

**REGULAR/WORKSHOP MEETING
MARCH 17, 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. 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 Hilla Jr., Borough Engineer

APPROVAL OF MINUTES

Dr. Mayer offered a motion to approve the minutes of January 6, 2009, seconded by Mr. Morrill.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Mayor Maclearie advised Council and the Public that the FMERPA meeting scheduled for tomorrow was cancelled and therefore, there will be no formal committee meeting.

Mayor Maclearie advised that he has a subcommittee meeting scheduled to work on the implementation plan with members of the Board and the State in order to begin crafting legislation.

Mayor Maclearie also stated that the State cut the Borough's budget an additional \$44,000.00. Mr. Pfeffer and he have been working together to find \$44,000.00 so the Borough can stay at a zero dollar tax increase for 2009.

Council's Report

Mr. Morrill advised Council and the public that the meeting for the Community Activities Committee is going to be held the last Monday of each month at 7:30 P.M. at Borough Hall.

Dr. Mayer informed Council and the Public that the Technical Advisory Committee meetings have been moved to the second Thursday of every month and updated Council on the past meeting attended and current events going on.

Mr. Skudera questioned if Council will be attending a special meeting to discuss the budget as was done last year.

Mr. Baldwin replied that Council had decided to email the Mayor with any suggestions and ideas they had but if Council decides they would like to attend a special meeting to discuss the budget, he would be happy to join same.

Chief Financial Officer's Report – Mr. Pfeffer

Mr. Pfeffer advised that the State just put out a Local Finance notice which he emailed everyone. The Municipal and County introduction date is suppose to be March 31st for introduction and May 12th for adoption. The State is aware that many towns will not be introducing by the March 31st date.

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There are some other items which will have an impact and there has not been any guidance issued as of yet. Yesterday the pension deferral bill was passed. There are some major changes in that bill and there is a major change, which affects the CAP.

The only other issue to deal with at this point in time is the decrease in the State-Aid. As the Mayor stated, we will go through and find where to reduce expenses or increase revenues in order to offset the loss to bring the budget back to a zero percent tax increase.

The differential in the State-Aid is five dollars per year on the average residential house in the Borough.

Mr. Berube, Mr. Pfeffer and Council discussed a meeting date for the introduction of the 2009 budget.

Mr. Morrill offered a motion to discuss the 2009 Municipal Budget on April 7, 2009, introduce on May 5, 2009 and adopt after the 28 day time period, seconded by Mr. Ford.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera advised that there was an Association Meeting setup by the Mayor last Monday.

Mr. Skudera informed that although he was not invited, he attended.

Administrator's Report

Senate & Assembly Bills

Yesterday the age restricted housing conversion bill was passed by the Senate and by the Assembly. Next step is, it goes to the Governor for his approval.

The 2.5% affordable housing fee on commercial development was approved by the Senate and it will go to the Assembly now for a companion bill which has not yet been drafted. Mr. Dempsey advised that he will be keeping an eye on that bill as there is some language that we need in that bill in order to preserve the 2% the Borough currently has on commercial development.

Both bills that were approved by the floor will have a big impact on the Borough. The Age Restricted Housing Conversion Bill, even though it goes back to the Zoning Board and the Planning Board, whoever the prudent agency was for a decision, if it is not approved there and it goes to the courts and the courts approve it, it will affect the Borough's current Affordable Housing Plan drastically.

Borough Clerk's Report

Mrs. Mount-Taylor stated she received a letter from the County of Monmouth asking for permission to spray for mosquitoes and advised she will ask Council to amend the agenda to include the Resolution approving same as a response is required by April 1, 2009.

Director of Law's Report

Ordinance No. 09-1268- Bonding of 2009 Road Program

Mr. Berube advised that this Ordinance is for the issuance of bonds and notes for the 2009 Road Program which Council has previously discussed.

