

**REGULAR/WORKSHOP MEETING
MAY 5, 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 March 3, 2009, seconded by Mr. Ford.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill

Council President explained, for the record, the change of order on the agenda was due to the reason that the CAP Ordinance introduction must be before the introduction of the budget.

Mr. Pfeffer added that it is a technical requirement of the State that the Ordinance introduction must be placed first.

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 09-1270 entitled: ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK 78 (N.J.S.A. 40A:4-45.14)

Mr. Morrill offered a motion to introduce Ordinance No. 09-1270, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ordinance No. 09-1270 in Full/Ordinance Book No. 4

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Proclamation – Honoring Catherine Beyland on her 100 Years of Life

WHEREAS, Catherine Beyland will be honored by friends and relatives on the occasion of her birthday on April 18, 2009;

WHEREAS, Catherine Beyland born on April 15, 1909 will be celebrating 100 years of life, and

WHEREAS, Catherine born in Rochester, New York to James and Susan Laney, shared family life with her parents and brother, her father passing when she was a young girl, and

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WHEREAS, Catherine's mother was a school teacher and Catherine was schooled in Monroe County, New York, she graduated from Cornell University with a major in Home Economics in 1932, married Powell Beyland and had three children, Powell, Penelope and Laurens, and

WHEREAS, Catherine moved to Red Bank, New Jersey in the late 1930's, lived there until moving to Seabrook Village in Tinton Falls, New Jersey in 1998,

WHEREAS, during her long and productive lifetime, she has earned the respect and affection of people from all walks of life and all ages because of her knowledge, experience, wisdom and spirit.

NOW, THEREFORE, I, PETER MACLEARIE, Mayor of the Borough of Tinton Falls hereby proclaim and extend sincere congratulations and best wishes to Catherine Beyland for many happier, productive years in the future and honor her on the occasion of celebrating 100 years of life!!!!

Proclamation – Municipal Clerks Week: May 3, 2009 – May 9, 2009

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually serve to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, country and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, PETER MACLEARIE, Mayor of the Borough of Tinton Falls do recognize the week of May 3 through May 9, 2009, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Karen Mount-Taylor, Assistant to Borough Clerk, Maggie Pereira, Secretary to Borough Clerk, Maureen L. Murphy and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

R-09-151 – Introduction of 2009 Municipal Budget

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

Mrs. Mount-Taylor stated that this is the Municipal Budget of the Borough of Tinton Falls, County of Monmouth, for the fiscal year 2009. It is going to be published in The Coaster, in the issue of May 21, 2009. The Borough Council of the Borough of Tinton Falls will conduct a Public Hearing on June 16, 2009 at 7:30 P.M. in the Court Room. The total general appropriation is \$21,801,212.70.

ROLL CALL

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

NAYS: Mr. Skudera

ABSENT: None

ABSTAIN: None

Mayor's Report - Continued

Mayor Maclearie advised that he has received the final Environmental Impact Assessment for Fort Monmouth and Tinton Falls has until the end of the month to provide comments. Mayor Maclearie asked Council if they wanted to get involved and sit with the Environmental group or sit with **Merwin** and discuss what our thoughts and/or concerns are.

Council's Report

Mr. Morrill updated Council and the public on the Open Space Committee's and Community Activities Committee's upcoming meeting dates and events.

Dr. Mayer updated Council and the public on the Environmental Commission's and Technical Advisory Committee's upcoming meetings and items of discussion.

Mr. Ford discussed the article that appeared in the May 4, 2009 newspaper regarding Earle.

Mr. Ford also complimented the Tinton Falls Summer Camp program and stated that the Recreation Department does an outstanding job.

Administrator's Report

R-09-159

This Resolution is for the extension of the controls of the units at Society Hill on the Affordable Housing units, which will give the borough additional credits for our third-round obligation.

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Community Development Block Grant Application

There will be a meeting held on May 19, 2009 at 10:00 am to discuss the proposal for ADA accessibility improvements to the Crawford House. A public hearing will also be held for the CDBG application at 7:30 P.M. in the Court Room.

Mr. Dempsey advised that this is a program that is run by the county and is a competitive program with no matching funding up to \$250,000.00. We have received funding in the past that we used to provide ADA accessible walking paths at the Sycamore Soccer Complex.

