

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

Council President called regular meeting to order at 7:34 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, Dr. Mayer, Mr. Morrill

ABSENT: None

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

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**APPROVAL OF MINUTES**

Mr. Baldwin offered a motion to approve the minutes of April 7, 2009, seconded by Dr. Mayer.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: Ms. Fama, Mr. Larkin

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Mr. Baldwin offered a motion to approve the minutes of May 5, 2009, seconded by Dr. Mayer.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: Ms. Fama, Mr. Larkin

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Mayor's Report**

Mayor Skudera discussed liens on properties in Tinton Falls. Currently the Borough's process is very lengthy; Mayor Skudera advised that he has spoken with Lori Paone, Code Enforcement Official, to see if there is a way to speed this process up.

**Administrator's Report – Mr. Dempsey**

**CECOM Building**

The demolition is almost complete; the building is 70% down.

**Laurelwood Housing Issues**

The Legislatures have proposed State Legislation, which would require a costs analysis on the Navy going forward with the privatization of Laurelwood Housing. Colts Neck has filed a lawsuit against the Navy.

Mr. Dempsey advised that the Mayor and Council should have a discussion on what position Tinton Falls needs to take, if any.

**COAH**

The Borough received confirmation from COAH that the objections filed have been deemed complete. The Borough Planner and Special Counsel will attend an upcoming meeting to discuss the Borough's options.

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

*Disability Insurance*

The Borough has received a proposal to change the Borough's disability insurance, which would result in a small savings. The vendor will attend an upcoming meeting and if the insurance were to be changed, it would take effect October 1<sup>st</sup>.

*Tree Ordinance*

Recently the Supreme Court of New Jersey ruled on the Jackson Ordinance. Mr. Dempsey suggested that the Borough consider this issue.

*Fire Prevention Ordinance Changes*

Cary Costa, Fire Marshall could come to a Workshop meeting to discuss the Fire Prevention Ordinance changes if Council chooses and from there, Council could move forward with an Ordinance introduction.

*Host Community Agreement Negotiation*

The Borough received confirmation from the County and the Borough needs to start the negotiation.

*EMS South Sewer Bill*

The EMS South has come forward with the understanding that the sewer bill was going to be waived indefinitely. The Resolution reads that it was only for 2007 and the cost is \$97.00 a quarter. Mr. Dempsey advised that if this is something Council agrees upon, they would place a Resolution on the agenda waving the fees.

*SWAC Appointment*

Mr. Dempsey advised that Brendan Tobin, former councilmember, was the Borough's SWAC representative and he has had some obligations that has kept him from attending the meetings. He has since been asked to be removed or resign from that spot. Mr. Dempsey stated that a representative should to be appointed to that position, it would go to the County Freeholders and they would appoint that individual; usually it is a councilmember who is appointed that position.

*Road Program*

The Borough does not have a Road Program in effect this year; Council and Administration should discuss at an upcoming Workshop, if the Borough would like to do one for 2009. The only roads that will be paved in town are roads that either receive State transportation trust fund money or county projects.

*Sustainable Energy Joint Meeting*

The Sustainable Energy Joint Meeting is like a joint insurance fund where municipalities come together, purchase electric, and gas at a reduced rate. It would require a Resolution as well as a membership. Mr. Dempsey advised that he will have a representative of the Joint Insurance Fund that is handling this at an upcoming meeting to discuss it.

Chief Financial Officer's Report – Mr. Pfeffer

*2009 Municipal Budget*

Mr. Pfeffer advised that the budget is on the agenda tonight for adoption however, based on an email and hard copy that was sent to the Council, he would recommend that the budget be amended and the adoption be carried.

Mr. Pfeffer stated that we expect to have a decrease in our surplus of about 1.1 million. If revenues stay no worse than flat, we could have a CAP levy issue of 1.5 to 2 million dollars in the 2010 budget.

Engineer's Report – Mr. Marks

Mr. Marks advised that he had no report tonight.

Director of Law's Report – Mr. Supko (Representative for Mr. Nelson)

Mr. Supko advised that he had no report tonight.

Borough Clerk's Report – Mrs. Mount-Taylor

Mrs. Mount-Taylor advised that the agenda would need to be amended to include a Resolution for the estimated tax bills.