Ordinance No. 09-1263 – Land Use Ordinance

Council had been presented with, after the Public Hearing, a number of changes that have been requested by a working committee. Mr. Gleitz had issued to all members a red-lined copy of the original draft of the Land Use Ordinance that was requested. Original date was September, 2008; the red-lined draft is in March, 2009. Mr. Gleitz will give Council a summary of the changes made that are deemed appropriate and necessary in light of the comments and the public comments received.

Mr. Berube advised that he had reviewed those changes and after discussions with Mr. Gleitz, he believes they are substantial, substantive, and would require a re-introduction in order for proper Public Notice and a return to the Planning Board for consistency review as well.

Mr. Berube suggested the Land Use Ordinance fail to introduce for final consideration. If no councilmember offers a motion, the Ordinance would then fail for lack of same. At that time, it would then be sent back to Mr. Gleitz to re-draft with all changes. It would be re-introduced at

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the next appropriate Council meeting, if approved, re-noticed in the newspaper with a Public Hearing date and sent to the Planning Board for consistency review.

Ordinance No. 09-1266 – Stormwater Runoff

This is the final amendment required by the County Board, which includes a build-out analysis. Mr. Avakian has drafted what he believes is the final change that has already received their conditional approval. If Council adopts the Ordinance tonight, it will be submitted to DEP and should end the continuing nightmare.

Executive Session

Mr. Berube requested an Executive Session for the purpose of discussing potential acquisition of real property which at this point is subject to an exception to the Open Public Records Act and for which, details would be made public when and if appropriate.

Presentation by Andy Bayer & Paul Gleitz – COAH

Mr. Berube advised that Mr. Paul Gleitz (Borough Planner) and Ms. Cindy Purr (filling in for Mr. Andrew Bayer who was unable to attend) is before Council and the public tonight to address any questions and/or comments pertaining to the Land Use Ordinance as well as to address the elements of the Fair Share Housing Plan that was submitted by December 31, 2008 as required by COAH.

Land Use Ordinance

Mr. Gleitz advised that a majority of the changes were generated through the Chapter 26 review made by the Planning Board.

Mr. Gleitz briefly went through the red-lined copy and advised what the changes were.

Mr. Berube stated that if anyone would like to pursue or review the changes that Mr. Gleitz has pointed out, it is available on the Borough's website.

Mr. Skudera questioned if it would be an option for Council to remove the substantive changes in order to introduce and vote on the Master Plan then to amend it later on. The reasoning for this would be to get the bulk of the items in while saving time and money as well as getting the changes included in the Master Plan now minus the substantive and material changes.

Mr. Berube replied that would be the decision of the Council however, he would not recommend it as he feels it would be subjecting Council to challenges that would exceed an exposure to whatever goals Council would hope to secure either in terms of cost or time.

Council had the opportunity to ask Mr. Gleitz numerous questions regarding their concerns.

COAH

Ms. Purr gave an overview of what has been completed and where the Borough currently stands.

Ms. Purr advised that COAH deemed the Borough's substantive certification plan administratively complete. It was published and objectors have forty-five days in which to file an objection to the plan with COAH. If any objections are filed, COAH would then submit the matter to mediation which is an effort to resolve the objection and the issues between the parties in an informal matter. If the mediation does not get resolved, the issue then is the objector can file an action in the Superior Court to challenge the plan. Most frequently, the matter is solved through mediation, which is the goal.

Mr. Gleitz advised that the third-round deficit that we have is the family rental credits, which is why most of our affirmative actions moving forward include that particular type of unit.

The Borough does have to do a certain amount of rehabilitation of credits replacing one major system as identified to the census in terms of housing units which need a certain amount of rehabilitation. We will collaborate with the County again as we have in the past to resolve this issue.

We have completely met our prior round obligation as well as up to almost 2/3rds, if not more, of our second round obligations through existing credits by either built projects or projects that have gotten approvals which can move forward. At this point, it is up to the developers and the property owners (applicants) to come forward and start the development process.