Third Round Housing Plan

The Borough received three objections and the Borough is currently awaiting response from COAH regarding the process they want to use.

Pine Street

May 19, 2009 at 10:30 A.M. all the bids will be received for the Pine Street improvements.

TNSA

They are looking at re-rating the plant for sewer capacity and are asking municipalities of interest if they would like to consider seeing the plant re-rated. Mr. Dempsey advised that it would help us out by giving us additional capacity in the system that we currently lack.

Mr. Baldwin stated that he is delighted that Pine Street is going to be finished this year however, he does not want the pressure taken off the County to complete Phase II.

Chief Financial Officer's Report – Mr. Pfeffer

Green Acres

The Borough recently received formal notification from Green Acres for the recommendation of a \$500,000.00 award. This will now go to the Legislator for approval.

May 19, 2009

Mr. Pfeffer advised that he will be away at a conference for the Tax Collectors and Treasurers Association.

Engineer's Report – Al Hilla

Sycamore Sidewalk Project

We are 99% with the design and the construction documents for the Sycamore Sidewalk Project and plan on going to bid later on this month.

Borough Clerk's Report – Mrs. Mount-Taylor

Municipal Election

Next Tuesday is the Borough's Municipal Election; the polls are open from 6:00 A.M. to 8:00 P.M.

Director of Law's Report – Mr. Berube

Age-Restricted Housing

Mr. Berube advised that he received a legislative alert from the New Jersey League of Municipalities regarding a Senate Bill for the conversion of age-restricted housing. The Governor conditionally vetoed it yesterday. In that condition veto, the Governor expressed his hope that "local government units would be provided with additional approval authority". Mr. Berube added that this is the opposite of what we wanted; we wanted additional disapproval of authority. This will be sent back to the Legislator and the League of Municipalities will hopefully have additional input.

Swine Flu

Information, both factual and breaking news, is located on the Boroughs website. The State Health Commission has developed an (800) number which is (866) 321-9571 which can also be found in the website.

R-09-152

This is a request by Optimum Cable for the use of rights-of-way. This is the normal use of rights-of-way by Telecommunications Company. It is not an alternative to the existing cable franchise; this is primarily for business fiber-optic use only.

Environmental Impact Statement - Earle

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A final letter of opposition is being prepared for the final Environmental Impact Statement for Earle on behalf of the Mayor and Council, should Council agree.

PETITIONS - None

ORDINANCES FOR FINAL CONSIDERATION - None

At this time Mrs. Mount-Taylor requesting Council amend the agenda to include several Resolutions that provide for Sustainable New Jersey, Approval of Raffle Licenses and the waving of fees for said raffle licenses. Mrs. Mount-Taylor also explained to Council the reason for these items being added tonight.

Mr. Morrill offered a motion to amend the agenda to include Resolutions R-09-168, R-09-169 R-09-170, R-09-171 and R-09-172, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Charles Lomangino, 3 Helena Street, inquired why Tinton Falls does not have a Sewerage Authority.

Mr. Berube replied that our Sewer Department is setup within the Department of Engineering; it is not setup as a separate authority and is already contained within the Engineering Department.

Mr. Lomangino also commented about the overflow of sewer water on Asbury Avenue and the entrance of the Garden State Parkway.

Mr. Dempsey stated that he would contact the necessary person(s).

Beth Jordan, 22 Rambling Meadow Court, stated Mr. Skudera requested a meeting with the Board of the Spring Meadow Town Home Association on April 21 and never showed up.

Mr. Baldwin suggested Mr. Skudera and Ms. Jordan talk after the meeting to discuss same.

Ms. Jordan also stated that back in February, at the Council meeting, there was a discussion about Resolution R-08-363 regarding councilmembers sending emails from their home computers and since then she has received two emails from Mr. Skudera from his home computer signed councilman and candidate for Mayor, paid for by Skudera, Fama and Larkin.

Mr. Berube replied that there had been prior discussion and a policy was adopted in 2008 indicating that all borough business be conducted through the borough email system. Mr. Berube also advised that the adopted policy is separate from transmissions that contain campaign literature.

