if Mr. Nelson and/or his firm had supported Mr. Skudera’s campaign and if so, if all contributions were disclosed to this date.

Mr. Nelson replied however, he did not speak into the microphone and therefore, was inaudible.

Dr. Mayer pointed out that the photographs in Mayor Skudera’s campaign literature were taken in Mr. Menna’s office and questioned if there was any kind of support from Mr. Nelson or Menna’s Law Firm to the support of Mayor Skudera’s campaign.

Mayor Skudera replied that Council should take a vote.

ROLL CALL

AYES: Ms. Fama, Mr. Larkin, Mr. Baldwin

NAYS: Dr. Mayer, Mr. Morrill

ABSENT: None

ABSTAIN: None

At this time Mrs. Mount-Taylor swore Brian M. Nelson, Esquire into office, Director, Department of Law, term to expire June 30, 2013.

Mr. Nelson took his seat at the dais.

Confirming Executive Order No. 2009-07-1

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

**R-09-233 RESOLUTION – CONFIRMING EXECUTIVE ORDER NO. 2009-07-1-
APPOINTMENT OF SPECIAL COUNSEL**

WHEREAS, pursuant to Borough Ordinance 2-9.2, with the consent of the Borough Council and Director of Law of the Borough of Tinton Falls, Mayor Skudera, by Executive Order dated July 1, 2009, has appointed James E. Berube, Jr. Esq. as Special Counsel to the Borough of Tinton Falls; and

WHEREAS, by Executive Order, Special Counsel to the Borough of Tinton Falls shall render legal services to the Borough and the continuation of legal representation on existing legal matters initiated or received by him as the Director of Law prior to June 30, 2009 and for such further transition efforts as may be reasonably requested by the Director of Law of the Borough of Tinton Falls during the term; and

WHEREAS, the terms and conditions of Special Counsel are hereby attached and made part of this resolution (Executive Order of the Mayor dated July 1, 2009).

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Executive Order No. 2009-07-1, appointing James E. Berube, Jr., Esq. as Special Counsel to the Borough of Tinton Falls for the period July 1, 2009 and end on December 31, 2009, is hereby ratified and approved.

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Mr. Baldwin thanked Mayor Skudera for making a special counsel appointment, as it is imperative to him and his colleagues that the Borough keep Mr. Berube's for his advice availability to the Borough.

Mr. Morrill also thanked Mayor Skudera for keeping Mr. Berube available to Council and the Borough as he stated that there are many important issues in the Borough that Mr. Berube is well versed in.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Department of Public Works

Mayor Skudera announced that at this time, he is not making any appointments.

Mr. Nelson stated there is no appointment and no carry date. The incumbent will holdover until another appointment is made or until he is reappointed.

Mrs. Mount-Taylor advised that Resolution R-09-229 fails for a lack of a motion.

**R-09-229 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR,
DEPARTMENT OF WORKS**

Department of Audits, Accounts & Control

Mayor Skudera announced that his appointment was Stephen Pfeffer as Director, Department of Audits, Accounts & Control.

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

**R-09-230 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR,
DEPARTMENT OF AUDIT, ACCOUNTS & CONTROL**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Stephen Pfeffer as Director, Department of Audit, Accounts & Control by Mayor Michael Skudera is hereby confirmed.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Department of Building & Development

Mayor Skudera announced that this spot has been vacant and is leaving it vacant as it is currently.

Mrs. Mount-Taylor advised that Resolution R-09-231 fails for a lack of a motion.

**R-09-231 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR,
DEPARTMENT OF BUILDING & DEVELOPMENT**

APPOINTMENTS – ENGINEERING

Mayor Skudera announced that his appointment is David M. Marks of T&M Associates, as the Borough Engineer.

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

R-09-234 RESOLUTION – CONFIRMING APPOINTMENT OF BOROUGH ENGINEER

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the appointment of David Marks as Borough Engineer, by Mayor Michael Skudera, is hereby confirmed.

Dr. Mayer stated that T&M Associates, according to the disclosure, provided \$400.00 to Mr. Skudera's campaign.

Mr. Nelson replied that the limit for the Borough's Pay-to-Play Ordinance is \$400.00 to a candidate's committee.

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Dr. Mayer added that he would like a brief background description on Mr. Marks as he has not received any information on him to date.

Mr. Marks came before Council and gave a brief background on himself.

Mr. Morrill advised that he has not seen any information on the cost difference of what the Borough is currently paying to what the Borough is going to be paying.

Mr. Marks advised that a full hourly breakdown of their billing detail was provided within the proposals. The specific hourly rates per the employee level for the top rate was approximately \$120.00 per hour, which is in line with prior firms.

Mr. Dempsey informed Council that the rates are the same for Birdsall Engineering and T&M Associates.

Dr. Mayer questioned if both firms are at the same rate, what is the compelling reason to make the change.

Mayor Skudera replied that T&M Associates are qualified, they have done previous work in the Borough, and it is his appointment.

ROLL CALL

AYES: Ms. Fama, Mr. Larkin, Mr. Baldwin

NAYS: Dr. Mayer, Mr. Morrill

ABSENT: None

ABSTAIN: None

APPOINTMENT TO PLANNING BOARD

Mayor's Announcement of Class Members

Mayor Skudera announced that his appointments were as follows:

- Frank Lodato Class IV Member
- Fred Lomangino Class IV Member
- Scott Trocchia Class II Member
- Nicole Alfano Alternate #2

Class III Appointment

Council President Morrill opened the floor for nominations of Council President.

Mr. Morrill offered a motion to nominate Gary Baldwin as the Class III appointment to the Tinton Falls Planning Board, seconded by Dr. Mayer.

There being no further nominations, nominations were closed.

R-09-232 RESOLUTION – APPOINTING CLASS III MEMBER TO PLANNING BOARD

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Gary A. Baldwin is hereby appointed as the Borough Council's appointment to the Planning Board as a Class III Member. Term to expire June 30, 2010.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

STATEMENT OF ELECTED OFFICIALS

Ms. Fama stated she is pleased to be here and thanked former Senator and Assemblyman Joe Azzolina, her mother, sister, nieces, in-laws, husband, and her three children. Ms. Fama also thanked all the members of the audience for their support that they have given her and stated she will work very hard for this town and looks forward to her working relationship with the entire Council and Administration.

Mr. Larkin stated first and foremost he would like to express how absolutely humble and honored he is that the residents of Tinton Falls offered him the opportunity to work for their good. Mr.

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Larkin stated he has great anxiousness that he awaits working with the Council and Administration and to run in government that he can be proud of to work in. Mr. Larkin also thanked his family for all of their support as well as his wife and daughter for their willingness to serve Tinton Falls by supporting him.

Mayor Skudera thanked everyone for their support for his run as Mayor as well as their support for his running mates. Mayor Skudera stated he especially wanted to thank his wife, his number one supporter, for all of her time she spent supporting him.

Mayor Skudera added that election time is over and he would like to put differences aside and be able to work together, Council and Administration, for the residents of Tinton Falls as there are many obstacles to be faced that can only be solved through Council and Administration working as a team. Mayor Skudera also added that he would like open communication with Council, and the residents.

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

Assemblywoman Caroline Casagrande and Assemblyman Declan O'Scanlon congratulated the new councilmembers and stated they look forward working with Council to face the many challenges that the Borough is currently facing.

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

ADJOURNMENT

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

ROLL CALL

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

TIME: 8:36 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: AUGUST 18, 2009