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We have a number of units throughout the Borough whose limit of years of control (deed restrictions) will be coming up soon, either they expired during the prior round or they will be expiring in this round. As far as COAH is concerned, that it is a new credit. This is the most cost effective methodology which creates no new units and provides a certain amount of revenue for property owners as well as locking up those credits another thirty years in the Borough. This also maintains the affordability controls.

Mr. Gleitz stated that we are looking to partner up with Monmouth County ARC. There are currently existing property owners that are near the existing facility, which the Borough would like to expand.

A partnership with Habitat for Humanity has also been looked at as there are some tax parcels that the Borough has acquired through the tax sales and other types of methodology that may be eligible for partnership with Habitat for Humanity.

Beyond this, Mr. Gleitz advised that they included two 100% affordable sites. There are on two different properties that soon shall be under Borough control. One of them is the Heather Glen site, the former PRC property, which is a settlement to litigation and contains a number of acres available for municipal use. On Essex Road there was a property the Borough now has control over that would also be appropriate for the development of 100% affordable site.

Mr. Gleitz advised that we do not anticipate both of those sites being developed; we anticipate one of those sites being developed when necessary.

Finally, the Borough has maintained an old site from the prior round obligation known as the Carney site for zoning development. We have maintained that site in the plan to produce a certain number of units per the prior certification plan.

We have also included, per COAH requirements, rental assistance for very low-income properties.

Mr. Gleitz stated that all of the above is awaiting COAH approval and additional information was provided in order to be deemed complete. We have been deemed complete and now they are moving forward on their substantive review.

Mr. Dempsey informed Council and the public of the circumstances if the Senate Bill currently being discussed is passed. Not only would it put a damper on the funding but it would also require the Borough to repay the 2.5% that has been recently collected for the outlet center, amounting to approximately two million dollars. If the program moves forward, the monies in the Affordable Housing Trust Fund would be minimal and it would impact future project phases.

At this time, Mr. Gleitz suggested Council ask any questions they might have.

Mr. Berube stated that the major motivating force would be the legislation which would determine the impact the bill would have on our current plan. At this point it is a proposal, not an obligation.

Mr. Baldwin stated that Council had to meet a deadline last year and have a plan put together to avoid builder's remedies. Council did the best they could to put a sensible plan together and that is exactly what it is, a plan that Council might never get to in reality or fullness.

Mr. Gleitz added that development of a site would not be looked at until probably 2014 or 2016.

Mr. Gleitz also advised that the Borough will have a better understanding of where we stand as we go through our reporting periods.

Mr. Gleitz gave a brief summary of the build-out analysis.

Mr. Berube advised that the Borough is still awaiting a Memorandum of Understanding, which is still being negotiated with COAH and FMERPA.

PETITIONS - None

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

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R-09-112 RESOLUTION - TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Tinton Falls desires to constitute the 2009 Temporary Capital Budget of the Borough of Tinton Falls by inserting therein various capital projects,

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

Section 1. The 2009 Temporary Capital Budget of the Borough of Tinton Falls is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget Borough of Tinton Falls County of Monmouth, New Jersey				
Projects Scheduled for 2009				
		Capital		
Project		Estimated Costs	Improvement Fund	Other Funds
				Debt Authorized

2009 Road Program	S-09-01	\$1,000,000	\$50,000	\$950,000

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the 2009 Temporary Capital Budget, to be included in the 2009 Permanent Capital Budget as adopted.

Mr. Ford stated for the record that he has been a big supporter of the Road Program in the past however, he does not support it this year. In these times, he feels it is not fiscally responsible to bond additional monies for the Road Program.

ROLL CALL

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

NAYS: Mr. Ford

ABSENT: None

ABSTAIN: None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 09-1268 entitled: AN ORDINANCE OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE 2009 ROAD IMPROVEMENT PROGRAM FOR THE BOROUGH OF TINTON FALLS AND APPROPRIATING \$1,000,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$950,000 IN BONDS OR NOTES OF THE BOROUGH OF TINTON FALLS TO FINANCE THE SAME

Mr. Morrill offered a motion to introduce Ordinance No. 09-1268, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: Mr. Ford

ABSENT: None

ABSTAIN: None

Mrs. Mount-Taylor stated that there has been a supplementary debt statement filed in the Clerk's office.