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Leo Christofili, 328 Riveredge Road, discussed his concerns regarding the 2009 Road Program Ordinance that was not adopted, executive session regarding the acquisition of property, New Jersey State Budget and expenditures, the Borough's increase in budget in 2006 and the increases on tax bills.

Paul Abrams, 23 Taylors Run, spoke regarding video conferencing.

Mr. Abrams also stated that at the April 22nd Planning Board meeting, he requested Mr. Davies, Chairman on the Board, to resign his position as Chairman due to his ineffective leadership on the Board and asked if the Mayor received that resignation and if he requested a resignation.

Mayor Maclearie stated no he did not receive a resignation from Mr. Davies and advised that he did have a conversation with him but did not request at that time that he resign from the Board.

Leo Lomangino, 93 Colonial Drive, requested an update of the Land Use Ordinance.

Mr. Berube advised that the Land Use Ordinance went back to the Planning Board from Chapter 26 review, was approved by the Planning Board and has been reintroduced by the Council. The Borough Clerk set a Public Hearing date of May 19, 2009.

Chief Turning, Tinton Falls Police Department, advised Council and the public of the Borough's first municipal online auction.

Chief Turning also informed Council and the public of the Rude Awakening Program which will be going on at the Ranney School on May 14th, Monmouth Regional High School June 4th, and thanked State Farm Insurance for their donation supporting this project.

Lastly, Chief Turning advised that they are currently taking applications for the Police Cadet Class which begins July 27th to August 14th. There are currently three available positions remaining; 21 have already been filled.

Carl Bowles, 46 Diane Drive, stated that he was before Council representing his Church on Squankum road and thanked the Mayor, Council, Boy Scout Alex Johnson, the Stavola Company, Tinton Falls Fire Company, Stacey Slowinski and John Cohen along with all the residents that supported their cemetery cleanup effort last month.

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

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Ford commented on the yield sign coming off the Garden State Parkway heading southbound and suggested it be changed to a stop sign.

Chief Turning, Tinton Falls Police Department, stated there are continuous accidents at that particular section and it has been brought to the attention along with the lighting issue to the New Jersey Parkway Authority as well as to the County.

Chief Turning also referred to the recent Asbury Park Press article regarding summonses issued throughout Monmouth County. The Tinton Falls Police Department is aggressively active at controlling the traffic flow in the Borough to the point where the Borough writes more tickets per capita than any other municipality in Monmouth County.

Mr. Ford requested an update as to the CECOM building.

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Mr. Dempsey advised that they are currently working on the asbestos and are currently on the fourth wing. Once all the asbestos is out, the building will be torn down.

Mr. Skudera asked if there is anymore work left to be done with the Borough Hall building.

Mr. Dempsey advised that the Borough has to get a final Certificate of Occupancy and an air balancing report on the HVAC.

Mr. Skudera stated that he can not support a budget that drains the amount of surplus as Tinton Falls has and advised he sent his recommendations to Council and Administration.

Mr. Morrill and Dr. Mayer commented the signs at the Crawford House due to the dumping issues that are occurring.

RESOLUTIONS

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

R-09-168 RESOLUTION - AUTHORIZING THE SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART

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; and

WHEREAS, the Borough of Tinton Falls is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, for which they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined that it is in the best interests of the residents of the Borough of Tinton Falls to apply for the aforementioned Grant,

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls, State of New Jersey, hereby authorizes the Mayor, Borough Administrator, Chief Financial Officer and such other municipal officers as are deemed necessary by the Director of Law to complete the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-09-169 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-09 – WAYSIDE FIRE COMPANY – BIG SIX WHEEL

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

NAME: WAYSIDE FIRE COMPANY IDENTIFICATION NO.: 359-9-16965

LOCATION: 2 VOLUNTEER WAY, TINTON FALLS, NJ 07753

DATE: JUNE 6, 2009

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-09-170 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-10 – WAYSIDE FIRE COMPANY – OFF PREMISES SUPER 50/50

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WHEREAS, 4Connections LLC (“4Connections”) and its parent, Cablevision Lightpath NJ, Inc. (“Lightpath”), are Delaware corporations qualified to do business in New Jersey; and