Mrs. Mount-Taylor also advised that placed before Council was a packet that included all the professional service contracts for the award and stated that the Borough Engineer, Traffic

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

Engineer, Municipal Tax Map Engineer and the Environmental Engineering Services have been combined into one Resolution, R-09-241 whereas on the agenda they are listed individually as R-09-241, R-09-242, R-09-243 and R-09-246.

Council's Report

Mr. Larkin updated Council on the past transitional weeks at the High School. On June 30<sup>th</sup> the district said goodbye to its Superintendent James Cleary and on July 1<sup>st</sup> welcomed its new Superintendent Charles Ford.

Dr. Mayer updated Council on the FMERPA meetings and requested appointments to the Technical Advisory Committee be placed on Council's next agenda as Mr. Skudera will no longer be the Council Liaison.

Ms. Fama and Mr. Baldwin advised that they had no reports for tonight.

Council President's Report

Mr. Morrill updated Council on the Community Activities Committee and Open Space Committee meetings.

Adoption of 2009 Municipal Budget

Mr. Baldwin offered a motion to carry the adoption of the 2009 Municipal Budget to July 21, 2009, seconded by Mr. Larkin.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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PETITIONS – None

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ORDINANCES FOR INTRODUCTION – None

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ORDINANCES FOR FINAL CONSIDERATION – None

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PUBLIC DISCUSSION

Ms. Fama 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

Denise Catalano, 11 Alpine Trail, questioned what the Administrator, Mayor and Council have done to reduce spending.

Mr. Pfeffer explained to Ms. Catalano that the department heads can not make any reductions to any place else in the budget other than their specific department.

Ms. Catalano questioned the salary increases and was advised she could make an appointment with Mr. Pfeffer to go over any further questions she had.

Leo Lomangino, 93 Colonial Drive, requested services in the Department of Public Works be cut.

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

Jerry Spumberg, 11 Alpine Trail, suggested the Borough check into New Technology Energy Solutions, which can reduce the Borough's cost of lighting and electricity by 70% as well as Cartridge World which sell printing cartridges for approximately 49% less than what the average supply stores sell them for. Mr. Spumberg advised that he had no interest in these companies personally or financially.

Allen Lewis, 141 Cherry Street, commented on the dust clouds coming from the demolition of the CECOM building.

Leo Christofili, 328 Riveredge Road, questioned who collects the ballot statement and when will the public be able to review, support, challenge it and/or request revisions on it.

Mayor Skudera responded that if Council decides they want the ballot to go forward, they would take a vote. The Director of Law would write the referendum and the deadline would be August 20<sup>th</sup>.

Mrs. Mount-Taylor stated there would be a Resolution of the Governing Body, which would contain the actual statement.

Mr. Christofili commented on the road program.

Mayor Skudera advised Mr. Christofili that he has spoken with the Engineer and suggested re-looking at the roads in town and getting a better grading.

Drew DeGanahl, 76 Hope Road, questioned who is in charge of oversight of the CECOM building.

Mr. Dempsey replied that the Department of Labor is there practically everyday inspecting the demolition.

Carolina D'Emery, 76 Hope Road, commented on employee increases and the 2009 budget.

Andy Skokos, 280 Hockhockson Road, complimented the Borough Administrator, Chief Financial Officer and Borough Clerk. Mr. Skokos advised the members of the public who have concerns that everyone in the Borough is great and willing to answer any questions anyone might have. Mr. Skokos also thanked the new councilmembers and Mayor for their willingness to promote change in the Borough to benefit the taxpayers and residents.

There being no further comments from the public, Mr. Baldwin 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

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

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RESOLUTIONS

Mr. Baldwin offered a motion to amend the agenda to include Resolution R-09-264, seconded by Dr. Mayer.