Ordinance No. 09-1268 in Full/Ordinance Book #4

ORDINANCES FOR FINAL CONSIDERATION

Discussion on Ordinance No. 09-1263

Mr. Berube advised that if no one were to move Ordinance No. 09-1263 for final consideration it would die and the new Land Use Ordinance could be re-introduced at the next Council meeting.

Mr. Skudera requested that Council entertain a motion to remove the changes, if they could be identified, that way a majority of this Ordinance could be on the books and then it could be amended to include the major changes.

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Mr. Berube advised that he would not recommend an attempt to delete those portions that would otherwise be consistent from those portions to the changes that were deemed inconsistent at present. The exposure to a potential challenge does not justify doing so at the present.

Council had a discussion on the time period of the Land Use Ordinance.

Mrs. Mount-Taylor advised that the law provides that when the Land Use Ordinance is introduced or re-introduced, the law provides a 35 day time period for review by the Planning Board.

Mr. Berube advised that if the Planning Board wishes to do so, they can waive their 35 day time period for review.

Mr. Skudera offered a motion that Council remove the substantive changes in order to vote on the Ordinance tonight.

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

Mrs. Mount-Taylor stated that Council had closed the Public Hearing and carried the adoption of this Ordinance to this date.

Council President asked for a motion of approval.

Council President stated that hearing no motion for approval, Ordinance No. 09-1263 fails for a lack of a motion.

Borough Clerk read Ordinance No. 09-1266 entitled: AN ORDINANCE AMENDING LAND USE ORDINANCE – SECTION 40-68 (STORMWATER RUNOFF) OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

Mr. Skudera offered a motion to open the Public Hearing on Ordinance No. 09-1266, seconded by Dr. Mayer.

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

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Ford offered a motion to close the Public Hearing on Ordinance No. 09-1266, seconded by Dr. Mayer.

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

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 09-1266, 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 stated that Ordinance No. 09-1266 is adopted.

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Mr. Skudera offered a motion for Council to take a five-minute recess, seconded by Mr. Baldwin.

ROLL CALL

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

Council recessed at 10:06 P.M.
Council reconvened at 10:18 P.M.

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBIC DISCUSSION OPEN

Ed McCullough, 15 Woodchuck Court, commented on the Land Use Ordinance and requested that the appeal process be left in place.

Mr. McCullough also thanked Mr. Dempsey for the work he is doing with the town regarding COAH issues along with the persons who have assisted him.

Charles Lomangino, 3 Helena Street, stated he and his brother have asked Council for the past five meetings to do something about the Asphalt Plants.

Mr. Lomangino also spoke regarding stopping development and how nothing has been done to stop it as well as the budget and how Council should not be talking about being pressured in March.

Mr. Lomangino asked where the head of the Department of Public Works is and why he is not out looking at the roads to determine what should and should not be done with regards to the proposed 2009 Road Program.

Lastly, Mr. Lomangino spoke about the asphalt millings and host fees.

Peter Karavites, 784 Sycamore Avenue, spoke about the impacts of FMERPA, Earle, development within the Borough, COAH and Senior Housing Development will have on the Tinton Falls schools.

Mr. Karavites recommended that the Borough put together a committee to discuss what is going on with the school systems and COAH obligations concerning Senior Housing.

Leo Christofili, 328 Riveredge Road, commented on Mr. Karavites discussion about the Tinton Falls school system.

Mr. Christofili questioned the cost of issuance of bonding money for roads.

Mr. Pfeffer replied that the issuance of bonding monies for the road program is included in the Bond Ordinance. The debt that is authorized is \$950,000.00. The cost of issuance will be generated from the sale of the bonds on the \$950,000.00.