WHEREAS, 4Connections and Lightpath are authorized to provide telecommunications services in the State of New Jersey under authority granted to it by the New Jersey Board of Public Utilities; and

WHEREAS, 4Connections and Lightpath seek consent from the Council to install fiber-optic cable within public rights-of-way controlled by the municipality; and

WHEREAS, the Council is satisfied that it is in the public interest to promote competition in the telecommunications market within the municipality by providing this authorization to 4Connections; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council as follows:

1. Permission is hereby granted to 4Connections and its parent, Lightpath, and their lawful successors and assigns, to install fiber-optic cable and other telecommunications related facilities on and over the public rights-of-way for the purpose of operating a telecommunications network within the municipality’s public right-of-way.

2. Any and all expenses related to the installation of the lines approved herein shall be borne by 4Connections.

3. 4Connections shall be required, at its own expense, to obtain all necessary permits and approvals as required by applicable law and regulations.

4. 4Connections shall adhere to all applicable safety requirements related to the installation, operation, maintenance and use of the telecommunications network within the municipality.

5. The permission granted herein shall be extended to 4Connections, its successors, and/or assignees for twenty-five years, and at the end of said term, 4Connections, its successors and/or assignees, at its sole option, may choose to extend the permission granted herein for an additional twenty-five years.

6. 4Connections, its successors and assignees, shall defend, indemnify and hold the municipality harmless from any and all liability for damage of property or injury directly resulting from the installation, operation, maintenance or use of the local lines authorized herein.

7. 4Connections shall maintain and keep in force and effect, at its sole cost and expenses, and at all times during the term of this Resolution, sufficient liability insurance naming the municipality as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amount of one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of 4Connections exercise of its rights hereunder.

8. 4Connections shall be responsible for the repair of damage to paving, existing utility lines or any surface or subsurface installations arising from the installation or maintenance of the telecommunications network authorized herein.

9. 4Connections shall provide the municipality, not more than forty-five (45) days after the effective date of this Resolution, at its sole cost and expense, a performance bond in the amount of twenty-five thousand dollars (\$25,000.00) to ensure faithful performance of its undertakings.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered the following Resolutions and moved its adoption, seconded by Mr. Skudera.

R-09-153 RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment no longer needed for public use to one location for an online public auction, preview of items for sale Friday, May 1, 2009 from noon to 6:00 PM and Saturday, May 2, 2009 from 8:00 AM to 2:00 PM with online auction commencing Saturday, May 2, 2009 at 9:00 AM EST and closing on Wednesday, May 6, 2009 beginning at 7:00 PM EST; and

WHEREAS, the Borough of Tinton Falls intends to utilize the online auction services of Auction Liquidation Services (govauctionlistservices.com), P.O. Box 1216, Eatontown, NJ 07724, an approved vendor by the State of New Jersey (Finance Notice 2008-21) at a commission rate of 5.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of a sale of said personal property via adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Tinton Falls that the Borough be authorized to dispose of the following surplus vehicles, bicycles and other miscellaneous items through the process of a public online public auction commencing Saturday, May 2, 2009 at 9:00 AM EST and closing on Wednesday, May 6, 2009 beginning at 7:00 PM EST.

POLICE IMPOUND VEHICLES

YEAR	MAKE	MODEL	COLOR	VIN
1995	MERCURY	COUGAR	GREEN	1FMDU35P5TZA98869
1997	PLYMOUTH	NEON	GREEN	1P3ES27C1VD225488
1994	CHEVROLET	BLAZER	BLACK	1GNDD13W2R0146287
2001	FORD	ECONOLINE	WHITE	1FTNE24L51HA40018
1999	KIA	SEP	GRAY	KNAFB1214X5762337

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1999	DODGE	NEON	RED	1B3ES47C2XD157122
1997	FORD	ESCORT	RED	1FALP13P8VW313086
2002	NISSAN	SENTRA	MAROON	3N1CB51D82L679451
1996	PONTIAC	GRANDAM	RED	1G2NE12TXTM510068
1990	HONDA	ACCORD	TAN	1HGCB7662LA040186
1996	DODGE	NEON	RED	1B3ES47C4TD520563
1997	CHEVROLET	MONTE CARLO	GREEN	2G1WW12M7V9165337
2008	CHEVROLET	AVE	RED	KL1TD56678B171944
1997	FORD	MUSTANG	RED	1FALP404XVF158469
1993	BUICK	CENTURY	RED	1G4AG55N8P6493348
1994	FORD	TAURUS	GREEN	1FALP52U7RA204779
2002	NISSAN	ALTIMA	MAROON	1N4AL11D22C120103
1998	FORD	ESS	GREEN	1FAFP13P3WW324706
1996	DODGE	CARAVAN	BLUE	1B4GP54L4TB243067