ROLL CALL (to amend the agenda)

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

**R-09-264 RESOLUTION - AUTHORIZING THE TINTON FALLS BOROUGH TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, due to an anticipated late adoption of the Tinton Falls Borough's Budget, the Monmouth County Board of Taxation is unable to certify the tax rate and the Tinton Falls Borough Collector may be unable to mail the Borough's 2009 tax bills on a timely basis:

WHEREAS, the Tinton Falls Borough Tax Collector in consultation with the Tinton Falls Borough Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls authorize the following:

1. The Tinton Falls Borough Tax Collector is hereby authorized, if deemed necessary, to prepare and issue estimated tax bills for the Borough for the third installment of 2009 taxes. The Tax Collector may proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2009 is hereby set at \$51,537,499.84.
3. In accordance with law, the third installment of 2009 taxes shall not be subject to interest until the later of August 10<sup>th</sup> or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mrs. Mount-Taylor placed on the record that the members who have asked to be reappointed are as follows:

Regular Member	Charles Lomangino
Regular Member	Elizabeth Oltman
Alternate Member #1	Lori Madzin

Council President Morrill opened the floor for nominations of Zoning Board of Adjustment – Regular Member.

Mr. Baldwin offered a motion to nominate Charles Lomangino as Regular Member, seconded by Mr. Larkin.

There being no further nominations, nominations were closed.

Council President Morrill opened the floor for nominations of Zoning Board of Adjustment – Regular Member.

Dr. Mayer offered a motion to nominate Elizabeth Oltman as Regular Member, seconded by Mr. Morrill.

There being no further nominations, nominations were closed.

Council President Morrill opened the floor for nominations of Zoning Board of Adjustment – Alternate Member #1

Mr. Baldwin offered a motion to nominate Lori Madzin as Alternate Member #1, seconded by Dr. Mayer.

There being no further nominations, nominations were closed.

Dr. Mayer stated his concerns of Mr. Lomangino being reappointed to the Zoning Board of Adjustment due to his personal business relationship with Mr. Mazza.

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

**R-09-201 RESOLUTION –APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT**

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

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following members be appointed to the Borough of Tinton Falls Zoning Board of Adjustment:

Charles Lomangino	Regular Member	Four-Year Term	Term to Expire 6/30/2013
Elizabeth Oltman	Regular Member	Four-Year Term	Term to Expire 6/30/2013
Lori Madzin	Alternate Member #1	Two-Year Term	Term to Expire 6/30/2011

ROLL CALL

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

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

**R-09-234A RESOLUTION – RECONFIRMING RESOLUTION R-09-234 -  
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, originally made by Mayor Michael Skudera at a meeting held on July 1, 2009, by Resolution R-09-234, is hereby reconfirmed.

Mr. Morrill stated that due to the firm being changed, he would have liked to see a reduction in costs.

ROLL CALL

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

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Mr. Baldwin offered a motion to carry Resolution R-09-235 to August 4, 2009, seconded by Dr. Mayer.

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

ROLL CALL

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

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

**R-09-236 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR DUNKIN  
DONUTS, BLOCK 15.03, LOT 16.06**

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

WHEREAS, by letter dated June 25, 2009 (said letter attached and hereby made part of this Resolution), the Borough Engineer (Birdsall Engineering, Inc.) has certified that all bonded site work is in good condition and recommends the release of the guarantees.

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

ROLL CALL

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

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

**R-09-237 RESOLUTION – AUTHORIZING CANCELLATION OF MUNICIPAL  
CERTIFICATE OF SALE**

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

WHEREAS, Tax Sale Certificate #2573 was issued to the Borough of Tinton Falls for delinquent sewers on Block 129.10, Lot 96 (12 Harrier Court), assessed to Mary Elizabeth Hayden, at a tax sale held on June 11, 2009; and

WHEREAS, Wells Fargo Home Mortgage has redeemed Tax Sale Certificate #2573 by paying the full amount of delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2573 for cancellation.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

Mr. Supko stated for the record that all of the professional services contracts have been reviewed and the disclosure statements are in order.

**R-09-238 RESOLUTION - AUTHORIZING THE AWARD A FAIR AND OPEN  
CONTRACT FOR RFP #9-09A PROFESSIONAL LABOR COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for Professional Labor Counsel Services as may be required by the Borough for various matters that may arise during the contract year July 1, 2009 through December 31, 2009 through a fair and open process pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional labor counsel services can only be provided by licensed professionals, and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, NJ 07071-0790.