Mr. Christofili also questioned if the Heather Glen property could somehow be protected from ever becoming COAH property.

Mr. Berube replied that the settlement agreement with PRC indicated that there would be a certain number of acres, which would be dedicated to the Borough for Municipal purposes, which is the extent of the dedication at present.

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Mr. Christofili had a lengthy discussion regarding the Master Plan and the appeal process.

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

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

R-09-137 RESOLUTION – AUTHORIZING MEETING TO EXTEND PAST 11:00 P.M.

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby amends its previous Resolution which set forth that all meetings shall end by 11:00 p.m. be and hereby is extended.

ROLL CALL

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Skudera stated that with regards to the 2009 Road Program, he voted yes, however, he has not committed yet for a final vote. He is still looking at other cost saving options.

RESOLUTIONS

Mr. Morrill offered a motion to amend the agenda to include Resolution R-09-135, seconded by Dr. Mayer.

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. Morrill.

**R-09-135 RESOLUTION - AUTHORIZING MONMOUTH COUNTY MOSQUITO
EXTERMINATION COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT**

WHEREAS, it is necessary for the Borough Council of the Borough of Tinton Falls to grant written approval for the Monmouth County Mosquito Extermination Commission to operate aircraft over the Borough of Tinton Falls;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are authorized to sign an agreement in the form attached with the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Tinton Falls. It is understood that all pesticides used are registered with NJDEP for aerial application by the State and the USEPA.

BE IT FURTHER RESOLVED, that it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor; and

BE IT FURTHER RESOLVED, that this approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

ROLL CALL

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

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

R-09-085 RESOLUTION - APPROPRIATION RESERVE TRANSFER

WHEREAS, N.J.S. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls (not less than two thirds of the governing body affirmatively concurring) that transfers between 2008 Budget Appropriation Reserves be made as follows:

Municipal Budget	FROM	TO
Borough Council:		
Other Expenses	\$ 154	
Salary & Wages		\$ 154
	\$ 154	\$ 154
	\$ 154	\$ 154

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. Morrill.

R-09-113 RESOLUTION – 2009 EMERGENCY TEMPORARY APPROPRIATIONS #1

WHEREAS, due to the expected delay of the adoption of the 2009 municipal budget and contractual obligations and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

CURRENT FUND APPROPRIATIONS:	\$ 4,241,026.15
MUNICIPAL SEWER UTILITY:	\$ 1,354,595.00
	\$ 5,595,621.15
	\$ 5,595,621.15

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations:

CURRENT FUND:	
See Attached Sheets	\$ 4,241,026.15
SEWER UTILITY:	
See Attached Sheets	\$ 1,354,595.00
2. That said emergency temporary appropriation will be provided for in the 2009 budget under the following titles:

CURRENT FUND:	
See Attached Sheets	\$ 4,241,026.15
SEWER UTILITY:	
See Attached Sheets	\$ 1,354,595.00
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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-09-114 RESOLUTION - AMENDING THE AWARD OF A FAIR AND OPEN
CONTRACT FOR RFP #8-09 PROFESSIONAL SERVICING & MAINTENANCE
OF SEWER SYSTEM**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-048 on February 3, 2009 for the Servicing and Maintenance of Sewer System; and

WHEREAS, a 5% reduction was taken on all items listed below and ONLY the monthly maintenance amount should be reduced by 5% and the other items remained the same; and

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WHEREAS, the correct amounts are listed below and contract should be awarded for an amount Not to Exceed as follows:

\$ 8,075.00 per month (**5% reduction**) or \$96,900.00 per year for servicing **13** pump stations;
\$ 600.00 per month or \$ 7,200.00 per year for flow meter readings;
\$ 625.00 per quarter or \$ 2,500.00 per year for laboratory analysis of Jumping Brook Pump Station for a total contract not to exceed **\$106,600.00** per year plus \$175.00 flat rate per emergency service call and \$925.00 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 08731-0327 is hereby retained to provide professional maintenance of sewer system for an amount not to exceed \$106,600.00 plus \$175.00 flat rate for emergency callouts described in the proposal and \$925.00 for each additional pump station added through the contract year January 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 requiring licensure.
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