BICYCLES

MAKE	MODEL	COLOR	SERIAL #
KENT	STREET CRUISER	RED	GL060501290
ROADMASTER	FURG	BLUE	C000687460
FREE SPIRIT		RED	C5075122
TORQUE		BLUE	A1H47943
RALEIGH	JAZZ	PINK/WHITE	UNKNOWN
HUFFY	HOWLER	UNKOWN	UNKNOWN
PACIFIC	AMBUSH	BLUE/SILVER	GB783152
HARLEY	DAVIDSON	RED	DSL118705

MISCELLANEOUS POLICE DEPARTMENT PROPERTY

- One (1) gold colored "XOXO" bracelet
- One (1) Sansa 1 gigabyte MP3 player
- One (1) Samsung 7.2 mega-pixel digital camera
- One (1) pair of men's brown shoes
- One (1) Klein tool bag containing Black and Decker circular saw,
Craftsman Sabre saw and Skill saw 5350

BOROUGH PROPERTY

- 1993 Chevrolet S-10 pickup – VIN# 1GCDT14Z9P0177700, (Propane powered)
- 1999 Chevrolet Tahoe – VIN# 1GNEK13R7XJ444746,
- plus any miscellaneous Borough office equipment, vehicles or any other items received prior to May 2, 2009.

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-09-154 RESOLUTION – RELEASING PERFORMANCE GUARANTEES UPON THE
POSTING OF MAINTENANCE GUARANTEES – CHELSEA/JERSEY SHORE
PREMIUM OUTLETS - BLOCK 135 LOTS 1.01, 4, 6.01& 7.01 AND BLOCK 149
LOTS 1.01 & 1.02**

WHEREAS, the developer has requested the release of Performance Guarantees posted for Chelsea/Jersey Shore Premium Outlets, Block 135 Lots 1.01, 4, 6.01 & 7.01 and Block 149 Lots 1.01 & 1.02

WHEREAS, by letter dated April 15, 2009, the Borough Engineer (Birdsall Engineering) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

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

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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-09-155 RESOLUTION – RELEASING PERFORMANCE GUARANTEES UPON THE
POSTING OF MAINTENANCE GUARANTEES – CLAYTON BLOCK COMPANY
(DBD CONCRETE PLANT & GARAGE) BLOCK 144 LOTS 5.02, 5.04, 5.05**

WHEREAS, the developer has requested the release of Performance Guarantees posted for Clayton Block Co. (DBD Concrete Plant & Garage), Block 144 Lots 5.02, 5.04 & 5.05

WHEREAS, by letter dated April 27, 2009, the Engineer (Feist Engineering) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

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

ROLL CALL

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

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

**R-09-156 RESOLUTION – DENYING RELEASE OF MAINTENANCE GUARANTEES –
MACK MANAGEMENT LLC (RED BANK CABINETS)**

WHEREAS, Mack Management LLC (Red Bank Cabinets), Block 13.04, Lots 67 & 69.01, has requested the release of Maintenance Guarantees; and

WHEREAS, an inspection by the Borough Engineer, Birdsall Engineering, has revealed that some of the bonded improvements must be repaired prior to the release of the guarantees as set forth in their letter of April 15, 2009, (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 based on the facts as set forth in the Borough Engineer's (Birdsall Engineering) letter of April 15, 2009, the release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

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

**R-09-157 RESOLUTION – DENYING RELEASE OF MAINTENANCE GUARANTEES –
PALUMBO OFFICE BUILDING – BLOCK 123, LOT 51.01**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Palumbo Office Building, Block 123, Lot 51.01, and