WHEREAS, the Director of Law has determined that the value of the contract may exceed \$17,500.00; and

WHEREAS, the Borough has, through a fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals from legal firms for said services and proposals were received and documented on Monday, June 22, 2009; and

WHEREAS, the Borough received six (6) proposals for Labor Counsel services from various legal firms which have been reviewed, and it was determined the following firm has satisfied the requisites contained in the request for proposals to be considered for professional labor counsel services that the Borough may require during the contract year July 1, 2009 through December 31, 2009.

WHEREAS, this contract is to be awarded for an amount not to exceed \$7,000.00 plus miscellaneous reimbursables for professional labor counsel services;

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

1. The firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, NJ 07071-0790 is hereby retained to provide professional labor counsel services for an amount not to exceed \$7,000.00 plus miscellaneous reimbursables for the hourly rates listed in their proposal through December 31, 2009.

2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with 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. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-239 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #9-09B PROFESSIONAL BOND COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Bond Counsel Services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals from legal firms for said services and proposals were received and documented on Monday, June 22, 2009; and

WHEREAS, the Borough received one (1) proposal for Bond Counsel Services from Gibbons P.C., One Gateway Center, Newark, NJ 07102, they have satisfied the requisites contained in the request for proposals to be considered for professional Bond Counsel Services that the Borough may require during the contract year July 1, 2009 through December 31, 2009; and

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

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed and hourly rates in the proposal with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, the Director of Law has determined that the value of the contract may exceed \$17,500.00; and

WHEREAS, Gibbons, P.C. acknowledged that it complies with Borough Ordinance #05-1146 and certifies it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of Gibbons P.C., One Gateway Center, Newark, NJ 07102 is hereby retained to provide professional bond counsel services for the unit price or fixed fee amounts and hourly rates, listed in their proposal from July 1, 2009 through December 31, 2009.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with 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. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-240 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #9-09E PROFESSIONAL AFFORDABLE HOUSING  
COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Counsel services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals for said services and proposals were received and documented on Wednesday, June 22, 2009; and

WHEREAS, the Borough received two (2) proposals for Affordable Housing Counsel services from various legal firms which have been reviewed, and it was determined that Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 has satisfied the requisites contained in the request for proposals to be considered for professional Affordable Housing counsel services that the Borough may require during the contract year July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, Gluck Walrath, LLP, acknowledged that it complies with Borough Ordinance #05-1146 and certifies it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, New Jersey 08611 is hereby retained to provide professional affordable housing counsel services for an amount not to exceed \$50,000.00 plus miscellaneous reimbursables or the hourly rates listed in their proposal from July 1, 2009 through December 31, 2009.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with 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 and Business Disclosure Entity Certification and the Determination of Value shall be placed on file with the Borough 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. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-241 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL GENERAL ENGINEERING SERVICES  
CONTRACT RFP #10-09A**

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

WHEREAS, the Borough of Tinton Falls has a need for professional General Borough Engineering Services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals from engineering firms for said services, and proposals were received and documented on Monday, June 22, 2009; and

WHEREAS, the Borough emailed 30 proposals and received eight (8) proposals for General Borough Engineering Services from various engineering firms which have been reviewed, and it was T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, has satisfied the requisites contained in the request for proposals to be considered for professional General Borough Engineering Services that the Borough may require during the contract year July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law has determined that the value of this contract will exceed \$17,500.00; and

WHEREAS, T & M Associates acknowledged that it complies with Borough Ordinance #05-1146, and certified that

it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby retained to provide general Borough engineering services for the hourly rates, listed in their proposal, for an amount not to exceed \$65,000.00 plus miscellaneous reimbursables from July 1, 2009 through December 31, 2009.

2. This contract is awarded through a "fair and open" process in accordance with NJSA 19:44A-20.5 et. seq. and in accordance with 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 and Business Disclosure Entity Certification and the Determination of Value shall be placed on file with the Borough 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. Baldwin, Ms. Fama, Mr. Larkin,

NAYS: Dr. Mayer, Mr. Morrill

ABSENT: None

ABSTAIN: None

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Mrs. Mount-Taylor advised that the contracts are listed separately on the agenda but have been combined into one Resolution.