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

R-09-115 RESOLUTION – REFUNDING ESCROW FEES - \$558.37 – AVALON BAY COMMUNITIES

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use Applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and
WHEREAS, the Planning Board Secretary, Erin Swartz, has certified the following listed applicant's account is deemed closed and no additional funds for consultants will be required, and
WHEREAS, the Director of the Department of Audit, Accounts & Control has certified said funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

Avalon Bay Communities	1350-A2776	\$ 558.37
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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-09-116 RESOLUTION – REFUNDING APPLICATION FEES – PAX CONSTRUCTION (PB2009-0103, PB 2009-0104, PB 2009-0105)

WHEREAS, application fees were received from Pax Construction totaling \$57,518.00, and
WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with law, and
WHEREAS, during completeness review the Construction Official calculated said fees to be \$30,015, and

WHEREAS, by memo dated March 5, 2009, Robert Corby, Construction Official, has advised that the applicant is entitled to a refund of \$27,503.00 less DCA fee

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$27,503.00 less DCA fee be and the same is hereby authorized for Pax Construction.

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.

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**R-09-117 RESOLUTION – SUPPORTING PARTICIPATION IN THE SUSTAINABLE
JERSEY MUNICIPAL CERTIFICATION PROGRAM**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Tinton Falls strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Tinton Falls hereby acknowledges that the residents of Tinton Falls desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Tinton Falls wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Tinton Falls is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Borough of Tinton Falls, we have a significant responsibility to provide for leadership which will seek community-based sustainable solutions to strengthen our community,

NOW, THEREFORE BE IT RESOLVED, that to focus attention and effort with the Borough of Tinton Falls on matters of sustainability, the Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Tinton Falls that we do hereby authorize Bryan Dempsey to serve as the Borough of Tinton Falls' agent for the Sustainable Jersey Municipal Certification process and authorize Bryan Dempsey to complete the Municipal Registration of 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

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

**R-09-118 RESOLUTION – AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE AN ESCROW AGREEMENT FOR PAYMENTS IN LIEU OF
CONSTRUCTING AFFORDABLE UNITS FROM THE ADOPTED GROWTH
SHARE ORDINANCE #05-1163 AS AMENDED BY ORDINANCE #06-1185 WITH
THE COUNCIL ON AFFORDABLE HOUSING AND CENTRAL JERSEY BANK**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Escrow Agreement for payments in lieu of constructing affordable units under the adopted Growth Share Ordinance with the Council on Affordable Housing and Central Jersey Bank.

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 Dr. Mayer.

**R-09-119 RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO
EXECUTE AN ESCROW AGREEMENT FOR DEVELOPMENT FEES WITH THE
COUNCIL ON AFFORDABLE HOUSING AND CENTRAL JERSEY BANK**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Escrow Agreement for Development Fees with the Council on Affordable Housing and Central Jersey Bank.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mrs. Mount-Taylor requested that the Council President return to Resolution R-09-117 for amendment.

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Mr. Berube suggested that Council designate an individual to serve as the Borough's agent and authorize that agent to complete the registration on behalf of the Borough of Tinton Falls and advised that it would be appropriate that Council offer amend the Resolution to reflect same.

Mr. Ford offered a motion to amend Resolution R-09-117 to authorized Bryan Dempsey to serve as the Borough's agent in the Sustainable Jersey Municipal Certification Program and to complete the Municipal Registration on behalf of the Borough of Tinton Falls, seconded by Dr. Mayer.

ROLL CALL (on amendment)

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-09-120 RESOLUTION – 2008 RECYCLING TONNAGE GRANT TAX
CERTIFICATION STATEMENT**

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at a solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the Local Public Contracts Law, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey that the Borough of Tinton Falls hereby certifies a submission of expenditures for taxes paid pursuant to P.L. 2007, chapter 311, in 2008 in the amount of \$23,119.88. Documentation supporting this submission is available in the Department of Audit, Accounts and Controls at Borough Hall, 556 Tinton Avenue, Tinton Falls, N.J. 07724 and shall be maintained for no less than five years from this date.