WHEREAS, BY LETTER DATED March 31, 2009 (said copy hereby attached and made part of this resolution), Engineer, Leon S. Avakian Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in Leon S. Avakian, Inc.'s letter of March 31, 2009, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

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

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**R-09-158 RESOLUTION – DENYING RELEASE OF MAINTENANCE GUARANTEES –
TINTON FALLS CENTER TRASH ENCLOSURES AND TINTON FALLS
CENTER TRASH ENCLOSURES TREE REPLACEMENT – BLOCK 123, LOT
51.01**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Tinton Falls Center Trash Enclosures and Tinton Falls Center Trash Enclosures Tree Replacement, Block 123, Lot 51.01, and

WHEREAS, BY LETTER DATED March 31, 2009 (said copy hereby attached and made part of this resolution), Engineer, Leon S. Avakian Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in Leon S. Avakian, Inc.'s letter of March 31, 2009, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-159 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
TINTON FALLS APPROVING EXPENDITURES FROM THE BOROUGH'S
AFFORDABLE HOUSING TRUST FUND IN ORDER TO IMPLEMENT THE
EXTENSION OF EXPIRING CONTROLS PROGRAM AS PERMITTED BY COAH
REGULATION**

WHEREAS, the Borough of Tinton Falls has a constitutional obligation, like all municipalities in the State of New Jersey, to provide for its fair share of affordable housing; and

WHEREAS, the Planning Board of the Borough of Tinton Falls, County of Monmouth, State of New Jersey adopted the Housing Element of the Master Plan and Fair Share Plan (the "Third Round Plan") and the Borough Council endorsed the Third Round Plan in December 2008 and these documents set forth the Borough's strategy to meet its third round affordable housing obligation in accordance with the Council on Affordable Housing's ("COAH") third round regulations; and

WHEREAS, the Borough's Third Round Plan contains an Extension of Expiring Controls Program pursuant to N.J.A.C. 5:97-6.14 (the "Extension Program") whereby the Borough is seeking to obtain affordable housing credits to extend the affordability restrictions for already existing affordable housing units in the Borough with deed controls expiring on or before 2018; and

WHEREAS, the Borough has offered each eligible affordable housing unit owner with affordability deed controls expiring on or before 2018 \$10,000 to extend the affordability controls at least thirty (30) years in accordance with COAH/UHAC regulations; and

WHEREAS, the Borough has identified 104 affordable housing units in Society Hill, Spring Meadows and South Pointe developments which are eligible for the Extension Program and with a waiver from COAH, there maybe other eligible affordable housing unit owners who would be eligible to participate in the Extension Program; and

WHEREAS, COAH has advised the Borough that since it had a previously approved spending plan that it could go forward and implement the Extension Program before its third round Petition for Substantive Certification and Spending Plan were approved; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, and State of New Jersey that it hereby approves expenditures from the Borough's affordable housing trust fund to all eligible affordable housing unit owners as defined by COAH's regulations, together with search costs, recording costs and any other costs deemed appropriate by the Director of Law in order to implement the Extension of Expiring Controls Program identified in the Borough's Third Round Plan submitted to COAH.

BE IT FURTHER RESOLVED that Chief Financial Officer has certified that there are funds available from the affordable housing trust fund in order to implement this Extension of Expiring Controls Program.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

R-09-160 RESOLUTION – APPROVAL OF BILLS – MAY 5, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 5, 2009; and

**REGULAR/WORKSHOP MEETING
MAY 5, 2009
BOROUGH COUNCIL**

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	\$ 4,466,236.50
TRUSTS	292,834.32
DEVELOPER ESCROW	22,237.25
SEWER UTILITY	16,523.33
ADDITIONS	<u>2,546,749.08</u>
	\$ 7,344,580.48

ROLL CALL

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

CONSENT AGENDA

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

R-09-161 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March, 2009 fees totaling \$48.00 were paid by a resident of Tinton Falls for their child's participation in soccer program.

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

WHEREAS, during the month of April 2009, the Recreation Superintendent was informed by the resident that their child, Kerron Holley 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 \$38.00.

Karen Hunter	\$ 38.00
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Total	\$ 38.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$38.00 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 Dr. Mayer.

R-09-162 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March, 2009 fees totaling \$48.00 were paid by a resident of Tinton Falls for their child's participation in soccer program.