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

**R-09-242 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR VARIOUS PROFESSIONAL ENGINEERING SERVICES  
CONTRACTS: RFP #10-09D, RFP #10-09E, RFP #12-09 & RFP #15-09**

WHEREAS, the Borough of Tinton Falls has a need for Professional Engineers to provide various special engineering services as may be required by the Borough for matters that may arise during the contract year of July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law has determined that the value of the contracts may exceed \$17,500.00; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals for said services and the proposals were received and documented on Monday, June 22, 2009; and

WHEREAS, the Borough received fourteen (14) proposals for various Professional Engineering Services, which have been reviewed, and it was determined the following firm has satisfied the requisites contained in the request for proposals to be considered for those services that the Borough may require during the contract year:

RFP #10-09D Traffic Engineering Services  
T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792  
RFP #10-09E Tax Map Engineering Services  
T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792  
RFP #12-09 Environmental Engineering Services  
T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792  
RFP #15-09 Survey Services for Green Acres Trust Acquisitions  
T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792

WHEREAS, T&M Associates acknowledged that it complies with Borough Ordinance #05-1146, and certified that it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

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

NOW, THEREFORE BE IT RESOLVED, that the Borough of Tinton Falls hereby authorizes various Professional Engineering Services listed above as may be required and authorized by the Borough administration during the contract year with participation by the above firm for the hourly rates listed in their proposals.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

NAYS: Dr. Mayer, Mr. Morrill

ABSENT: None

ABSTAIN: None

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

**R-09-244 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES, SPECIAL  
MUNICIPAL PROJECTS CONTRACT RFP #10-09F**

WHEREAS, the Borough of Tinton Falls has a need for professional General Borough Engineering Services, Special Municipal Projects as a fair and open contract pursuant to the provisions of NJSA 19:44A-20; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals from engineering firms for said services, and proposals were received and documented on Monday, June 22, 2009; and

WHEREAS, the Borough emailed 30 proposals and received twelve (12) proposals for borough engineering services, special municipal projects from various engineering firms which have been reviewed, and it was Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724, was deemed to have satisfied the requisites contained in the request for proposals to be considered for any special municipal projects that the Borough may require during the contract year July 1, 2009 through December 31, 2009; and

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed and hourly rates in the proposal with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, the Director of Law has determined that the value of this contract will exceed \$17,500.00; and

WHEREAS, Birdsall Engineering, Inc. acknowledged that it complies with Borough Ordinance #05-1146, and certified that it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, is hereby retained to provide engineering services for special municipal projects for the hourly rates listed in their proposal from July 1, 2009 through December 31, 2009.
2. This contract is awarded through a "fair and open" process in accordance with NJSA 19:44A-20.5et. seq. and in accordance with 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 and Business Disclosure Entity Certification and the Determination of Value shall be placed on file with the Borough 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. Baldwin, Ms. Fama, Dr. Mayer, Mr. Morrill

NAYS: Mr. Larkin

ABSENT: None

ABSTAIN: None

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

**R-09-245 RESOLUTION - AUTHORIZING THE AWARD OF A "FAIR AND OPEN"  
CONTRACT FOR PROFESSIONAL AUDITING SERVICES RFP #11-09**

WHEREAS, the Borough of Tinton Falls has a need for professional auditing services for the 2009 Audit; and

WHEREAS, such professional Auditing Services can only be provided by licensed professionals, and the firm of Hutchins, Farrell, Meyer & Allison, P.A., 912 Highway 33, Suite 2, Freehold, NJ 07728 is so recognized; and

WHEREAS, the Director of Law has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Borough of Tinton Falls has, through a fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009, the solicitation for receipt of proposals for Auditing Services to be received on Monday, June 22, 2009; and

WHEREAS, the Borough received two (2) proposals for auditing services which have been reviewed, and it was determined that the proposal submitted by Hutchins, Farrell, Meyer & Allison, P.A. be awarded

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

for an amount not to exceed \$30,000.00, for the December 31, 2009 audit of the Borough's financial records; and