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-09-121 RESOLUTION – TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, a Resolution authorizing this municipality to apply for the 2008 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Borough of Tinton Falls hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jill Pegosh to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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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.

Mr. Baldwin offered a motion to nominate Mr. Morrill for the position of Council Liaison, seconded by Mr. Skudera.

ROLL CALL (on nomination)

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

Mayor Maclearie read the names of persons appointed to each position.

Mayor Maclearie advised that each of the members have already been participating, attending meetings and are active in the community.

**R-09-122 RESOLUTION – APPOINTING MEMBERS TO THE COMMUNITY
ACTIVITIES COMMITTEE**

BE IT RESOLVED, that the appointment of the below listed persons was made by the Mayor be and the same is hereby confirmed. Said terms to be effective as listed below.

Duane Morill	Council Liaison	Term to Expire: 12/31/2009
Sherrí Eisele	Borough Representative	Term to Expire: 12/31/2009
Beth Hessek	Public Member #1	Term to Expire: 12/31/2010
Christina Warren	Public Member #2	Term to Expire: 12/31/2010
Emily Peck	Public Member #3	Term to Expire: 12/31/2009
Robert Harvey	Alternate Member #1	Term to Expire: 12/31/2010
Claude Campbell	Alternate Member #2	Term to Expire: 12/31/2010
John Diezman	Alternate Member #3	Term to Expire: 12/31/2009
Nicole Mayer	Alternate Member #4	Term to Expire: 12/31/2009

Mr. Baldwin offered a motion to amend the Resolution to include the names that were read into the record by the Mayor, seconded by Mr. Morrill.

ROLL CALL (on Resolution with amendments)

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

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

**R-09-123 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-05 –
RANNEY SCHOOL PARENTS’ ASSOCIATION – ON PREMISES RAFFLE**

WHEREAS, Ranney School Parents’ Association has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-05; 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# 09-05 be and the same is hereby approved as follows:

NAME:	RANNEY SCHOOL PARENTS’ ASSOCIATION	IDENTIFICATION NO.:	343-5-28707
LOCATION:	235 HOPE ROAD, TINTON FALLS, NJ 07712		
DATE:	MAY 20, 2009 4:00 P.M.		

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. Morrill.

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**R-09-124 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-06 –
RANNEY SCHOOL PARENTS’ ASSOCIATION – ON PREMISES RAFFLE**

WHEREAS, Ranney School Parents’ Association has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-06; 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# 09-06 be and the same is hereby approved as follows:

NAME: RANNEY SCHOOL PARENTS’ ASSOCIATION IDENTIFICATION NO.: 343-5-28707
LOCATION: 235 HOPE ROAD, TINTON FALLS, NJ 07712
DATE: MAY 20, 2009 4:00 P.M.

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. Ford.

**R-09-125 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-07 –
TINTON FALLS FOUNDATION FOR EXCELLENCE IN EDUCATION – ON
PREMISES RAFFLE**

WHEREAS, Tinton Falls Foundation for Excellence in Education has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-07; 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# 09-07 be and the same is hereby approved as follows:

NAME: TINTON FALLS FOUNDATION FOR EXCELLENCE IN EDUCATION
LOCATION: 658 TINTON AVENUE, TINTON FALLS, NJ 07712
DATE: JUNE 5, 2009 4:30 PM – 7:00 PM

IDENTIFICATION NO: 343-5-37560

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. Morrill.