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

WHEREAS, during the month of April 2009, the Recreation Superintendent was informed by the resident that their child, Erin Palmer 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 \$38.00.

Steven/ Elaine Palmer	\$ 38.00
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Total	\$ 38.00

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$38.00 be issued.

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

R-09-163 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March, 2009 fees totaling \$48.00 were paid by a resident of Tinton Falls for their child's participation in soccer program.

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

WHEREAS, during the month of April 2009, the Recreation Superintendent was informed by the resident that their child, Daniel VanSyckle 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 \$38.00.

Maura VanSycle	\$ 38.00
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Total	\$ 38.00

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$38.00 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 Dr. Mayer.

R-09-164 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 Mortgage Company and by the Homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kokin Lam 151 E. Newman Springs Road Shrewsbury, NJ 07702	33	25	\$2,109.11

Re: 44 Green Meadow Drive

and,

WHEREAS, said error has resulted in an overpayment of 2008 3rd quarter taxes in the amount of \$2,109.11, 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 \$2,109.11 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 Dr. Mayer.

R-09-165 RESOLUTION - REFUNDING SEWER PAYMENT

WHEREAS, a payment received in 2008 was credited to an incorrect lot - 2008 4th quarter sewers.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	124.56	28	\$94.75

Re: Glus, Dean & Kristen
11 Annapolis Street

and,

WHEREAS, said payment has resulted in an incorrect posting of 2008 4th quarter sewers in the amount of \$94.75, 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 \$94.75 is hereby approved for the aforementioned property. Said refund shall be applied to the 2008 4th quarter sewers on Block 22.02 Lot 4, owned by Linda A. Pacella-Barrientos at 10 Palomino Place.

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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-09-166 RESOLUTION - REFUNDING 2008 INTEREST & PRINCIPAL PAID ON
SEWER TO BE APPLIED TO 2009 SEWER PRINCIPAL**

WHEREAS, a payment received for Sewer was applied in error to 2008 interest and 2008 principal on the following property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>INTEREST</u>	<u>PRINCIPAL</u>	<u>TOTAL</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	22.02	4	\$1.64	\$93.11	\$94.75

Re: Linda A. Pacella-Barrientos
10 Palomino Place

and,

WHEREAS, said error has resulted in an overpayment of the 2008 Sewers and interest 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 for the 2008 sewer interest and principal totaling \$94.75 is hereby approved for the aforementioned property. Said refund shall be applied to 2009 sewer principal.

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-09-167 RESOLUTION - VOIDING TAX SALE CERTIFICATE #2489 AND
REFUNDING AMOUNT PAID PLUS LEGAL INTEREST**

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>
Edison Tax Services, LLC 1290 Wall St. West - Suite 301 Lyndhurst, NJ 07071	144	5.06

Re: Woodbury Club, LLC
200 Commerce Drive

WHEREAS, Carol Hussey, Tax Collector for the Borough of Tinton Falls, had a tax sale on June 25, 2008, and sold Tax Sale Certificate #2489 on the above mentioned property to an outside lien holder; and

2007 Tax Principal	\$2,710.83
Interest paid	246.78
At sale costs paid	<u>59.15</u>
Total of TSC #2489	\$3,016.76
2008 Legal Interest (5.5%)	87.11
2009 Legal Interest (4.0%)	<u>41.56</u>
Total to be refunded	\$3,145.43

WHEREAS, after the tax sale it has come to the Tax Collector's attention that the above property was assessed in error for the year 2007 at a value of \$71,300. It has been determined that the above property is a detention basin and should have had a zero value with no taxes due (see attached memo); and

WHEREAS, said tax sale certificate is invalid as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Tax Sale Certificate #2489 is void and a refund for the 2007 taxes, interest and at sale costs, establishing Tax Sale Certificate #2489 in the amount of \$3,016.76 and additional legal interest of \$128.67 for a total of \$3,145.43, 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

**REGULAR/WORKSHOP MEETING
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Dr. Mayer offered a motion to move to Workshop, seconded by Mr. Morrill.

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

TIME: 9:05 P.M.

WORKSHOP MEETING

ADJOURNMENT

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

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

TIME: 9:05 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: JULY 7, 2009