WHEREAS, Hutchins, Farrell, Meyer & Allison, P.A. acknowledged that it complies with Borough Ordinance #05-1146 and certifies it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of Hutchins, Farrell, Meyer & Allison, P.A., 912 Highway 33, Suite 2, Freehold, NJ 07728 is hereby retained to provide professional auditing services described above for an amount not to exceed \$30,000.00 for the 2009 Audit of the Borough of Tinton Falls' financial records.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with 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. Baldwin, Ms. Fama, Mr. Larkin Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-247 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #14-09 PROFESSIONAL APPRAISAL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Appraisal services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Director of Law has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Wednesday, June 10, 2009 the solicitation for receipt of proposals from appraisal firms for said services and proposals were received on Monday, June 22, 2009; and

WHEREAS, the Borough received three (3) proposals for Appraisal services from various firms which have been reviewed, and it was determined that Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 07702 has satisfied the requisites contained in the request for proposals to be considered for professional Appraisal services that the Borough may require during the contract year July 1, 2009 through December 31, 2009; and

WHEREAS, it is recommended this contract is to be awarded for an amount not to exceed \$20,000.00 for Professional Appraisal Services, and an additional \$30,000.00 for 2008 Revaluation State Tax Appeals, plus miscellaneous reimbursables, for a total contract in the amount of \$50,000.00; and

WHEREAS, Gagliano Appraisal, LLC has completed and submitted a Business Entity Disclosure Certification which certifies 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 Gagliano Appraisal, LLC from making any reportable contributions through the term of the contract, and

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

1. The firm of Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 7702 is hereby retained to provide Professional Appraisal Services for an amount not to exceed \$20,000 and \$30,000.00 for Revaluation State Tax Appeal services for a total contract in the amount of \$50,000.00, plus miscellaneous reimbursables for the hourly rates listed in the proposal through December 31, 2009.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with 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. Baldwin, Ms. Fama, Mr. Larkin Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

**R-09-249 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #16-09 PROFESSIONAL SERVICING & MAINTENANCE  
OF SEWER SYSTEM**

WHEREAS, the Borough of Tinton Falls has a need for Professional Servicing and Maintenance of 13 pump stations and standby generators as well as lab sampling and flow meter readings as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Director of Law has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on the website and in the Asbury Park Press on Wednesday, June 10, 2009 for the receipt of proposals on Monday, June 22, 2009; and

WHEREAS, the Borough received two (2) proposal for the services requested from Hughes Environmental Services, Inc., P. O. Box 327, Forked River, NJ 08731; and

WHEREAS, the Director of Public Works has reviewed the proposal submitted and, in accordance with the criteria contained therein, has recommended that the proposal from Hughes Environmental Services, Inc., be accepted for the contract year July 1 through December 31, 2009; and

WHEREAS, this contract is to be awarded for an amount not to exceed as follows:

\$8,075.00 per month or \$48,450.00 for six months for servicing 13 pump stations;

\$ 570.00 per month or \$ 3,420.00 for six months for flow meter readings;

\$ 593.75 per quarter or \$ 1,187.50 for six months for laboratory analysis of Jumping Brook Pump Station for a total contract not to exceed \$53,057.50 from July 1, 2009 through December 31, 2009, plus \$166.25 per hour flat rate for each emergency service call, and \$878.75 for each additional pump station added throughout the year as described in proposal;

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

1. Hughes Environmental Services, Inc. P. O. Box 327, Forked River, NJ 08731 is hereby retained to provide Professional Servicing & Maintenance of the Sewer System for an amount not to exceed \$53,057.50, plus \$166.25 hourly flat rate for emergency callouts described in the proposal and \$878.75 for each additional pump station added through the contract year July 1 through December 31, 2009.

2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession requiring licensure.

3. A copy of this Resolution as well as the contract shall be placed on file with the Borough 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. Baldwin, Ms. Fama, Mr. Larkin Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

**R-09-250 RESOLUTION – APPROVAL OF BILLS – JULY 7, 2009**

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

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	\$ 2,565,468.25
TRUSTS	111,373.13
CAPITAL	136,577.50
DEVELOPER ESCROW	12,970.75
GRANT FUND	1,594.17
SEWER UTILITY	425,207.87
ADDITIONS	<u>1,308.12</u>
	\$ 3,254,499.79

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**CONSENT AGENDA**

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

**R-09-251 RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED  
CONTAINER FEE - JOHN SERGI \$30.00**

WHEREAS, one automated container was leased for 4244 Highway #33 Tinton Falls. From the Department of Public Works on October 7, 2005 for the sum of \$55.00

WHEREAS, the container was returned to the Department of Public Works on June 12, 2009.

WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes, and

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$30.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$30.00 be and hereby is granted to John Sergi 413 4<sup>th</sup> Avenue Belmar NJ 07719.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-252 RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED  
CONTAINER FEE – ALLYSON TORRES \$30.00**

WHEREAS, one automated container was leased for 117 Hance Ave Tinton Falls. From the Department of Public Works on March 17, 2005 for the sum of \$55.00

WHEREAS, the container was returned to the Department of Public Works on June 12, 2009.

WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes, and

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$30.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$30.00 be and hereby is granted to Allyson Torres 20498 Torre Dellago Street Estero FL 33928.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-253 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of May, 2009 fees totaling \$50.00 were paid by a resident of Tinton Falls as a deposit for their child's participation in summer camp program.

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

WHEREAS, during the month of June 2009, the Recreation Superintendent was informed by the resident that their child, Maria Vizzuso was unable to participate in the program due to scheduling conflicts and a refund, deducting the \$10.00 processing fee shall be issued in the amount of \$40.00.

Lawrence Fisher	\$ 40.00
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Total	\$ 40.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$40.00 be issued.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

**R-09-254 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of May 2009 fees totaling \$75.00 were paid by a resident of Tinton Falls as a deposit for their child's participation in summer tennis program.

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

WHEREAS, during the month of June 2009, the Recreation Superintendent was informed by the resident that child due to scheduling conflicts will be unable to attend the program and a refund should be issued in the amount of \$65.00 deducting the \$10.00 processing fee.

Lisa Nelson	\$65.00
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Total	\$65.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$65.00 be issued.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-255 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of May, 2009 fees totaling \$100.00 were paid by a resident of Tinton Falls as a deposit for their children's participation in summer camp program.

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

WHEREAS, during the month of June 2009, the Recreation Superintendent was informed by the resident that their children, Christopher and Justin Moren where unable to participate in the program due to scheduling conflicts and a refund, deducting the \$10.00 processing fee shall be issued in the amount of \$90.00.

Debra Moren	\$ 90.00
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Total	\$ 90.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$90.00 be issued.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-256 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of June 2009 fees totaling \$225.00 were paid by a resident of Tinton Falls for summer camp bus transportation.

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

WHEREAS, during the month of June 2009, the Recreation Superintendent informed the resident that bus transportation to their child's area was not available and a refund in the amount of \$225.00 shall be issued. The \$10 processing fee is not required since the Recreation Department cancelled this service.

Joseph Lopatricillo	\$225.00
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Total	\$225.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$225.00 be issued.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-257 RESOLUTION – PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 20  
SHEA LANE**

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

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
La Salle Bank Nat'l Assoc., Trustee 3 Ada Drive Irvine, CA 92618	83	11	\$182.50

Re: Prop. Loc: 20 Shea Lane

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

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a cleanup on the above mentioned property totaling \$182.50 pursuant to a letter date June 17, 2009 from John N. Bucciero, Director of Public Works (said letter hereby attached and made part of this Resolution).

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a debris lien in the amount of \$182.50 be and hereby is charged to the property known as 20 Shea Lane and shall become part of the taxes next to be assessed and levied.

**ROLL CALL**

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

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

**R-09-258 RESOLUTION – PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 50  
HOPE ROAD**

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Deutsche Bank National Trust Co. 505 City Parkway West Orange, CA 92868	47.02	65	\$424.86

Prop. Loc: 50 Hope Road

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

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a cleanup on the above mentioned property totaling \$424.86 pursuant to a letter date June 10, 2009 from John N. Bucciero, Director of Public Works (said letter hereby attached and made part of this Resolution).

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a debris lien in the amount of \$424.86 be and hereby is charged to the property known as 50 Hope Road and shall become part of the taxes next to be assessed and levied.