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

R-09-126 RESOLUTION – APPROVAL OF BILLS – MARCH 17, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 17, 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	\$ 609,111.70
TRUSTS	7,513.60
CAPITAL	8,400.70
DEVELOPER ESCROW	28,046.89
DOG TRUST	166.80
SEWER UTILITY	214,350.37
ADDITIONS	<u>3,799,882.26</u>
	\$ 4,667,472.32

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
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CONSENT AGENDA

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

R-09-127 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of February 2009 fees totaling \$80.00 were paid by a resident of Tinton Falls for their participation in our Father Daughter Dance.

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

WHEREAS, during the month of March the Recreation Superintendent was informed by the resident that due to unforeseen circumstances they would be unable to attend and a full refund in the amount of \$80.00 shall be issued.

David Boulton	\$ 80.00
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Total	\$ 80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-128 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of February 2009 fees totaling \$86.00 were paid by a resident of Tinton Falls for their participation in our Father Daughter Dance.

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

WHEREAS, during the month of March the Recreation Superintendent was informed by the resident that due to unforeseen circumstances they would be unable to attend and a full refund in the amount of \$86.00 shall be issued.

Adrian Hook	\$ 86.00
<hr/>	
Total	\$ 86.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$86.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-129 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 taxes has been made as a result of a Senior Citizen's deduction for the year 2008 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Rachel Bonadeo 23 Equestrian Court Tinton Falls, NJ 07753	129.10	43	\$250.00

and,

WHEREAS, said deduction has resulted in an overpayment of the 2008 taxes by the property owner in the amount of \$250.00, 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 \$250.00 is hereby approved for the aforementioned property.

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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-09-130 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 taxes has been made as a result of a Disabled Person's deduction for the year 2008 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Mary Theresa Larsen 108 Springdale Avenue Tinton Falls, NJ 07724	11.01	12	\$250.00

and,

WHEREAS, said deduction has resulted in an overpayment of the 2008 taxes by the property owner in the amount of \$250.00, 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 \$250.00 is hereby approved for the aforementioned property.

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-09-131 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Title Company paying an estimated amount.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Harvard Abstract, LLC 300 Welsh Road Horsham, PA 19044	64.02	14	\$3,156.90

Re: Christopher & Sandra Longo
34 Whirlaway Drive

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$3,156.90, 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 \$3,156.90 is hereby approved for the aforementioned property.

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-09-132 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 1st quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and by the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Mary Ann Maggs 4 Kenneth Drive Tinton Falls, NJ 07712	124.50	238	\$1,061.84

Re: 36 Des Moines Court

and,

WHEREAS, said error has resulted in an overpayment of 2009 1st quarter taxes in the amount of \$1,061.84, 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 \$1,061.84 is hereby approved for the aforementioned property.

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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-09-133 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 taxes has been made as a result of a Senior Citizen's deduction for the year 2008 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Thanh C. Luu Lan Nguyen 51 Neville Street Tinton Falls, NJ 07724	58.02	40	\$250.00

and,

WHEREAS, said deduction has resulted in an overpayment of the 2008 taxes by the property owner in the amount of \$250.00, 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 \$250.00 is hereby approved for the aforementioned property.

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-09-134 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 taxes has been made as a result of a Veteran's deduction for the year 2008 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael D. & Ingrid C. Smith 6 Troon Road Tinton Falls, NJ 07753	124.40	15	\$250.00

and,

WHEREAS, said deduction has resulted in an overpayment of the 2008 taxes by the property owner in the amount of \$250.00, 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 \$250.00 is hereby approved for the aforementioned property.

ROLL CALL

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

EXECUTIVE SESSION

Mr. Berube advised that there is need for a brief Executive Session for the purpose of potential acquisition of real property.

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

R-09-136 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to N.J.S.A. 10:4-13, the Borough Council shall adjourn to Executive Session for the discussion of potential acquisition of real property.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Director of Law.

**REGULAR/WORKSHOP MEETING
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ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 11:03 P.M.

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: 11:03 P.M.

WORKSHOP MEETING

There being no discussion relating to Unfinished Business or New Business, Mr. Skudera offered a motion to move into Executive Session, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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: 11:42 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: JUNE 16, 2009