**ROLL CALL**

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

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

**R-09-259 RESOLUTION – PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 653  
TINTON AVENUE**

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Francisco & Ellen Gonzalez 3 Ada Drive Irvine, CA 92618	71.02	33	\$364.16

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

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a cleanup on the above mentioned property totaling \$364.16 pursuant to a letter date June 23, 2009 from John N. Bucciero, Director of Public Works (said letter hereby attached and made part of this Resolution).

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a debris lien in the amount of \$364.16 be and hereby is charged to the property known as 653 Tinton Avenue and shall become part of the taxes next to be assessed and levied.

**ROLL CALL**

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

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

**R-09-260 RESOLUTION – REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2009 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and the Mortgage Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Esquire Land Services, LLC 300 Saddle River Road Airmont, NY 10952	26	91	\$1,217.82

and,

WHEREAS, said error has resulted in an overpayment of 2009 2<sup>nd</sup> quarter taxes paid in the amount of \$1,217.82 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 \$1,217.82 is hereby 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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Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-261 RESOLUTION – REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2009 2<sup>nd</sup> 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>
1 <sup>st</sup> American Real Est. Tax Service Attn: Tax Refunds 1 First American Way Mail Code: DFW 1-3 Westlake, TX 76262	38.03	20	\$2,323.14

Re: Patrick Cottell  
53 Partridge Lane

and,

WHEREAS, said error has resulted in an overpayment of 2009 2<sup>nd</sup> quarter taxes paid in the amount of \$2,323.14 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 \$2,323.14 is hereby 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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Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-262 RESOLUTION – REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2009 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

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

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Robert & Gina Sherman 22 Columbia Drive Tinton Falls, NJ 07724	89.02	33	\$1,907.48

and,

WHEREAS, said error has resulted in an overpayment of 2009 2<sup>nd</sup> quarter taxes paid in the amount of \$1,907.48 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 \$1,907.48 is hereby 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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Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-263 RESOLUTION – REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2009 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Title Company and the Mortgage Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Cartus Financial Corp. c/o Bavagnoli & Bavagnoli P.O. Box 147 Totowa, NJ 07511-0147	123	54.21	\$2,371.18

Re: Niznick to Campbell  
9 White Birch Court

and,

WHEREAS, said error has resulted in an overpayment of 2009 2<sup>nd</sup> quarter taxes paid in the amount of \$2,371.18 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 \$2,371.18 is hereby 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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Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-264 RESOLUTION - AUTHORIZING THE TINTON FALLS BOROUGH TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, due to an anticipated late adoption of the Tinton Falls Borough's Budget, the Monmouth Count Board of Taxation is unable to certify the tax rate and the Tinton Falls Borough Collector may be unable to mail the Borough's 2009 tax bills on a timely basis:

WHEREAS, the Tinton Falls Borough Tax Collector in consultation with the Tinton Falls Borough Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls authorize the following:

1. The Tinton Falls Borough Tax Collector is hereby authorized, if deemed necessary, to prepare and issue estimated tax bills for the Borough for the third installment of 2009 taxes. The Tax Collector may proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2009 is hereby set at \$51,537,499.84.
3. In accordance with law, the third installment of 2009 taxes shall not be subject to interest until the later of August 10<sup>th</sup> or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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Dr. Mayer offered a motion to move to Workshop, seconded by Ms. Fama.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:25 P.M.

WORKSHOP MEETING

Unfinished Business

*Future Items*

Council discussed future Workshop items they would like to see on the agenda such as the Open Space Referendum, a 2009 Road Program and an amended Tree Ordinance.

New Business

*Noise Ordinance*

Ms. Fama advised that she had a conversation with Chief Turning regarding the Borough's current Noise Ordinance. Ms. Fama stated that the current Ordinance does not include any time specifications and requested this topic be researched and revisited.

*Regional Solid Waste Study*

Mr. Dempsey advised that a Resolution is needed in order to participate in the Regional Solid Waste Study and there would be no cost to the Borough. It is setup by the Central Jersey Council of Governments and what they are studying is a shared service feasibility study for waste collection.

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ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:55 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

**APPROVED AT A MEETING HELD ON: SEPTEMBER 15, 2009**